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SENATE FILE 2329
BY COMMITTEE ON TRANSPORTATION
(Approved (A. 519))
(SUCCESSOR TO SSB 2250)

Passed Senate, Date 2/23/90 (A. 701) Passed House, Date 3/20/90 (P. 1256)
Vote: Ayes 43 Nays 7 Vote: Ayes 97 Nays 2

Approved May 1, 1990

Motion to reconsider provided (A. 703)
Passed Senate 2/23/90 (A. 704)

43-7 A BILL FOR

1 An Act relating to motor vehicle registration fees by allowing
2 semiannual installment payments of registration fees for
3 certain commercial vehicles, and to the use and issuance of
4 motor vehicle licenses including provisions authorizing the
5 issuance of commercial driver's licenses, setting fees for
6 issuance of motor vehicle licenses, providing penalties, and
7 making penalties applicable.

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

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1 Section 1. Section 172B.1, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. "Motor vehicle license" means any
4 license or permit issued to a person to operate a motor
5 vehicle on the highways.

6 Sec. 2. Section 172B.3, subsection 2, paragraphs b, i, and
7 j, Code Supplement 1989, are amended to read as follows:

8 b. The name, driver's motor vehicle license number, and
9 address of the owner of the livestock.

10 i. The motor vehicle operator's license number of the
11 person transporting livestock.

12 j. The vehicle license registration plate number and the
13 state of issuance.

14 Sec. 3. Section 172B.5, subsection 1, Code 1989, is
15 amended to read as follows:

16 1. INVESTIGATION. A law enforcement officer may stop and
17 detain a person, whether on or off a highway, who is
18 transporting livestock for the purpose of obtaining compliance
19 with section 172B.2, and the officer may request the
20 presentation or execution of a transportation certificate.
21 The officer may examine the livestock for identification, the
22 vehicle for the purpose of obtaining the vehicle registration
23 plate number, and the registration of the vehicle and the
24 operator's motor vehicle license of the driver or person
25 detained. However, nothing in this chapter shall be construed
26 to authorize any law enforcement officer to open or require
27 the opening of the cargo compartment of any vehicle
28 manufactured for use in carrying refrigerated cargo when both
29 the cargo is actually under refrigeration at the time the
30 vehicle is detained by the law enforcement officer, and the
31 person operating the vehicle has in possession when stopped a
32 valid transportation certificate or approved shipping document
33 which was executed by the shipper and which identifies the
34 cargo as processed livestock and otherwise complies with
35 section 172B.3, subsection 2.

1 Sec. 4. Section 285.11, subsection 10, Code 1989, is
2 amended by striking the subsection.

3 Sec. 5. Section 312.2, subsection 17, Code Supplement
4 1989, is amended to read as follows:

5 17. The treasurer of state, before making the allotments
6 provided for in this section, shall credit monthly from the
7 road use tax fund to the motorcycle rider education fund
8 established in section 321.189, subsection 3 9, an amount
9 equal to one dollar per year of license validity for each
10 issued or renewed motor vehicle license which is valid for the
11 operation of a motorcycle. Moneys credited to the motorcycle
12 rider education fund under this subsection shall be taken from
13 moneys credited to the road use tax fund under section 423.24.

14 Sec. 6. Section 321.1, subsection 24, Code Supplement
15 1989, is amended to read as follows:

16 24. a. "Gross weight" ~~shall-mean~~ means the empty weight
17 of a vehicle plus the maximum load to be carried thereon by
18 the vehicle. The maximum load to be carried by a passenger-
19 carrying vehicle shall be determined by multiplying one
20 hundred fifty pounds by the number of passenger seats carried
21 by such vehicle.

22 b. "Unladen weight" means the weight of a vehicle or
23 vehicle combination without load.

24 c. "Gross vehicle weight rating" means the weight
25 specified by the manufacturer as the loaded weight of a single
26 vehicle.

27 Sec. 7. Section 321.1, subsection 25, Code Supplement
28 1989, is amended to read as follows:

29 25. a. "Combined gross weight" ~~shall-mean~~ means the gross
30 weight of a ~~motor-vehicle-plus-the-gross-weight-of-a-trailer~~
31 ~~or-semitrailer-to-be-drawn-thereby~~ combination of vehicles.

32 b. "Gross combination weight rating" means the combined
33 weights specified by the manufacturer as the loaded weight of
34 each vehicle in a combination of vehicles. In the absence of
35 a weight specified by the manufacturer for a towed vehicle,

1 the gross vehicle weight rating of the towed vehicle shall be
2 its gross weight.

3 Sec. 8. Section 321.1, subsection 32, Code Supplement
4 1989, is amended to read as follows:

5 32. "Commercial vehicle" means a vehicle or combination of
6 vehicles designed principally to transport passengers or
7 property of any kind if any ~~or-all~~ of the following apply:

8 a. The vehicle or any combination of vehicles has a gross
9 weight or combined gross weight of ten thousand one or more
10 pounds.

11 b. The vehicle or any combination of vehicles has a gross
12 vehicle weight rating or gross combination weight rating of
13 ten thousand one or more pounds.

14 c. The vehicle is designed to transport sixteen or more
15 than-fifteen-passengers persons, including the driver.

16 d. The vehicle is used in the transportation of hazardous
17 material ~~in~~ of a type or quantity requiring vehicle
18 placarding.

19 Sec. 9. Section 321.1, subsection 42, Code Supplement
20 1989, is amended to read as follows:

21 42. "Operator" or "driver" means every person, ~~other-than~~
22 ~~a-chauffeur~~, who is in actual physical control of a motor
23 vehicle upon a highway.

24 Sec. 10. Section 321.1, subsection 43, unnumbered
25 paragraph 1, Code Supplement 1989, is amended to read as
26 follows:

27 "Chauffeur" means a person who operates a motor vehicle,
28 including a school bus, in the transportation of persons for
29 wages, compensation or hire, or a person who operates a truck
30 tractor, road tractor or any a motor truck which is-required
31 to-be-registered-at has a gross vehicle weight classification
32 rating exceeding five eight tons, or any such motor vehicle
33 exempt-from-registration-which-would-be-within-the-gross
34 weight-classification-if-not-so-exempt. A person is not a
35 chauffeur when the operation of the motor vehicle, other than

1 a truck tractor, by the owner or operator is occasional and
2 merely incidental to the owner's or operator's principal
3 business.

4 Sec. 11. Section 321.1, subsection 44, Code Supplement
5 1989, is amended by striking the subsection.

6 Sec. 12. Section 321.1, subsection 77, Code Supplement
7 1989, is amended to read as follows:

8 77. "Motor vehicle license" means any license or permit
9 issued to a person to operate a motor vehicle on the highways
10 of this state, including but not limited to ~~operator,~~
11 ~~chauffeur, and motorized bicycle licenses and instruction and~~
12 a driver's, commercial driver's, temporary restricted, or
13 temporary license and an instruction, chauffeur's instruction,
14 commercial driver's instruction, temporary restricted, or
15 temporary ~~permits~~ permit.

16 Sec. 13. Section 321.1, Code Supplement 1989, is amended
17 by adding the following new subsections:

18 NEW SUBSECTION. 90. "Conviction" means a final conviction
19 or an unvacated forfeiture of bail or collateral deposited to
20 secure a person's appearance in court.

21 NEW SUBSECTION. 91. "Endorsement" means an authorization
22 to a person's motor vehicle license required to permit the
23 person to operate certain types of motor vehicles or to permit
24 certain types of operation of motor vehicles.

25 Sec. 14. Section 321.1, Code Supplement 1989, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 92. For purposes of administering and
28 enforcing the commercial driver's license provisions:

29 a. "Commercial driver" means the operator of a commercial
30 motor vehicle.

31 b. "Commercial driver's license" means a motor vehicle
32 license valid for the operation of a commercial motor vehicle.

33 c. "Commercial driver's license information system" means
34 the national information system established to serve as a
35 clearinghouse for locating information related to the

1 licensing and identification of commercial motor vehicle
2 drivers.

3 d. "Commercial motor vehicle" means a motor vehicle or
4 combination of vehicles used to transport passengers or
5 property if any of the following apply:

6 (1) The combination of vehicles has a gross combination
7 weight rating of twenty-six thousand one or more pounds
8 provided the towed vehicle has a gross vehicle weight rating
9 of ten thousand one or more pounds.

10 (2) The motor vehicle has a gross vehicle weight rating of
11 twenty-six thousand one or more pounds.

12 (3) The motor vehicle is designed to transport sixteen or
13 more persons, including the operator, or is of a size and
14 design to transport sixteen or more persons, including the
15 operator, but is redesigned or modified to transport less than
16 sixteen handicapped persons.

17 (4) The motor vehicle is used in the transportation of
18 hazardous material of a type or quantity requiring vehicle
19 placarding.

20 e. "Foreign jurisdiction" means a jurisdiction outside the
21 fifty United States, the District of Columbia, and Canada.

22 f. "Nonresident commercial driver's license" means a
23 commercial driver's license issued to a person who is not a
24 resident of the United States or Canada.

25 g. "Tank vehicle" means a commercial motor vehicle that is
26 designed to transport liquid or gaseous materials within a
27 tank having a rated capacity of one thousand one or more
28 gallons that is either permanently or temporarily attached to
29 the vehicle or chassis.

30 Sec. 15. Section 321.1A, unnumbered paragraph 2, Code
31 1989, is amended to read as follows:

32 "Resident" does not include a person who is attending a
33 college or university in this state, if the person has a
34 domicile in another state and has a valid operator's motor
35 vehicle license and-vehicle-registration issued by the state

1 a truck tractor, by the owner or operator is occasional and
2 merely incidental to the owner's or operator's principal
3 business.

4 Sec. 11. Section 321.1, subsection 44, Code Supplement
5 1989, is amended by striking the subsection.

6 Sec. 12. Section 321.1, subsection 77, Code Supplement
7 1989, is amended to read as follows:

8 77. "Motor vehicle license" means any license or permit
9 issued to a person to operate a motor vehicle on the highways
10 of this state, including but not limited to operator,
11 ~~chauffeur, and motorized bicycle licenses and instruction and~~
12 a driver's, commercial driver's, temporary restricted, or
13 temporary license and an instruction, chauffeur's instruction,
14 commercial driver's instruction, temporary restricted, or
15 temporary permits permit.

16 Sec. 13. Section 321.1, Code Supplement 1989, is amended
17 by adding the following new subsections:

18 NEW SUBSECTION. 90. "Conviction" means a final conviction
19 or an unvacated forfeiture of bail or collateral deposited to
20 secure a person's appearance in court.

21 NEW SUBSECTION. 91. "Endorsement" means an authorization
22 to a person's motor vehicle license required to permit the
23 person to operate certain types of motor vehicles or to permit
24 certain types of operation of motor vehicles.

25 Sec. 14. Section 321.1, Code Supplement 1989, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 92. For purposes of administering and
28 enforcing the commercial driver's license provisions:

29 a. "Commercial driver" means the operator of a commercial
30 motor vehicle.

31 b. "Commercial driver's license" means a motor vehicle
32 license valid for the operation of a commercial motor vehicle.

33 c. "Commercial driver's license information system" means
34 the national information system established to serve as a
35 clearinghouse for locating information related to the

1 licensing and identification of commercial motor vehicle
2 drivers.

3 d. "Commercial motor vehicle" means a motor vehicle or
4 combination of vehicles used to transport passengers or
5 property if any of the following apply:

6 (1) The combination of vehicles has a gross combination
7 weight rating of twenty-six thousand one or more pounds
8 provided the towed vehicle has a gross vehicle weight rating
9 of ten thousand one or more pounds.

10 (2) The motor vehicle has a gross vehicle weight rating of
11 twenty-six thousand one or more pounds.

12 (3) The motor vehicle is designed to transport sixteen or
13 more persons, including the operator, or is of a size and
14 design to transport sixteen or more persons, including the
15 operator, but is redesigned or modified to transport less than
16 sixteen handicapped persons.

17 (4) The motor vehicle is used in the transportation of
18 hazardous material of a type or quantity requiring vehicle
19 placarding.

20 e. "Foreign jurisdiction" means a jurisdiction outside the
21 fifty United States, the District of Columbia, and Canada.

22 f. "Nonresident commercial driver's license" means a
23 commercial driver's license issued to a person who is not a
24 resident of the United States or Canada.

25 g. "Tank vehicle" means a commercial motor vehicle that is
26 designed to transport liquid or gaseous materials within a
27 tank having a rated capacity of one thousand one or more
28 gallons that is either permanently or temporarily attached to
29 the vehicle or chassis.

30 Sec. 15. Section 321.1A, unnumbered paragraph 2, Code
31 1989, is amended to read as follows:

32 "Resident" does not include a person who is attending a
33 college or university in this state, if the person has a
34 domicile in another state and has a valid operator's motor
35 vehicle license and-vehicle-registration issued by the state

1 of domicile. "Resident" also does not include members of the
2 armed forces that are stationed in Iowa, providing that their
3 vehicles are properly registered in their state of residency.

4 Sec. 16. Section 321.12, Code 1989, is amended to read as
5 follows:

6 321.12 OBSOLETE RECORDS DESTROYED.

7 The director may destroy any records of the department
8 which have been maintained on file for three years which the
9 director ~~may deem~~ deems obsolete and of no further service in
10 carrying out the powers and duties of the department.

11 However, operating records relating to a person who has been
12 issued a commercial driver's license shall be maintained on
13 file in accordance with rules adopted by the department.

14 Sec. 17. Section 321.96, Code 1989, is amended to read as
15 follows:

16 321.96 PROHIBITED PLATES -- CERTIFICATES ---BADGES.

17 No A person shall not display or cause or permit to be
18 displayed, or have in the person's possession, any a vehicle
19 identification number or component part number except as
20 provided in this chapter, or any a canceled, revoked, altered,
21 or fictitious registration number plates, registration
22 receipt, or certificate of title, ~~chauffeur's license~~
23 ~~certificate, or chauffeur's badge,~~ as the same are
24 respectively provided for in this chapter.

25 Sec. 18. Section 321.134, subsection 2, Code Supplement
26 1989, is amended to read as follows:

27 2. The annual registration fee for trucks, truck tractors,
28 and road tractors, as provided in sections 321.121 and
29 321.122, may be payable in two equal semiannual installments
30 if the annual registration fee exceeds the registration fee
31 for a vehicle with a gross weight exceeding five tons. The
32 penalties provided in subsection 1 shall be computed on the
33 amount of the first installment only and on the first day of
34 the seventh month of the registration period the same rate of
35 penalty shall apply to the second installment, until the fee

1 is paid. ~~Semiannual installments do not apply to commercial~~
2 ~~vehicles subject to proportional registration, with a base~~
3 ~~state other than the state of Iowa, as defined in section~~
4 ~~326.2, subsection 6. The penalty on vehicles registered under~~
5 ~~chapter 326 accrues August 1 of each year. Commercial~~
6 vehicles, as defined under section 326.2, subject to
7 proportional registration under chapter 326 may pay annual
8 registration fees in semiannual installments in accordance
9 with section 326.10A.

10 Sec. 19. Section 321.145, Code 1989, is amended to read as
11 follows:

12 321.145 DISPOSITION OF MONEYS AND FEES.

13 ~~The money, except~~ Except for fines, and forfeitures,
14 ~~operator's and chauffeur's license fees and except the~~
15 collection fees retained by the county treasurer pursuant to
16 section 321.152, moneys and motor vehicle license fees
17 ~~collected pursuant to the provisions of~~ under this chapter
18 shall be credited by the treasurer of state to the road use
19 tax fund.

20 Sec. 20. Section 321.174, Code 1989, is amended to read as
21 follows:

22 321.174 OPERATORS AND CHAUFFEURS LICENSED -- OPERATION OF
23 COMMERCIAL MOTOR VEHICLES.

24 1. A person, except those hereinafter expressly exempted,
25 shall not ~~drive~~ operate any motor vehicle upon a highway in
26 this state unless ~~such~~ the person has a ~~valid~~ motor vehicle
27 license issued by the department valid for the vehicle's
28 operation. No person shall operate a motor vehicle as a
29 chauffeur unless the person holds a valid chauffeur's license.

30 2. A person operating a commercial motor vehicle shall not
31 have more than one motor vehicle license. A nonresident may
32 operate a commercial motor vehicle in Iowa only if the
33 nonresident has been issued a commercial driver's license by
34 another state, a nonresident commercial driver's license, or a
35 motor vehicle license issued by a foreign jurisdiction which

1 the federal highway administration has determined to be issued
2 in conformity with the federal commercial driver testing and
3 licensing standards, which is valid for the vehicle operated.
4 A person who operates a commercial motor vehicle upon the
5 highways of this state without having been issued a motor
6 vehicle license valid for the vehicle operated or when
7 disqualified from operating the vehicle under section 321.208
8 commits a serious misdemeanor.

9 3. Every A licensee shall have the licensee's operator's
10 or-chauffeur's, or-motorized-bicycle-license-or-instruction
11 permit motor vehicle license in immediate possession at all
12 times when operating a motor vehicle and shall display the
13 same, upon demand of a judicial magistrate, or district
14 associate judge, a district judge, peace officer, or a field
15 deputy or examiner of the department. However, no a person
16 charged with violating this section subsection shall not be
17 convicted if the person produces in court, within a reasonable
18 time, an-operator's-or-chauffeur's-or-motorized-bicycle
19 license-or-instruction-permit a motor vehicle license issued
20 to that person and valid for the vehicle operated at the time
21 of the person's arrest or at the time the person was charged
22 with a violation of this section.

23 Sec. 21. Section 321.176, Code 1989, is amended to read as
24 follows:

25 321.176 PERSONS EXEMPT FROM MOTOR VEHICLE LICENSING
26 REQUIREMENTS.

27 The following persons are exempt from license-hereunder
28 motor vehicle licensing requirements:

29 1. Any person while operating a military motor vehicle in
30 the service of the armed forces of the United States.

31 2. Any person while operating a farm tractor or implement
32 of husbandry to or from the home farm buildings to any
33 adjacent or nearby farm land for the exclusive purpose of
34 conducting farm operations.

35 3. A nonresident operating a motor vehicle, other than a

1 commercial motor vehicle, within the legal scope of the
2 nonresident's home state or country license.

3 Sec. 22. NEW SECTION. 321.176A PERSONS EXEMPT FROM
4 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

5 The following operators are exempt from the commercial
6 driver's license requirements:

7 1. A farmer or a person working for a farmer while
8 operating a special truck within one hundred fifty miles of
9 the farmer's farm to transport agricultural products, farm
10 machinery, or farm supplies to or from the farm. However,
11 this exemption does not apply to the operation of a vehicle of
12 a size or type required to be placarded under Iowa law.

13 2. A firefighter while operating a fire vehicle for a
14 volunteer or paid fire organization under conditions necessary
15 to preserve life or property or to execute related
16 governmental functions.

17 3. Military personnel while on active duty and operating
18 equipment owned or operated by the United States department of
19 defense.

20 4. A person while operating a motor home solely for
21 personal or family use.

22 5. A person operating a motor vehicle with a gross vehicle
23 weight rating of less than twenty-six thousand one pounds
24 towing a travel trailer or fifth-wheel travel trailer solely
25 for personal or family use.

26 Sec. 23. Section 321.177, Code 1989, is amended to read as
27 follows:

28 321.177 PERSONS NOT TO BE LICENSED.

29 The department shall not issue any a motor vehicle license
30 hereunder:

31 1. To any person, ~~as an operator~~, who is under the age of
32 eighteen years, without the person's first having successfully
33 completed an approved driver education course, in which case,
34 the minimum age is sixteen years. However, the department may
35 issue a school driver's license to certain minors as provided

1 in section 321.194, ~~or a temporary~~ an instruction permit as
2 provided in section 321.180, ~~to any person who is at least~~
3 ~~fourteen years of age.~~ ~~The department may issue~~ subsection 1,
4 or a driver's license restricted ~~for use only for~~ to motorized
5 bicycles as provided in section 321.189, subsection 2 8.

6 2. To any person, ~~as a chauffeur, who is under the age of~~
7 ~~eighteen years~~ holding any other motor vehicle license.

8 3. To any person, ~~as an operator or chauffeur~~ whose motor
9 vehicle license or driving privilege ~~has been~~ is suspended
10 ~~during such suspension~~ or ~~to any person whose license, or~~
11 ~~driving privilege, has been~~ revoked, until the expiration of
12 one year after such revocation.

13 4. To any person, ~~as an operator or chauffeur,~~ who is a
14 chronic alcoholic, or is addicted to the use of narcotic
15 drugs.

16 5. To any person, ~~as an operator or chauffeur,~~ who has
17 previously been adjudged to be incompetent by reason of mental
18 illness and who has not at the time of application been
19 restored to competency by the methods provided by law.

20 6. To any person, ~~as an operator or chauffeur,~~ who is
21 fails to pass an examination required by this chapter ~~to take~~
22 ~~an examination, unless such person shall have successfully~~
23 ~~passed such examination.~~

24 7. To any person when the director has good cause to
25 believe ~~that such~~ the person by reason of physical or mental
26 disability would not be able to operate a motor vehicle with
27 ~~safety upon the highways~~ safely.

28 8. To any person to operate a commercial motor vehicle
29 unless the person qualifies under federal and state law to be
30 issued a commercial driver's license in this state.

31 9. To any person, as a chauffeur, who is under the age of
32 eighteen.

33 Sec. 24. Section 321.178, subsection 1, unnumbered
34 paragraph 4, Code Supplement 1989, is amended to read as
35 follows:

1 Any person who successfully completes an approved driver
2 education course at a private or commercial driver education
3 school licensed by the department, shall likewise be eligible
4 for ~~an operator's~~ a driver's license at the age of sixteen
5 years, providing the instructor in charge of the student's
6 training has satisfied the educational requirements for a
7 teaching certificate at the secondary level and holds a valid
8 certificate to teach driver education in the public schools of
9 Iowa.

10 Sec. 25. Section 321.180, Code Supplement 1989, is amended
11 to read as follows:

12 321.180 INSTRUCTION PERMITS.

13 1. a. A person who is at least fourteen years of age and
14 who, except for the person's lack of ~~instructions~~ instruction
15 in operating a motor vehicle, would be qualified to obtain an
16 ~~operator's~~ a driver's license, shall, upon meeting the
17 requirements of section 321.186 other than a driving
18 demonstration, and upon paying the required fee, be issued a
19 ~~temporary~~ an instruction permit by the department. Subject to
20 the limitations in this subsection, ~~a temporary~~ an instruction
21 permit entitles the permittee, while having the permit in the
22 permittee's immediate possession, to ~~drive~~ operate a motor
23 vehicle, other than a commercial motor vehicle or as a
24 chauffeur, upon the highways for a period of two years from
25 the date of issuance. If the applicant for an instruction
26 permit holds a driver's license issued in this state valid for
27 the operation of a motorized bicycle or a motorcycle, the
28 instruction permit shall be valid for such operation without
29 the need of an accompanying person.

30 A permittee shall not be penalized for failing to have the
31 instruction permit in immediate possession if the permittee
32 produces in court, within a reasonable time, an instruction
33 permit issued to the permittee and valid at the time of the
34 permittee's arrest or at the time the permittee was charged
35 with failure to have the permit in the permittee's immediate

1 possession.

2 b. The Except as otherwise provided, a permittee who is
3 sixteen years of age or older must be accompanied by a
4 licensed-operator-or-chauffeur person issued a motor vehicle
5 license valid for the vehicle operated who is at least
6 eighteen years of age, who is an approved driver education
7 instructor, or who is a prospective driver education
8 instructor enrolled in and specifically designated by a
9 practitioner preparation program with a safety education
10 program approved by the state board of education, and who is
11 actually occupying a seat beside the driver. The temporary
12 instruction permit issued to Except as otherwise provided, a
13 person permittee who is less than sixteen years of age
14 entitles the permittee to drive a motor vehicle upon the
15 highways only when must be accompanied by a licensed operator
16 or chauffeur person issued a motor vehicle license valid for
17 the vehicle operated who is the parent or guardian of the
18 permittee, member of the permittee's immediate family if the
19 family member is at least twenty-one years of age, an approved
20 driver education instructor, a prospective driver education
21 instructor who is enrolled in and has been specifically
22 designated by a practitioner preparation program with a safety
23 education program approved by the state board of education, or
24 a person who is twenty-five years of age or more if written
25 permission is granted by the parent or guardian, and who is
26 actually occupying a seat beside the driver.

27 If However, if the permittee is driving operating a
28 motorcycle, the qualified operator accompanying person must be
29 within audible and visual communications distance from the
30 permittee and be accompanying the permittee on or in a
31 different motor vehicle. Only one permit-holder permittee
32 shall be under the immediate supervision of an accompanying
33 qualified operator person, unless the qualified operator
34 person is an approved motorcycle or driver education
35 instructor or a prospective motorcycle or driver education

1 instructor who is enrolled in a practitioner preparation
2 program with a safety education program approved by the state
3 board of education, and the permittee is enrolled in an
4 approved motorcycle or driver education course, in which case
5 no more than three students shall be under the immediate
6 supervision of each instructor while on the highway.

7 2. A person who holds a class B or C driver's license,
8 upon meeting each of the following requirements, shall be
9 eligible to apply for a chauffeur's commercial driver's
10 instruction permit valid for the operation of a commercial
11 motor vehicle requiring-a-chauffeur's-license when the
12 permittee is accompanied by a person possessing-a-valid
13 chauffeur's-license, properly licensed to drive-the operate a
14 commercial motor vehicle and actually occupying a seat beside
15 the permittee. An applicant must be at least eighteen years
16 of age, otherwise and qualified to obtain a valid chauffeur's
17 commercial driver's license and-must-meet including the
18 requirements of section ~~321.186~~ 321.188 other than a the
19 knowledge examination and driving demonstration skills tests.
20 The chauffeur's commercial driver's instruction permit shall
21 be valid for a period not to exceed two-years six months and
22 shall be returned to the department upon receipt issuance of a
23 valid chauffeur's license. issuance-of-a-chauffeur's
24 instruction-permit-shall-not-require-the-surrender-of-a-valid
25 operator's-license. A commercial driver's instruction permit
26 may be renewed only once in any two-year period. If the
27 applicant for a commercial driver's instruction permit holds a
28 driver's license issued in this state valid for the operation
29 of a commercial or noncommercial vehicle, the commercial
30 driver's instruction permit shall be valid for such operation
31 without the need of an accompanying person.

32 A permittee shall not be penalized for failing to have the
33 permit in immediate possession if the permittee produces in
34 court, within a reasonable time, an instruction permit issued
35 to the permittee and valid at the time of the permittee's

1 arrest:

2 3. A person, upon meeting each of the following
3 requirements, shall be eligible to apply for a chauffeur's
4 instruction permit valid for the operation of a motor vehicle,
5 other than a commercial motor vehicle, as a chauffeur when the
6 permittee is accompanied by a person, possessing a valid class
7 D driver's license or commercial driver's license, properly
8 licensed to drive the motor vehicle and actually occupying a
9 seat beside the permittee. An applicant must be at least
10 eighteen years of age, otherwise qualified to obtain a class D
11 driver's license, and must meet the requirements of section
12 321.186 other than a driving demonstration. The chauffeur's
13 instruction permit shall be valid for a period not to exceed
14 two years and shall be returned to the department upon
15 issuance of a class D driver's license or commercial driver's
16 license. If the applicant for a chauffeur's instruction
17 permit holds a driver's license issued under this chapter, the
18 chauffeur's instruction permit shall be valid in the same
19 manner as the driver's license would be for the operation of
20 motor vehicles without the need of an accompanying person.

21 4. The instruction permit, chauffeur's instruction permit,
22 and commercial driver's instruction permit are subject to
23 suspension or revocation for the same reasons and in the same
24 manner as suspension or revocation of a driver's license.

25 Sec. 26. Section 321.181, Code 1989, is amended to read as
26 follows:

27 321.181 TEMPORARY PERMIT.

28 The department may ~~in its discretion~~ issue a temporary
29 ~~driver's~~ permit to an applicant for ~~an operator's or~~
30 ~~chauffeur's~~ a motor vehicle license permitting the applicant
31 to operate a motor vehicle other than a commercial motor
32 vehicle while the department is completing its investigation
33 and determination of all facts relative to ~~such the~~
34 applicant's ~~right~~ privilege to receive ~~an operator's~~ the motor
35 vehicle license. ~~Such~~ The permit must be in the applicant's

1 immediate possession while operating a motor vehicle, ~~and it.~~
2 The temporary permit shall be invalid and returned to the
3 department when the applicant's license has been is issued or
4 for-good-cause-has-been-refused when the license is denied.

5 ~~The temporary driver's permit shall bear a colored~~
6 ~~photograph of the permittee and shall contain such other~~
7 ~~information as the department may by rule require. The~~
8 ~~department shall not retain a positive or negative photograph~~
9 ~~of the permittee.~~

10 Sec. 27. Section 321.182, Code 1989, is amended by
11 striking the section and inserting in lieu thereof the
12 following:

13 321.182 APPLICATION.

14 Every applicant for a motor vehicle license shall do all of
15 the following:

16 1. Make application on a form provided by the department
17 which shall include the applicant's full name, signature,
18 current mailing address, current residential address, date of
19 birth, social security number, and physical description
20 including sex, height, and eye color. The application may
21 contain other information the department may require by rule.

22 2. Surrender all other motor vehicle licenses.

23 3. Certify that the applicant has no other motor vehicle
24 license.

25 4. Certify that the applicant is not currently subject to
26 suspension, revocation, or cancellation of any motor vehicle
27 license and has committed no offense and has not acted in a
28 manner which either alone or with previous actions or offenses
29 could result in suspension, revocation, or cancellation of any
30 motor vehicle license.

31 Sec. 28. Section 321.184, subsection 1, Code 1989, is
32 amended to read as follows:

33 1. CONSENT REQUIRED. The application of an unmarried
34 person under the age of eighteen years for an ~~instruction~~
35 ~~permit, operator's license, motorized bicycle license,~~

1 ~~restricted-license,-or-school-license-issued-under-section~~
2 ~~321.194~~ a motor vehicle license shall contain the verified
3 consent and confirmation of the applicant's birthday by either
4 parent of the applicant, the guardian of the applicant, or a
5 person having custody of the applicant under chapter 600A.
6 Officers and employees of the department may administer the
7 oaths without charge.

8 Sec. 29. Section 321.186, Code 1989, is amended to read as
9 follows:

10 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.

11 The department may examine every new applicant for an
12 ~~operator's,-motorized-bicycle-or-chauffeur's~~ a motor vehicle
13 license or any person holding a valid ~~operator's,-motorized~~
14 ~~bicycle-or-chauffeur's~~ motor vehicle license when the
15 department has reason to believe that ~~such~~ the person may be
16 physically or mentally incompetent to operate a motor vehicle,
17 or whose driving record appears to the department to justify
18 ~~such-an~~ the examination. ~~Such~~ The examinations shall be held
19 in every county within periods not to exceed fifteen days--~~It~~
20 except that the driving skills test for a commercial driver's
21 license shall be given only at locations where required
22 driving skills may be adequately tested, including pretrip and
23 off-road examinations. The department shall make every effort
24 to accommodate a functionally illiterate applicant when the
25 applicant is taking a knowledge test. The department shall
26 make every effort to have an examiner conduct the commercial
27 driver's license operator skills tests at other locations
28 where skills may be adequately tested when requested by a
29 person representing ten or more drivers seeking commercial
30 driver's licenses. The examination shall include a test
31 screening of the applicant's eyesight, a test of the
32 applicant's ability to read and understand highway signs
33 regulating, warning, and directing traffic, a test of the
34 applicant's knowledge of the traffic laws of this state, and
35 ~~shall-include~~ an actual demonstration of ability to exercise

1 ordinary and reasonable control in the operation of a motor
2 vehicle and ~~such-further~~ other physical and mental
3 examinations as the department finds necessary to determine
4 the applicant's fitness to operate a motor vehicle safely upon
5 the highways.

6 Sec. 30. Section 321.187, Code 1989, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 321.187 EXAMINERS.

10 1. The department shall examine applicants for motor
11 vehicle licenses. However, the department may by rule
12 designate area vocational schools and community colleges to
13 administer the driving skills test required for a commercial
14 driver's license provided that all of the following occur:

15 a. The driving skills test is the same as that which would
16 otherwise be administered by the state.

17 b. The examiner contractually agrees to comply with the
18 requirements of 49 C.F.R. § 383.75.

19 Examiners of the department shall wear an identifying badge
20 and uniform provided by the department.

21 2. The department may also designate by rule other parties
22 to administer the driving skills test required for a
23 commercial driver's license provided that both subsection 1,
24 paragraphs "a" and "b" apply. This subsection is repealed
25 April 1, 1992.

26 Sec. 31. NEW SECTION. 321.188 COMMERCIAL DRIVER'S
27 LICENSE REQUIREMENTS.

28 1. Before the department issues, renews, or upgrades a
29 commercial driver's license and in addition to the
30 requirements of section 321.182, the license applicant shall
31 do all of the following:

32 a. Certify whether the applicant is subject to and meets
33 applicable driver qualifications of 49 C.F.R. part 391.

34 b. Certify the applicant is not subject to any commercial
35 driver's license disqualification and has committed no offense

1 and has not acted in a manner which either alone or with
2 previous actions or offenses could result in commercial
3 driver's license disqualification.

4 c. Successfully pass knowledge tests and driving skills
5 tests which the department shall require by rule. The rules
6 adopted shall substantially comply with the federal minimum
7 testing and licensing requirements in 49 C.F.R. part 383,
8 subparts E, G, and H.

9 d. Certify the vehicle to be operated in the driving
10 skills tests represents the largest class of vehicle the
11 applicant will operate on the highway.

12 e. Certify that the applicant is a resident of Iowa or a
13 resident of a foreign jurisdiction.

14 2. An applicant for a commercial driver's license may
15 substitute for a driving skills test the applicant's operating
16 record and previous passage of a driving skills test or the
17 applicant's operating record and previous driving experience
18 if all of the following conditions exist:

19 a. The applicant is currently licensed to operate a
20 commercial motor vehicle.

21 b. The applicant certifies that during the two years
22 immediately preceding application all of the following apply:

23 (1) The applicant has not held motor vehicle licenses
24 valid for the operation of commercial motor vehicles from more
25 than one state simultaneously.

26 (2) The applicant has not had any convictions which are
27 federal commercial driver's license disqualifying offenses
28 under 49 C.F.R. § 383.51 while operating any type of vehicle.

29 (3) The applicant has not committed a traffic violation,
30 other than a parking violation, arising in connection with a
31 traffic accident.

32 (4) No record of an accident exists for which the
33 applicant was convicted of a moving traffic violation.

34 (5) The applicant has not had any motor vehicle license
35 suspended, revoked, or canceled.

1 c. The applicant provides evidence of and certifies that
2 the applicant is employed in a job requiring operation of a
3 commercial motor vehicle and the applicant has done one of the
4 following:

5 (1) Has previously passed a driving skills test given by
6 this state or its designee in a motor vehicle representative
7 of the class of motor vehicle the applicant will operate.

8 (2) Has operated during the two-year period immediately
9 preceding the application a motor vehicle representative of
10 the class of motor vehicle the applicant will operate.

11 3. Upon initial license application and at the time of an
12 application for license renewal or upgrade, an applicant for a
13 hazardous material endorsement must pass a knowledge test as
14 required under 49 C.F.R. § 383.17 to obtain or retain the
15 endorsement. An applicant for license transfer may retain the
16 endorsement if the applicant successfully passed the
17 endorsement test within the preceding two years.

18 4. The department shall check the applicant's driving
19 record as maintained by the applicant's current licensing
20 state, the national commercial driver's license information
21 system, and the national driver register to determine whether
22 the applicant qualifies to be issued a commercial driver's
23 license. The department shall notify the national commercial
24 driver's license information system of the issuance, renewal,
25 or upgrade of a commercial driver's license.

26 Sec. 32. Section 321.189, Code 1989, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 321.189 DRIVER'S LICENSE -- CONTENT -- MOTORCYCLE RIDER
30 EDUCATION FUND.

31 1. CLASSIFICATION AND ISSUANCE. Upon payment of the
32 required fee, the department shall issue to every qualified
33 applicant a driver's license. Driver's licenses shall be
34 classified as follows:

35 a. Class A -- A combination of vehicles with a gross

1 combination weight rating of twenty-six thousand one or more
2 pounds provided the towed vehicle or vehicles have a gross
3 vehicle weight rating or gross combination weight rating of
4 ten thousand one or more pounds.

5 b. Class B -- A vehicle with a gross vehicle weight rating
6 of twenty-six thousand one or more pounds or a combination of
7 vehicles with a gross combination weight rating of twenty-six
8 thousand one or more pounds provided the towed vehicle or
9 vehicles have a gross vehicle weight rating or gross
10 combination weight rating of less than ten thousand one
11 pounds.

12 c. Class C -- A vehicle, other than a motorcycle, or a
13 combination of vehicles with a gross vehicle weight rating or
14 gross combination weight rating of less than twenty-six
15 thousand one pounds.

16 d. Class D -- For motor vehicle operation as a chauffeur.

17 e. Class M -- A motorcycle.

18 A driver's license may be issued for more than one class.
19 Class A and B driver's licenses shall only be issued as
20 commercial driver's licenses. Class C and M driver's licenses
21 may be issued as commercial driver's licenses. The holder of
22 a class A or B driver's license may operate any smaller class
23 vehicle except a motorcycle; however, the license is not valid
24 for a vehicle requiring an endorsement unless the license is
25 endorsed for the vehicle. The holder of a class D driver's
26 license may operate a motor vehicle as a chauffeur for the
27 class of motor vehicles for which the license was issued. The
28 holder of a commercial driver's license is not required to
29 obtain a class D driver's license to operate a motor vehicle
30 as a chauffeur. When necessary, the department shall by rule
31 create additional classes or modify existing classes of
32 driver's licenses.

33 2. CONTENT OF LICENSE.

34 a. Appearing on the driver's license shall be a
35 distinguishing number assigned to the licensee; the licensee's

1 full name, date of birth, sex, and residence address; a
2 colored photograph; a physical description of the licensee;
3 the name of the state; the dates of issuance and expiration;
4 and the usual signature of the licensee. The license shall
5 identify the class of vehicle the licensee may operate and the
6 applicable endorsements and restrictions which the department
7 shall require by rule.

8 b. A commercial driver's license shall include the
9 licensee's mailing address rather than residence address, the
10 licensee's social security number, and the word "commercial"
11 shall appear prominently on the face of the license. If the
12 applicant is a nonresident, the license must conspicuously
13 display the word "nonresident".

14 c. The department shall advise an applicant that the
15 applicant for a motor vehicle license other than a commercial
16 driver's license may request a number other than a social
17 security number as the motor vehicle license number.

18 d. The license may contain other information as required
19 under the department's rules.

20 3. REPLACEMENT. If prior to the renewal date, a person
21 desires to obtain a motor vehicle license in the form
22 authorized by this section, a license may be issued as a
23 voluntary replacement upon payment of the required fee as set
24 by the department by rule. A person shall return a motor
25 vehicle license and be issued a new license when the first
26 license contains inaccurate information upon payment of the
27 required fee as set by the department by rule.

28 4. SYMBOLS. Upon the request of a licensee, the
29 department shall indicate on the license the presence of a
30 medical condition or that the licensee is a donor under the
31 uniform anatomical gift law. The license may contain such
32 other information as the department may require by rule.

33 5. TAMPERPROOFING. The department shall issue a motor
34 vehicle license by a method or process which prevents as
35 nearly as possible the alteration, reproduction, or

1 superimposition of a photograph on the license without ready
2 detection.

3 6. LICENSES ISSUED TO MINORS. A motor vehicle license
4 issued to a person under twenty-one years of age shall be
5 identical in form to any other motor vehicle license except
6 that the word "minor" shall appear prominently on the face of
7 the license. Upon attaining the age of twenty-one, and upon
8 payment of a one dollar fee, the person shall be entitled to a
9 new motor vehicle license or nonoperator's identification card
10 for the unexpired months of the motor vehicle license or card.

11 7. CLASS "M" LICENSE EDUCATION REQUIREMENTS. A person
12 under the age of eighteen applying for a driver's license
13 valid for the operation of a motorcycle shall be required to
14 successfully complete a motorcycle education course either
15 approved and established by the department of education or
16 from a private or commercial driver education school licensed
17 by the department. A public school district shall charge a
18 student a fee which shall not exceed the actual cost of
19 instruction minus moneys received by the school district under
20 subsection 9.

21 8. MOTORIZED BICYCLE.

22 a. The department may issue a driver's license valid only
23 for operation of a motorized bicycle to a person fourteen
24 years of age or older who has passed a vision test and a
25 written examination on the rules of the road. A person under
26 the age of sixteen applying for a driver's license valid only
27 for operation of a motorized bicycle shall also be required to
28 successfully complete a motorized bicycle education course
29 approved and established by the department of education or
30 successfully complete an approved motorized bicycle education
31 course at a private or commercial driver education school
32 licensed by the department. A public school district shall
33 charge a student a fee which shall not exceed the actual cost
34 of instruction. A driver's license valid only for operation
35 of a motorized bicycle entitles the licensee to operate a

1 motorized bicycle upon the highway while having the license in
2 the licensee's immediate possession. The license is valid for
3 a period of two years, subject to termination or cancellation
4 as provided in this section.

5 b. A driver's license valid only for operation of a
6 motorized bicycle shall be canceled upon a conviction for a
7 moving traffic violation and reapplication may be made thirty
8 days after the date of cancellation. The cancellation of the
9 license upon conviction for a moving traffic violation shall
10 not result in requiring the applicant to maintain proof of
11 financial responsibility under section 321A.17, unless the
12 conviction would otherwise result in a suspension or
13 revocation of a person's driver's license.

14 c. As used in this section, "moving traffic violation"
15 does not include a parking violation as defined in section
16 321.210 or a violation of a section of the Code or municipal
17 ordinance pertaining to standards to be maintained for motor
18 vehicle equipment except sections 321.430 and 321.431, or
19 except a municipal ordinance pertaining to motor vehicle brake
20 requirements as applicable to motorized bicycles.

21 d. The holder of any class of driver's license may operate
22 a motorized bicycle.

23 9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider
24 education fund is established in the office of the treasurer
25 of state. The moneys credited to the fund are appropriated to
26 the department of education to be used to establish new
27 motorcycle rider education courses and reimburse sponsors of
28 motorcycle rider education courses for the costs of providing
29 motorcycle rider education courses approved and established by
30 the department of education. The department of education
31 shall adopt rules under chapter 17A providing for the
32 distribution of moneys to sponsors of motorcycle rider
33 education courses based upon the costs of providing the
34 education courses.

35 Sec. 33. Section 321.190, subsection 1, Code Supplement

1 1989, is amended to read as follows:

2 1. APPLICATION FOR AND CONTENTS OF CARD.

3 a. The department shall, upon application and payment of
4 the required fee, issue to an applicant a nonoperator's
5 identification card, ~~which.~~ To be valid the card shall bear a
6 distinguishing number assigned to the card holder, the full
7 name, date of birth, sex, residence address, a brief physical
8 description and a colored photograph of the card holder, the
9 usual signature of the card holder, and such other information
10 as the department may require by rule require. The card,
11 ~~including the colored photograph,~~ shall be issued to the
12 applicant at the time of application ~~and no positive or~~
13 ~~negative photograph shall be retained.~~ ~~The department shall,~~
14 ~~by rule, establish procedures for the application for, and~~
15 ~~issuance of, a nonoperator's identification card.~~ ~~An~~
16 ~~identification card shall not be valid unless it bears the~~
17 ~~usual signature of the card holder~~ pursuant to procedures
18 established by rule.

19 b. The department shall not issue a card to a person
20 holding a motor vehicle license. The card shall be identical
21 in form to a driver's license issued under section 321.189
22 except the word "nonoperator" shall appear prominently on the
23 face of the card. A nonoperator's identification card issued
24 to a person under twenty-one years of age shall include the
25 word "minor" prominently on the face of the card.

26 c. The department shall use a process or processes for
27 issuance of a nonoperator's identification card, that
28 prevents, as nearly as possible, the opportunity for
29 alteration or reproduction of, and the superimposition of a
30 photograph on the nonoperator's identification card without
31 ready detection.

32 d. The fee for a nonoperator's identification card shall
33 be five dollars and the card shall be valid ~~for the purpose of~~
34 ~~identification~~ for a period of four years from the date of
35 issuance. No issuance fee shall be charged for a person whose

1 motor vehicle license or driving privilege has been suspended
2 under section 321.210, subsection 1, paragraph "c".

3 The nonoperator's identification card fees shall be
4 transmitted by the department to the treasurer of state who
5 shall credit ~~such~~ the fees to the general fund of the state.

6 Sec. 34. Section 321.190, subsection 3, Code Supplement
7 1989, is amended by striking the subsection and inserting in
8 lieu thereof the following:

9 3. The department shall cancel a person's nonoperator's
10 identification card upon determining the person was not
11 entitled to be issued the card, did not provide correct
12 information, committed fraud in applying for the card, or
13 unlawfully used a nonoperator's identification card.

14 Sec. 35. Section 321.191, Code 1989, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 321.191 FEES FOR MOTOR VEHICLE LICENSES.

18 1. INSTRUCTION PERMITS. The fee for an instruction
19 permit, other than a chauffeur's instruction permit or
20 commercial driver's instruction permit, is six dollars. The
21 fee for a chauffeur's instruction permit or commercial
22 driver's instruction permit is twelve dollars.

23 2. NONCOMMERCIAL MOTOR VEHICLE LICENSES. The fee for a
24 noncommercial motor vehicle license, other than a class D
25 driver's license or any type of instruction permit, valid for
26 two years is eight dollars.

27 3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial
28 class D driver's license valid for two years is fifteen
29 dollars.

30 4. COMMERCIAL MOTOR VEHICLE LICENSES. An additional fee
31 of seven dollars is required to issue a motor vehicle license,
32 other than an instruction permit, valid for two years for the
33 operation of a commercial motor vehicle.

34 5. LICENSES VALID FOR MOTORCYCLES. An additional fee of
35 one dollar per year of license validity is required to issue a

1 license valid to operate a motorcycle.

2 6. SPECIAL MINORS' LICENSES. Notwithstanding subsections
3 2 and 7, the fee for a driver's license issued to a minor
4 under section 321.194 is four dollars for each partial or
5 complete year until the minor's eighteenth birthday.

6 7. FOUR-YEAR LICENSES. The fee for a motor vehicle
7 license valid for four years is twice the fee for a two-year
8 license.

9 8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.
10 The fee for a double/triple trailer endorsement, tank vehicle
11 endorsement, and hazardous materials endorsement is five
12 dollars for each endorsement. The fee for a passenger
13 endorsement is ten dollars. The fee for removal of an air
14 brake restriction on a commercial driver's license is ten
15 dollars. Fees imposed under this subsection for endorsements
16 or removal of restrictions are valid for the length of the
17 time period of the license regardless of whether the license
18 is issued for two or four years. Upon renewal of a commercial
19 driver's license there is no fee for retaining endorsements or
20 the removal of the air brake restriction for those
21 endorsements or restrictions which do not require the taking
22 of either a knowledge or a driving skills test for renewal.

23 9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for
24 reinstatement of a motor vehicle license shall be twenty
25 dollars for a license which is, after notice and opportunity
26 for hearing, canceled, suspended, or revoked. The fee for
27 reinstatement of the privilege to operate a commercial motor
28 vehicle after a period of disqualification shall be twenty
29 dollars.

30 Sec. 36. Section 321.193, Code 1989, is amended to read as
31 follows:

32 321.193 ~~RESTRICTED~~ RESTRICTIONS ON LICENSES.

33 When As provided ~~in rules adopted pursuant to chapter 17A~~
34 by rule, the department ~~upon issuing an operator's or~~
35 ~~chauffeur's license or motorized bicycle license shall have~~

1 authority-when-ever-good-cause-appears-to may impose
2 restrictions suitable to the motor vehicle licensee's driving
3 ability with respect to the type of motor vehicle or special
4 mechanical control devices required on a motor vehicle which
5 the licensee may operate or such other restrictions applicable
6 to the licensee, ~~including licenses issued under section~~
7 ~~321.194,~~ as the department may determine to be appropriate to
8 ~~assure the safe operation of a motor vehicle by the licensee.~~
9 ~~The department shall not require a person issued a valid~~
10 ~~operator's or chauffeur's license to comply with any other~~
11 ~~licensing requirements in order to operate a motorized~~
12 ~~bicycle.~~

13 The department may ~~either issue a special restricted~~
14 ~~license or may~~ set forth such restrictions upon the usual
15 motor vehicle license form.

16 The department may suspend or revoke the motor vehicle
17 license upon receiving satisfactory evidence of any violation
18 of the license's restrictions of ~~such license suspend or~~
19 ~~revoke the same but the licensee shall be entitled to a~~
20 ~~hearing as upon a suspension or revocation under this chapter.~~

21 ~~It is a misdemeanor, punishable as provided in section~~
22 ~~321.482, for any person to operate a motor vehicle in any~~
23 ~~manner in violation of the restrictions imposed in a~~
24 ~~restricted license issued to that person.~~

25 Sec. 37. Section 321.194, Code Supplement 1989, is amended
26 to read as follows:

27 321.194 SPECIAL MINORS' SCHOOL LICENSES.

28 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

29 Upon certification of a special need by the school board or
30 the superintendent of the applicant's school, the department
31 may issue a school class C or M driver's license to a person
32 between the ages of fourteen and eighteen years who has
33 successfully completed ~~completes~~ an approved driver education
34 course. However, the completion of a course is not required
35 if the applicant demonstrates to the satisfaction of the

1 department that completion of the course would impose a
2 hardship upon the applicant. The department shall adopt rules
3 ~~under chapter 17A~~ defining the term "hardship" and establish
4 procedures for the demonstration and determination of when
5 completion of the course would impose a hardship upon an
6 applicant.

7 a. The ~~school~~ driver's license entitles the holder, while
8 having the license in immediate possession, to operate a motor
9 vehicle during other than a commercial motor vehicle or as a
10 chauffeur:

11 (1) During the hours of 6 a.m. to 10 p.m. over the most
12 direct and accessible route between the licensee's residence
13 and schools of enrollment and between schools of enrollment
14 for the purpose of attending duly scheduled courses of
15 instruction and extracurricular activities at the schools ~~or~~
16 ~~at any time when accompanied by a parent or guardian, member~~
17 ~~of the license holder's immediate family if the family member~~
18 ~~is at least twenty-one years of age, driver education~~
19 ~~instructor, or prospective driver education instructor who is~~
20 ~~a holder of a valid operator's or chauffeur's license, and who~~
21 ~~is actually occupying a seat beside the driver.~~

22 (2) At any time when the licensee is accompanied in the
23 same manner as a permittee is required to be accompanied under
24 section 321.180, subsection 1, paragraph "b".

25 PARAGRAPH DIVIDED. The Notwithstanding section 321.196,
26 the license shall expire on the licensee's eighteenth birthday
27 or upon issuance of a restricted license under section
28 321.178, subsection 2, or operator's license. Parental
29 consent given for the issuance of a school license under this
30 section shall not be deemed to be consent given under section
31 321.184 for the issuance of any other permit or license
32 applied for by the school license applicant.

33 b. Each application shall be accompanied by a statement
34 from the school board or superintendent of the applicant's
35 school. The statement shall be upon a form provided by the

1 department. The school board or superintendent shall certify
2 that a need exists for the license and that the board and
3 superintendent are not responsible for actions of the
4 applicant which pertain to the use of the ~~school~~ driver's
5 license. The department of education shall adopt rules
6 ~~pursuant-to-chapter-17A~~ establishing criteria for issuing a
7 statement of necessity. Upon receipt of a statement of
8 necessity, the department shall issue ~~a-school~~ the driver's
9 license. The fact that the applicant resides at a distance
10 less than one mile from the applicant's schools of enrollment
11 is prima facie evidence of the nonexistence of necessity for
12 the issuance of a license. ~~A-school~~ The driver's license
13 shall not be issued for purposes of attending a public school
14 in a school district other than the either of the following:

15 (1) The district of residence, or a of the parent or
16 guardian of the student.

17 (2) A district which is contiguous to the district of
18 residence, of the parent or guardian of the student, if the
19 student is enrolled in the public school which is not the
20 school district of residence because of open enrollment under
21 section 282.18 or as a result of an election by the student's
22 district of residence to enter into one or more sharing
23 agreements pursuant to the procedures in chapter 282.

24 2. SUSPENSION AND REVOCATION. A driver's license issued
25 under this section is subject to suspension or revocation ~~in~~
26 ~~like-manner-as~~ for the same reasons and in the same manner as
27 suspension or revocation of any other driver's license or
28 ~~permit-issued-under-a-law-of-this-state.~~ The department may
29 also suspend a driver's license issued under this section upon
30 receiving satisfactory evidence that the licensee has violated
31 the restrictions of the license or has been involved in one or
32 more accidents chargeable to the licensee. The department may
33 suspend a driver's license issued under this section and a
34 ~~permit-issued-under-section-321-180~~ upon receiving a record of
35 the licensee's conviction for one violation. The department

1 shall revoke the license ~~and any permit issued under section~~
2 ~~321.180~~ upon receiving a record of conviction for two or more
3 violations of a law of this state or a city ordinance
4 regulating the operation of motor vehicles on highways other
5 than parking violations as defined in section 321.210. After
6 revoking a person licensed under this section receives two or
7 more convictions which require revocation of the person's
8 license or permit under this section, the department shall not
9 grant an application for a new motor vehicle license or permit
10 until the expiration of one year or until the licensee's
11 sixteenth birthday, whichever is the longer period.

12 Sec. 38. Section 321.196, Code Supplement 1989, is amended
13 to read as follows:

14 321.196 EXPIRATION OF OPERATOR'S LICENSE -- RENEWAL --
15 VISION TEST MANDATORY.

16 Except as otherwise provided, an operator's a motor vehicle
17 license, other than an instruction permit, chauffeur's
18 instruction permit, or commercial driver's instruction permit
19 issued under section 321.180 or a driver's license issued
20 under section 321.194, expires, at the option of the
21 applicant, two or four years from the licensee's birthday
22 anniversary occurring in the year of issuance if the licensee
23 is between the ages of seventeen years, eleven months and
24 seventy years on the date of issuance of the license,
25 otherwise. If the licensee is under the age of seventeen
26 years eleven months or age seventy or over the license is
27 effective for a period of two years. The Except as required
28 in section 321.182, a motor vehicle license is renewable
29 without written examination or penalty within a period of
30 thirty sixty days after its expiration date. A person shall
31 not be considered to be driving with an invalid license during
32 a period of thirty sixty days following the license expiration
33 date. However, for a license renewed within the thirty-day
34 sixty-day period, the date of issuance shall be considered to
35 be the previous birthday anniversary on which it expired.

1 Applicants whose licenses are restricted due to vision or
2 other physical deficiencies may be required to renew their
3 licenses every two years. For the purposes of this section
4 the birthday anniversary of a person born on February 29 shall
5 be deemed to occur on March 1. ~~All applications for renewal~~
6 ~~of operators' licenses shall be made under the direct~~
7 ~~supervision of a uniformed member of the department and shall~~
8 ~~be approved by the uniformed member.~~ The department in its
9 discretion may authorize the renewal of a valid motor vehicle
10 license other than a commercial driver's license upon
11 application without an examination provided that the applicant
12 satisfactorily passes a vision test as prescribed by the
13 department.

14 Any resident of Iowa holding a valid operator's or
15 chauffeur's motor vehicle license who is temporarily absent
16 from the state, or incapacitated, may, at the time for renewal
17 for such license, ~~obtain from the sheriff of the county of the~~
18 ~~licensee's residence a form to~~ apply to the department for a
19 temporary extension of the license. The department upon
20 receipt of such the application form properly filled out
21 shall, upon a showing of good cause, issue a temporary
22 extension of such the motor vehicle license for a period not
23 to exceed six months. ~~The department shall prescribe and~~
24 ~~furnish such forms to each county sheriff.~~

25 ~~Prior to the renewal of a license pursuant to this section,~~
26 ~~the department shall issue to each applicant information on~~
27 ~~the law relating to the operation of a motor vehicle while~~
28 ~~intoxicated and statistical information relating to the number~~
29 ~~of injuries and fatalities occurring as a result of the~~
30 ~~operation of motor vehicles while intoxicated.~~

31 Sec. 39. Section 321.197, Code 1989, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 321.197 EXPIRATION OF CHAUFFEUR'S LICENSES -- REPLACEMENT
35 BY COMMERCIAL DRIVER'S LICENSE.

1 Notwithstanding other provisions of this chapter, a valid
2 chauffeur's license issued by the department shall be valid to
3 operate a motor vehicle according to the terms and limitations
4 of the license until the earlier of the expiration date on the
5 license or April 1, 1992. After January 1, 1992, a
6 chauffeur's license shall not be valid for operating a school
7 bus which is a commercial motor vehicle. After April 1, 1992,
8 a chauffeur's license shall not be valid for operating a
9 commercial motor vehicle. Between October 1, 1990, and April
10 1, 1992, the holder of a valid chauffeur's license may apply
11 for a new driver's license and, if qualified, be issued a
12 commercial driver's license valid only until the expiration
13 date appearing on the surrendered chauffeur's license, upon
14 surrender of the chauffeur's license and upon payment of a one
15 dollar replacement fee together with the fees for any
16 commercial driver's license endorsements obtained.
17 Additionally, if application is made within one year preceding
18 the chauffeur's license expiration date and upon payment of
19 required fees, a qualified applicant may be issued a
20 commercial driver's license valid for a two-year or four-year
21 period beginning on the expiration date on the surrendered
22 chauffeur's license. For purposes of section 321.221, a valid
23 chauffeur's license shall be deemed to be a class D driver's
24 license.

25 This section is repealed effective July 1, 1994.

26 Sec. 40. Section 321.198, unnumbered paragraph 1, Code
27 1989, is amended to read as follows:

28 The effective date of a valid operator's motor vehicle
29 license and-of-a-valid-chauffeur's-license to the extent that
30 it permits the operation of a motor vehicle as-an-operator
31 other than a commercial motor vehicle and other than as a
32 chauffeur, issued under the laws of this state, held by any
33 person at the time of entering the military service of the
34 United States or of the state of Iowa notwithstanding the
35 expiration of such the license according to its terms, is

1 hereby extended without fee until six months following the
2 initial separation from active duty of ~~such~~ the person from
3 the military service, provided ~~such~~ the person is not
4 suffering from ~~such~~ physical disabilities ~~as-to-impair~~ which
5 impair the person's competency as an operator and provided
6 further that ~~such~~ the licensee shall upon demand of any peace
7 officer furnish satisfactory evidence of the person's military
8 service. However, ~~no~~ a person entitled to the benefits of
9 this section, charged with operating a motor vehicle without
10 an operator's license, shall not be convicted if the person
11 produces in court, within a reasonable time, a valid
12 ~~operator's-or-chauffeur's~~ motor vehicle license ~~theretofore~~
13 previously issued to that person along with evidence of the
14 person's military service as above mentioned.

15 Sec. 41. Section 321.199, Code 1989, is amended to read as
16 follows:

17 321.199 MOTOR VEHICLE LICENSE RECORDS.

18 The department shall file every application for a license
19 received by it and shall maintain suitable indexes containing,
20 in alphabetical order, all of the following:

21 1. All applications denied and ~~on-each-thereof-note~~ the
22 reasons for ~~such~~ the denial.

23 2. All applications granted.

24 3. The name of every licensee who has been disqualified
25 from operating a commercial motor vehicle or whose license has
26 been suspended or revoked by the department and after each
27 ~~such~~ name a note on the reasons for ~~such~~ the action.

28 Sec. 42. Section 321.201, Code 1989, is amended to read as
29 follows:

30 321.201 ~~AUTHORITY-TO-CANCEL~~ CANCELLATION AND RETURN OF
31 LICENSE -- PROHIBITION FROM ISSUANCE OF COMMERCIAL DRIVER'S
32 LICENSE FOR FALSE INFORMATION.

33 1. The department ~~is-hereby-authorized-to~~ may cancel any
34 ~~operator's-or-chauffeur's~~ a motor vehicle license upon
35 ~~determining-that~~ determination of any of the following:

1 a. That the licensee was not entitled to the issuance
2 ~~thereof-hereunder-or-that-said~~ of the license.

3 b. That the licensee failed to give the required or
4 correct information ~~in-the-licensee's-application~~ or committed
5 any fraud in making such the application.

6 ~~The-provisions-applicable-in-this-section-and-sections~~
7 ~~321-202-to-321-215-relating-to-cancellation,-suspension-or~~
8 ~~revocation-of-an-operator's-or-chauffeur's-license-are-also~~
9 ~~applicable-to-motorized-bicycle-licenses-and-licensees-holding~~
10 ~~motorized-bicycle-licenses.~~

11 Upon cancellation, the licensee shall immediately return
12 the license to the department.

13 2. Upon cancellation of a commercial driver's license for
14 providing false information or committing fraud in the
15 application, the applicant shall not operate a commercial
16 motor vehicle in this state and shall not be issued a license
17 valid to operate a commercial motor vehicle for a period of
18 sixty days.

19 Sec. 43. Section 321.203, Code 1989, is amended to read as
20 follows:

21 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

22 A nonresident's privilege ~~of-driving to operate~~ a motor
23 vehicle on a highway in this state is subject to suspension
24 ~~and or~~ revocation for the same reasons and in the same manner
25 as suspension or revocation of ~~an-operator's-or-chauffeur's a~~
26 resident's driver's license and is also subject to suspension
27 as provided in section 321.513.

28 Sec. 44. Section 321.204, Code 1989, is amended to read as
29 follows:

30 321.204 CERTIFICATION OF CONVICTION -- NOTIFICATION OF
31 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

32 1. The department is ~~further~~ authorized, upon receiving a
33 record of the conviction in this state of a nonresident driver
34 operator of a motor vehicle of for any offense under the motor
35 vehicle laws of this state, to forward a certified copy of

1 such written or electronic record of the conviction to the
2 motor vehicle administrator in the licensing state wherein the
3 person so convicted is a resident.

4 2. The department shall notify the commercial driver's
5 license information system and the commercial motor vehicle
6 administrator in the licensing state, if applicable, of the
7 disqualification of a commercial driver within ten days of any
8 of the following:

9 a. The disqualification of the commercial driver under
10 section 321.208 if the disqualification is for more than sixty
11 days.

12 b. The suspension or revocation of a commercial driver's
13 license if the suspension or revocation is for more than sixty
14 days.

15 c. The cancellation of a commercial driver's license.

16 Sec. 45. Section 321.205, Code 1989, is amended to read as
17 follows:

18 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
19 STATE.

20 The department is authorized to suspend or revoke the motor
21 vehicle license of any a resident of this state upon receiving
22 notice of the conviction of such person the resident in
23 another state of for an offense therein which, if committed in
24 this state, would be grounds for the suspension or revocation
25 of the license of-an-operator-or-chauffeur or upon receiving
26 notice of a final administrative decision in another state
27 that the resident has acted in a manner which would be grounds
28 for suspension or revocation of the license in this state.

29 Sec. 46. Section 321.206, Code 1989, is amended to read as
30 follows:

31 321.206 SURRENDER OF LICENSE -- DUTY OF COURT.

32 Whenever-any If a person is convicted in court of any an
33 offense for which this chapter makes requires mandatory the
34 revocation of the operator's-or-chauffeur's person's motor
35 vehicle license of-such-person-by-the-department or, if the

1 person's license is a commercial driver's license and the
2 conviction disqualifies the person from operating a commercial
3 motor vehicle, the court in-which-such-conviction-is-had shall
4 require the person to surrender to-it-of-all-operator's-and
5 chauffeur's-licenses-then the motor vehicle license held by
6 the person so-convicted and the court shall thereupon forward
7 the same license together with a record of such the conviction
8 to the department as provided in section 321.491.

9 Sec. 47. Section 321.208, Code 1989, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 321.208 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION --
13 REPLACEMENT DRIVER'S LICENSE -- TEMPORARY LICENSE.

14 1. A person is disqualified from operating a commercial
15 motor vehicle for one year upon a conviction or final
16 administrative decision that the person while operating a
17 commercial motor vehicle has committed any of the following
18 acts or offenses in any state or foreign jurisdiction:

19 a. Operating a commercial motor vehicle while under the
20 influence of an alcoholic beverage or other drug or controlled
21 substance or a combination of such substances.

22 b. Operating a commercial motor vehicle with a blood
23 alcohol concentration, as defined in section 321J.1, of 0.04
24 or more.

25 c. Refusal to submit to chemical testing required under
26 chapter 321J.

27 d. Failure to stop and render aid at the scene of an
28 accident involving the person's vehicle.

29 e. A felony or aggravated misdemeanor involving the use of
30 a commercial motor vehicle other than an offense involving
31 manufacturing, distributing, or dispensing a controlled
32 substance.

33 However, a person is disqualified for three years if the
34 act or offense occurred while the person was operating a
35 commercial motor vehicle transporting hazardous material of a

1 type or quantity requiring vehicle placarding.

2 2. A person is disqualified for life if convicted or found
3 to have committed two or more of the above acts or offenses
4 arising out of two or more separate incidents. However, a
5 disqualification for life is subject to a reduction to a ten-
6 year disqualification by the United States secretary of
7 transportation.

8 3. A person is disqualified from operating a commercial
9 motor vehicle for the person's life upon a conviction that the
10 person used a commercial motor vehicle in the commission of a
11 felony or aggravated misdemeanor involving the manufacturing,
12 distributing, or dispensing of a controlled substance as
13 defined in section 204.101.

14 4. A person is disqualified from operating a commercial
15 motor vehicle if the person receives convictions for
16 committing within any three-year period two or more of the
17 following offenses while operating a commercial motor vehicle:

18 a. Speeding fifteen miles per hour or more over the legal
19 speed limit.

20 b. Reckless driving.

21 c. Any violation of the traffic laws, except a parking
22 violation or a vehicle weight violation, which arises in
23 connection with a fatal traffic accident.

24 d. Operating a commercial motor vehicle when not issued a
25 motor vehicle license valid for the vehicle operated.

26 e. Operating a commercial motor vehicle upon a highway
27 when disqualified.

28 f. Operating a commercial motor vehicle upon a highway
29 without immediate possession of a motor vehicle license valid
30 for the vehicle operated.

31 g. Following another motor vehicle too closely.

32 h. Improper lane changes in violation of section 321.306.

33 The period of disqualification under this subsection shall
34 be sixty days for two offenses within any three-year period
35 and one hundred twenty days for three offenses within any

1 three-year period.

2 5. Upon receiving a record of a person's disqualifying
3 conviction or administrative decision, the department shall,
4 by rule, without preliminary hearing and upon twenty days'
5 advance notice, disqualify the person from operating a
6 commercial motor vehicle upon a highway.

7 6. If a person operating a commercial motor vehicle either
8 refuses to submit to chemical testing required under chapter
9 321J or submits to chemical testing and the results show a
10 blood alcohol concentration as defined in section 321J.1 of
11 0.04 or more, the department, upon receipt of the peace
12 officer's certification, subject to penalty for perjury, that
13 the peace officer had reasonable grounds to believe the person
14 to have been operating a commercial motor vehicle with a blood
15 alcohol concentration of 0.04 or more and that the person
16 refused to submit to the chemical testing, shall, without
17 preliminary hearing and upon twenty days' advance notice,
18 disqualify the person from operating a commercial motor
19 vehicle upon a highway.

20 7. Upon notice, the disqualified person shall surrender
21 the person's commercial driver's license to the department and
22 the department may issue a driver's license valid only to
23 operate a noncommercial motor vehicle upon payment of a one
24 dollar fee. The department shall notify the commercial
25 driver's license information system of the disqualification if
26 required to do so under section 321.204.

27 8. Notwithstanding the Iowa administrative procedure Act,
28 the filing of a petition for judicial review shall stay the
29 disqualification pending the determination by the district
30 court.

31 9. The department may reinstate a qualified person's
32 privilege to operate a commercial motor vehicle after a period
33 of disqualification and after payment of required fees.

34 Sec. 48. NEW SECTION. 321.208A TWENTY-FOUR HOUR OUT-OF-
35 SERVICE ORDER.

1 A person required to hold a commercial driver's license to
2 operate a commercial motor vehicle shall not operate a
3 commercial motor vehicle on the highways of this state in
4 violation of rules adopted by the department under this
5 section. A motor carrier shall not allow a driver of a
6 commercial vehicle to be in violation of rules adopted by the
7 department under this section. The department shall adopt
8 rules under chapter 17A which shall be consistent with 49
9 C.F.R. § 392.5.

10 Sec. 49. Section 321.209, unnumbered paragraph 1, Code
11 1989, is amended to read as follows:

12 The department shall forthwith upon twenty days' notice and
13 without preliminary hearing revoke the license or operating
14 privilege of any an operator or-chauffeur,-or-driving
15 privilege, upon receiving a record of such the operator's or
16 chauffeur's conviction of for any of the following offenses,
17 when such conviction has become final:

18 Sec. 50. Section 321.210, Code Supplement 1989, is amended
19 by striking the section and inserting in lieu thereof the
20 following:

21 321.210 SUSPENSION.

22 1. The department is authorized to establish rules
23 providing for the suspension of the license of an operator
24 upon twenty days' notice and without preliminary hearing upon
25 a showing by its records or other sufficient evidence that the
26 licensee:

27 a. Is an habitually reckless or negligent driver of a
28 motor vehicle.

29 b. Is an habitual violator of the traffic laws.

30 c. Is physically or mentally incapable of safely operating
31 a motor vehicle.

32 d. Has permitted an unlawful or fraudulent use of the
33 license.

34 e. Has committed an offense or acted in a manner in
35 another state or foreign jurisdiction which in this state

1 would be grounds for suspension or revocation.

2 f. Has committed a serious violation of the motor vehicle
3 laws of this state.

4 g. Is subject to a license suspension under section
5 321.513.

6 Prior to a suspension taking effect under paragraph "a",
7 "b", "c", "d", "e", or "f", the licensee shall have received
8 twenty days' advance notice of the effective date of the
9 suspension. Notwithstanding the terms of the Iowa
10 administrative procedure Act, the filing of a petition for
11 judicial review shall operate to stay the suspension pending
12 the determination by the district court.

13 2. In determining suspension the department shall not
14 consider the following:

15 a. Violation of motor vehicle equipment standards if
16 repairs are made within seventy-two hours of the violation and
17 satisfactory evidence of repair is immediately sent to the
18 department.

19 b. Violations of requirements to install and use safety
20 belts, safety harnesses, and child restraint devices under
21 sections 321.445 and 321.446.

22 c. Parking violations, meaning violation of a local
23 authority parking ordinance or violation of sections 321L.4,
24 321.366, subsection 6, and 321.354 through 321.361 except
25 section 321.354, subsection 1.

26 d. The first two speeding violations within any twelve-
27 month period of ten miles per hour or less over the legal
28 speed limit in speed zones having a legal speed limit between
29 thirty-four miles per hour and fifty-six miles per hour.

30 Sec. 51. Section 321.211, unnumbered paragraph 2, Code
31 Supplement 1989, is amended to read as follows:

32 There is appropriated each year from the road use tax fund
33 to the department of transportation one hundred twenty-five
34 thousand dollars, or as much thereof as is necessary, to be
35 used to pay the cost of notice and personal delivery of

1 service, as necessary to meet the notice requirement of this
2 section. The department shall adopt rules governing the
3 payment of the cost of personal delivery of service. The
4 reinstatement fees collected under section 321.191 shall be
5 deposited in the road use tax fund in the manner provided in
6 section ~~321.192~~ 321.145, as reimbursement for the costs of
7 notice under this section.

8 Sec. 52. Section 321.212, subsection 2, Code 1989, is
9 amended to read as follows:

10 2. The department upon suspending or revoking a motor
11 vehicle license shall require that such the license be
12 surrendered to and be retained by the department ~~except that~~
13 ~~at.~~ At the end of the period of suspension such the license
14 ~~so~~ surrendered shall be returned reissued to the licensee upon
15 payment of the reinstatement fee under section 321.191. At
16 the end of a period of revocation the licensee must apply for
17 a new motor vehicle license.

18 Sec. 53. Section 321.213, Code Supplement 1989, is amended
19 to read as follows:

20 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
21 VIOLATIONS BY JUVENILE DRIVERS.

22 Upon the entering of an order at the conclusion of an
23 adjudicatory hearing under section 232.47 that the child
24 violated a provision of this chapter or chapter 321A or
25 chapter 321J for which the penalty is greater than a simple
26 misdemeanor, the clerk of the juvenile court in the
27 adjudicatory hearing shall forward a copy of the adjudication
28 to the department. Notwithstanding section 232.55, a final
29 adjudication in a juvenile court that the child violated a
30 provision of this chapter or chapter 321A or chapter 321J
31 constitutes a final conviction of a violation of a provision
32 of this chapter or chapter 321A or chapter 321J for purposes
33 of section 321.189, subsection 2 8, paragraph "b", and
34 sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215,
35 321A.17, 321J.2, 321J.3, and 321J.4.

1 Sec. 54. Section 321.215, Code 1989, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 321.215 TEMPORARY RESTRICTED LICENSE -- TEMPORARY
5 RESTRICTED PERMIT.

6 1. The department, on application, may issue a temporary
7 restricted license to a person whose motor vehicle license is
8 suspended or revoked under this chapter, allowing the person
9 to drive to and from the person's home and specified places at
10 specified times which can be verified by the department and
11 which are required by any of the following:

12 a. The person's full-time or part-time employment.

13 b. The person's continuing health care or the continuing
14 health care of another who is dependent upon the person.

15 c. The person's continuing education while enrolled in an
16 educational institution on a part-time or full-time basis and
17 while pursuing a course of study leading to a diploma, degree,
18 or other certification of successful educational completion.

19 d. The person's substance abuse treatment.

20 e. The person's court-ordered community service
21 responsibilities.

22 However, a temporary restricted license shall not be issued
23 to a person whose license is revoked under section 321.209,
24 subsections 1 through 5 or subsection 7. A temporary
25 restricted license may be issued to a person whose license is
26 revoked under section 321.209, subsection 6, only if the
27 person has no previous drag racing convictions. A person
28 holding a temporary restricted license issued by the
29 department under this section shall not operate a motor
30 vehicle for pleasure.

31 2. Upon conviction and the suspension or revocation of a
32 person's motor vehicle license under section 321.209,
33 subsection 5 or 6, 321.210, 321.210A, 321.513, or 321.555,
34 subsection 2, and upon the denial by the director of an
35 application for a temporary restricted license, a person may

1 apply to the district court having jurisdiction for the
2 residence of the person for a temporary restricted permit to
3 operate a motor vehicle for the limited purpose or purposes
4 specified in subsection 1. The application may be granted
5 only if all of the following criteria are satisfied:

6 a. The temporary restricted permit is requested only for a
7 case of extreme hardship where alternative means of
8 transportation do not exist.

9 b. The permit applicant has not made an application for a
10 temporary restricted permit in any district court in the state
11 which was denied.

12 c. The temporary restricted permit is restricted to the
13 limited purpose or purposes specified in subsection 1 at times
14 specified in the permit.

15 d. Proof of financial responsibility is established as
16 defined in chapter 321A; however, such proof is not required
17 if the motor vehicle license was suspended under section
18 321.210A or 321.513.

19 The district court shall forward a record of each
20 application for such temporary restricted permit to the
21 department, together with the results of the disposition of
22 the request by the court. A temporary restricted permit is
23 valid only if the department is in receipt of records required
24 by this section.

25 3. The temporary restricted license or permit shall be
26 canceled upon conviction of a moving traffic violation or upon
27 a violation of a term of the license or permit. A "moving
28 traffic violation" does not include a parking violation as
29 defined in section 321.210.

30 4. The temporary restricted license or permit is not valid
31 to operate a commercial motor vehicle.

32 Sec. 55. Section 321.216, Code Supplement 1989, is amended
33 to read as follows:

34 321.216 UNLAWFUL USE OF LICENSE -- PENALTY.

35 It is a simple misdemeanor for any person:

1 1. To display or cause or permit to be displayed or have
2 in the person's possession any a canceled, revoked, suspended,
3 fictitious, or fraudulently altered temporary-driver's-permit,
4 temporary-instruction-permit, motorized-bicycle-license,
5 operator's-license, or chauffeur's motor vehicle license.

6 2. To lend that person's temporary-driver's-permit,
7 temporary-instruction-permit, motorized-bicycle-license,
8 operator's-license, or chauffeur's motor vehicle license to
9 any-other another person or knowingly permit the use thereof
10 of the license by another.

11 3. To display or represent as one's own any-temporary
12 driver's-permit, temporary-instruction-permit, motorized
13 bicycle-license, operator's-license, or chauffeur's a motor
14 vehicle license not issued to that person.

15 4. To fail or refuse to surrender to the department upon
16 its lawful demand any-temporary-driver's-permit, temporary
17 instruction-permit, motorized-bicycle-license, operator's
18 license, or chauffeur's a motor vehicle license which has been
19 suspended, revoked, or canceled.

20 5. To use a false or fictitious name in any an application
21 for a temporary-driver's-permit, temporary-instruction-permit,
22 motorized-bicycle-license, operator's-license, or chauffeur's
23 motor vehicle license or to knowingly make a false statement
24 or to knowingly conceal a material fact or otherwise commit a
25 fraud in any-such the application.

26 6. To permit any an unlawful use of a temporary-driver's
27 permit, temporary-instruction-permit, motorized-bicycle
28 license, operator's-license, or chauffeur's motor vehicle
29 license issued to that person.

30 7. To obtain, possess or have in one's control or on one's
31 premises blank motor vehicle license-forms licenses.

32 8. To obtain, possess, or have in one's control or on
33 one's premises a motor vehicle license, a nonoperator's
34 identification card, or a blank motor vehicle license form,
35 which has been made by a person having no authority or right

1 to make the license, or card, or form.

2 Sec. 56. Section 321.218, Code Supplement 1989, is amended
3 to read as follows:

4 321.218 DRIVING OPERATING WITHOUT VALID MOTOR VEHICLE
5 LICENSE -- PENALTIES.

6 1. A person whose ~~operator's or chauffeur's~~ motor vehicle
7 license or driving operating privilege has been denied,
8 canceled, suspended, or revoked as provided in this chapter,
9 and who drives operates a motor vehicle upon the highways of
10 this state while the license or privilege is denied, canceled,
11 suspended, or revoked, commits a simple misdemeanor.

12 2. However, a person whose license or driving operating
13 privilege has been revoked under section 321.209, and who
14 drives operates a motor vehicle upon the highways of this
15 state while the license or privilege is revoked, commits a
16 serious misdemeanor.

17 3. The sentence imposed under this section shall not be
18 suspended by the court, notwithstanding section 907.3 or any
19 other statute.

20 4. The department, upon receiving the record of the
21 conviction of a person under this section upon a charge of
22 driving operating a motor vehicle while the license of the
23 person ~~was~~ is suspended or revoked, shall, except for licenses
24 suspended under section 321.210, subsection 1, paragraph "c",
25 321.210A, or 321.513, extend the period of suspension or
26 revocation for an additional like period, and the department
27 shall not issue a new motor vehicle license to the person
28 during the additional period.

29 ~~5. A person operating a motorized bicycle on the highways~~
30 ~~of the state and not possessed of an operator's or chauffeur's~~
31 ~~license or a valid motorized bicycle license, is, upon~~
32 ~~conviction, guilty of a simple misdemeanor.~~

33 Sec. 57. Section 321.220, Code 1989, is amended to read as
34 follows:

35 321.220 PERMITTING UNAUTHORIZED PERSON TO DRIVE.

1 No A person shall not knowingly authorize or knowingly
2 permit a motor vehicle owned by that the person or under the
3 person's control to be driven upon any a highway by any a
4 person who is not ~~authorized-hereunder-or-in-violation-of-any~~
5 ~~of-the-provisions-of-this-chapter~~ issued a motor vehicle
6 license valid for the vehicle's operation.

7 Sec. 58. Section 321.221, Code 1989, is amended to read as
8 follows:

9 321.221 EMPLOYING UNLICENSED CHAUFFEUR.

10 No A person shall not employ as a chauffeur of a motor
11 vehicle any a person not then licensed holding a class D
12 driver's license or a commercial driver's license as provided
13 in this chapter.

14 Sec. 59. Section 321.223, Code 1989, is amended to read as
15 follows:

16 321.223 MOTOR VEHICLE LICENSE INSPECTED INSPECTION FOR
17 MOTOR VEHICLE RENTAL.

18 No A person shall not rent a motor vehicle to another until
19 the person has-inspected without inspecting the operator's-or
20 chauffeur's motor vehicle license of the person to whom the
21 vehicle is to be rented and compared doing all of the
22 following:

23 1. A comparison and verified verification of the signature
24 thereon on the motor vehicle license with the signature of
25 such person written in the inspecting person's presence.

26 2. A comparison and verification of the person to whom the
27 motor vehicle is to be rented with the photograph and other
28 identification information on the person's motor vehicle
29 license.

30 3. A determination that the motor vehicle license of the
31 person to whom the vehicle is to be rented is valid for
32 operating the vehicle to be rented.

33 Sec. 60. Section 321.233, unnumbered paragraph 2, Code
34 1989, is amended by striking the unnumbered paragraph.

35 Sec. 61. Section 321.234A, Code 1989, is amended to read

1 as follows:

2 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG
3 REQUIRED.

4 All-terrain vehicles shall be operated on a highway only
5 between sunrise and sunset and only when the operation on the
6 highway is incidental to the vehicle's use for agricultural
7 purposes. A person operating an all-terrain vehicle on a
8 highway shall have a valid ~~operator's~~ motor vehicle license
9 and the vehicle shall be operated at speeds of less than
10 thirty miles per hour. When operated on a highway, an all-
11 terrain vehicle shall have a bicycle safety flag which extends
12 not less than five feet above the ground attached to the rear
13 of the vehicle. The bicycle safety flag shall be triangular
14 in shape with an area of not less than thirty square inches,
15 be day-glow in color, and shall be in lieu of the reflective
16 equipment required by section 321.383.

17 Sec. 62. Section 321.247, Code 1989, is amended to read as
18 follows:

19 321.247 GOLF CART OPERATION ON CITY STREETS.

20 Incorporated areas may, upon approval of their governing
21 body, allow the operation of golf carts on city streets by
22 persons possessing a valid ~~operator's~~ motor vehicle license.
23 However, a golf cart shall not be operated upon a city street
24 which is a primary road extension through the city but shall
25 be allowed to cross a city street which is a primary road
26 extension through the city. The golf carts shall be equipped
27 with a slow moving vehicle sign and a bicycle safety flag and
28 operate on the streets only from sunrise to sunset. Golf
29 carts operated on city streets shall be equipped with adequate
30 brakes and shall meet any other safety requirements imposed by
31 the governing body. Golf carts are not subject to the
32 registration provisions of this chapter.

33 Sec. 63. Section 321.261, unnumbered paragraphs 1 and 2,
34 Code 1989, are amended to read as follows:

35 3. Any A person failing to stop or to comply with the

1 requirements in subsection 1 ~~of this section~~, in the event of
2 an accident resulting in the death of any a person, is guilty
3 upon conviction of an aggravated misdemeanor.

4 4. The director shall revoke the ~~operator's or chauffeur's~~
5 motor vehicle license of the a person so convicted of a
6 violation of this section.

7 Sec. 64. Section 321.263, Code 1989, is amended to read as
8 follows:

9 321.263 INFORMATION AND AID -- LEAVING SCENE OF ACCIDENT.

10 1. The driver of any a vehicle involved in an accident
11 resulting in injury to or death of any a person or damage to
12 any a vehicle which is driven or attended by any a person
13 shall give the driver's name, address, and the registration
14 number of the vehicle the driver is driving and shall upon
15 request and if available exhibit the driver's ~~operator's or~~
16 ~~chauffeur's~~ motor vehicle license to the person struck, or the
17 driver or occupant of, or the person attending any the vehicle
18 ~~collided with~~ involved in the accident and shall render to any
19 a person injured in such the accident reasonable assistance,
20 including the ~~carrying, or the making of arrangements for the~~
21 ~~carrying,~~ transporting or arranging for the transporting of
22 such the person to a physician, surgeon, or hospital for
23 medical or surgical treatment if it is apparent that such
24 medical treatment is necessary or if ~~such carrying~~
25 transportation for medical treatment is requested by the
26 injured person.

27 2. If the accident causes the death of any a person, the
28 all surviving driver drivers shall ~~not leave~~ remain at the
29 scene of the accident except to seek necessary aid ~~for the~~
30 ~~surviving driver~~ or to report the accident to law enforcement
31 authorities. Before leaving the scene of the fatal accident,
32 the each surviving driver shall leave the surviving driver's
33 motor vehicle license, automobile registration receipt, or
34 other identification data at the scene of the accident. After
35 leaving the scene of the accident, the a surviving driver

1 shall promptly report the accident ~~by-telephone~~ to law
2 enforcement authorities, and shall immediately return to the
3 scene of the accident, ~~or shall~~ inform the law enforcement
4 authorities where the surviving driver can be located.

5 Sec. 65. Section 321.265, Code 1989, is amended to read as
6 follows:

7 321.265 STRIKING FIXTURES UPON A HIGHWAY.

8 The driver of any a vehicle involved in an accident
9 resulting in damage to property legally upon or adjacent to a
10 highway shall take reasonable steps to locate and notify the
11 owner, a peace officer, or person in charge of such the
12 damaged property of ~~such-fact~~ the damage and shall inform the
13 person of the driver's name and address and ~~of~~ the
14 registration number of the vehicle causing the damage and
15 shall, upon request and if available, exhibit the driver's
16 ~~operator's-or-chauffeur's~~ motor vehicle license and shall ~~make~~
17 report ~~of-such~~ the accident when and as required in section
18 321.266.

19 Sec. 66. Section 321.375, Code Supplement 1989, is amended
20 to read as follows:

21 321.375 SCHOOL BUS DRIVERS -- QUALIFICATIONS -- GROUNDS
22 FOR SUSPENSION.

23 1. The drivers of school buses must meet all of the
24 following requirements:

25 a. ~~(1)-be~~ Be at least eighteen years of age, ~~7-unless-such~~
26 ~~person-has-successfully-completed-an-approved-driver-education~~
27 ~~course,7-in-which-case,7-the-minimum-age-shall-be-sixteen-years,7~~
28 ~~(2)-be~~

29 b. Be physically and mentally competent, ~~7-(3)-not~~

30 c. Not possess personal or moral habits which would be
31 detrimental to the best interests of the safety and welfare of
32 the children transported, ~~7-(4)-have~~

33 d. Have an annual physical examination and meet all
34 established requirements for physical fitness.

35 2. Any of the following shall constitute grounds for a

1 school bus driver's immediate suspension from duties, pending
2 a termination hearing by the board of directors of a public
3 school district or the authorities in charge in a nonpublic
4 school:

5 a. Use of nonprescription controlled substances or
6 alcoholic beverages during working hours, ~~and~~ operating

7 b. Operating a school bus while under the influence of
8 nonprescription controlled substances or alcoholic beverages, ~~and~~
9 fraud

10 c. Fraud in the procurement or renewal of a school bus
11 driver's permit, ~~and~~ the

12 d. The commission of or conviction for a public offense as
13 defined by the Iowa criminal code, if the offense is relevant
14 to and affects driving ability, or if the offense includes
15 sexual involvement with a minor student with the intent to
16 commit ~~or the commission of~~ acts and practices proscribed
17 under sections 709.2 through 709.4, section 709.8, and
18 sections 725.1 through 725.3 ~~shall constitute grounds for the~~
19 ~~driver's immediate suspension from duties, pending a~~
20 ~~termination hearing by the board.~~

21 Sec. 67. Section 321.376, Code Supplement 1989, is amended
22 to read as follows:

23 321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

24 The driver of every a school bus shall have a ~~regular or~~
25 ~~special chauffeur's~~ driver's license issued by the department
26 valid for the operation of a school bus, and in addition
27 thereto, must hold a school bus driver's permit issued by the
28 department of education.

29 ~~A person applying for a school bus driver's permit for the~~
30 ~~first time shall have enrolled in and successfully completed~~
31 ~~an approved course of instruction for school bus drivers, as~~
32 ~~programmed by the department of education, before a permit may~~
33 ~~be issued by the department. -- Certification of course~~
34 ~~completion shall be submitted to the department of education,~~
35 ~~prior to issuance of a permit, by an authorized program~~

1 ~~instructor-on-forms-provided-by-the-department-of-education-~~
2 A person applying for employment or employed as a school
3 bus driver shall successfully complete a department of
4 education approved course of instruction for school bus
5 drivers before or within the first six months of employment
6 and at least every twenty-four months thereafter. If an
7 employee fails to provide an employer with a certificate of
8 completion of ~~an-approved~~ the required school bus driver's
9 ~~course within-the-first-six-months-of-employment-as-a-school~~
10 ~~bus-driver,~~ the driver's employer shall report the failure to
11 the department of education and the employee's school bus
12 driver's permit shall be revoked. The department of education
13 shall send notice of the revocation of the employee's permit
14 to both the employee and the employer. A person whose school
15 bus driver's permit has been revoked under this section shall
16 not be issued a another school bus driver's permit until
17 certification of the completion of an approved school bus
18 driver's course is received by the department of education.

19 Sec. 68. Section 321.485, subsection 1, paragraph b,
20 subparagraph (1), Code 1989, is amended to read as follows:

21 (1) Prepare a written citation to appear in court
22 containing the name and address of such person, the ~~operator~~
23 ~~or-chauffeur~~ motor vehicle license number, if any, the
24 registration number, if any, of the person's vehicle, the
25 offense charged, and the time ~~when~~ and place ~~where-such~~ the
26 person shall appear in court; or

27 Sec. 69. Section 321.491, Code 1989, is amended to read as
28 follows:

29 321.491 CONVICTIONS AND RECOMMENDATIONS FOR SUSPENSION TO
30 BE REPORTED.

31 Every district court judge, district associate judge, and
32 judicial magistrate shall keep a full record of every case in
33 which a person is charged with any violation of this chapter
34 or of any other law regulating the operation of vehicles on
35 highways.

1 Within ten days after the conviction or forfeiture of bail
2 of a person upon a charge of violating any provision of this
3 chapter or other law regulating the operation of vehicles on
4 highways every ~~said~~ magistrate of the court or clerk of the
5 court of record in which ~~such~~ the conviction ~~was-had~~ occurred
6 or bail was forfeited shall prepare and immediately forward to
7 the department an abstract of the record of ~~said-court~~
8 ~~covering the case in-which-said-person-was-so-convicted-or~~
9 ~~forfeited-bail,-which.~~ The abstract must be certified by the
10 ~~person so-required-to-prepare-the-same~~ preparing it to be true
11 and correct.

12 ~~Said~~ The abstract must be made upon a form furnished by the
13 department and shall include the name and address of the party
14 charged, the registration number of the vehicle involved, the
15 nature of the offense, the date of hearing, the plea, the
16 judgment, or whether the bail was forfeited, and the amount of
17 the fine or forfeiture as-the-case-may-be, and any court
18 recommendation, if any, that the person's motor vehicle
19 license be suspended. The department shall consider and act
20 upon the recommendation.

21 Every clerk of a court of record shall also forward a like
22 report to the department upon the conviction of any person of
23 manslaughter or other felony in the commission of which a
24 vehicle was used.

25 The failure, refusal, or neglect of ~~any-such~~ an officer to
26 comply with ~~any-of~~ the requirements of this section shall
27 constitute misconduct in office and shall be ground for
28 removal ~~therefrom~~ from office.

29 ~~The-department-shall-keep-all~~ All abstracts received
30 ~~hereunder-at-its-main-office-and-the-same~~ by the department
31 under this section shall be open to public inspection during
32 reasonable business hours.

33 Sec. 70. Section 321.555, subsection 1, paragraph c, Code
34 Supplement 1989, is amended to read as follows:

35 c. Driving a motor vehicle while ~~operator's-or-chauffeur's~~

1 the person's motor vehicle license is suspended or revoked.

2 Sec. 71. Section 321.555, subsection 2, Code Supplement
3 1989, is amended to read as follows:

4 2. Six or more of any separate and distinct offenses
5 within a two-year period in the operation of a motor vehicle,
6 which are required to be reported to the department by section
7 ~~321.207~~ 321.491 or chapter 321C, except equipment violations,
8 parking violations as defined in section 321.210, violations
9 of registration laws, violations of sections 321.445 and
10 321.446, operating a vehicle with an expired license or
11 permit, failure to appear, weights and measures violations and
12 speeding violations of less than fifteen miles per hour over
13 the legal speed limit.

14 Sec. 72. Section 321A.1, subsections 3 and 7, Code 1989,
15 are amended to read as follows:

16 3. LICENSE. ~~Any license, temporary instruction permit, or~~
17 temporary A motor vehicle license as defined in section 321.1
18 issued under the laws of this state pertaining to the
19 licensing of persons to operate motor vehicles.

20 7. OPERATOR. Every A person who is in actual physical
21 control of a motor vehicle whether or not ~~licensed as an~~
22 operator or chauffeur that person has a motor vehicle license
23 as required under the laws of this state.

24 Sec. 73. Section 321A.17, Code Supplement 1989, is amended
25 by adding the following new subsection:

26 NEW SUBSECTION. 6. This section does not apply to a
27 commercial driver's licensee who is merely disqualified from
28 operating a commercial motor vehicle under section 321.208 if
29 the licensee's driver's license is not suspended or revoked.

30 Sec. 74. Section 321A.35, Code 1989, is amended to read as
31 follows:

32 321A.35 PAST APPLICATION OF CHAPTER.

33 This chapter shall not apply with respect to any an
34 accident, or judgment arising therefrom from an accident, or
35 violation of the motor vehicle laws of this state, occurring

1 prior to October 1, 1947. Any A person who has before October
2 1, 1947, had the person's ~~operator's~~ license suspended or has
3 had the person's motor vehicle registration plates suspended
4 or who has been refused registration or license to operate a
5 motor vehicle upon the highways of the state of Iowa, under
6 the provisions of sections of the Code in effect before
7 October 1, 1947, and has not had such the suspension removed,
8 as therein provided, shall not be issued ~~an-operator's~~ a
9 license nor be entitled to the registration of a motor vehicle
10 in this state until proof is filed with the county treasurer
11 and the state department of transportation that the judgment
12 against the person rendered by the court has been stayed,
13 satisfied or otherwise discharged of record.

14 Sec. 75. Section 321E.26, Code 1989, is amended to read as
15 follows:

16 321E.26 DRIVER OF ESCORT VEHICLE -- LICENSE REQUIRED.

17 Any An operator of an escort vehicle, serving as an escort
18 in the movement of vehicles and loads of excess size and
19 weight under permits as required by this chapter shall have a
20 ~~valid-operator's-or-chauffeur's~~ motor vehicle license as
21 defined in section 321.1 valid for the operation of the escort
22 vehicle.

23 Sec. 76. Section 321G.9, subsection 6, paragraph b, Code
24 Supplement 1989, is amended to read as follows:

25 b. A person twelve to fifteen years of age and possessing
26 a valid safety certificate must be under the direct
27 supervision of a parent, guardian, or another adult authorized
28 by the parent or guardian, who is experienced in all-terrain
29 vehicle or snowmobile operation, and who possesses a valid
30 ~~operator's-or-chauffeur's~~ motor vehicle license~~7-instruction~~
31 ~~permit,7-restricted-license-or-temporary-permit-issued-under~~
32 ~~chapter-321~~ as defined in section 321.1, or a safety
33 certificate issued under this chapter.

34 Sec. 77. Section 321G.20, unnumbered paragraph 1, Code
35 Supplement 1989, is amended to read as follows:

1 No An owner or operator of any a snowmobile shall not
2 permit any a person under twelve years of age to operate nor
3 ~~shall any~~ and a person less than twelve years of age shall not
4 operate, the a snowmobile except when accompanied on the same
5 snowmobile by a responsible person of at least eighteen years
6 of age who is experienced in snowmobile operation and who
7 possesses a valid ~~operator's-or-chauffeur's~~ motor vehicle
8 ~~license, instruction-permit,-restricted-license,-or-temporary~~
9 ~~permit-issued-under-chapter-321~~ as defined in section 321.1,
10 or a safety certificate issued under this chapter.

11 Sec. 78. Section 321G.24, subsection 1, Code Supplement
12 1989, is amended to read as follows:

13 1. A person under eighteen years of age shall not operate
14 an all-terrain vehicle or snowmobile in this state without
15 obtaining a valid safety certificate issued by the commission
16 and having the certificate in the person's possession, or
17 unless the person is accompanied on the same snowmobile by a
18 responsible person of at least eighteen years of age who is
19 experienced in snowmobile operation and possesses a valid
20 ~~operator's-or-chauffeur's~~ motor vehicle license, instruction
21 ~~permit,-restricted-license-or-temporary-permit-issued-under~~
22 ~~chapter-321~~ as defined in section 321.1, or a safety
23 certificate issued under this chapter.

24 Sec. 79. Section 321J.1, subsection 6, Code 1989, is
25 amended to read as follows:

26 6. "Motor vehicle license" means any license or permit
27 issued to a person to operate a motor vehicle in on the
28 highways of this state, including but not limited to an
29 ~~operator,-chauffeur,-or-motorized-bicycle-license-and-an~~
30 ~~instruction~~ a driver's, commercial driver's, temporary
31 restricted, or temporary license and an instruction,
32 chauffeur's instruction, commercial driver's instruction,
33 temporary restricted, or temporary permit.

34 Sec. 80. Section 321J.8, Code 1989, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 3. If the person is operating a
2 commercial motor vehicle as defined in section 321.1 and
3 either refuses to submit to the test or submits to the test
4 and the results indicate an alcohol concentration of 0.04 or
5 more, the person is disqualified from operating a commercial
6 motor vehicle for the applicable period under section 321.208
7 in addition to any revocation of the person's license or
8 operating privilege which may be applicable under this
9 chapter.

10 Sec. 81. Section 326.10A, Code 1989, is amended by
11 striking the section and inserting in lieu thereof the
12 following:

13 326.10A SEMIANNUAL INSTALLMENT PAYMENT.

14 A fleet owner electing to pay Iowa registration fees in two
15 installments shall file with the department a surety bond,
16 certificate of deposit, or letter of credit at the time of the
17 first installment in an amount equal to the amount of the
18 first installment. Payment of the first installment entitles
19 an owner to the issuance of full-year credentials. The second
20 installment shall be paid by July 15. If the second
21 installment is not paid by July 15, the department shall file
22 claim against the security for payment of fees and penalties
23 due and the owner shall not be entitled to elect the install-
24 ment payment option for the following year. Excess surety
25 moneys received shall be refunded minus a fifty dollar admin-
26 istration fee.

27 Sec. 82. Section 331.427, subsection 1, unnumbered
28 paragraph 1, Code Supplement 1989, is amended to read as
29 follows:

30 Except as otherwise provided by state law, county revenues
31 from taxes and other sources for general county services shall
32 be credited to the general fund of the county, including
33 revenues received under sections 84.21, 98.35, 98A.6, 101A.3,
34 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105,
35 321.152, ~~321.192~~ 321G.7, 331.554, subsection 6, 341A.20,

1 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19,
2 441.68, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17,
3 and 911.3, and chapter 405A, and the following:

4 Sec. 83. Section 331.653, subsection 31, Code 1989, is
5 amended by striking the subsection.

6 Sec. 84. Section 331.655, subsection 1, paragraph n, Code
7 1989, is amended by striking the paragraph.

8 Sec. 85. Section 805.6, subsection 1, paragraph a,
9 unnumbered paragraph 1, Code Supplement 1989, is amended to
10 read as follows:

11 The commissioner of public safety and the director of
12 natural resources, acting jointly, shall adopt a uniform,
13 combined citation and complaint which shall be used for
14 charging all traffic violations in Iowa under state law or
15 local regulation or ordinance, and which shall be used for
16 charging all other violations which are designated by section
17 805.8 to be scheduled violations. The court costs in cases of
18 parking violations which are denied, and charged and collected
19 pursuant to section 321.236, subsection 1, are eight dollars
20 per court appearance, regardless of the number of parking
21 violations considered at that court appearance. The court
22 costs in scheduled violation cases where a court appearance is
23 not required are ten dollars. The court costs in scheduled
24 violation cases where a court appearance is required are
25 fifteen dollars. This subsection does not prevent the
26 charging of any of those violations by information, by private
27 complaint filed under chapter 804, or by a simple notice of
28 fine where permitted by section 321.236, subsection 1. Each
29 uniform citation and complaint shall be serially numbered and
30 shall be in quintuplicate, and the officer shall deliver the
31 original and a copy to the court where the defendant is to
32 appear, two copies to the defendant, and a copy to the law
33 enforcement agency of the officer. The court shall forward
34 ~~the copy~~ an abstract of the uniform citation and complaint in
35 accordance with section ~~321.207~~ 321.491 when applicable.

1 Sec. 86. Section 805.8, subsection 2, paragraph f, Code
2 Supplement 1989, is amended to read as follows:

3 f. For violations of ~~a-restricted~~ the conditions or
4 restrictions of a motor vehicle license under section 321.180,
5 321.193 and 321.194, the scheduled fine is twenty dollars.

6 Sec. 87. Section 805.9, subsections 1 and 2, Code 1989,
7 are amended to read as follows:

8 1. In cases of scheduled violations, the defendant, before
9 the time specified in the citation and complaint for
10 appearance before the court, may sign the admission of
11 violation on the citation and complaint and deliver or mail a
12 copy of the citation and complaint, together with the minimum
13 fine for the violation, plus court costs, to a scheduled
14 violations office in the county. The office shall, if the
15 offense is a moving violation under chapter 321, forward a
16 copy an abstract of the citation and complaint and admission
17 to the state department of transportation as required by
18 section ~~321.207~~ 321.491. In this case the defendant is not
19 required to appear before the court. The admission
20 constitutes a conviction.

21 2. A defendant charged with a scheduled violation by
22 information may obtain two copies of the information from the
23 court and, before the time the defendant is required to appear
24 before the court, deliver or mail the copies, together with
25 the defendant's admission, fine, and court costs, to the
26 scheduled violations office in the county. The procedure,
27 fine, and costs are the same as when the charge is by citation
28 and complaint, with the admission and the number of the
29 defendant's ~~operator's-or-chauffeur's~~ motor vehicle license as
30 defined in section 321.1 placed upon the information, when the
31 violation involves the use of a motor vehicle.

32 Sec. 88. Section 805.16, subsection 2, Code 1989, is
33 amended to read as follows:

34 2. A person under the age of eighteen who refuses to sign
35 the citation without qualification, who persists in engaging

1 in the conduct for which the citation was issued, who refuses
2 to provide proper identification or to identify the person's
3 self, or who constitutes an immediate threat to the person's
4 own safety or the safety of the public may be arrested in the
5 manner provided in subsection 3. In addition, or
6 alternatively, the peace officer may require that person to
7 surrender the person's motor vehicle ~~operator's~~ license as
8 defined in section 321.1 until the time of the person's
9 initial court appearance. The peace officer shall immediately
10 send the person's ~~operator's~~ motor vehicle license along with
11 a copy of the unsigned citation indicating the juvenile's
12 refusal to sign to the clerk of the district court for the
13 district in which the peace officer issued the citation.

14 Sec. 89. Sections 321.175, 321.183, 321.192, 321.202,
15 321.207, and 321.214, Code 1989, are repealed.

16 Sec. 90.

17 The legislative council may authorize an interim study in
18 the 1991 interim to evaluate the implementation of this Act
19 and to recommend necessary legislative changes.

20 EXPLANATION

21 Federal law requires states to adopt certain commercial
22 driver's license provisions or else face a reduction in
23 federal highway funds effective October 1, 1993.

24 Section 1 adds the definition of motor vehicle license to
25 chapter 172B.

26 Section 2 corrects references to motor vehicle license
27 numbers and vehicle registration plate numbers.

28 Section 3 adds a reference to registration plate number
29 instead of registration number and substitutes motor vehicle
30 license for operator's license.

31 Section 4 strikes a requirement that school bus contracting
32 be based on the consideration that a bus driver hold a
33 chauffeur's license and bus driver permit. However, school
34 bus drivers are required to hold a driver's license valid for
35 the operation of a school bus and a school bus driver permit

1 under section 66 of the bill.

2 Section 5 corrects a cross-reference to a rewritten section
3 of the Code.

4 Section 6 adds the definition of gross vehicle weight
5 rating to chapter 321.

6 Section 7 changes the definition of combined gross weight
7 to mean the gross weight of a combination of vehicles and adds
8 the definition of gross combination weight rating.

9 Section 8 changes the definition of commercial vehicle to
10 include a combination of vehicles.

11 Section 9 strikes a reference to chauffeur in the
12 definition of operator and adds a reference to driver making
13 it synonymous with operator.

14 Section 10 alters the definition of chauffeur to include a
15 person who operates a truck tractor, road tractor, or a motor
16 truck which has a gross vehicle weight rating exceeding 8
17 tons. Current law includes operators of these vehicles if
18 their gross weight classification exceeds 5 tons.

19 Section 11 strikes the definition of driver which was made
20 synonymous with operator in section 9.

21 Section 12 conforms the definition of motor vehicle license
22 with terminology adopted in the bill.

23 Section 13 adds the definition of conviction which was
24 stricken from section 321.208 in section 47 of the bill and
25 also adds the definition of endorsement.

26 Section 14 adds the following definitions relating to the
27 commercial driver's license provisions: commercial driver,
28 commercial driver's license, commercial driver's license
29 information system, commercial motor vehicle, foreign
30 jurisdiction, nonresident commercial driver's license, and
31 tank vehicle.

32 Section 15 substitutes the term motor vehicle license for
33 operator's license and specifies that "resident" does not
34 include a person who is attending a college or university in
35 Iowa, if the person is domiciled in another state and has a

1 valid motor vehicle license issued by the state of domicile.

2 Section 16 requires the director of transportation to
3 maintain operating records relating to a person who has been
4 issued a commercial driver's license for the normal life
5 expectancy of the person in accordance with the state
6 department of transportation's rules.

7 Section 17 strikes a reference to a chauffeur's license
8 certificate and a chauffeur's badge.

9 Section 18 states that a commercial vehicle, as defined
10 under section 326.2, subject to proportional registration may
11 pay annual registration fees in installments under section
12 326.10A which is contained in section 81 of the bill.

13 Section 19 strikes operator's and chauffeur's license fees
14 and adds motor vehicle license fees clarifying that they are
15 to be credited to the road use tax fund.

16 Section 20 strikes references to chauffeur's licenses and
17 strikes provisions relating to operating a motor vehicle as a
18 chauffeur, and substitutes operate for drive. The section
19 also provides that persons operating a commercial motor
20 vehicle have no more than one motor vehicle license. A
21 nonresident can operate a commercial motor vehicle in the
22 state only if the person has a valid commercial driver's
23 license or its equivalent. A person operating a commercial
24 motor vehicle without a valid license or when that person has
25 been disqualified from operating a commercial motor vehicle
26 commits a serious misdemeanor. In addition, the section
27 substitutes references to motor vehicle license for references
28 to an operator's, chauffeur's, or motorized bicycle license or
29 instruction permit. A district judge is added to the list and
30 a field deputy is stricken from the list of persons who can
31 demand that a driver display the driver's motor vehicle
32 license.

33 Section 21 adds that nonresidents are not exempt from motor
34 vehicle licensing requirements for operation of a commercial
35 motor vehicle within the state.

1 Section 22 lists operators who are exempted from commercial
2 motor vehicle requirements.

3 Farmers are exempt while operating a special truck within
4 150 miles of the farm transporting agricultural products, farm
5 machinery, or farm supplies to or from the farm. However, a
6 farmer who operates a vehicle of a size or type required to be
7 placarded under Iowa law is not exempt.

8 Firefighters are exempt while operating a vehicle for a
9 volunteer or paid fire department under conditions necessary
10 for the preservation of life or property or to execute related
11 governmental functions.

12 Military personnel who are on active duty and operating
13 equipment owned or operated by the United States department of
14 defense are exempt.

15 Persons who operate a motor vehicle with a gross vehicle
16 weight rating of less than 26,001 pounds while towing a travel
17 trailer or fifth-wheel travel trailer or who operate a motor
18 home are exempt if the operation is solely for personal or
19 family use.

20 Section 23 conforms license terminology with that adopted
21 elsewhere in the bill. The section provides that a person be
22 issued only one motor vehicle license, and a person who holds
23 any other motor vehicle license will not be issued an
24 additional license. The section also adds a requirement that
25 a person be qualified under federal and state law to be issued
26 a commercial driver's license in Iowa before such a license
27 will be issued. The section requires a person to be 18 to
28 qualify for a class D driver's license (chauffeur).

29 Section 24 substitutes the term driver's license for
30 operator's license.

31 Section 25 strikes the word temporary in reference to
32 instruction permits, substitutes the term driver's license for
33 operator's license, and prohibits operation of a commercial
34 motor vehicle with an instruction permit. The section
35 requires that if a permittee holds a driver's license valid

1 for the operation of a motorized bicycle or motorcycle, the
2 instruction permit shall also be valid for the operation of a
3 motorized bicycle or motorcycle.

4 All permittees must be accompanied by a person issued a
5 motor vehicle license valid for the vehicle being operated.
6 The section strikes the requirement that a person accompanying
7 a permittee who is 16 or older must be an approved or
8 prospective driver education instructor. The section allows a
9 permittee who is under 16 years of age to be accompanied by a
10 member of the permittee's immediate family if the family
11 member is at least 21 years old.

12 In relation to instruction permits for motorcycles, the
13 section adds a requirement that a prospective motorcycle
14 instructor be enrolled in a practitioner preparation program
15 with a safety education program approved by the state board of
16 education.

17 The section provides for the issuance of commercial
18 driver's instruction permits. A commercial driver's
19 instruction permit is valid only for a period of 6 months
20 rather than the 2-year period which is applicable to
21 chauffeur's instruction permits and may be renewed only one
22 time within a 2-year period. A commercial driver's
23 instruction permittee is exempted from taking the knowledge
24 and skills tests required for issuance of a commercial
25 driver's license. A chauffeur's permit requires passage of a
26 knowledge test but not a driving demonstration. A commercial
27 driver's permit is endorsed to be valid for operation of a
28 motor vehicle if the permittee holds a valid driver's license.

29 The section adds provisions making the instruction permit,
30 chauffeur's instruction permit, and commercial driver's
31 instruction permit subject to suspension or revocation for the
32 same reasons and in the same manner as a driver's license.

33 Section 26 substitutes the term motor vehicle license for
34 operator's license. A temporary permit is not issued for
35 operation of a commercial motor vehicle. The section strikes

1 requirements that the temporary permit bear a colored
2 photograph of the permittee and contain other information the
3 department may require by rule. A prohibition against the
4 department's retaining a positive or negative photograph of
5 the permittee is also stricken.

6 Section 27 substitutes the term motor vehicle license
7 application for an operator's, chauffeur's, and motorized
8 bicycle license application and an instruction and temporary
9 driver's permit application. The section also strikes the
10 oath requirement for verification of the application. The
11 section lists information required on the application,
12 requires surrender of all other motor vehicle licenses, and
13 requires certification by the applicant that the applicant has
14 no other motor vehicle license and is not subject to or has
15 committed no offense which could currently require suspension,
16 revocation, or cancellation of the applicant's motor vehicle
17 license. The section also requires the application to contain
18 the applicant's social security number.

19 Section 28 substitutes a reference to motor vehicle license
20 for references to an instruction permit and an operator's,
21 motorized bicycle, restricted, and school license.

22 Section 29 substitutes the term motor vehicle license for
23 operator's, motorized bicycle, or chauffeur's license and adds
24 an exception to the requirement that examinations of new or
25 incompetent operators be held in every county every 15 days
26 for the driving skills portion of the commercial driver's
27 license test. It needs to be given only at locations where
28 operator skills can be adequately tested. However, the state
29 department of transportation is required to make every effort
30 to have an examiner conduct the commercial driver's license
31 skill tests at locations requested by a person representing
32 ten or more drivers seeking commercial driver's licenses. The
33 state department of transportation is also required to make
34 every effort to accommodate functionally illiterate applicants
35 when the applicant is taking a knowledge test.

1 Section 30 strikes the state department of transportation's
2 authorization to appoint the county sheriff as a motor vehicle
3 license examiner. The department may, however, designate by
4 rule area vocational schools and community colleges to
5 administer the commercial driver's skills tests provided that
6 the driving skills tests are the same and the examiner agrees
7 to comply with 49 C.F.R. § 383.75. The department may also
8 designate by rule other parties to administer the skills tests
9 until April 1, 1992.

10 Section 31 adds requirements for issuing, transferring,
11 renewing, or upgrading a commercial driver's license. An
12 applicant must: certify whether the applicant is subject to
13 and meets the driver qualifications of 49 C.F.R. part 391 and
14 whether the applicant is subject to disqualification or has
15 committed an offense which could currently require
16 disqualification for a commercial driver's license; pass
17 knowledge and skills tests; and certify that the vehicle being
18 operated in the skills tests is the largest class of vehicle
19 that the applicant will operate.

20 An applicant is not required to take a driving skills test
21 if the applicant is currently licensed to operate a commercial
22 motor vehicle; the applicant certifies that during the two
23 years immediately preceding the application the applicant has
24 not held motor vehicle licenses valid for the operation of
25 commercial motor vehicles from more than one state
26 simultaneously, has not had disqualifying offenses while
27 operating a commercial motor vehicle, has not had a traffic
28 violation, other than a parking violation, arising in
29 connection with a traffic accident, and has no record of an
30 accident in which the applicant was convicted of a moving
31 traffic violation, and has not had the applicant's motor
32 vehicle license suspended, revoked, or canceled; and if the
33 applicant provides evidence and certifies that operation of a
34 commercial motor vehicle is required in the applicant's
35 current employment, that the applicant has either passed a

1 driving skills test or has operated a representative motor
2 vehicle for the preceding two years.

3 An applicant for the issuance, renewal, or upgrade of a
4 hazardous materials endorsement must pass a knowledge test
5 unless the applicant has successfully passed the test within
6 the preceding two years.

7 The state department of transportation must check the
8 applicant's driving record in the licensing state, the
9 national commercial driver's license information system, and
10 the national driver's register to determine an applicant's
11 qualification and must notify the commercial driver's license
12 information system of the issuance, transfer, renewal, or
13 upgrade of the license.

14 Section 32 restructures the motor vehicle licensing system
15 by requiring applications for one motor vehicle license with
16 differing classes, restrictions, and endorsements rather than
17 separate licenses for an operator's, chauffeur's, and
18 motorized bicycle license. Classes A and B are strictly for
19 commercial motor vehicles with differing weight categories and
20 include operation of any smaller class vehicle except a
21 motorcycle unless an endorsement is required for the vehicle.
22 Class C includes smaller commercial motor vehicles,
23 noncommercial vehicles, and motorized bicycles. Class D is
24 for motor vehicle operation as a chauffeur. Class M is solely
25 for motorcycles but can be issued as a commercial motor
26 vehicle license.

27 This section includes the name of the state, the date of
28 issuance, expiration date, and the class, endorsements, and
29 restrictions for the operation of a motor vehicle as the
30 contents appearing on the face of the motor vehicle license.

31 In addition to the contents of a driver's license a
32 commercial driver's license includes a licensee's mailing
33 address rather than a residence address, and a licensee's
34 social security number. The word "commercial" appears
35 prominently on the face of a commercial driver's license. If

1 the applicant is a nonresident, the word nonresident appears
2 on the face of the license. If an applicant's license is not
3 a commercial driver's license, the state department of
4 transportation is required to instruct the applicant that the
5 applicant may request a number other than a social security
6 number as the motor vehicle license number. If an applicant's
7 license contains inaccurate information, an applicant must
8 return it and be issued a new license after payment of a
9 required fee. The section also strikes a prohibition against
10 the state department of transportation from retaining positive
11 or negative photographs of the licensee and a provision
12 preventing the reduction of places where licenses are
13 available based upon procedures or equipment required in
14 placing photographs on the licenses or permits.

15 The section strikes the use of decals or stickers to
16 indicate that the licensee has a medical condition or is an
17 anatomical donor but requires the department to indicate this
18 on the license in another form. The motor vehicle license
19 will be as tamperproof as possible.

20 The section strikes the side profile photograph on a
21 minor's license and instead requires that a motor vehicle
22 license issued to a minor be identical in form to other
23 licenses except that the word "Minor" appears prominently on
24 the license.

25 All references to motorized bicycle licenses have been
26 changed to a driver's license valid only for the operation of
27 a motorized bicycle. The section strikes current provisions
28 requiring the termination and return of a motorized bicycle
29 license when a person is issued an operator's or chauffeur's
30 license.

31 Section 33 requires a physical description of an applicant
32 rather than a brief description, strikes redundant
33 requirements relating to a colored photograph on the
34 nonoperator's identification card, and the usual signature of
35 the cardholder. The section allows the department to

1 establish issuance procedures by rule. A person issued a
2 motor vehicle license cannot also be issued a nonoperator's
3 identification card. The nonoperator's card is identical to a
4 motor vehicle license except that the word "nonoperator" will
5 appear on the face of the license. If a person is under 21,
6 the word "minor" will also appear on the card. No fee is
7 required for the issuance of a nonoperator's identification
8 card if the applicant's motor vehicle license has been
9 suspended because the applicant is physically or mentally
10 incapable of safely operating a motor vehicle.

11 Section 34 strikes the tamperproofing provisions related to
12 nonoperator's identification cards. The section adds
13 provisions requiring cancellation of a person's nonoperator's
14 identification card if the person is not entitled to be issued
15 the card, does not provide correct information, commits fraud
16 in applying for the card, or unlawfully uses the card.

17 Section 35 changes motor vehicle licensing fees. The fee
18 for a 2-year noncommercial motor vehicle license other than a
19 class D driver's license or any type of instruction permit is
20 \$8. The fee for a 2-year noncommercial class D driver's
21 license is \$15. The fee for a 2-year commercial driver's
22 license without any endorsements or the removal of air brake
23 restrictions is \$15. The fee for an instruction permit other
24 than a chauffeur's instruction permit or commercial driver's
25 instruction permit is \$6. The fee for a chauffeur's
26 instruction permit or commercial driver's instruction permit
27 is \$12. The fee for a 4-year license is twice the fee for a
28 2-year license. However, the fee for a driver's license
29 issued to a minor under section 321.194 is \$4 for each partial
30 or complete year until the minor's eighteenth birthday. An
31 additional fee of \$1 per year of license validity is required
32 to issue a license valid to operate a motorcycle. The fee for
33 a double/triple trailer endorsement, tank vehicle endorsement,
34 and hazardous materials endorsement is \$5 for each
35 endorsement. The fee for a passenger endorsement is \$10. The

1 fee for removal of an air brake restriction on a commercial
2 driver's license is \$10. The fees imposed for endorsements or
3 removal of restrictions are valid for the length of the time
4 period of the license regardless of whether the license issued
5 is issued for 2 or 4 years. Upon renewal, fees are not
6 imposed for retention of endorsements or the removal of air
7 brake restrictions if no knowledge or driving skills test is
8 required.

9 Current law specifies particular instances of revocation
10 and suspension when a reinstatement fee of \$20 is applicable.
11 This section strikes these references and makes the
12 reinstatement fee and procedures available for any license
13 which has been suspended, revoked, or canceled. The lowered
14 reinstatement fee for persons who receive notice of their
15 suspension or revocation by certified mail contained in the
16 current Code is stricken in this section.

17 Section 36 strikes the references to operator's,
18 chauffeur's, motorized bicycle, and minor's school licenses
19 and allows the state department of transportation to impose
20 driving ability restrictions on any motor vehicle license
21 issued. The section strikes the good cause requirement for
22 imposition of a restriction and a reference to the safe
23 operation of the motor vehicle by the licensee as a standard
24 for imposing restrictions.

25 Section 37 provides for the issuance of driver's licenses
26 to minors for travel to and from school and also for use when
27 properly accompanied by another driver.

28 Section 38 relates to the expiration of license and renewal
29 provisions. However, the expiration of instruction permits,
30 chauffeur's instruction permits, commercial driver's
31 instruction permits, and minor's driver's licenses for travel
32 to and from work and school are not governed by this section.
33 All motor vehicle licenses are given a 60-day period beyond
34 their expiration dates when they shall be considered valid.
35 The section strikes provisions requiring that all applications

1 for renewal be made under the supervision of and approved by a
2 uniformed member of the department, but these requirements are
3 included in section 321.187 in section 30 of this bill.

4 Section 38 also strikes provisions for obtaining temporary
5 extension forms from the county sheriff and strikes the
6 requirement that the department issue each applicant
7 statistical information on the number of fatalities and
8 injuries occurring as a result of the operation of motor
9 vehicles while intoxicated.

10 Section 39 strikes provisions relating to the expiration of
11 a chauffeur's license and adds provisions detailing the
12 replacement of a currently existing chauffeur's license with
13 the commercial driver's license. A chauffeur's license will
14 be valid until the earlier of its expiration or April 1, 1992.
15 After January 1, 1992, a chauffeur's license will not be valid
16 for operating a school bus which is a commercial motor
17 vehicle. After April 1, 1992, a chauffeur's license will not
18 be valid for operation of a commercial motor vehicle but is
19 still valid for the operation of noncommercial motor vehicles
20 as a chauffeur. Between October 1, 1990, and April 1, 1992,
21 the holder of a chauffeur's license can obtain a commercial
22 driver's license for a \$1 replacement fee, plus any required
23 endorsement fees, valid until the expiration date of the
24 chauffeur's license. If the holder of a chauffeur's license
25 makes application within 1 year of the expiration date on the
26 chauffeur's license and pays the requisite fees, the applicant
27 may be issued a 2-year or 4-year commercial driver's license
28 for a period to begin on the expiration date of the
29 surrendered chauffeur's license. This section is repealed on
30 July 1, 1994.

31 Section 40 corrects references to licenses to reflect
32 terminology adopted in the bill.

33 Section 41 adds a requirement that the department keep a
34 record of commercial motor vehicle disqualifications.

35 Section 42 relates to cancellation and return of motor

1 vehicle licenses. If a motor vehicle license is canceled, the
2 licensee must immediately return it to the department. If an
3 applicant for a commercial driver's license provides false
4 information or commits fraud on the application, the applicant
5 cannot operate a commercial motor vehicle for 60 days.

6 Section 43 substitutes the term operating for driving and
7 makes a nonresident's operating privilege subject to
8 suspension or revocation for the same reasons and in the same
9 manner as a resident's driver's license.

10 Section 44 strikes provisions requiring the state
11 department of transportation to forward a certified copy of a
12 conviction of a nonresident operator to the state of residence
13 and instead requires forwarding of a certified written or
14 electronic record of the conviction to the licensing state.
15 The section adds provisions relating to notification for
16 commercial driver's license disqualifications. The department
17 must notify the commercial driver's license information system
18 and the licensing state within 10 days of a disqualification
19 for more than 60 days, of a suspension or revocation of more
20 than 60 days, or the cancellation of a commercial driver's
21 license.

22 Section 45 allows the state department of transportation to
23 suspend or revoke a motor vehicle license upon receipt of
24 notice of a final administrative decision in another state
25 which would be grounds for suspension or revocation of the
26 license in this state.

27 Section 46 substitutes the term motor vehicle license for
28 operator's and chauffeur's license. Disqualification for
29 operation of a commercial motor vehicle is added as an offense
30 which requires surrender of a commercial driver's license to
31 the court.

32 Section 47 strikes the definition of conviction which is
33 added to section 321.1 in section 14 of the bill and adds
34 provisions relating to the disqualification of commercial
35 driver's licenses. If a person operates a commercial motor

1 vehicle while under the influence of drugs or alcohol, with an
2 alcohol concentration of 0.04 or more, if the person refuses
3 to take a chemical test, if the person fails to stop and
4 render aid at the scene of an accident involving the person's
5 vehicle, or if the person commits a felony or aggravated
6 misdemeanor involving the use of the vehicle, that person is
7 disqualified for 1 year. If a person commits any of these
8 acts while transporting hazardous materials, the person is
9 disqualified for 3 years. If a person commits 2 or more of
10 the previous acts the person is disqualified for life, subject
11 to reduction to a 10-year disqualification by the United
12 States secretary of transportation.

13 A person is disqualified for life if the person uses a
14 commercial motor vehicle in the commission of a felony or
15 aggravated misdemeanor involving manufacturing, distributing,
16 or dispensing of a controlled substance.

17 A person is disqualified for 60 days if convicted of 2 of
18 the following offenses within a 3-year period and is
19 disqualified for 120 days if convicted of 3 of the following
20 offenses within a 3-year period: speeding 15 mph over the
21 speed limit; reckless driving; any traffic violation, other
22 than parking, arising in connection with a fatal accident;
23 operating a commercial motor vehicle without a valid license;
24 operating while disqualified; operating without immediate
25 possession of a valid motor vehicle license; following another
26 motor vehicle too closely; and improper lane changes.

27 When the state department of transportation receives notice
28 of a disqualifying conviction, without preliminary hearing and
29 upon 20 days' advance notice, the person is disqualified from
30 operating a commercial motor vehicle.

31 If a person refuses to take a chemical test required under
32 chapter 321J or has a blood alcohol concentration of 0.04 or
33 higher, the state department of transportation upon receipt of
34 certification from a peace officer shall without preliminary
35 hearing and upon 20 days' advance notice disqualify the person

1 from operating a commercial motor vehicle.

2 The person must surrender the commercial driver's license
3 and for a \$1 fee will be issued a driver's license valid only
4 to operate a noncommercial vehicle. The department will
5 notify the commercial driver's license information system when
6 appropriate. The department may reinstate a disqualified
7 person's commercial driver's license after the period of
8 disqualification and payment of fees.

9 Section 48 requires the state department of transportation
10 to adopt rules in compliance with federal regulations relating
11 to 24-hour out-of-service orders for use or possession of
12 intoxicating beverages while a person is operating commercial
13 motor vehicles.

14 Section 49 strikes references to chauffeur and adds a 20-
15 day notice requirement before revocation of a license or
16 operating privilege when conviction is final for the mandatory
17 revocation offenses listed in section 321.209.

18 Section 50 strikes the suspension section and rewrites the
19 provisions regarding suspension, strikes the point system
20 previously authorized for the determination of suspensions,
21 and strikes the temporary restricted license provisions which
22 are added in section 54 of the bill. The state department of
23 transportation may suspend a motor vehicle license upon 20
24 days' notice and without preliminary hearing if a licensee is
25 an habitually reckless or negligent driver, is an habitual
26 violator of the traffic laws, is physically or mentally
27 incapable of safely operating a motor vehicle, has permitted
28 an unlawful or fraudulent use of the license, has committed an
29 offense in another state which would be grounds for revocation
30 or suspension in this state, has committed a serious violation
31 of the motor vehicle laws, or is subject to license suspension
32 under the nonresident traffic violator compact found in
33 section 321.513. Filing of a petition for judicial review
34 will stay the suspension.

35 In determining suspension, the department cannot consider

1 violations of motor vehicle equipment standards if repairs are
2 made within 72 hours; safety belt, safety harness, and child
3 restraint violations; certain stopping, standing, and parking
4 violations; and the first two speeding violations within a
5 year if the violations were 10 mph or less over the speed
6 limit and the speed limit was between 34 mph and 56 mph.

7 Section 51 corrects a cross-reference to a repealed
8 section.

9 Section 52 adds provisions requiring payment of a
10 reinstatement fee prior to reinstatement and requires the
11 licensee to apply for a new motor vehicle license after
12 revocation.

13 Section 53 corrects a cross-reference to a rewritten
14 section.

15 Section 54 strikes provisions regarding judicial review
16 under the Iowa administrative procedures Act and adds
17 provisions similar to current section 321.210 relating to
18 temporary restricted licenses and adds a reference to section
19 321.209, subsection 7, which is mandatory revocation for
20 eluding or attempting to elude a law enforcement vehicle, to
21 the list of revocations for which a temporary restricted
22 license will not be granted. A person who is denied a
23 temporary restricted license by the state department of
24 transportation can apply for a temporary restricted permit
25 with the district court. The current law allows such
26 application only for permits denied for going to and from
27 work; this section allows appeal for permits denied for any of
28 the listed purposes. A temporary restricted license or permit
29 is not valid for operation of a commercial motor vehicle.

30 Section 55 substitutes motor vehicle license for all
31 references to temporary driver's permit, temporary instruction
32 permit, motorized bicycle license, and operator's and
33 chauffeur's licenses.

34 Section 56 substitutes the term motor vehicle license for
35 operator's and chauffeur's licenses, strikes the use of the

1 word "drive", and adds "operates" in various forms. The
2 section adds persons whose licenses have been revoked for
3 being physically or mentally incapable of safely operating a
4 motor vehicle or for license suspensions for failure to pay
5 fines, penalties, surcharges, or court costs to those who are
6 excepted from the extension of the revocation period when
7 convicted of operating a motor vehicle without a valid
8 license. The section strikes the penalty provisions for
9 persons operating without a valid operator's, chauffeur's, or
10 motorized bicycle license. Operating a motorized bicycle
11 without a valid license is included in the general motor
12 vehicle licensing provisions of this section.

13 Section 57 makes it a simple misdemeanor for a person to
14 knowingly authorize or permit another to drive a motor vehicle
15 when that person does not have a motor vehicle license valid
16 for the vehicle's operation.

17 Section 58 makes references to terminology adopted in the
18 bill.

19 Section 59 adds provisions requiring a person who is
20 renting a motor vehicle to another to compare and verify the
21 photograph and other information on the motor vehicle license
22 with the person to whom the motor vehicle is to be rented, and
23 to determine whether the motor vehicle license of the person
24 who is renting the motor vehicle is valid for operating the
25 vehicle which is to be rented.

26 Section 60 strikes the chauffeur's license exemption for
27 road construction and road maintenance workers.

28 Section 61 substitutes the term motor vehicle license for
29 operator's license.

30 Section 62 substitutes the term motor vehicle license for
31 operator's license.

32 Section 63 substitutes the term motor vehicle license for
33 operator's or chauffeur's license.

34 Section 64 substitutes the term motor vehicle license for
35 operator's or chauffeur's license. Current law requires that

1 the driver of a vehicle which has collided with another
2 vehicle must stop and render aid. This section requires that
3 any person in a vehicle involved in the accident must stop and
4 render aid. This section strikes a reference to physician,
5 surgeon, or hospital as specific places to transport someone
6 and refers to the transportation of an injured person for
7 medical treatment in general. The section requires a driver,
8 who departs from the scene of a fatal accident to report the
9 accident, to leave the driver's motor vehicle license,
10 automobile registration receipt, or other identification data
11 at the scene of the accident and strikes the requirement that
12 the driver report to law enforcement authorities by telephone.

13 Section 65 substitutes the term motor vehicle license for
14 operator's and chauffeur's license.

15 Section 66 strikes provisions regarding 16-year-old and 17-
16 year-old bus drivers and adds the authorities in charge of a
17 nonpublic school as an entity holding a termination hearing
18 for a bus driver for suspension.

19 Section 67 strikes a reference to a regular or special
20 chauffeur's license for a school bus driver and adds that a
21 school bus driver must be possessed of a driver's license
22 valid for the operation of a school bus. The section modifies
23 the requirement that a person applying for a first time school
24 bus driver's permit be enrolled in and successfully complete a
25 school bus driver's course of instruction prior to
26 certification by the department of education and allows for
27 completion of a department of education approved course before
28 or within the first 6 months of employment. A school bus
29 driver must take an approved education course every 24 months
30 thereafter. The section also specifies references to the
31 department of education rather than the state department of
32 transportation.

33 Section 68 substitutes the term motor vehicle license
34 number for operator and chauffeur license number.

35 Section 69 adds a requirement that the abstract of a

1 conviction include any court recommendation that the person's
2 motor vehicle license be suspended. The state department of
3 transportation is required to consider and act upon this
4 recommendation. The section strikes the state department of
5 transportation's duty to keep all abstracts received at its
6 main office.

7 Section 70 substitutes the term motor vehicle license for
8 operator's and chauffeur's licenses.

9 Section 71 changes a cross-reference from a repealed
10 section of the Code.

11 Section 72 makes conforming changes to the definitions of
12 license and operator in chapter 321A.

13 Section 73 clarifies that a commercial driver's license is
14 not required to have the licensee's motor vehicle
15 registrations surrendered or file proof of financial
16 responsibility if the licensee is merely disqualified from
17 operating a commercial motor vehicle if the person's license
18 is not suspended or revoked.

19 Section 74 strikes the term operator's in reference to
20 license.

21 Section 75 strikes valid operator's or chauffeur's license
22 and adds motor vehicle license as defined in section 321.1
23 valid for the operation of an escort vehicle.

24 Sections 76, 77, and 78 substitute the term motor vehicle
25 license for operator's, chauffeur's, and restricted licenses
26 and instruction and temporary permits.

27 Section 79 defines motor vehicle license for chapter 321J.

28 Section 80 adds a requirement that a person who is asked to
29 submit to a chemical test be advised by a peace officer that
30 if the person is operating a commercial motor vehicle and
31 either refuses to submit to the test or submits to the test
32 and the results show a blood alcohol concentration of 0.04 or
33 more, the person is disqualified from operation of a
34 commercial motor vehicle in addition to any revocation of the
35 person's license or operating privilege under chapter 321J.

1 Section 81 allows commercial vehicles subject to
2 proportional registration under chapter 326 to pay
3 registration fees in semiannual installments by filing a
4 surety bond, certificate of deposit, or letter of credit at
5 the time of the first installment in an amount equal to the
6 first installment. An owner is entitled to full-year
7 credentials upon payment of the first installment. If the
8 second installment is not paid by July 15, the department
9 shall file claim against the security for the payment of the
10 fees and penalties due and the owner will not have an option
11 the following year to pay the registration fee by semiannual
12 installments. Surety moneys received in excess of the amounts
13 due will be returned minus a \$50 refund.

14 The section also strikes a provision allowing for payment
15 of registration fees by personal or corporate check and
16 requiring that the state department of transportation make
17 sure that the check clears the bank before issuing plates,
18 stickers, or other identifiers.

19 Section 82 strikes a reference to a repealed section.

20 Section 83 strikes conducting of operator's, chauffeur's,
21 and motorized bicycle licensing examinations as a general duty
22 of a sheriff.

23 Section 84 strikes the provision regarding the sheriff's
24 collection of operator's, chauffeur's, or motorized bicycle
25 licensing fees.

26 Section 85 strikes a reference to a repealed section and
27 adds a reference to the applicable section.

28 Section 86 strikes a reference to a restricted license and
29 replaces it with reference to the conditions or restrictions
30 of a motor vehicle license.

31 Section 87 substitutes the term motor vehicle license for
32 operator's and chauffeur's licenses and replaces a reference
33 to a repealed section with the relevant section reference.

34 Section 88 substitutes the term motor vehicle license for
35 operator's license.

1 Section 89 repeals section 321.175 exempting chauffeurs
2 from the need of procuring operator's licenses. This
3 provision is included in section 321.189, in section 32 of the
4 bill, by allowing commercial driver's licenses for use of
5 smaller class vehicles.

6 Section 89 repeals section 321.183 relating to the contents
7 of a license application. Similar provisions are now in
8 section 321.189, in section 32 of the bill.

9 Section 89 repeals section 321.192 relating to the
10 disposition of license fees. This provision is now in section
11 321.145, in section 19 of the bill, with the exception of the
12 sheriff's portion of the fees.

13 Section 89 repeals section 321.202 relating to the
14 surrender of a motor vehicle license to the state department
15 of transportation, but similar provisions are now included in
16 section 321.201 in section 42 of the bill.

17 Section 89 repeals section 321.207 requiring a court of
18 conviction to forward a record to the department. A similar
19 provision can be found in section 321.491 in section 69 of the
20 bill.

21 Section 89 repeals section 321.214 relating to the
22 operation of a motor vehicle under a license issued outside of
23 Iowa while the operator's license issued in Iowa is suspended'
24 or revoked.

25 Section 90 allows the legislative council to authorize an
26 interim study in the 1991 interim to evaluate the
27 implementation of this bill and to recommend necessary
28 legislative changes.

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SENATE FILE 2329

S-5200

1 Amend Senate File 2329 as follows:

- 2 1. Page 3, line 32, by striking the words "eight
3 tons" and inserting the following: "tons".
- 4 2. Page 3, line 34, by inserting after the word
5 "exempt" the following: "sixteen thousand pounds".
- 6 3. Page 4, by striking lines 23 and 24 and
7 inserting the following: "person to operate certain
8 types of motor vehicles or to transport certain types
9 or quantities of hazardous materials."
- 10 4. Page 7, line 14, by inserting after the word
11 "fees" the following: "court costs".
- 12 5. Page 7, by striking lines 32 and 33 and
13 inserting the following: "operate a commercial motor
14 vehicle in Iowa if the nonresident has been issued a
15 license by".
- 16 6. Page 8, line 3, by striking the word "which"
17 and inserting the following: "if the license,
18 commercial driver's license, or motor vehicle
19 license".
- 20 7. Page 8, line 8, by striking the word "serious"
21 and inserting the following: "simple".
- 22 8. Page 8, line 35, by striking the words ",
23 other than a".
- 24 9. Page 9, line 1, by striking the words
25 "commercial motor vehicle".
- 26 10. Page 9, line 2, by inserting after the word
27 "license" the following: "except a nonresident may
28 operate a commercial motor vehicle only in compliance
29 with section 321.174".
- 30 11. Page 9, by striking lines 10 through 12 and
31 inserting the following: "machinery, or farm supplies
32 to or from the farm."
- 33 12. Page 10, lines 14 and 15, by striking the
34 words "narcotic drugs" and inserting the following:
35 "an illegal narcotic drugs drug".
- 36 13. Page 11, line 24, by inserting after the word
37 "chauffeur" the following: "or a motor vehicle with a
38 gross vehicle weight rating of sixteen thousand one or
39 more pounds".
- 40 14. Page 11, lines 24 and 25, by striking the
41 words "of two years from the date of issuance" and
42 inserting the following: "of not to exceed two years
43 from the date of issuance".
- 44 15. Page 13, line 7, by striking the letter "B"
45 and inserting the following: "A, B,".
- 46 16. Page 13, by striking lines 21 through 23 and
47 inserting the following: "be valid for a period not
48 to exceed two years and shall be returned to the
49 department upon receipt of a valid chauffeur's license
50 six months. Issuance of a chauffeur's".

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- 1 17. Page 14, by striking lines 7 and 8 and
2 inserting the following: "D driver's license or
3 commercial driver's license valid for the operation of
4 the motor vehicle and the accompanying person is
5 actually occupying a".
- 6 18. Page 16, line 27, by striking the word
7 "operator" and inserting the word "driving".
- 8 19. Page 16, line 27, by inserting after the word
9 "locations" the following: "in this state".
- 10 20. Page 16, by striking lines 29 and 30 and
11 inserting the following: "person representing ten or
12 more drivers requiring driving skills testing.
13 The department shall, upon a commercial driver's
14 license applicant's successful passing of all required
15 knowledge tests and payment of a ten dollar deposit,
16 arrange an appointment for the applicant to take the
17 required driving skills test. The ten dollar deposit
18 shall be forfeited by the applicant if the applicant
19 fails to appear for the scheduled appointment and the
20 applicant shall be required to pay an additional ten
21 dollar deposit to reschedule the missed appointment.
22 If an applicant appears for the scheduled driving
23 skills test at the appointed time but fails the test,
24 no additional deposit will be required for the
25 applicant to make an appointment to again take the
26 driving skills test. If an applicant appears for the
27 scheduled driving skills test at the appointed time
28 and passes the test, the ten dollar deposit shall be
29 credited toward the fee for the endorsement or the
30 removal of the air brake restriction.
- 31 PARAGRAPH DIVIDED. The examination shall include a
32 test".
- 33 21. Page 17, by striking lines 10 and 11 and
34 inserting the following:
35 "The department shall examine applicants ~~for~~ motor
36 vehicle licenses. Examiners of the department shall
37 wear an identifying badge and uniform provided by the
38 department.
- 39 1. The department may by rule".
- 40 22. Page 17, line 18, by inserting after the
41 figure "383.75" the following: "(1988)".
- 42 23. Page 17, line 33, by inserting after the
43 figure "391" the following: "(1988)".
- 44 24. Page 18, line 8, by inserting after the
45 letter "H" the following: "(1988)".
- 46 25. Page 18, line 28, by inserting after the
47 figure "383.51" the following: "(1988)".
- 48 26. Page 19, by striking lines 11 and 12 and
49 inserting the following:
50 "3. An applicant for a".

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Page 3

- 1 27. Page 19, line 14, by striking the figure
2 "383.17" and inserting the following: "383.121
3 (1988)".
- 4 28. Page 19, by inserting after line 25 the
5 following:
6 "5. A resident of this state holding a commercial
7 driver's license issued by a former state of residence
8 in conformity with the federal commercial driver
9 testing and licensing standards shall not be required
10 to take a knowledge or driving skills test prior to
11 issuance of a commercial driver's license in this
12 state. The commercial driver's license issued by this
13 state shall be valid for operation of the same class
14 of vehicles with the same endorsements and
15 restrictions as in the former state of licensure.
16 However, a person with a hazardous materials
17 endorsement must comply with subsection 3."
- 18 29. Page 19, by striking line 15 and inserting
19 the following: "endorsement. However, an applicant
20 for license upgrade may retain the".
- 21 30. Page 19, line 17, by striking the words "two
22 years" and inserting the words "twenty-four months".
- 23 31. Page 19, line 35, by striking the words "A
24 combination of" and inserting the following: "Valid
25 for the operation of".
- 26 32. Page 20, line 5, by striking the words "A
27 vehicle" and inserting the following: "Valid for the
28 operation of a vehicle".
- 29 33. Page 20, line 12, by striking the words "A
30 vehicle" and inserting the following: "Valid for the
31 operation of a vehicle".
- 32 34. Page 20, by striking line 15 and inserting
33 the following: "thousand one pounds and also valid
34 for the operation of any vehicle, other than a
35 motorcycle, for which the operator is exempt from
36 commercial driver's license requirements under section
37 321.176A."
- 38 35. Page 20, line 16, by striking the words "For
39 motor vehicle operation" and inserting the following:
40 "Valid for the operation of a motor vehicle".
- 41 36. Page 20, line 17, by striking the word "A"
42 and inserting the following: "Valid for the operation
43 of a".
- 44 37. Page 20, line 32, by striking the word
45 "licenses" and inserting the following: "licenses,
46 however, the rule shall be temporary and if within
47 sixty days after the next regular session of the
48 general assembly convenes the general assembly has not
49 made corresponding changes in this chapter, the
50 temporary classification or modification shall be

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1 nullified".

2 38. Page 21, by striking line 9 and inserting the
3 following: "licensee's address as required under
4 federal regulations, the".

5 39. Page 23, line 3, by striking the word "of"
6 and inserting the following: "not to exceed".

7 40. Page 25, line 28, by striking the word
8 "fifteen" and inserting the following: "sixteen".

9 41. Page 25, line 31, by striking the word
10 "seven" and inserting the following: "eight".

11 42. Page 26, by striking lines 2 through 5 and
12 inserting the following:

13 "6. SPECIAL MINOR' LICENSES. Notwithstanding
14 subsection 2, the fee for a driver's license issued to
15 a minor under section 321.194 or a restricted license
16 issued to a minor under section 321.178, subsection 2,
17 is eight dollars."

18 43. Page 26, line 26, by inserting after the word
19 "revoked." the following: "However, reinstatement of
20 the privilege suspended under section 321.210,
21 subsection 1, paragraph "c", shall be without fee."

22 44. Page 26, by inserting after line 29 the
23 following:

24 "10. ADDING ADDITIONAL CLASSES AND ENDORSEMENTS TO
25 OR REMOVAL OF AIR BRAKE RESTRICTIONS FROM AN ISSUED
26 LICENSE. If an applicant wishes to add additional
27 classes or endorsements to or to remove air brake
28 restrictions from a valid motor vehicle license issued
29 to the applicant, the fee for adding the additional
30 class, classes, or endorsements or for removing the
31 air brake restriction shall be the difference between
32 the total fees which would have been applied under
33 subsections 1 through 9 for the new license less the
34 fees which have been paid for the currently held
35 license. The expiration date of the new license shall
36 be the same as the expiration date of the currently
37 held license."

38 45. Page 28, by striking lines 21 through 32 and
39 inserting the following: ~~"is-actually-occupying-a
40 seat-beside-the-driver. The-license-shall-expire-on
41 the-licensee's-eighteenth-birthday-or-upon-issuance-of
42 a-restricted-license-under-section-321.178,-subsection
43 2-or-operator's-license.--Parental-consent-given-for
44 the-issuance-of-a-school-license-under-this-section
45 shall-not-be-deemed-to-be-consent-given-under-section
46 321.184-for-the-issuance-of-any-other-permit-or
47 license-applied-for-by-the-school-license-applicant.~~

48 (2) At any time when the licensee is accompanied
49 in accordance with section 321.180, subsection 1,
50 paragraph "b".

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- 1 46. Page 30, lines 19 and 20, by striking the
2 words "or a driver's license issued under section
3 321.194".
- 4 47. Page 30, line 28, by striking the figure
5 "321.182" and inserting the following: "321.188".
- 6 48. Page 32, line 5, by striking the word "After"
7 and inserting the following: "However, until".
- 8 49. Page 32, line 6, by striking the words "shall
9 not be valid" and inserting the following: "valid
10 only".
- 11 50. Page 32, line 7, by inserting after the word
12 "vehicle" the following: "may be renewed".
- 13 51. Page 33, line 26, by striking the words
14 "suspended or revoked" and inserting the following:
15 "suspended, or revoked, or canceled".
- 16 52. Page 37, by striking lines 6 and 7 and
17 inserting the following: "year disqualification as
18 provided in 54 Fed. Reg. 40,788 (1989) (to be codified
19 at 49 C.F.R. § 383.51)."
- 20 53. Page 38, by inserting after line 1 the
21 following:
22 "5. A person is disqualified from operating a
23 commercial motor vehicle when the person's driving
24 privilege is suspended or revoked."
- 25 54. Page 38, line 2, by striking the figure "5"
26 and inserting the figure "6".
- 27 55. Page 38, by striking line 3 and inserting the
28 following: "conviction, administrative decision,
29 suspension, or revocation, the department shall,".
- 30 56. Page 38, line 7, by striking the figure "6"
31 and inserting the figure "7".
- 32 57. Page 38, line 20, by striking the figure "7"
33 and inserting the figure "8".
- 34 58. Page 38, line 27, by striking the figure "8"
35 and inserting the figure "9".
- 36 59. Page 38, line 31, by striking the figure "9"
37 and inserting the figure "10".
- 38 60. Page 39, by striking lines 4 through 9 and
39 inserting the following: "violation of an out-of-
40 service order issued by a peace officer for a
41 violation of the out-of-service rules adopted by the
42 department. An employer shall not allow an employee
43 to drive a commercial motor vehicle in violation of
44 such out-of-service order. The department shall adopt
45 out-of-service rules which shall be consistent with 49
46 C.F.R. § 392.5 (1988)."
- 47 61. Page 43, line 31, by inserting after the word
48 "vehicle" the following: "if a commercial driver's
49 license is required for the person's operation of the
50 commercial motor vehicle".

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1 62. Page 44, line 31, by striking the words
2 "~~license-forms licenses~~" and inserting the following:
3 "license forms".

4 63. Page 44, line 34, by striking the word "form"
5 and inserting the following: "form".

6 64. Page 45, by striking line 1 and inserting the
7 following: "to make the license, card, or form."

8 65. Page 45, line 32, by striking the word
9 "misdemeanor-" and inserting the following:
10 "misdemeanor The department, upon receiving the record
11 of a conviction of a person for operating a commercial
12 motor vehicle while the person is disqualified shall
13 extend the period of disqualification for an
14 additional like period."

15 66. Page 49, line 23, by striking the words "The
16 drivers of school buses" and inserting the following:
17 "The-drivers A driver of a school buses bus".

18 67. Page 53, by inserting after line 1 the
19 following:
20 "Sec. ____ . Section 321.555, subsection 1,
21 paragraph f, Code Supplement 1989, is amended to read
22 as follows:
23 f. Failure to stop and leave information or to
24 render aid as required by ~~section~~ sections 321.261 and
25 321.263."

26 68. By striking page 53, line 30 through page 54,
27 line 13.

28 69. Page 55, by inserting after line 33 the
29 following:
30 "Sec. ____ . Section 321J.4, subsection 8, Code
31 1989, is amended to read as follows:
32 8. A person whose motor vehicle license has either
33 been revoked under this chapter, or revoked or
34 suspended under chapter 321 solely for violations of
35 this chapter, or who has been determined to be a
36 habitual offender under chapter 321 based solely on
37 violations of this chapter, and who is not eligible
38 for a temporary restricted license under this chapter
39 may petition the court for an order to the department
40 to require the department to issue a temporary
41 restricted license to the person notwithstanding
42 section 321.560. The court shall determine if the
43 temporary restricted license is necessary for the
44 person to maintain the person's present employment.
45 If the court determines that the temporary restricted
46 license is necessary for the person to maintain the
47 person's present employment, the court shall order the
48 department to issue to the person a temporary
49 restricted license conditioned upon the person's
50 certification to the court of the installation of

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1 approved ignition interlock devices in all motor
2 vehicles that it is necessary for the person to
3 operate to maintain the person's present employment.
4 Section 321.561 does not apply to a person operating a
5 motor vehicle in the manner permitted under this
6 subsection. If the person operates a motor vehicle
7 which does not have an approved ignition interlock
8 device or if the person tampers with or circumvents an
9 ignition interlock device, in addition to other
10 penalties provided, the person's temporary restricted
11 license shall be revoked.

12 Sec. ____ Section 321J.6, subsection 1, paragraph
13 e, Code 1989, is amended to read as follows:

14 e. The preliminary breath screening test was
15 administered to a person operating a commercial motor
16 vehicle as defined in section 321.1 and it indicated
17 an alcohol concentration of 0.04 or more.

18 f. The preliminary breath screening test was
19 administered and it indicated an alcohol concentration
20 of less than ± 0.10 and the peace officer has
21 reasonable grounds to believe that the person was
22 under the influence of a drug other than alcohol or a
23 combination of alcohol and another drug."

24 70. Page 56, by inserting after line 9 the
25 following:

26 "Sec. ____ Section 321J.20, Code 1989, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 4. A person holding a temporary
29 restricted license issued by the department under this
30 section shall not operate a commercial motor vehicle
31 on a highway if a commercial driver's license is
32 required for the person's operation of the commercial
33 motor vehicle."

34 71. Page 56, line 14, by inserting after the word
35 "Iowa" the following: "renewal".

36 72. Page 57, line 11, by inserting after the word
37 "safety" the following: "the director of
38 transportation,".

39 73. Page 59, line 15, by striking the word and
40 figure "and 321.214" and inserting the following:
41 "321.214, and 321A.35".

42 74. Page 59, by inserting after line 19 the
43 following:

44 "Sec. ____

45 Notwithstanding contrary provisions of the Code or
46 this Act, the state department of transportation shall
47 not issue commercial driver's licenses until the
48 commercial driver's license provisions of this Act
49 have been approved by federal authorities. A valid
50 chauffeur's license issued by the state department of

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1 transportation which expires on or after July 1, 1990,
2 shall be valid to operate a motor vehicle according to
3 the terms and limitations of the license until the
4 date commercial driver's licenses may be issued by the
5 state department of transportation under this section
6 in accordance with rules adopted by the state
7 department of transportation."
8 75. Title page, line 1, by inserting after the
9 word "relating" the following: "to implied consent to
10 test persons operating commercial motor vehicles,".
11 76. Renumber as necessary.

By C. JOSEPH COLEMAN
RICHARD F. DRAKE
DONALD V. DOYLE

S-5200 FILED FEBRUARY 22, 1990

Adopted 2/22 (g. 700-701)

SENATE FILE 2329

S-5207

1 Amend Senate File 2329 as follows:
2 1. Page 33, by inserting after line 14 the
3 following:
4 "Sec. ____ . Section 321.198, Code 1989, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. A person whose period of
7 validity of the person's motor vehicle license is
8 extended under this section may file an application in
9 accordance with rules adopted by the department to
10 have the person's record of issuance of a motor
11 vehicle license retained in the department's record
12 system during the period for which the motor vehicle
13 license remains valid. If a person has had the record
14 of issuance of their motor vehicle license removed
15 from the department's records, the person shall have
16 their record of motor vehicle license issuance re-
17 entered by the department upon request if the request
18 is accompanied by a letter from the applicable
19 person's commanding officer verifying the military
20 service."
21 2. Renumber sections as necessary.

By DONALD V. DOYLE
RICHARD F. DRAKE
C. JOSEPH COLEMAN

S-5207 FILED FEBRUARY 22, 1990

Adopted 2/22 (g. 701)

SENATE FILE 2329

S-5216

1 Amend Senate File 2329 as follows:

2 1. Page 6, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 321.121, Code 1989, is amended
5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The registration plates
7 issued to special trucks registered under this section
8 shall contain the words "BUY ETHANOL" on the plates."

By JIM LIND

S-5216 FILED FEBRUARY 23, 1990

WITHDRAWN (j 701)

SENATE FILE 2329

S-5217

1 Amend Senate File 2329 as follows:

2 1. Page 49, by inserting after line 18 the
3 following:

4 "Sec. _____. Section 321.297, Code 1989, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 4. A commercial motor vehicle
7 shall not be driven in the farthest lane to the left
8 on either side of a controlled-access highway,
9 interstate highway, or freeway having four or more
10 lanes for moving traffic except as follows:

11 a. When overtaking and passing a vehicle under the
12 rules governing such movement.

13 b. When an obstruction exists making it necessary
14 to drive in the farthest lane to the left under the
15 rules governing such movement.

16 c. When making an exit or turn from the left lane
17 of the roadway."

By JOE WELSH

S-5217 FILED FEBRUARY 23, 1990

RULED OUT OF ORDER (j. 704)

SENATE FILE 2329

S-5215

1 Amend Senate File 2329 as follows:

2 1. Page 51, by inserting after line 18 the
3 following:

4 "Sec. _____. Section 321.449, unnumbered paragraph
5 4, Code 1989, is amended to read as follows:

6 Notwithstanding other provisions of this section,
7 rules adopted under this section consistent with 49
8 C.F.R. pts. 391 and 395 for a driver of a commercial
9 vehicle shall not apply either to a driver for a
10 private carrier or to the private carrier, who is not
11 for hire and who is engaged exclusively in intrastate
12 commerce, when the driver's commercial vehicle is not
13 operated more than one hundred miles from the driver's
14 work reporting location.

15 Sec. _____. Section 321.450, unnumbered paragraph 3,
16 Code Supplement 1989, is amended to read as follows:

17 Notwithstanding other provisions of this section,
18 or the age requirements under section 321.449, the age
19 requirements under section 321.449 and the rules
20 adopted under this section pertaining to compliance
21 with regulations adopted under U.S.C., Title 49, and
22 found in 49 C.F.R. § 177.804, shall not apply to
23 retail dealers of fertilizers, petroleum products, and
24 pesticides and their employees while delivering
25 fertilizers, petroleum products, and pesticides to
26 farm customers on farms, in rural areas, or in cities
27 with populations under three thousand persons, within
28 a one-hundred-mile radius of their retail place of
29 business. Notwithstanding contrary provisions of this
30 chapter, motor vehicles registered for a maximum gross
31 weight of five tons or less shall be exempt from the
32 requirements of placarding and of carrying hazardous
33 materials shipping papers if the hazardous materials
34 which are transported are clearly labeled.

35 Sec. _____. Section 321.450, Code Supplement 1989,
36 is amended by adding the following new unnumbered
37 paragraph:

38 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
39 provisions of this chapter, rules adopted by the
40 department consistent with 49 C.F.R. pts. 391 and 395
41 shall not apply to drivers of vehicles or to private
42 carriers who engage drivers of vehicles in the
43 transportation of hazardous materials of a type or
44 quantity requiring vehicle placarding."

45 2. Title page, line 3, by inserting after the
46 word "vehicles," the following: "to commercial
47 transportation,".

By KENNETH SCOTT
ALVIN V. MILLER
BERL E. PRIEBE

S-5215 FILED FEBRUARY 23, 1990
WITHDRAWN (p. 701)

SENATE FILE 2329
FISCAL NOTE

A fiscal note for Senate File 2329 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2329 requires the State to adopt Federal commercial driver's license provisions or face a reduction in Federal Highway funds effective October 1, 1993. This Bill adds and changes various definitions in the Code of Iowa relating to driver's licenses, vehicle weight, motor vehicle enforcement, and license and registration fees. This Bill stipulates that a person operating a commercial motor vehicle shall not have more than one motor vehicle license. A nonresident may operate a commercial motor vehicle in Iowa only if the nonresident has been issued a commercial driver's license by another state, a nonresident commercial driver's license, or a motor vehicle license issued by a foreign jurisdiction which the Federal Highway Administration has determined to be issued in conformity with the Federal commercial driver testing and licensing standards.

Assumptions

The Department of Transportation made the following assumptions:

FY 1991

1. Current chauffer license holders will either obtain a commercial driver's license (CDL) or retain a chauffer's license.
2. 2,000 two-year and 25,000 four-year chauffer licenses will be issued.
3. 3,000 two-year and 25,000 four-year CDL's will be issued.
4. Endorsements issued to person holding CDL's. Many CDL holders will have more than one endorsement.
 - A. Double/Triple Trailer: 7,000
 - B. Passenger Vehicles: 4,200
 - C. Tank Vehicles: 4,200
 - D. Hazardous Materials: 4,200
 - E. Air Break Restriction Removal: 16,800

FY 1992

1. 2,000 two-year and 55,000 four-year licenses will be issued.
2. 3,000 two-year and 55,000 four-year CDL's will be issued.
3. Endorsements issued to person holding CDL's. Many CDL holders will have more than one endorsement.
 - A. Double/Triple Trailer: 14,500
 - B. Passenger Vehicles: 8,700
 - C. Tank Vehicles: 8,700
 - D. Hazardous Materials: 3,700
 - E. Air Break Restriction Removal: 34,800

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The Department estimates an additional 8 FTE positions will be needed to implement the new CDL requirements. These positions plus support are included within S.F. 2402 which was passed by the Senate on February 22, 1990.

Fiscal Effect

The estimated fiscal effect of S.F. 2329 is shown on the table below. The license and endorsement fees are shown in parentheses.

	FY 1991	FY 1992
<u>Estimated Revenue</u>		
Current Law		
2 Yr. Chauffer (\$15)	\$ 75,000	\$ 75,000
4 Yr. Chauffer (\$30)	1,500,000	3,300,000
	=====	=====
Total	\$1,575,000	\$3,375,000
Proposed Law		
2 Yr. Chauffer (\$15)	\$ 30,000	\$ 30,000
4 Yr. Chauffer (\$30)	750,000	1,650,000
2 Yr CDL (\$15)	45,000	45,000
4 Yr CDL (\$30)	750,000	1,650,000
Endorsements		
Dbl/Trp Trailers (\$5)	35,000	73,000
Tank Vehicles (\$10)	21,000	44,000
Hazardous Materials (\$5)	21,000	44,000
Air Break Removal (\$10)	168,000	348,000
	=====	=====
Total	\$1,820,000	\$3,970,000
Net Revenue Increase	\$ 287,000	\$ 595,000
<u>Estimated Increased Cost</u>		
8 FTE positions	\$ 214,000	\$ 221,600
Data Processing	200,000	200,000
Support	35,000	35,000
	=====	=====
Total Increased Cost	\$ 449,000	\$ 456,600
<u>Net Fiscal Effect</u>		
Net Revenue Increase	\$ 287,000	\$ 595,000
Total Increased Cost	-449,000	-456,600
	=====	=====
Net Fiscal Effect	\$ -162,000	\$ 138,400

(Source: Department of Transportation)

(LSB 8308sv, DLR)

FILED FEBRUARY 23, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2329
AS AMENDED AND PASSED BY THE SENATE
FISCAL NOTE

A fiscal note for SENATE FILE 2329 AS AMENDED AND PASSED BY THE SENATE is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2329 requires the State to adopt Federal commercial driver's license provisions or face a reduction in Federal Highway funds effective October 1, 1993. This Bill adds and changes various definitions in the Code of Iowa relating to driver's licenses, vehicle weight, motor vehicle enforcement, and license and registration fees. This Bill stipulates that a person operating a commercial motor vehicle shall not have more than one motor vehicle license. A nonresident may operate a commercial motor vehicle in Iowa only if the nonresident has been issued a commercial driver's license by another state, a nonresident commercial driver's license, or a motor vehicle license issued by a foreign jurisdiction which the Federal Highway Administration has determined to be issued in conformity with the Federal commercial driver testing and licensing standards.

Assumptions

The Department of Transportation made the following assumptions:

FY 1991

1. Current chauffer license holders will either obtain a commercial driver's license (CDL) or retain a chauffer's (class D) license.
2. 2,000 two-year and 25,000 four-year chauffer (class D) licenses will be issued.
3. 3,000 two-year and 25,000 four-year CDL's will be issued.
4. Endorsements issued to person holding CDL's. Many CDL holders will have more than one endorsement.
 - A. Double/Triple Trailer: 7,000
 - B. Passenger Vehicles: 4,200
 - C. Tank Vehicles: 4,200
 - D. Hazardous Materials: 4,200
 - E. Air Break Restriction Removal: 16,800

FY 1992

1. 2,000 two-year and 55,000 four-year chauffer (class D) licenses will be issued.
2. 3,000 two-year and 55,000 four-year CDL's will be issued.
3. Endorsements issued to person holding CDL's. Many CDL holders will have more than one endorsement.
 - A. Double/Triple Trailer: 14,500
 - B. Passenger Vehicles: 8,700

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- C. Tank Vehicles: 8,700
- D. Hazardous Materials: 8,700
- E. Air Break Restriction Removal: 34,800

The Department estimates an additional 2 FTE positions will be needed to implement the new CDI requirements. Those positions plus support are included within S.F. 2402 which was posted by the Senate on February 22, 1990.

Fiscal Effect

The estimated fiscal effect of S.F. 2329 is shown in the table below. The license and endorsement fees are shown in parentheses.

	FY 1991	FY 1992
<u>Estimated Revenue</u>		
<u>Current Law</u>		
2 Yr. Chauffeur (\$15)	\$ 75,000	\$ 75,000
4 Yr. Chauffeur (\$30)	1,500,000	3,360,000
	=====	=====
Total:	\$1,575,000	\$3,375,000
<u>Proposed Law</u>		
2 Yr. Class D (\$16)	\$ 32,000	\$ 32,000
4 Yr. Class D (\$32)	800,000	1,760,000
2 Yr. CDI. (\$16)	48,000	48,000
4 Yr. CDI. (\$32)	800,000	1,760,000
<u>Endorsements</u>		
DBI/Trp Trailers (\$5)	35,000	72,500
Pass. Vehicles (\$10)	42,000	87,000
Truck Vehicles (\$5)	21,000	44,000
Hazardous Materials (\$5)	21,000	44,000
Air Break Removal (\$10)	168,000	348,000
	=====	=====
Total:	\$1,967,000	\$4,195,500
Net Revenue Increase	\$ 392,000	\$ 820,500
<u>Estimated Increased Cost</u>		
FTE positions	\$ 214,000	\$ 221,500
Trn Processing	200,000	200,000
Support	35,000	35,000
	=====	=====
Total Increased Cost	\$ 449,000	\$ 486,500
<u>Net Fiscal Effect</u>		
Revenue Increase	\$ 392,000	\$ 820,500
Total Increased Cost	-449,000	-486,500
	=====	=====
Net Fiscal Effect	\$ - 57,000	\$ 339,000

(Source: Department of Transportation)

(LSB 83084.2. DIR)

FILED MARCH 15, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

Base S.S. 2/26 Amended for S.S. 1-15. Date 3/7

SENATE FILE **2329**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2250)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 23, 1990)

- New Language by the Senate
- * - Language Stricken by the Senate

Re Passed Senate, Date 4/2/90 (p. 1491) Passed House, Date 5/20/90 (p. 1256)
Vote: Ayes 46 Nays 1 Vote: Ayes 97 Nays 2

Approved May 1, 1990

motion to reconsider (p. 1257) provided 3/23
Repassed House 4/2/90 (p. 1726)

A BILL FOR

Repassed House 4/4/90 (p. 1870)
92-3
94-0

57631 An Act relating to implied consent to test persons operating
 2 commercial motor vehicles, to motor vehicle registration fees
 3 by allowing semiannual installment payments of registration
 4 fees for certain commercial vehicles, and to the use and
 5 issuance of motor vehicle licenses including provisions
 6 authorizing the issuance of commercial driver's licenses,
 7 setting fees for issuance of motor vehicle licenses, providing
 8 penalties, and making penalties applicable.

SF 2329

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

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~~Conference Committee Appointed~~
~~Rowell (Chair), Halvorson, Lundberg, Knapp, & Spencer~~
~~Senators Gronstal (Chair), Halbin, Lloyd, Jones~~

57637

1 Section 1. Section 172B.1, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. "Motor vehicle license" means any
4 license or permit issued to a person to operate a motor
5 vehicle on the highways.

6 Sec. 2. Section 172B.3, subsection 2, paragraphs b, i, and
7 j, Code Supplement 1989, are amended to read as follows:

8 b. The name, driver's motor vehicle license number, and
9 address of the owner of the livestock.

10 i. The motor vehicle operator's license number of the
11 person transporting livestock.

12 j. The vehicle license registration plate number and the
13 state of issuance.

14 Sec. 3. Section 172B.5, subsection 1, Code 1989, is
15 amended to read as follows:

16 1. INVESTIGATION. A law enforcement officer may stop and
17 detain a person, whether on or off a highway, who is
18 transporting livestock for the purpose of obtaining compliance
19 with section 172B.2, and the officer may request the
20 presentation or execution of a transportation certificate.

21 The officer may examine the livestock for identification, the
22 vehicle for the purpose of obtaining the vehicle registration
23 plate number, and the registration of the vehicle and the
24 operator's motor vehicle license of the driver or person
25 detained. However, nothing in this chapter shall be construed
26 to authorize any law enforcement officer to open or require
27 the opening of the cargo compartment of any vehicle
28 manufactured for use in carrying refrigerated cargo when both
29 the cargo is actually under refrigeration at the time the
30 vehicle is detained by the law enforcement officer, and the
31 person operating the vehicle has in possession when stopped a
32 valid transportation certificate or approved shipping document
33 which was executed by the shipper and which identifies the
34 cargo as processed livestock and otherwise complies with
35 section 172B.3, subsection 2.

1 Sec. 4. Section 285.11, subsection 10, Code 1989, is
2 amended by striking the subsection.

3 Sec. 5. Section 312.2, subsection 17, Code Supplement
4 1989, is amended to read as follows:

5 17. The treasurer of state, before making the allotments
6 provided for in this section, shall credit monthly from the
7 road use tax fund to the motorcycle rider education fund
8 established in section 321.189, subsection 3 9, an amount
9 equal to one dollar per year of license validity for each
10 issued or renewed motor vehicle license which is valid for the
11 operation of a motorcycle. Moneys credited to the motorcycle
12 rider education fund under this subsection shall be taken from
13 moneys credited to the road use tax fund under section 423.24.

14 Sec. 6. Section 321.1, subsection 24, Code Supplement
15 1989, is amended to read as follows:

16 24. a. "Gross weight" ~~shall-mean~~ means the empty weight
17 of a vehicle plus the maximum load to be carried thereon by
18 the vehicle. The maximum load to be carried by a passenger-
19 carrying vehicle shall be determined by multiplying one
20 hundred fifty pounds by the number of passenger seats carried
21 by such vehicle.

22 b. "Unladen weight" means the weight of a vehicle or
23 vehicle combination without load.

24 c. "Gross vehicle weight rating" means the weight
25 specified by the manufacturer as the loaded weight of a single
26 vehicle.

27 Sec. 7. Section 321.1, subsection 25, Code Supplement
28 1989, is amended to read as follows:

29 25. a. "Combined gross weight" ~~shall-mean~~ means the gross
30 weight of a ~~motor-vehicle-plus-the-gross-weight-of-a-trailer~~
31 ~~or-semitrailer-to-be-drawn-thereby~~ combination of vehicles.

32 b. "Gross combination weight rating" means the combined
33 weights specified by the manufacturer as the loaded weight of
34 each vehicle in a combination of vehicles. In the absence of
35 a weight specified by the manufacturer for a towed vehicle,

1 the gross vehicle weight rating of the towed vehicle shall be
2 its gross weight.

3 Sec. 8. Section 321.1, subsection 32, Code Supplement
4 1989, is amended to read as follows:

5 32. "Commercial vehicle" means a vehicle or combination of
6 vehicles designed principally to transport passengers or
7 property of any kind if any ~~or any~~ of the following apply:

8 a. The vehicle or any combination of vehicles has a gross
9 weight or combined gross weight of ten thousand one or more
10 pounds.

11 b. The vehicle or any combination of vehicles has a gross
12 vehicle weight rating or gross combination weight rating of
13 ten thousand one or more pounds.

14 c. The vehicle is designed to transport sixteen or more
15 than-fifteen-passengers persons, including the driver.

16 d. The vehicle is used in the transportation of hazardous
17 material ~~in~~ of a type or quantity requiring vehicle
18 placarding.

19 Sec. 9. Section 321.1, subsection 42, Code Supplement
20 1989, is amended to read as follows:

21 42. "Operator" or "driver" means every person, ~~either-than~~
22 ~~a-chauffeur~~, who is in actual physical control of a motor
23 vehicle upon a highway.

24 Sec. 10. Section 321.1, subsection 43, unnumbered
25 paragraph 1, Code Supplement 1989, is amended to read as
26 follows:

27 "Chauffeur" means a person who operates a motor vehicle,
28 including a school bus, in the transportation of persons for
29 wages, compensation or hire, or a person who operates a truck
30 tractor, road tractor or any a motor truck which ~~is-required~~
31 ~~to-be-registered-at~~ has a gross vehicle weight classification
32 rating exceeding five tons, or any such motor vehicle exempt
33 from registration which would be within the gross weight
34 classification if not so exempt sixteen thousand pounds. A
35 person is not a chauffeur when the operation of the motor

1 vehicle, other than a truck tractor, by the owner or operator
2 is occasional and merely incidental to the owner's or
3 operator's principal business.

4 Sec. 11. Section 321.1, subsection 44, Code Supplement
5 1989, is amended by striking the subsection.

6 Sec. 12. Section 321.1, subsection 77, Code Supplement
7 1989, is amended to read as follows:

8 77. "Motor vehicle license" means any license or permit
9 issued to a person to operate a motor vehicle on the highways
10 of this state, including but not limited to operator,
11 ~~chauffeur, and motorized bicycle licenses and instruction and~~
12 a driver's, commercial driver's, temporary restricted, or
13 temporary license and an instruction, chauffeur's instruction,
14 commercial driver's instruction, temporary restricted, or
15 temporary permits permit.

16 Sec. 13. Section 321.1, Code Supplement 1989, is amended
17 by adding the following new subsections:

18 NEW SUBSECTION. 90. "Conviction" means a final conviction
19 or an unvacated forfeiture of bail or collateral deposited to
20 secure a person's appearance in court.

21 NEW SUBSECTION. 91. "Endorsement" means an authorization
22 to a person's motor vehicle license required to permit the
23 person to operate certain types of motor vehicles or to
24 transport certain types or quantities of hazardous materials.

25 Sec. 14. Section 321.1, Code Supplement 1989, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 92. For purposes of administering and
28 enforcing the commercial driver's license provisions:

29 a. "Commercial driver" means the operator of a commercial
30 motor vehicle.

31 b. "Commercial driver's license" means a motor vehicle
32 license valid for the operation of a commercial motor vehicle.

33 c. "Commercial driver's license information system" means
34 the national information system established to serve as a
35 clearinghouse for locating information related to the

1 licensing and identification of commercial motor vehicle
2 drivers.

3 d. "Commercial motor vehicle" means a motor vehicle or
4 combination of vehicles used to transport passengers or
5 property if any of the following apply:

6 (1) The combination of vehicles has a gross combination
7 weight rating of twenty-six thousand one or more pounds
8 provided the towed vehicle has a gross vehicle weight rating
9 of ten thousand one or more pounds.

10 (2) The motor vehicle has a gross vehicle weight rating of
11 twenty-six thousand one or more pounds.

12 (3) The motor vehicle is designed to transport sixteen or
13 more persons, including the operator, or is of a size and
14 design to transport sixteen or more persons, including the
15 operator, but is redesigned or modified to transport less than
16 sixteen handicapped persons.

17 (4) The motor vehicle is used in the transportation of
18 hazardous material of a type or quantity requiring vehicle
19 placarding.

20 e. "Foreign jurisdiction" means a jurisdiction outside the
21 fifty United States, the District of Columbia, and Canada.

22 f. "Nonresident commercial driver's license" means a
23 commercial driver's license issued to a person who is not a
24 resident of the United States or Canada.

25 g. "Tank vehicle" means a commercial motor vehicle that is
26 designed to transport liquid or gaseous materials within a
27 tank having a rated capacity of one thousand one or more
28 gallons that is either permanently or temporarily attached to
29 the vehicle or chassis.

30 Sec. 15. Section 321.1A, unnumbered paragraph 2, Code
31 1989, is amended to read as follows:

32 "Resident" does not include a person who is attending a
33 college or university in this state, if the person has a
34 domicile in another state and has a valid operator's motor
35 vehicle license and-vehicle-registration issued by the state

1 of domicile. "Resident" also does not include members of the
2 armed forces that are stationed in Iowa, providing that their
3 vehicles are properly registered in their state of residency.

4 Sec. 16. Section 321.12, Code 1989, is amended to read as
5 follows:

6 321.12 OBSOLETE RECORDS DESTROYED.

7 The director may destroy any records of the department
8 which have been maintained on file for three years which the
9 director ~~may deem~~ deems obsolete and of no further service in
10 carrying out the powers and duties of the department.

11 However, operating records relating to a person who has been
12 issued a commercial driver's license shall be maintained on
13 file in accordance with rules adopted by the department.

14 Sec. 17. Section 321.96, Code 1989, is amended to read as
15 follows:

16 321.96 PROHIBITED PLATES -- CERTIFICATES ---BADGES.

17 No A person shall not display or cause or permit to be
18 displayed, or have in the person's possession, any a vehicle
19 identification number or component part number except as
20 provided in this chapter, or any a canceled, revoked, altered,
21 or fictitious registration number plates, registration
22 receipt, or certificate of title, ~~chauffeur's-license~~
23 ~~certificate, or chauffeur's-badge,~~ as the same are
24 respectively provided for in this chapter.

25 Sec. 18. Section 321.134, subsection 2, Code Supplement
26 1989, is amended to read as follows:

27 2. The annual registration fee for trucks, truck tractors,
28 and road tractors, as provided in sections 321.121 and
29 321.122, may be payable in two equal semiannual installments
30 if the annual registration fee exceeds the registration fee
31 for a vehicle with a gross weight exceeding five tons. The
32 penalties provided in subsection 1 shall be computed on the
33 amount of the first installment only and on the first day of
34 the seventh month of the registration period the same rate of
35 penalty shall apply to the second installment, until the fee

1 is paid. ~~Semiannual installments do not apply to commercial~~
2 ~~vehicles subject to proportional registration, with a base~~
3 ~~state other than the state of Iowa, as defined in section~~
4 ~~326.2, subsection 6. The penalty on vehicles registered under~~
5 ~~chapter 326 accrues August 1 of each year. Commercial~~
6 ~~vehicles, as defined under section 326.2, subject to~~
7 proportional registration under chapter 326 may pay annual
8 registration fees in semiannual installments in accordance
9 with section 326.10A.

10 Sec. 19. Section 321.145, Code 1989, is amended to read as
11 follows:

12 321.145 DISPOSITION OF MONEYS AND FEES.

13 ~~The money, except~~ Except for fines, and forfeitures,
14 ~~operator's and chauffeur's license fees~~ court costs, and
15 ~~except the collection fees retained by the county treasurer~~
16 ~~pursuant to section 321.152, moneys and motor vehicle license~~
17 ~~fees collected pursuant to the provisions of~~ under this
18 ~~chapter shall be credited by the treasurer of state to the~~
19 ~~road use tax fund.~~

20 Sec. 20. Section 321.174, Code 1989, is amended to read as
21 follows:

22 321.174 OPERATORS AND CHAUFFEURS LICENSED -- OPERATION OF
23 COMMERCIAL MOTOR VEHICLES.

24 1. A person, except those hereinafter expressly exempted,
25 shall not drive operate any motor vehicle upon a highway in
26 this state unless such the person has a valid motor vehicle
27 license issued by the department valid for the vehicle's
28 operation. No person shall operate a motor vehicle as a
29 chauffeur unless the person holds a valid chauffeur's license.

30 2. A person operating a commercial motor vehicle shall not
31 have more than one motor vehicle license. A nonresident may
32 operate a commercial motor vehicle in Iowa if the nonresident
33 has been issued a license by another state, a nonresident
34 commercial driver's license, or a motor vehicle license issued
35 by a foreign jurisdiction which the federal highway

1 administration has determined to be issued in conformity with
2 the federal commercial driver testing and licensing standards,
3 if the license, commercial driver's license, or motor vehicle
4 license is valid for the vehicle operated. A person who
5 operates a commercial motor vehicle upon the highways of this
6 state without having been issued a motor vehicle license valid
7 for the vehicle operated or when disqualified from operating
8 the vehicle under section 321.208 commits a simple
9 misdemeanor.

10 3. Every A licensee shall have the licensee's operator's
11 ~~or-chauffeur's,-or-motorized-bicycle-license-or-instruction~~
12 permit motor vehicle license in immediate possession at all
13 times when operating a motor vehicle and shall display the
14 same, upon demand of a judicial magistrate, or district
15 associate judge, a district judge, peace officer, or a field
16 deputy-or examiner of the department. However, no a person
17 charged with violating this section subsection shall not be
18 convicted if the person produces in court, within a reasonable
19 time, ~~an-operator's-or-chauffeur's-or-motorized-bicycle~~
20 ~~license-or-instruction-permit~~ a motor vehicle license issued
21 to that person and valid for the vehicle operated at the time
22 of the person's arrest or at the time the person was charged
23 with a violation of this section.

24 Sec. 21. Section 321.176, Code 1989, is amended to read as
25 follows:

26 321.176 PERSONS EXEMPT FROM MOTOR VEHICLE LICENSING
27 REQUIREMENTS.

28 The following persons are exempt from ~~license-hereunder~~
29 motor vehicle licensing requirements:

30 1. Any person while operating a military motor vehicle in
31 the service of the armed forces of the United States.

32 2. Any person while operating a farm tractor or implement
33 of husbandry to or from the home farm buildings to any
34 adjacent or nearby farm land for the exclusive purpose of
35 conducting farm operations.

* 1 3. A nonresident operating a motor vehicle within the
2 legal scope of the nonresident's home state or country license
3 except a nonresident may operate a commercial motor vehicle
4 only in compliance with section 321.174.

5 Sec. 22. NEW SECTION. 321.176A PERSONS EXEMPT FROM
6 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

7 The following operators are exempt from the commercial
8 driver's license requirements:

9 1. A farmer or a person working for a farmer while
10 operating a special truck within one hundred fifty miles of
11 the farmer's farm to transport agricultural products, farm
12 machinery, or farm supplies to or from the farm.

13 2. A firefighter while operating a fire vehicle for a
14 volunteer or paid fire organization under conditions necessary
15 to preserve life or property or to execute related
16 governmental functions.

17 3. Military personnel while on active duty and operating
18 equipment owned or operated by the United States department of
19 defense.

20 4. A person while operating a motor home solely for
21 personal or family use.

22 5. A person operating a motor vehicle with a gross vehicle
23 weight rating of less than twenty-six thousand one pounds
24 towing a travel trailer or fifth-wheel travel trailer solely
25 for personal or family use.

26 Sec. 23. Section 321.177, Code 1989, is amended to read as
27 follows:

28 321.177 PERSONS NOT TO BE LICENSED.

29 The department shall not issue any a motor vehicle license
30 hereunder:

31 1. To any person, ~~as an operator,~~ who is under the age of
32 eighteen years, without the person's first having successfully
33 completed an approved driver education course, in which case,
34 the minimum age is sixteen years. However, the department may
35 issue a ~~school~~ driver's license to certain minors as provided

1 in section 321.194, ~~or a temporary~~ an instruction permit as
2 provided in section 321.180, ~~to any person who is at least~~
3 ~~fourteen years of age.~~ ~~The department may issue~~ subsection 1,
4 or a driver's license restricted for use only for ~~to~~ motorized
5 bicycles as provided in section 321.189, subsection 2 8.

6 2. To any person, ~~as a chauffeur, who is under the age of~~
7 eighteen years holding any other motor vehicle license.

8 3. To any person, ~~as an operator or chauffeur~~ whose motor
9 vehicle license or driving privilege has been is suspended
10 ~~during such suspension~~ or ~~to any person whose license, or~~
11 ~~driving privilege, has been revoked, until the expiration of~~
12 ~~one year after such revocation.~~

13 4. To any person, ~~as an operator or chauffeur,~~ who is a
14 chronic alcoholic, or is addicted to the use of an illegal
15 narcotic drug drug.

16 5. To any person, ~~as an operator or chauffeur,~~ who has
17 previously been adjudged to be incompetent by reason of mental
18 illness and who has not at the time of application been
19 restored to competency by the methods provided by law.

20 6. To any person, ~~as an operator or chauffeur,~~ who is
21 fails to pass an examination required by this chapter ~~to take~~
22 ~~an examination, unless such person shall have successfully~~
23 ~~passed such examination.~~

24 7. To any person when the director has good cause to
25 believe ~~that such~~ the person by reason of physical or mental
26 disability would not be able to operate a motor vehicle ~~with~~
27 ~~safety upon the highways~~ safely.

28 8. To any person to operate a commercial motor vehicle
29 unless the person qualifies under federal and state law to be
30 issued a commercial driver's license in this state.

31 9. To any person, as a chauffeur, who is under the age of
32 eighteen.

33 Sec. 24. Section 321.178, subsection 1, unnumbered
34 paragraph 4, Code Supplement 1989, is amended to read as
35 follows:

1 Any person who successfully completes an approved driver
2 education course at a private or commercial driver education
3 school licensed by the department, shall likewise be eligible
4 for ~~an-operator's~~ a driver's license at the age of sixteen
5 years, providing the instructor in charge of the student's
6 training has satisfied the educational requirements for a
7 teaching certificate at the secondary level and holds a valid
8 certificate to teach driver education in the public schools of
9 Iowa.

10 Sec. 25. Section 321.180, Code Supplement 1989, is amended
11 to read as follows:

12 321.180 INSTRUCTION PERMITS.

13 1. a. A person who is at least fourteen years of age and
14 who, except for the person's lack of ~~instructions~~ instruction
15 in operating a motor vehicle, would be qualified to obtain an
16 ~~operator's~~ a driver's license, shall, upon meeting the
17 requirements of section 321.186 other than a driving
18 demonstration, and upon paying the required fee, be issued a
19 ~~temporary~~ an instruction permit by the department. Subject to
20 the limitations in this subsection, ~~a-temporary~~ an instruction
21 permit entitles the permittee, while having the permit in the
22 permittee's immediate possession, to ~~drive~~ operate a motor
23 vehicle, other than a commercial motor vehicle or as a
24 chauffeur or a motor vehicle with a gross vehicle weight
25 rating of sixteen thousand one or more pounds, upon the
26 highways for a period of not to exceed two years from-the-date
27 of-issuance. If the applicant for an instruction permit holds
28 a driver's license issued in this state valid for the
29 operation of a motorized bicycle or a motorcycle, the
30 instruction permit shall be valid for such operation without
31 the need of an accompanying person.

32 A permittee shall not be penalized for failing to have the
33 instruction permit in immediate possession if the permittee
34 produces in court, within a reasonable time, an instruction
35 permit issued to the permittee and valid at the time of the

1 permittee's arrest or at the time the permittee was charged
2 with failure to have the permit in the permittee's immediate
3 possession.

4 b. The Except as otherwise provided, a permittee who is
5 sixteen years of age or older must be accompanied by a
6 licensed-operator-or-chauffeur person issued a motor vehicle
7 license valid for the vehicle operated who is at least
8 eighteen years of age, who is an approved driver education
9 instructor, or who is a prospective driver education
10 instructor enrolled in and specifically designated by a
11 practitioner preparation program with a safety education
12 program approved by the state board of education, and who is
13 actually occupying a seat beside the driver. The temporary
14 instruction permit issued to Except as otherwise provided, a
15 person permittee who is less than sixteen years of age
16 entitles the permittee to drive a motor vehicle upon the
17 highways only when must be accompanied by a licensed operator
18 or chauffeur person issued a motor vehicle license valid for
19 the vehicle operated who is the parent or guardian of the
20 permittee, member of the permittee's immediate family if the
21 family member is at least twenty-one years of age, an approved
22 driver education instructor, a prospective driver education
23 instructor who is enrolled in and has been specifically
24 designated by a practitioner preparation program with a safety
25 education program approved by the state board of education, or
26 a person who is twenty-five years of age or more if written
27 permission is granted by the parent or guardian, and who is
28 actually occupying a seat beside the driver.

29 If However, if the permittee is driving operating a
30 motorcycle, the qualified operator accompanying person must be
31 within audible and visual communications distance from the
32 permittee and be accompanying the permittee on or in a
33 different motor vehicle. Only one permit-holder permittee
34 shall be under the immediate supervision of an accompanying
35 qualified operator person, unless the qualified operator

1 person is an approved motorcycle or driver education
2 instructor or a prospective motorcycle or driver education
3 instructor who is enrolled in a practitioner preparation
4 program with a safety education program approved by the state
5 board of education, and the permittee is enrolled in an
6 approved motorcycle or driver education course, in which case
7 no more than three students shall be under the immediate
8 supervision of each instructor while on the highway.

9 2. A person who holds a class A, B, or C driver's license,
10 upon meeting each of the following requirements, shall be
11 eligible to apply for a chauffeur's commercial driver's
12 instruction permit valid for the operation of a commercial
13 motor vehicle requiring a chauffeur's license when the
14 permittee is accompanied by a person ~~possessing a valid~~
15 ~~chauffeur's license~~ properly licensed to drive the operate a
16 commercial motor vehicle and actually occupying a seat beside
17 the permittee. An applicant must be at least eighteen years
18 of age ~~otherwise~~ and qualified to obtain a valid chauffeur's
19 commercial driver's license and must meet including the
20 requirements of section 321.186 321.188 other than a the
21 knowledge examination and driving demonstration skills tests.
22 The chauffeur's commercial driver's instruction permit shall
23 be valid for a period not to exceed two years and shall be
24 returned to the department upon receipt of a valid chauffeur's
25 license six months. issuance of a chauffeur's instruction
26 permit shall not require the surrender of a valid operator's
27 license. A commercial driver's instruction permit may be
28 renewed only once in any two-year period. If the applicant
29 for a commercial driver's instruction permit holds a driver's
30 license issued in this state valid for the operation of a
31 commercial or noncommercial vehicle, the commercial driver's
32 instruction permit shall be valid for such operation without
33 the need of an accompanying person.

34 A ~~permittee shall not be penalized for failing to have the~~
35 ~~permit in immediate possession if the permittee produces in~~

1 court, within a reasonable time, an instruction permit issued
2 to the permittee and valid at the time of the permittee's
3 arrest.

4 3. A person, upon meeting each of the following
5 requirements, shall be eligible to apply for a chauffeur's
6 instruction permit valid for the operation of a motor vehicle,
7 other than a commercial motor vehicle, as a chauffeur when the
8 permittee is accompanied by a person, possessing a valid class
9 D driver's license or commercial driver's license valid for
10 the operation of the motor vehicle and the accompanying person
11 is actually occupying a seat beside the permittee. An
12 applicant must be at least eighteen years of age, otherwise
13 qualified to obtain a class D driver's license, and must meet
14 the requirements of section 321.186 other than a driving
15 demonstration. The chauffeur's instruction permit shall be
16 valid for a period not to exceed two years and shall be
17 returned to the department upon issuance of a class D driver's
18 license or commercial driver's license. If the applicant for
19 a chauffeur's instruction permit holds a driver's license
20 issued under this chapter, the chauffeur's instruction permit
21 shall be valid in the same manner as the driver's license
22 would be for the operation of motor vehicles without the need
23 of an accompanying person.

24 4. The instruction permit, chauffeur's instruction permit,
25 and commercial driver's instruction permit are subject to
26 suspension or revocation for the same reasons and in the same
27 manner as suspension or revocation of a driver's license.

28 Sec. 26. Section 321.181, Code 1989, is amended to read as
29 follows:

30 321.181 TEMPORARY PERMIT.

31 The department may, in its discretion, issue a temporary
32 driver's permit to an applicant for an operator's or
33 chauffeur's a motor vehicle license permitting the applicant
34 to operate a motor vehicle other than a commercial motor
35 vehicle while the department is completing its investigation

1 and determination of all facts relative to such the
2 applicant's right privilege to receive an-operator's the motor
3 vehicle license. ~~Such~~ The permit must be in the applicant's
4 immediate possession while operating a motor vehicle ~~and it.~~
5 The temporary permit shall be invalid and returned to the
6 department when the applicant's license ~~has been~~ is issued or
7 ~~for-good-cause-has-been-refused~~ when the license is denied.

8 ~~The temporary driver's permit shall bear a colored~~
9 ~~photograph of the permittee and shall contain such other~~
10 ~~information as the department may by rule require. The~~
11 ~~department shall not retain a positive or negative photograph~~
12 ~~of the permittee.~~

13 Sec. 27. Section 321.182, Code 1989, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 321.182 APPLICATION.

17 Every applicant for a motor vehicle license shall do all of
18 the following:

19 1. Make application on a form provided by the department
20 which shall include the applicant's full name, signature,
21 current mailing address, current residential address, date of
22 birth, social security number, and physical description
23 including sex, height, and eye color. The application may
24 contain other information the department may require by rule.

25 2. Surrender all other motor vehicle licenses.

26 3. Certify that the applicant has no other motor vehicle
27 license.

28 4. Certify that the applicant is not currently subject to
29 suspension, revocation, or cancellation of any motor vehicle
30 license and has committed no offense and has not acted in a
31 manner which either alone or with previous actions or offenses
32 could result in suspension, revocation, or cancellation of any
33 motor vehicle license.

34 Sec. 28. Section 321.184, subsection 1, Code 1989, is
35 amended to read as follows:

1 1. CONSENT REQUIRED. The application of an unmarried
2 person under the age of eighteen years for an-instruction
3 permit, operator's license, motorized bicycle license,
4 restricted license, or school license issued under section
5 321.194 a motor vehicle license shall contain the verified
6 consent and confirmation of the applicant's birthday by either
7 parent of the applicant, the guardian of the applicant, or a
8 person having custody of the applicant under chapter 600A.
9 Officers and employees of the department may administer the
10 oaths without charge.

11 Sec. 29. Section 321.186, Code 1989, is amended to read as
12 follows:

13 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.

14 The department may examine every new applicant for an
15 operator's, motorized bicycle or chauffeur's a motor vehicle
16 license or any person holding a valid operator's, motorized
17 bicycle or chauffeur's motor vehicle license when the
18 department has reason to believe that such the person may be
19 physically or mentally incompetent to operate a motor vehicle,
20 or whose driving record appears to the department to justify
21 such-an the examination. Such The examinations shall be held
22 in every county within periods not to exceed fifteen days--it
23 except that the driving skills test for a commercial driver's
24 license shall be given only at locations where required
25 driving skills may be adequately tested, including pretrip and
26 off-road examinations. The department shall make every effort
27 to accommodate a functionally illiterate applicant when the
28 applicant is taking a knowledge test. The department shall
29 make every effort to have an examiner conduct the commercial
30 driver's license driving skills tests at other locations in
31 this state where skills may be adequately tested when
32 requested by a person representing ten or more drivers
33 requiring driving skills testing.

34 The department shall, upon a commercial driver's license
35 applicant's successful passing of all required knowledge tests

1 and payment of a ten dollar deposit, arrange an appointment
2 for the applicant to take the required driving skills test.
3 The ten dollar deposit shall be forfeited by the applicant if
4 the applicant fails to appear for the scheduled appointment
5 and the applicant shall be required to pay an additional ten
6 dollar deposit to reschedule the missed appointment. If an
7 applicant appears for the scheduled driving skills test at the
8 appointed time but fails the test, no additional deposit will
9 be required for the applicant to make an appointment to again
10 take the driving skills test. If an applicant appears for the
11 scheduled driving skills test at the appointed time and passes
12 the test, the ten dollar deposit shall be credited toward the
13 fee for the endorsement or the removal of the air brake
14 restriction.

15 PARAGRAPH DIVIDED. The examination shall include a test
16 screening of the applicant's eyesight, a test of the
17 applicant's ability to read and understand highway signs
18 regulating, warning, and directing traffic, a test of the
19 applicant's knowledge of the traffic laws of this state, and
20 ~~shall include~~ an actual demonstration of ability to exercise
21 ordinary and reasonable control in the operation of a motor
22 vehicle and ~~such further~~ other physical and mental
23 examinations as the department finds necessary to determine
24 the applicant's fitness to operate a motor vehicle safely upon
25 the highways.

26 Sec. 30. Section 321.187, Code 1989, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 321.187 EXAMINERS.

30 The department shall examine applicants for motor vehicle
31 licenses. Examiners of the department shall wear an
32 identifying badge and uniform provided by the department.

33 1. The department may by rule designate area vocational
34 schools and community colleges to administer the driving
35 skills test required for a commercial driver's license

1 provided that all of the following occur:

2 a. The driving skills test is the same as that which would
3 otherwise be administered by the state.

4 b. The examiner contractually agrees to comply with the
5 requirements of 49 C.F.R. § 383.75 (1988).

6 Examiners of the department shall wear an identifying badge
7 and uniform provided by the department.

8 2. The department may also designate by rule other parties
9 to administer the driving skills test required for a
10 commercial driver's license provided that both subsection 1,
11 paragraphs "a" and "b" apply. This subsection is repealed
12 April 1, 1992.

13 Sec. 31. NEW SECTION. 321.188 COMMERCIAL DRIVER'S
14 LICENSE REQUIREMENTS.

15 1. Before the department issues, renews, or upgrades a
16 commercial driver's license and in addition to the
17 requirements of section 321.182, the license applicant shall
18 do all of the following:

19 a. Certify whether the applicant is subject to and meets
20 applicable driver qualifications of 49 C.F.R. part 391 (1988).

21 b. Certify the applicant is not subject to any commercial
22 driver's license disqualification and has committed no offense
23 and has not acted in a manner which either alone or with
24 previous actions or offenses could result in commercial
25 driver's license disqualification.

26 c. Successfully pass knowledge tests and driving skills
27 tests which the department shall require by rule. The rules
28 adopted shall substantially comply with the federal minimum
29 testing and licensing requirements in 49 C.F.R. part 383,
30 subparts E, G, and H (1988).

31 d. Certify the vehicle to be operated in the driving
32 skills tests represents the largest class of vehicle the
33 applicant will operate on the highway.

34 e. Certify that the applicant is a resident of Iowa or a
35 resident of a foreign jurisdiction.

1 2. An applicant for a commercial driver's license may
2 substitute for a driving skills test the applicant's operating
3 record and previous passage of a driving skills test or the
4 applicant's operating record and previous driving experience
5 if all of the following conditions exist:

6 a. The applicant is currently licensed to operate a
7 commercial motor vehicle.

8 b. The applicant certifies that during the two years
9 immediately preceding application all of the following apply:

10 (1) The applicant has not held motor vehicle licenses
11 valid for the operation of commercial motor vehicles from more
12 than one state simultaneously.

13 (2) The applicant has not had any convictions which are
14 federal commercial driver's license disqualifying offenses
15 under 49 C.F.R. § 383.51 (1988) while operating any type of
16 vehicle.

17 (3) The applicant has not committed a traffic violation,
18 other than a parking violation, arising in connection with a
19 traffic accident.

20 (4) No record of an accident exists for which the
21 applicant was convicted of a moving traffic violation.

22 (5) The applicant has not had any motor vehicle license
23 suspended, revoked, or canceled.

24 c. The applicant provides evidence of and certifies that
25 the applicant is employed in a job requiring operation of a
26 commercial motor vehicle and the applicant has done one of the
27 following:

28 (1) Has previously passed a driving skills test given by
29 this state or its designee in a motor vehicle representative
30 of the class of motor vehicle the applicant will operate.

31 (2) Has operated during the two-year period immediately
32 preceding the application a motor vehicle representative of
33 the class of motor vehicle the applicant will operate.

34 3. An applicant for a hazardous material endorsement must
35 pass a knowledge test as required under 49 C.F.R. § 383.121

1 (1988) to obtain or retain the endorsement. However, an
2 applicant for license upgrade may retain the endorsement if
3 the applicant successfully passed the endorsement test within
4 the preceding twenty-four months.

5 4. The department shall check the applicant's driving
6 record as maintained by the applicant's current licensing
7 state, the national commercial driver's license information
8 system, and the national driver register to determine whether
9 the applicant qualifies to be issued a commercial driver's
10 license. The department shall notify the national commercial
11 driver's license information system of the issuance, renewal,
12 or upgrade of a commercial driver's license.

13 5. A resident of this state holding a commercial driver's
14 license issued by a former state of residence in conformity
15 with the federal commercial driver testing and licensing
16 standards shall not be required to take a knowledge or driving
17 skills test prior to issuance of a commercial driver's license
18 in this state. The commercial driver's license issued by this
19 state shall be valid for operation of the same class of
20 vehicles with the same endorsements and restrictions as in the
21 former state of licensure. However, a person with a hazardous
22 materials endorsement must comply with subsection 3.

23 Sec. 32. Section 321.189, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 321.189 DRIVER'S LICENSE -- CONTENT -- MOTORCYCLE RIDER
27 EDUCATION FUND.

28 1. CLASSIFICATION AND ISSUANCE. Upon payment of the
29 required fee, the department shall issue to every qualified
30 applicant a driver's license. Driver's licenses shall be
31 classified as follows:

32 a. Class A -- Valid for the operation of vehicles with a
33 gross combination weight rating of twenty-six thousand one or
34 more pounds provided the towed vehicle or vehicles have a
35 gross vehicle weight rating or gross combination weight rating

1 of ten thousand one or more pounds.

2 b. Class B -- Valid for the operation of a vehicle with a
3 gross vehicle weight rating of twenty-six thousand one or more
4 pounds or a combination of vehicles with a gross combination
5 weight rating of twenty-six thousand one or more pounds
6 provided the towed vehicle or vehicles have a gross vehicle
7 weight rating or gross combination weight rating of less than
8 ten thousand one pounds.

9 c. Class C -- Valid for the operation of a vehicle, other
10 than a motorcycle, or a combination of vehicles with a gross
11 vehicle weight rating or gross combination weight rating of
12 less than twenty-six thousand one pounds and also valid for
13 the operation of any vehicle, other than a motorcycle, for
14 which the operator is exempt from commercial driver's license
15 requirements under section 321.176A.

16 d. Class D -- Valid for the operation of a motor vehicle
17 as a chauffeur.

18 e. Class M -- Valid for the operation of a motorcycle.

19 A driver's license may be issued for more than one class.
20 Class A and B driver's licenses shall only be issued as
21 commercial driver's licenses. Class C and M driver's licenses
22 may be issued as commercial driver's licenses. The holder of
23 a class A or B driver's license may operate any smaller class
24 vehicle except a motorcycle; however, the license is not valid
25 for a vehicle requiring an endorsement unless the license is
26 endorsed for the vehicle. The holder of a class D driver's
27 license may operate a motor vehicle as a chauffeur for the
28 class of motor vehicles for which the license was issued. The
29 holder of a commercial driver's license is not required to
30 obtain a class D driver's license to operate a motor vehicle
31 as a chauffeur. When necessary, the department shall by rule
32 create additional classes or modify existing classes of
33 driver's licenses, however, the rule shall be temporary and if
34 within sixty days after the next regular session of the
35 general assembly convenes the general assembly has not made

1 corresponding changes in this chapter, the temporary
2 classification or modification shall be nullified.

3 2. CONTENT OF LICENSE.

4 a. Appearing on the driver's license shall be a
5 distinguishing number assigned to the licensee; the licensee's
6 full name, date of birth, sex, and residence address; a
7 colored photograph; a physical description of the licensee;
8 the name of the state; the dates of issuance and expiration;
9 and the usual signature of the licensee. The license shall
10 identify the class of vehicle the licensee may operate and the
11 applicable endorsements and restrictions which the department
12 shall require by rule.

13 b. A commercial driver's license shall include the
14 licensee's address as required under federal regulations, the
15 licensee's social security number, and the word "commercial"
16 shall appear prominently on the face of the license. If the
17 applicant is a nonresident, the license must conspicuously
18 display the word "nonresident".

19 c. The department shall advise an applicant that the
20 applicant for a motor vehicle license other than a commercial
21 driver's license may request a number other than a social
22 security number as the motor vehicle license number.

23 d. The license may contain other information as required
24 under the department's rules.

25 3. REPLACEMENT. If prior to the renewal date, a person
26 desires to obtain a motor vehicle license in the form
27 authorized by this section, a license may be issued as a
28 voluntary replacement upon payment of the required fee as set
29 by the department by rule. A person shall return a motor
30 vehicle license and be issued a new license when the first
31 license contains inaccurate information upon payment of the
32 required fee as set by the department by rule.

33 4. SYMBOLS. Upon the request of a licensee, the
34 department shall indicate on the license the presence of a
35 medical condition or that the licensee is a donor under the

1 uniform anatomical gift law. The license may contain such
2 other information as the department may require by rule.

3 5. TAMPERPROOFING. The department shall issue a motor
4 vehicle license by a method or process which prevents as
5 nearly as possible the alteration, reproduction, or
6 superimposition of a photograph on the license without ready
7 detection.

8 6. LICENSES ISSUED TO MINORS. A motor vehicle license
9 issued to a person under twenty-one years of age shall be
10 identical in form to any other motor vehicle license except
11 that the word "minor" shall appear prominently on the face of
12 the license. Upon attaining the age of twenty-one, and upon
13 payment of a one dollar fee, the person shall be entitled to a
14 new motor vehicle license or nonoperator's identification card
15 for the unexpired months of the motor vehicle license or card.

519#16 7. CLASS "M" LICENSE EDUCATION REQUIREMENTS. A person
17 under the age of eighteen applying for a driver's license
18 valid for the operation of a motorcycle shall be required to
19 successfully complete a motorcycle education course either
20 approved and established by the department of education or
21 from a private or commercial driver education school licensed
22 by the department. A public school district shall charge a
23 student a fee which shall not exceed the actual cost of
24 instruction minus moneys received by the school district under
25 subsection 9.

26 8. MOTORIZED BICYCLE.

27 a. The department may issue a driver's license valid only
28 for operation of a motorized bicycle to a person fourteen
29 years of age or older who has passed a vision test and a
30 written examination on the rules of the road. A person under
31 the age of sixteen applying for a driver's license valid only
32 for operation of a motorized bicycle shall also be required to
33 successfully complete a motorized bicycle education course
34 approved and established by the department of education or
35 successfully complete an approved motorized bicycle education

1 course at a private or commercial driver education school
2 licensed by the department. A public school district shall
3 charge a student a fee which shall not exceed the actual cost
4 of instruction. A driver's license valid only for operation
5 of a motorized bicycle entitles the licensee to operate a
6 motorized bicycle upon the highway while having the license in
7 the licensee's immediate possession. The license is valid for
8 a period not to exceed two years, subject to termination or
9 cancellation as provided in this section.

10 b. A driver's license valid only for operation of a
11 motorized bicycle shall be canceled upon a conviction for a
12 moving traffic violation and reapplication may be made thirty
13 days after the date of cancellation. The cancellation of the
14 license upon conviction for a moving traffic violation shall
15 not result in requiring the applicant to maintain proof of
16 financial responsibility under section 321A.17, unless the
17 conviction would otherwise result in a suspension or
18 revocation of a person's driver's license.

19 c. As used in this section, "moving traffic violation"
20 does not include a parking violation as defined in section
21 321.210 or a violation of a section of the Code or municipal
22 ordinance pertaining to standards to be maintained for motor
23 vehicle equipment except sections 321.430 and 321.431, or
24 except a municipal ordinance pertaining to motor vehicle brake
25 requirements as applicable to motorized bicycles.

26 d. The holder of any class of driver's license may operate
27 a motorized bicycle.

28 9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider
29 education fund is established in the office of the treasurer
30 of state. The moneys credited to the fund are appropriated to
31 the department of education to be used to establish new
32 motorcycle rider education courses and reimburse sponsors of
33 motorcycle rider education courses for the costs of providing
34 motorcycle rider education courses approved and established by
35 the department of education. The department of education

1 shall adopt rules under chapter 17A providing for the
2 distribution of moneys to sponsors of motorcycle rider
3 education courses based upon the costs of providing the
4 education courses.

5 Sec. 33. Section 321.190, subsection 1, Code Supplement
6 1989, is amended to read as follows:

7 1. APPLICATION FOR AND CONTENTS OF CARD.

8 a. The department shall, upon application and payment of
9 the required fee, issue to an applicant a nonoperator's
10 identification card~~7-which.~~ To be valid the card shall bear a
11 distinguishing number assigned to the card holder, the full
12 name, date of birth, sex, residence address, a brief physical
13 description and a colored photograph of the card holder, the
14 usual signature of the card holder, and such other information
15 as the department may require by rule require. The card~~7~~
16 ~~including-the-colored-photograph7~~ shall be issued to the
17 applicant at the time of application and ~~no-positive-or~~
18 ~~negative-photograph-shall-be-retained.--The-department-shall7~~
19 ~~by-rule7-establish-procedures-for-the-application-for7-and~~
20 ~~issuance-of7-a-nonoperator's-identification-card.--An~~
21 ~~identification-card-shall-not-be-valid-unless-it-bears-the~~
22 ~~usual-signature-of-the-card-holder~~ pursuant to procedures
23 established by rule.

24 b. The department shall not issue a card to a person
25 holding a motor vehicle license. The card shall be identical
26 in form to a driver's license issued under section 321.189
27 except the word "nonoperator" shall appear prominently on the
28 face of the card. A nonoperator's identification card issued
29 to a person under twenty-one years of age shall include the
30 word "minor" prominently on the face of the card.

31 c. The department shall use a process or processes for
32 issuance of a nonoperator's identification card, that
33 prevents, as nearly as possible, the opportunity for
34 alteration or reproduction of, and the superimposition of a
35 photograph on the nonoperator's identification card without

1 ready detection.

2 d. The fee for a nonoperator's identification card shall
3 be five dollars and the card shall be valid ~~for the purpose of~~
4 ~~identification~~ for a period of four years from the date of
5 issuance. No issuance fee shall be charged for a person whose
6 motor vehicle license or driving privilege has been suspended
7 under section 321.210, subsection 1, paragraph "c".

8 The nonoperator's identification card fees shall be
9 transmitted by the department to the treasurer of state who
10 shall credit such the fees to the general fund of the state.

11 Sec. 34. Section 321.190, subsection 3, Code Supplement
12 1989, is amended by striking the subsection and inserting in
13 lieu thereof the following:

14 3. The department shall cancel a person's nonoperator's
15 identification card upon determining the person was not
16 entitled to be issued the card, did not provide correct
17 information, committed fraud in applying for the card, or
18 unlawfully used a nonoperator's identification card.

19 Sec. 35. Section 321.191, Code 1989, is amended by
20 striking the section and inserting in lieu thereof the
21 following:

22 321.191 FEES FOR MOTOR VEHICLE LICENSES.

23 1. INSTRUCTION PERMITS. The fee for an instruction
24 permit, other than a chauffeur's instruction permit or
25 commercial driver's instruction permit, is six dollars. The
26 fee for a chauffeur's instruction permit or commercial
27 driver's instruction permit is twelve dollars.

28 2. NONCOMMERCIAL MOTOR VEHICLE LICENSES. The fee for a
29 noncommercial motor vehicle license, other than a class D
30 driver's license or any type of instruction permit, valid for
31 two years is eight dollars.

32 3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial
33 class D driver's license valid for two years is sixteen
34 dollars.

35 4. COMMERCIAL MOTOR VEHICLE LICENSES. An additional fee

1 of eight dollars is required to issue a motor vehicle license,
2 other than an instruction permit, valid for two years for the
3 operation of a commercial motor vehicle.

4 5. LICENSES VALID FOR MOTORCYCLES. An additional fee of
5 one dollar per year of license validity is required to issue a
6 license valid to operate a motorcycle.

7 6. SPECIAL MINOR' LICENSES. Notwithstanding subsection 2,
8 the fee for a driver's license issued to a minor under section
9 321.194 or a restricted license issued to a minor under
10 section 321.178, subsection 2, is eight dollars.

11 7. FOUR-YEAR LICENSES. The fee for a motor vehicle
12 license valid for four years is twice the fee for a two-year
13 license.

14 8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.
15 The fee for a double/triple trailer endorsement, tank vehicle
16 endorsement, and hazardous materials endorsement is five
17 dollars for each endorsement. The fee for a passenger
18 endorsement is ten dollars. The fee for removal of an air
19 brake restriction on a commercial driver's license is ten
20 dollars. Fees imposed under this subsection for endorsements
21 or removal of restrictions are valid for the length of the
22 time period of the license regardless of whether the license
23 is issued for two or four years. Upon renewal of a commercial
24 driver's license there is no fee for retaining endorsements or
25 the removal of the air brake restriction for those
26 endorsements or restrictions which do not require the taking
27 of either a knowledge or a driving skills test for renewal.

28 9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for
29 reinstatement of a motor vehicle license shall be twenty
30 dollars for a license which is, after notice and opportunity
31 for hearing, canceled, suspended, or revoked. However,
32 reinstatement of the privilege suspended under section
33 321.210, subsection 1, paragraph "c", shall be without fee.
34 The fee for reinstatement of the privilege to operate a
35 commercial motor vehicle after a period of disqualification

1 shall be twenty dollars.

2 10. ADDING ADDITIONAL CLASSES AND ENDORSEMENTS TO OR
3 REMOVAL OF AIR BRAKE RESTRICTIONS FROM AN ISSUED LICENSE. If
4 an applicant wishes to add additional classes or endorsements
5 to or to remove air brake restrictions from a valid motor
6 vehicle license issued to the applicant, the fee for adding
7 the additional class, classes, or endorsements or for removing
8 the air brake restriction shall be the difference between the
9 total fees which would have been applied under subsections 1
10 through 9 for the new license less the fees which have been
11 paid for the currently held license. The expiration date of
12 the new license shall be the same as the expiration date of
13 the currently held license.

14 Sec. 36. Section 321.193, Code 1989, is amended to read as
15 follows:

16 321.193 RESTRICTED RESTRICTIONS ON LICENSES.

17 When As provided ~~in rules adopted pursuant to chapter 17A~~
18 by rule, the department ~~upon issuing an operator's or~~
19 ~~chauffeur's license or motorized bicycle license shall have~~
20 ~~authority whenever good cause appears to~~ may impose
21 restrictions suitable to the motor vehicle licensee's driving
22 ability with respect to the type of motor vehicle or special
23 mechanical control devices required on a motor vehicle which
24 the licensee may operate or such other restrictions applicable
25 to the licensee ~~including licenses issued under section~~
26 ~~321.194~~ as the department may determine to be appropriate to
27 ~~assure the safe operation of a motor vehicle by the licensee.~~
28 ~~The department shall not require a person issued a valid~~
29 ~~operator's or chauffeur's license to comply with any other~~
30 ~~licensing requirements in order to operate a motorized~~
31 ~~bicycle.~~

32 The department may ~~either issue a special restricted~~
33 ~~license or~~ set forth such restrictions upon the usual
34 motor vehicle license form.

35 The department may suspend or revoke the motor vehicle

1 license upon receiving satisfactory evidence of any violation
2 of the license's restrictions ~~of such license suspend or~~
3 ~~revoke the same but the licensee shall be entitled to a~~
4 ~~hearing as upon a suspension or revocation under this chapter.~~

5 ~~It is a misdemeanor, punishable as provided in section~~
6 ~~321.482, for any person to operate a motor vehicle in any~~
7 ~~manner in violation of the restrictions imposed in a~~
8 ~~restricted license issued to that person.~~

9 Sec. 37. Section 321.194, Code Supplement 1989, is amended
10 to read as follows:

11 321.194 SPECIAL MINORS' SCHOOL LICENSES.

12 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

13 Upon certification of a special need by the school board or
14 the superintendent of the applicant's school, the department
15 may issue a school class C or M driver's license to a person
16 between the ages of fourteen and eighteen years who has
17 successfully ~~completed~~ completes an approved driver education
18 course. However, the completion of a course is not required
19 if the applicant demonstrates to the satisfaction of the
20 department that completion of the course would impose a
21 hardship upon the applicant. The department shall adopt rules
22 ~~under chapter 17A~~ defining the term "hardship" and establish
23 procedures for the demonstration and determination of when
24 completion of the course would impose a hardship upon an
25 applicant.

26 a. The school driver's license entitles the holder, while
27 having the license in immediate possession, to operate a motor
28 vehicle during other than a commercial motor vehicle or as a
29 chauffeur:

30 (1) During the hours of 6 a.m. to 10 p.m. over the most
31 direct and accessible route between the licensee's residence
32 and schools of enrollment and between schools of enrollment
33 for the purpose of attending duly scheduled courses of
34 instruction and extracurricular activities at the schools or
35 ~~at any time when accompanied by a parent or guardian, member~~

1 of-the-license-holder's-immediate-family-if-the-family-member
 2 is-at-least-twenty-one-years-of-age,--driver-education
 3 instructor,--or-prospective-driver-education-instructor-who-is
 4 a-holder-of-a-valid-operator's-or-chauffeur's-license,--and-who
 5 is-actually-occupying-a-seat-beside-the-driver. The-license
 6 shall-expire-on-the-licensee's-eighteenth-birthday-or-upon
 7 issuance-of-a-restricted-license-under-section-321-178,
 8 subsection-2,--or-operator's-license,--Parental-consent-given
 9 for-the-issuance-of-a-school-license-under-this-section-shall
 10 not-be-deemed-to-be-consent-given-under-section-321-184-for
 11 the-issuance-of-any-other-permit-or-license-applied-for-by-the
 12 school-license-applicant.

13 (2) At any time when the licensee is accompanied in
 14 accordance with section 321.180, subsection 1, paragraph "b".

15 b. Each application shall be accompanied by a statement
 16 from the school board or superintendent of the applicant's
 17 school. The statement shall be upon a form provided by the
 18 department. The school board or superintendent shall certify
 19 that a need exists for the license and that the board and
 20 superintendent are not responsible for actions of the
 21 applicant which pertain to the use of the school driver's
 22 license. The department of education shall adopt rules
 23 pursuant-to-chapter-17A establishing criteria for issuing a
 24 statement of necessity. Upon receipt of a statement of
 25 necessity, the department shall issue a-school the driver's
 26 license. The fact that the applicant resides at a distance
 27 less than one mile from the applicant's schools of enrollment
 28 is prima facie evidence of the nonexistence of necessity for
 29 the issuance of a license. A-school The driver's license
 30 shall not be issued for purposes of attending a public school
 31 in a school district other than the either of the following:

32 (1) The district of residence,--or-a of the parent or
 33 guardian of the student.

34 (2) A district which is contiguous to the district of
 35 residence, of the parent or guardian of the student, if the

1 student is enrolled in the public school which is not the
2 school district of residence because of open enrollment under
3 section 282.18 or as a result of an election by the student's
4 district of residence to enter into one or more sharing
5 agreements pursuant to the procedures in chapter 282.

6 2. SUSPENSION AND REVOCATION. A driver's license issued
7 under this section is subject to suspension or revocation in
8 like-manner-as for the same reasons and in the same manner as
9 suspension or revocation of any other driver's license or
10 permit-issued-under-a-law-of-this-state. The department may
11 also suspend a driver's license issued under this section upon
12 receiving satisfactory evidence that the licensee has violated
13 the restrictions of the license or has been involved in one or
14 more accidents chargeable to the licensee. The department may
15 suspend a driver's license issued under this section and-a
16 permit-issued-under-section-321.180 upon receiving a record of
17 the licensee's conviction for one violation. The department
18 shall revoke the license and-any-permit-issued-under-section
19 321.180 upon receiving a record of conviction for two or more
20 violations of a law of this state or a city ordinance
21 regulating the operation of motor vehicles on highways other
22 than parking violations as defined in section 321.210. After
23 revoking a person licensed under this section receives two or
24 more convictions which require revocation of the person's
25 license or-permit under this section, the department shall not
26 grant an application for a new motor vehicle license or-permit
27 until the expiration of one year or until the licensee's
28 sixteenth birthday, whichever is the longer period.

29 Sec. 38. Section 321.196, Code Supplement 1989, is amended
30 to read as follows:

31 321.196 EXPIRATION OF OPERATOR'S LICENSE -- RENEWAL --
32 VISION TEST MANDATORY.

33 Except as otherwise provided, an-operator's a motor vehicle
34 license, other than an instruction permit, chauffeur's
35 instruction permit, or commercial driver's instruction permit

1 issued under section 321.180, expires, at the option of the
2 applicant, two or four years from the licensee's birthday
3 anniversary occurring in the year of issuance if the licensee
4 is between the ages of seventeen years, eleven months and
5 seventy years on the date of issuance of the license,
6 otherwise. If the licensee is under the age of seventeen
7 years eleven months or age seventy or over the license is
8 effective for a period of two years. The Except as required
9 in section 321.188, a motor vehicle license is renewable
10 without written examination or penalty within a period of
11 thirty sixty days after its expiration date. A person shall
12 not be considered to be driving with an invalid license during
13 a period of thirty sixty days following the license expiration
14 date. However, for a license renewed within the thirty-day
15 sixty-day period, the date of issuance shall be considered to
16 be the previous birthday anniversary on which it expired.

17 Applicants whose licenses are restricted due to vision or
18 other physical deficiencies may be required to renew their
19 licenses every two years. For the purposes of this section
20 the birthday anniversary of a person born on February 29 shall
21 be deemed to occur on March 1. ~~Applicants for renewal~~
22 ~~of operators' licenses shall be made under the direct~~
23 ~~supervision of a uniformed member of the department and shall~~
24 ~~be approved by the uniformed member.~~ The department in its
25 discretion may authorize the renewal of a valid motor vehicle
26 license other than a commercial driver's license upon
27 application without an examination provided that the applicant
28 satisfactorily passes a vision test as prescribed by the
29 department.

30 Any resident of Iowa holding a valid operator's or
31 chauffeur's motor vehicle license who is temporarily absent
32 from the state, or incapacitated, may, at the time for renewal
33 for such license, ~~obtain from the sheriff of the county of the~~
34 ~~licensee's residence a form to~~ apply to the department for a
35 temporary extension of the license. The department upon

1 receipt of such the application form-properly-filled-out
2 shall, upon a showing of good cause, issue a temporary
3 extension of such the motor vehicle license for a period not
4 to exceed six months. ~~The-department-shall-prescribe-and~~
5 ~~furnish-such-forms-to-each-county-sheriff.~~

6 ~~Prior-to-the-renewal-of-a-license-pursuant-to-this-section,~~
7 ~~the-department-shall-issue-to-each-applicant-information-on~~
8 ~~the-law-relating-to-the-operation-of-a-motor-vehicle-while~~
9 ~~intoxicated-and-statistical-information-relating-to-the-number~~
10 ~~of-injuries-and-fatalities-occurring-as-a-result-of-the~~
11 ~~operation-of-motor-vehicles-while-intoxicated.~~

12 Sec. 39. Section 321.197, Code 1989, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 321.197 EXPIRATION OF CHAUFFEUR'S LICENSES -- REPLACEMENT
16 BY COMMERCIAL DRIVER'S LICENSE.

17 Notwithstanding other provisions of this chapter, a valid
18 chauffeur's license issued by the department shall be valid to
19 operate a motor vehicle according to the terms and limitations
20 of the license until the earlier of the expiration date on the
21 license or April 1, 1992. However, until January 1, 1992, a
22 chauffeur's license valid only for operating a school bus
23 which is a commercial motor vehicle may be renewed. After
24 April 1, 1992, a chauffeur's license shall not be valid for
25 operating a commercial motor vehicle. Between October 1,
26 1990, and April 1, 1992, the holder of a valid chauffeur's
27 license may apply for a new driver's license and, if
28 qualified, be issued a commercial driver's license valid only
29 until the expiration date appearing on the surrendered
30 chauffeur's license, upon surrender of the chauffeur's license
31 and upon payment of a one dollar replacement fee together with
32 the fees for any commercial driver's license endorsements
33 obtained. Additionally, if application is made within one
34 year preceding the chauffeur's license expiration date and
35 upon payment of required fees, a qualified applicant may be

1 issued a commercial driver's license valid for a two-year or
2 four-year period beginning on the expiration date on the
3 surrendered chauffeur's license. For purposes of section
4 321.221, a valid chauffeur's license shall be deemed to be a
5 class D driver's license.

6 This section is repealed effective July 1, 1994.

7 Sec. 40. Section 321.198, unnumbered paragraph 1, Code
8 1989, is amended to read as follows:

9 The effective date of a valid operator's motor vehicle
10 ~~license and-of-a-valid-chauffeur's-license~~ to the extent that
11 it permits the operation of a motor vehicle ~~as-an-operator~~
12 other than a commercial motor vehicle and other than as a
13 chauffeur, issued under the laws of this state, held by any
14 person at the time of entering the military service of the
15 United States or of the state of Iowa notwithstanding the
16 expiration of such the license according to its terms, is
17 hereby extended without fee until six months following the
18 initial separation from active duty of such the person from
19 the military service, provided such the person is not
20 suffering from such physical disabilities as-to-impair which
21 impair the person's competency as an operator and provided
22 further that such the licensee shall upon demand of any peace
23 officer furnish satisfactory evidence of the person's military
24 service. However, no a person entitled to the benefits of
25 this section, charged with operating a motor vehicle without
26 an operator's license, shall not be convicted if the person
27 produces in court, within a reasonable time, a valid
28 ~~operator's-or-chauffeur's~~ motor vehicle license theretofore
29 previously issued to that person along with evidence of the
30 person's military service as above mentioned.

31 Sec. 41. Section 321.198, Code 1989, is amended by adding
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. A person whose period of
34 validity of the person's motor vehicle license is extended
35 under this section may file an application in accordance with

1 rules adopted by the department to have the person's record of
2 issuance of a motor vehicle license retained in the
3 department's record system during the period for which the
4 motor vehicle license remains valid. If a person has had the
5 record of issuance of their motor vehicle license removed from
6 the department's records, the person shall have their record
7 of motor vehicle license issuance reentered by the department
8 upon request if the request is accompanied by a letter from
9 the applicable person's commanding officer verifying the
10 military service.

11 Sec. 42. Section 321.199, Code 1989, is amended to read as
12 follows:

13 321.199 MOTOR VEHICLE LICENSE RECORDS.

14 The department shall file every application for a license
15 received by it and shall maintain suitable indexes containing,
16 in alphabetical order, all of the following:

17 1. All applications denied and on-each-thereof-note the
18 reasons for such the denial.

19 2. All applications granted.

20 3. The name of every licensee who has been disqualified
21 from operating a commercial motor vehicle or whose license has
22 been suspended, or revoked, or canceled by the department and
23 after each such name a note on the reasons for such the
24 action.

25 Sec. 43. Section 321.201, Code 1989, is amended to read as
26 follows:

27 321.201 AUTHORITY-TO-CANCEL CANCELLATION AND RETURN OF
28 LICENSE -- PROHIBITION FROM ISSUANCE OF COMMERCIAL DRIVER'S
29 LICENSE FOR FALSE INFORMATION.

30 1. The department is-hereby-authorized-to may cancel any
31 operator's-or-chauffeur's a motor vehicle license upon
32 determining-that determination of any of the following:

33 a. That the licensee was not entitled to the issuance
34 thereof-hereunder-or-that-said of the license.

35 b. That the licensee failed to give the required or

1 correct information in-the-licensee's-application or committed
2 any fraud in making such the application.

3 ~~The-provisions-applicable-in-this-section-and-sections
4 321.202-to-321.215-relating-to-cancellation,-suspension-or
5 revocation-of-an-operator's-or-chauffeur's-license-are-also
6 applicable-to-motorized-bicycle-licenses-and-licensees-holding
7 motorized-bicycle-licenses.~~

8 Upon cancellation, the licensee shall immediately return
9 the license to the department.

10 2. Upon cancellation of a commercial driver's license for
11 providing false information or committing fraud in the
12 application, the applicant shall not operate a commercial
13 motor vehicle in this state and shall not be issued a license
14 valid to operate a commercial motor vehicle for a period of
15 sixty days.

16 Sec. 44. Section 321.203, Code 1989, is amended to read as
17 follows:

18 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

19 A nonresident's privilege of-driving to operate a motor
20 vehicle on a highway in this state is subject to suspension
21 and or revocation for the same reasons and in the same manner
22 as suspension or revocation of an-operator's-or-chauffeur's a
23 resident's driver's license and is also subject to suspension
24 as provided in section 321.513.

25 Sec. 45. Section 321.204, Code 1989, is amended to read as
26 follows:

27 321.204 CERTIFICATION OF CONVICTION -- NOTIFICATION OF
28 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

29 1. The department is further authorized, upon receiving a
30 record of the conviction in this state of a nonresident driver
31 operator of a motor vehicle ef for any offense under the motor
32 vehicle laws of this state, to forward a certified copy of
33 such written or electronic record of the conviction to the
34 motor vehicle administrator in the licensing state wherein-the
35 person-so-convicted-is-a-resident.

1 2. The department shall notify the commercial driver's
2 license information system and the commercial motor vehicle
3 administrator in the licensing state, if applicable, of the
4 disqualification of a commercial driver within ten days of any
5 of the following:

6 a. The disqualification of the commercial driver under
7 section 321.208 if the disqualification is for more than sixty
8 days.

9 b. The suspension or revocation of a commercial driver's
10 license if the suspension or revocation is for more than sixty
11 days.

12 c. The cancellation of a commercial driver's license.

13 Sec. 46. Section 321.205, Code 1989, is amended to read as
14 follows:

15 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
16 STATE.

17 The department is authorized to suspend or revoke the motor
18 vehicle license of any a resident of this state upon receiving
19 notice of the conviction of such-person the resident in
20 another state of for an offense therein which, if committed in
21 this state, would be grounds for the suspension or revocation
22 of the license of-an-operator-or-chauffeur or upon receiving
23 notice of a final administrative decision in another state
24 that the resident has acted in a manner which would be grounds
25 for suspension or revocation of the license in this state.

26 Sec. 47. Section 321.206, Code 1989, is amended to read as
27 follows:

28 321.206 SURRENDER OF LICENSE -- DUTY OF COURT.

29 ~~Whenever-any~~ If a person is convicted in court of any an
30 offense for which this chapter makes requires mandatory the
31 revocation of the operator's-or-chauffeur's person's motor
32 vehicle license of-such-person-by-the-department or, if the
33 person's license is a commercial driver's license and the
34 conviction disqualifies the person from operating a commercial
35 motor vehicle, the court in-which-such-conviction-is-had shall

1 require the person to surrender to-it-of-all-operator's-and
2 chauffeur's-licenses-then the motor vehicle license held by
3 the person ~~so-convicted~~ and the court shall thereupon forward
4 the same license together with a record of such the conviction
5 to the department as provided in section 321.491.

6 Sec. 48. Section 321.208, Code 1989, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 321.208 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION --
10 REPLACEMENT DRIVER'S LICENSE -- TEMPORARY LICENSE.

11 1. A person is disqualified from operating a commercial
12 motor vehicle for one year upon a conviction or final
13 administrative decision that the person while operating a
14 commercial motor vehicle has committed any of the following
15 acts or offenses in any state or foreign jurisdiction:

16 a. Operating a commercial motor vehicle while under the
17 influence of an alcoholic beverage or other drug or controlled
18 substance or a combination of such substances.

19 b. Operating a commercial motor vehicle with a blood
20 alcohol concentration, as defined in section 321J.1, of 0.04
21 or more.

22 c. Refusal to submit to chemical testing required under
23 chapter 321J.

24 d. Failure to stop and render aid at the scene of an
25 accident involving the person's vehicle.

26 e. A felony or aggravated misdemeanor involving the use of
27 a commercial motor vehicle other than an offense involving
28 manufacturing, distributing, or dispensing a controlled
29 substance.

30 However, a person is disqualified for three years if the
31 act or offense occurred while the person was operating a
32 commercial motor vehicle transporting hazardous material of a
33 type or quantity requiring vehicle placarding.

34 2. A person is disqualified for life if convicted or found
35 to have committed two or more of the above acts or offenses

1 arising out of two or more separate incidents. However, a
2 disqualification for life is subject to a reduction to a ten-
3 year disqualification as provided in 54 Fed. Reg. 40,788
4 (1989) (to be codified at 49 C.F.R. § 383.51).

5 3. A person is disqualified from operating a commercial
6 motor vehicle for the person's life upon a conviction that the
7 person used a commercial motor vehicle in the commission of a
8 felony or aggravated misdemeanor involving the manufacturing,
9 distributing, or dispensing of a controlled substance as
10 defined in section 204.101.

11 4. A person is disqualified from operating a commercial
12 motor vehicle if the person receives convictions for
13 committing within any three-year period two or more of the
14 following offenses while operating a commercial motor vehicle:

15 a. Speeding fifteen miles per hour or more over the legal
16 speed limit.

17 b. Reckless driving.

18 c. Any violation of the traffic laws, except a parking
19 violation or a vehicle weight violation, which arises in
20 connection with a fatal traffic accident.

21 d. Operating a commercial motor vehicle when not issued a
22 motor vehicle license valid for the vehicle operated.

23 e. Operating a commercial motor vehicle upon a highway
24 when disqualified.

25 f. Operating a commercial motor vehicle upon a highway
26 without immediate possession of a motor vehicle license valid
27 for the vehicle operated.

28 g. Following another motor vehicle too closely.

29 h. Improper lane changes in violation of section 321.306.

30 The period of disqualification under this subsection shall
31 be sixty days for two offenses within any three-year period
32 and one hundred twenty days for three offenses within any
33 three-year period.

34 5. A person is disqualified from operating a commercial
35 motor vehicle when the person's driving privilege is suspended

1 or revoked.

2 6. Upon receiving a record of a person's disqualifying
3 conviction, administrative decision, suspension, or
4 revocation, the department shall, by rule, without preliminary
5 hearing and upon twenty days' advance notice, disqualify the
6 person from operating a commercial motor vehicle upon a
7 highway.

8 7. If a person operating a commercial motor vehicle either
9 refuses to submit to chemical testing required under chapter
10 321J or submits to chemical testing and the results show a
11 blood alcohol concentration as defined in section 321J.1 of
12 0.04 or more, the department, upon receipt of the peace
13 officer's certification, subject to penalty for perjury, that
14 the peace officer had reasonable grounds to believe the person
15 to have been operating a commercial motor vehicle with a blood
16 alcohol concentration of 0.04 or more and that the person
17 refused to submit to the chemical testing, shall, without
18 preliminary hearing and upon twenty days' advance notice,
19 disqualify the person from operating a commercial motor
20 vehicle upon a highway.

21 8. Upon notice, the disqualified person shall surrender
22 the person's commercial driver's license to the department and
23 the department may issue a driver's license valid only to
24 operate a noncommercial motor vehicle upon payment of a one
25 dollar fee. The department shall notify the commercial
26 driver's license information system of the disqualification if
27 required to do so under section 321.204.

28 9. Notwithstanding the Iowa administrative procedure Act,
29 the filing of a petition for judicial review shall stay the
30 disqualification pending the determination by the district
31 court.

32 10. The department may reinstate a qualified person's
33 privilege to operate a commercial motor vehicle after a period
34 of disqualification and after payment of required fees.

35 Sec. 49. NEW SECTION. 321.208A TWENTY-FOUR HOUR OUT-OF-

1 SERVICE ORDER.

2 A person required to hold a commercial driver's license to
3 operate a commercial motor vehicle shall not operate a
4 commercial motor vehicle on the highways of this state in
5 violation of an out-of-service order issued by a peace officer
6 for a violation of the out-of-service rules adopted by the
7 department. An employer shall not allow an employee to drive
8 a commercial motor vehicle in violation of such out-of-service
9 order. The department shall adopt out-of-service rules which
10 shall be consistent with 49 C.F.R. § 392.5 (1988).

11 Sec. 50. Section 321.209, unnumbered paragraph 1, Code
12 1989, is amended to read as follows:

13 The department shall forthwith upon twenty days' notice and
14 without preliminary hearing revoke the license or operating
15 privilege of any an operator or-chauffeur,-or-driving
16 privitege, upon receiving a record of such the operator's or
17 chauffeur's conviction of for any of the following offenses,
18 when such conviction has become final:

19 Sec. 51. Section 321.210, Code Supplement 1989, is amended
20 by striking the section and inserting in lieu thereof the
21 following:

22 321.210 SUSPENSION.

23 1. The department is authorized to establish rules
24 providing for the suspension of the license of an operator
25 upon twenty days' notice and without preliminary hearing upon
26 a showing by its records or other sufficient evidence that the
27 licensee:

28 a. Is an habitually reckless or negligent driver of a
29 motor vehicle.

30 b. Is an habitual violator of the traffic laws.

31 c. Is physically or mentally incapable of safely operating
32 a motor vehicle.

33 d. Has permitted an unlawful or fraudulent use of the
34 license.

35 e. Has committed an offense or acted in a manner in

1 another state or foreign jurisdiction which in this state
2 would be grounds for suspension or revocation.

3 f. Has committed a serious violation of the motor vehicle
4 laws of this state.

5 g. Is subject to a license suspension under section
6 321.513.

7 Prior to a suspension taking effect under paragraph "a",
8 "b", "c", "d", "e", or "f", the licensee shall have received
9 twenty days' advance notice of the effective date of the
10 suspension. Notwithstanding the terms of the Iowa
11 administrative procedure Act, the filing of a petition for
12 judicial review shall operate to stay the suspension pending
13 the determination by the district court.

14 2. In determining suspension the department shall not
15 consider the following:

16 a. Violation of motor vehicle equipment standards if
17 repairs are made within seventy-two hours of the violation and
18 satisfactory evidence of repair is immediately sent to the
19 department.

20 b. Violations of requirements to install and use safety
21 belts, safety harnesses, and child restraint devices under
22 sections 321.445 and 321.446.

23 c. Parking violations, meaning violation of a local
24 authority parking ordinance or violation of sections 321L.4,
25 321.366, subsection 6, and 321.354 through 321.361 except
26 section 321.354, subsection 1.

27 d. The first two speeding violations within any twelve-
28 month period of ten miles per hour or less over the legal
29 speed limit in speed zones having a legal speed limit between
30 thirty-four miles per hour and fifty-six miles per hour.

31 Sec. 52. Section 321.211, unnumbered paragraph 2, Code
32 Supplement 1989, is amended to read as follows:

33 There is appropriated each year from the road use tax fund
34 to the department of transportation one hundred twenty-five
35 thousand dollars, or as much thereof as is necessary, to be

1 used to pay the cost of notice and personal delivery of
2 service, as necessary to meet the notice requirement of this
3 section. The department shall adopt rules governing the
4 payment of the cost of personal delivery of service. The
5 reinstatement fees collected under section 321.191 shall be
6 deposited in the road use tax fund in the manner provided in
7 section ~~321.192~~ 321.145, as reimbursement for the costs of
8 notice under this section.

9 Sec. 53. Section 321.212, subsection 2, Code 1989, is
10 amended to read as follows:

11 2. The department upon suspending or revoking a motor
12 vehicle license shall require that ~~such~~ the license be
13 surrendered to and be retained by the department ~~except-that~~
14 at. At the end of the period of suspension ~~such~~ the license
15 ~~so~~ surrendered shall be returned reissued to the licensee upon
16 payment of the reinstatement fee under section 321.191. At
17 the end of a period of revocation the licensee must apply for
18 a new motor vehicle license.

19 Sec. 54. Section 321.213, Code Supplement 1989, is amended
20 to read as follows:

21 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
22 VIOLATIONS BY JUVENILE DRIVERS.

23 Upon the entering of an order at the conclusion of an
24 adjudicatory hearing under section 232.47 that the child
25 violated a provision of this chapter or chapter 321A or
26 chapter 321J for which the penalty is greater than a simple
27 misdemeanor, the clerk of the juvenile court in the
28 adjudicatory hearing shall forward a copy of the adjudication
29 to the department. Notwithstanding section 232.55, a final
30 adjudication in a juvenile court that the child violated a
31 provision of this chapter or chapter 321A or chapter 321J
32 constitutes a final conviction of a violation of a provision
33 of this chapter or chapter 321A or chapter 321J for purposes
34 of section 321.189, subsection 2 8, paragraph "b", and
35 sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215,

1 321A.17, 321J.2, 321J.3, and 321J.4.

2 Sec. 55. Section 321.215, Code 1989, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 321.215 TEMPORARY RESTRICTED LICENSE -- TEMPORARY
6 RESTRICTED PERMIT.

7 1. The department, on application, may issue a temporary
8 restricted license to a person whose motor vehicle license is
9 suspended or revoked under this chapter, allowing the person
10 to drive to and from the person's home and specified places at
11 specified times which can be verified by the department and
12 which are required by any of the following:

13 a. The person's full-time or part-time employment.

14 b. The person's continuing health care or the continuing
15 health care of another who is dependent upon the person.

16 c. The person's continuing education while enrolled in an
17 educational institution on a part-time or full-time basis and
18 while pursuing a course of study leading to a diploma, degree,
19 or other certification of successful educational completion.

20 d. The person's substance abuse treatment.

21 e. The person's court-ordered community service
22 responsibilities.

23 However, a temporary restricted license shall not be issued
24 to a person whose license is revoked under section 321.209,
25 subsections 1 through 5 or subsection 7. A temporary
26 restricted license may be issued to a person whose license is
27 revoked under section 321.209, subsection 6, only if the
28 person has no previous drag racing convictions. A person
29 holding a temporary restricted license issued by the
30 department under this section shall not operate a motor
31 vehicle for pleasure.

32 2. Upon conviction and the suspension or revocation of a
33 person's motor vehicle license under section 321.209,
34 subsection 5 or 6, 321.210, 321.210A, 321.513, or 321.555,
35 subsection 2, and upon the denial by the director of an

1 application for a temporary restricted license, a person may
2 apply to the district court having jurisdiction for the
3 residence of the person for a temporary restricted permit to
4 operate a motor vehicle for the limited purpose or purposes
5 specified in subsection 1. The application may be granted
6 only if all of the following criteria are satisfied:

7 a. The temporary restricted permit is requested only for a
8 case of extreme hardship where alternative means of
9 transportation do not exist.

10 b. The permit applicant has not made an application for a
11 temporary restricted permit in any district court in the state
12 which was denied.

13 c. The temporary restricted permit is restricted to the
14 limited purpose or purposes specified in subsection 1 at times
15 specified in the permit.

16 d. Proof of financial responsibility is established as
17 defined in chapter 321A; however, such proof is not required
18 if the motor vehicle license was suspended under section
19 321.210A or 321.513.

20 The district court shall forward a record of each
21 application for such temporary restricted permit to the
22 department, together with the results of the disposition of
23 the request by the court. A temporary restricted permit is
24 valid only if the department is in receipt of records required
25 by this section.

26 3. The temporary restricted license or permit shall be
27 canceled upon conviction of a moving traffic violation or upon
28 a violation of a term of the license or permit. A "moving
29 traffic violation" does not include a parking violation as
30 defined in section 321.210.

31 4. The temporary restricted license or permit is not valid
32 to operate a commercial motor vehicle if a commercial driver's
33 license is required for the person's operation of the
34 commercial motor vehicle.

35 Sec. 56. Section 321.216, Code Supplement 1989, is amended

1 to read as follows:

2 321.216 UNLAWFUL USE OF LICENSE -- PENALTY.

3 It is a simple misdemeanor for any person:

- 4 1. To display or cause or permit to be displayed or have
5 in the person's possession any a canceled, revoked, suspended,
6 fictitious, or fraudulently altered temporary-driver's-permit,
7 temporary-instruction-permit, motorized-bicycle-license,
8 operator's-license, or chauffeur's motor vehicle license.
- 9 2. To lend that person's temporary-driver's-permit,
10 temporary-instruction-permit, motorized-bicycle-license,
11 operator's-license, or chauffeur's motor vehicle license to
12 any other another person or knowingly permit the use thereof
13 of the license by another.
- 14 3. To display or represent as one's own any-temporary
15 driver's-permit, temporary-instruction-permit, motorized
16 bicycle-license, operator's-license, or chauffeur's a motor
17 vehicle license not issued to that person.
- 18 4. To fail or refuse to surrender to the department upon
19 its lawful demand any-temporary-driver's-permit, temporary
20 instruction-permit, motorized-bicycle-license, operator's
21 license, or chauffeur's a motor vehicle license which has been
22 suspended, revoked, or canceled.
- 23 5. To use a false or fictitious name in any an application
24 for a temporary-driver's-permit, temporary-instruction-permit,
25 motorized-bicycle-license, operator's-license, or chauffeur's
26 motor vehicle license or to knowingly make a false statement
27 or to knowingly conceal a material fact or otherwise commit a
28 fraud in any-such the application.
- 29 6. To permit any an unlawful use of a temporary-driver's
30 permit, temporary-instruction-permit, motorized-bicycle
31 license, operator's-license, or chauffeur's motor vehicle
32 license issued to that person.
- 33 7. To obtain, possess or have in one's control or on one's
34 premises blank motor vehicle license forms.
- 35 8. To obtain, possess, or have in one's control or on

1 one's premises a motor vehicle license, a nonoperator's
2 identification card, or a blank motor vehicle license form,
3 which has been made by a person having no authority or right
4 to make the license, card, or form.

5 Sec. 57. Section 321.218, Code Supplement 1989, is amended
6 to read as follows:

7 321.218 DRIVING OPERATING WITHOUT VALID MOTOR VEHICLE
8 LICENSE -- PENALTIES.

9 1. A person whose operator's-or-chauffeur's motor vehicle
10 license or driving operating privilege has been denied,
11 canceled, suspended, or revoked as provided in this chapter,
12 and who drives operates a motor vehicle upon the highways of
13 this state while the license or privilege is denied, canceled,
14 suspended, or revoked, commits a simple misdemeanor.

15 2. However, a person whose license or driving operating
16 privilege has been revoked under section 321.209, and who
17 drives operates a motor vehicle upon the highways of this
18 state while the license or privilege is revoked, commits a
19 serious misdemeanor.

20 3. The sentence imposed under this section shall not be
21 suspended by the court, notwithstanding section 907.3 or any
22 other statute.

23 4. The department, upon receiving the record of the
24 conviction of a person under this section upon a charge of
25 driving operating a motor vehicle while the license of the
26 person was is suspended or revoked, shall, except for licenses
27 suspended under section 321.210, subsection 1, paragraph "c",
28 321.210A, or 321.513, extend the period of suspension or
29 revocation for an additional like period, and the department
30 shall not issue a new motor vehicle license to the person
31 during the additional period.

32 ~~5.--A-person-operating-a-motorized-bicycle-on-the-highways~~
33 ~~of-the-state-and-not-possessed-of-an-operator's-or-chauffeur's~~
34 ~~license-or-a-valid-motorized-bicycle-license-is-upon~~
35 ~~conviction,guilty-of-a-simple-misdemeanor~~ The department,

1 upon receiving the record of a conviction of a person for
2 operating a commercial motor vehicle while the person is
3 disqualified shall extend the period of disqualification for
4 an additional like period.

5 Sec. 58. Section 321.220, Code 1989, is amended to read as
6 follows:

7 321.220 PERMITTING UNAUTHORIZED PERSON TO DRIVE.

8 No A person shall not knowingly authorize or knowingly
9 permit a motor vehicle owned by that the person or under the
10 person's control to be driven upon any a highway by any a
11 person who is not authorized ~~hereunder or in violation of any~~
12 ~~of the provisions of this chapter~~ issued a motor vehicle
13 license valid for the vehicle's operation.

14 Sec. 59. Section 321.221, Code 1989, is amended to read as
15 follows:

16 321.221 EMPLOYING UNLICENSED CHAUFFEUR.

17 No A person shall not employ as a chauffeur of a motor
18 vehicle any a person not then licensed holding a class D
19 driver's license or a commercial driver's license as provided
20 in this chapter.

21 Sec. 60. Section 321.223, Code 1989, is amended to read as
22 follows:

23 321.223 MOTOR VEHICLE LICENSE INSPECTED INSPECTION FOR
24 MOTOR VEHICLE RENTAL.

25 No A person shall not rent a motor vehicle to another until
26 the person has-inspected without inspecting the operator's-or
27 chauffeur's motor vehicle license of the person to whom the
28 vehicle is to be rented and compared doing all of the
29 following:

30 1. A comparison and verified verification of the signature
31 thereon on the motor vehicle license with the signature of
32 such person written in the inspecting person's presence.

33 2. A comparison and verification of the person to whom the
34 motor vehicle is to be rented with the photograph and other
35 identification information on the person's motor vehicle

1 license.

2 3. A determination that the motor vehicle license of the
3 person to whom the vehicle is to be rented is valid for
4 operating the vehicle to be rented.

5 Sec. 61. Section 321.233, unnumbered paragraph 2, Code
6 1989, is amended by striking the unnumbered paragraph.

7 Sec. 62. Section 321.234A, Code 1989, is amended to read
8 as follows:

9 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG
10 REQUIRED.

11 All-terrain vehicles shall be operated on a highway only
12 between sunrise and sunset and only when the operation on the
13 highway is incidental to the vehicle's use for agricultural
14 purposes. A person operating an all-terrain vehicle on a
15 highway shall have a valid operator's motor vehicle license
16 and the vehicle shall be operated at speeds of less than
17 thirty miles per hour. When operated on a highway, an all-
18 terrain vehicle shall have a bicycle safety flag which extends
19 not less than five feet above the ground attached to the rear
20 of the vehicle. The bicycle safety flag shall be triangular
21 in shape with an area of not less than thirty square inches,
22 be day-glow in color, and shall be in lieu of the reflective
23 equipment required by section 321.383.

24 Sec. 63. Section 321.247, Code 1989, is amended to read as
25 follows:

26 321.247 GOLF CART OPERATION ON CITY STREETS.

27 Incorporated areas may, upon approval of their governing
28 body, allow the operation of golf carts on city streets by
29 persons possessing a valid operator's motor vehicle license.
30 However, a golf cart shall not be operated upon a city street
31 which is a primary road extension through the city but shall
32 be allowed to cross a city street which is a primary road
33 extension through the city. The golf carts shall be equipped
34 with a slow moving vehicle sign and a bicycle safety flag and
35 operate on the streets only from sunrise to sunset. Golf

1 carts operated on city streets shall be equipped with adequate
2 brakes and shall meet any other safety requirements imposed by
3 the governing body. Golf carts are not subject to the
4 registration provisions of this chapter.

5 Sec. 64. Section 321.261, unnumbered paragraphs 1 and 2,
6 Code 1989, are amended to read as follows:

7 3. Any A person failing to stop or to comply with the
8 requirements in subsection 1 ~~of this section~~, in the event of
9 an accident resulting in the death of any a person, is guilty
10 upon conviction of an aggravated misdemeanor.

11 4. The director shall revoke the ~~operator's or chauffeur's~~
12 motor vehicle license of the a person so convicted of a
13 violation of this section.

14 Sec. 65. Section 321.263, Code 1989, is amended to read as
15 follows:

16 321.263 INFORMATION AND AID -- LEAVING SCENE OF ACCIDENT.

17 1. The driver of any a vehicle involved in an accident
18 resulting in injury to or death of any a person or damage to
19 any a vehicle which is driven or attended by any a person
20 shall give the driver's name, address, and the registration
21 number of the vehicle the driver is driving and shall upon
22 request and if available exhibit the driver's ~~operator's or~~
23 ~~chauffeur's~~ motor vehicle license to the person struck, or the
24 driver or occupant of, or the person attending any the vehicle
25 ~~collided with~~ involved in the accident and shall render to any
26 a person injured in such the accident reasonable assistance,
27 including the ~~carrying or the making of arrangements for the~~
28 ~~carrying~~ transporting or arranging for the transporting of
29 such the person ~~to a physician, surgeon, or hospital~~ for
30 ~~medical or surgical~~ treatment if it is apparent that such
31 medical treatment is necessary or if ~~such carrying~~
32 transportation for medical treatment is requested by the
33 injured person.

34 2. If the accident causes the death of any a person, the
35 all surviving ~~driver~~ drivers shall ~~not leave~~ remain at the

1 scene of the accident except to seek necessary aid ~~for-the~~
2 ~~surviving-driver~~ or to report the accident to law enforcement
3 authorities. Before leaving the scene of the fatal accident,
4 ~~the each~~ surviving driver shall leave the surviving driver's
5 motor vehicle license, automobile registration receipt, or
6 other identification data at the scene of the accident. After
7 leaving the scene of the accident, ~~the a~~ surviving driver
8 shall promptly report the accident ~~by-telephone~~ to law
9 enforcement authorities, and shall immediately return to the
10 scene of the accident, ~~or shall~~ inform the law enforcement
11 authorities where the surviving driver can be located.

12 Sec. 66. Section 321.265, Code 1989, is amended to read as
13 follows:

14 321.265 STRIKING FIXTURES UPON A HIGHWAY.

15 The driver of any a vehicle involved in an accident
16 resulting in damage to property legally upon or adjacent to a
17 highway shall take reasonable steps to locate and notify the
18 owner, a peace officer, or person in charge of such the
19 damaged property of such-fact the damage and shall inform the
20 person of the driver's name and address and of the
21 registration number of the vehicle causing the damage and
22 shall, upon request and if available, exhibit the driver's
23 operator's-or-chauffeur's motor vehicle license and shall make
24 report ~~of-such the~~ accident when and as required in section
25 321.266.

26 Sec. 67. Section 321.375, Code Supplement 1989, is amended
27 to read as follows:

28 321.375 SCHOOL BUS DRIVERS -- QUALIFICATIONS -- GROUNDS
29 FOR SUSPENSION.

30 1. The-drivers A driver of a school buses bus must meet
31 all of the following requirements:

564332 a. ~~(1)-be~~ Be at least eighteen years of age, ~~7-unless-such~~
33 ~~person-has-successfully-completed-an-approved-driver-education~~
34 ~~course7-in-which-case7-the-minimum-age-shall-be-sixteen-years7~~
35 ~~(2)-be~~

- 1 b. Be physically and mentally competent.~~7-(3)-not~~
 2 c. Not possess personal or moral habits which would be
 3 detrimental to the best interests of the safety and welfare of
 4 the children transported.~~7-(4)-have~~
 5 d. Have an annual physical examination and meet all
 6 established requirements for physical fitness.

7 2. Any of the following shall constitute grounds for a
 8 school bus driver's immediate suspension from duties, pending
 9 a termination hearing by the board of directors of a public
 10 school district or the authorities in charge in a nonpublic
 11 school:

- 12 a. Use of nonprescription controlled substances or
 13 alcoholic beverages during working hours.~~7-operating~~
 14 b. Operating a school bus while under the influence of
 15 nonprescription controlled substances or alcoholic beverages.~~7~~
 16 fraud

17 c. Fraud in the procurement or renewal of a school bus
 18 driver's permit.~~7-the~~

19 d. The commission of or conviction for a public offense as
 20 defined by the Iowa criminal code, if the offense is relevant
 21 to and affects driving ability, or if the offense includes
 22 sexual involvement with a minor student with the intent to
 23 commit or the commission of acts and practices proscribed
 24 under sections 709.2 through 709.4, section 709.8, and
 25 sections 725.1 through 725.3 shall constitute grounds for the
 26 driver's immediate suspension from duties, pending a
 27 termination hearing by the board.

28 Sec. 68. Section 321.376, Code Supplement 1989, is amended
 29 to read as follows:

30 321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

580431 The driver of every a school bus shall have a regular-or
 32 special-chauffeur's driver's license issued by the department
 33 valid for the operation of a school bus, and in addition
 34 thereto must hold a school bus driver's permit issued by the
 35 department of education.

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1 A person applying for a school bus driver's permit for the
2 first time shall have enrolled in and successfully completed
3 an approved course of instruction for school bus drivers, as
4 programmed by the department of education, before a permit may
5 be issued by the department. -- Certification of course
6 completion shall be submitted to the department of education,
7 prior to issuance of a permit, by an authorized program
8 instructor on forms provided by the department of education.

9 A person applying for employment or employed as a school
10 bus driver shall successfully complete a department of
11 education approved course of instruction for school bus
12 drivers before or within the first six months of employment
13 and at least every twenty-four months thereafter. If an
14 employee fails to provide an employer with a certificate of
15 completion of an approved the required school bus driver's
16 course within the first six months of employment as a school
17 bus driver, the driver's employer shall report the failure to
18 the department of education and the employee's school bus
19 driver's permit shall be revoked. The department of education
20 shall send notice of the revocation of the employee's permit
21 to both the employee and the employer. A person whose school
22 bus driver's permit has been revoked under this section shall
23 not be issued a another school bus driver's permit until
24 certification of the completion of an approved school bus
25 driver's course is received by the department of education.

26 Sec. 69. Section 321.485, subsection 1, paragraph b,
27 subparagraph (1), Code 1989, is amended to read as follows:

28 (1) Prepare a written citation to appear in court
29 containing the name and address of such person, the operator
30 or chauffeur motor vehicle license number, if any, the
31 registration number, if any, of the person's vehicle, the
32 offense charged, and the time when and place where such the
33 person shall appear in court; or

34 Sec. 70. Section 321.491, Code 1989, is amended to read as
35 follows:

1 321.491 CONVICTIONS AND RECOMMENDATIONS FOR SUSPENSION TO
2 BE REPORTED.

3 Every district court judge, district associate judge, and
4 judicial magistrate shall keep a full record of every case in
5 which a person is charged with any violation of this chapter
6 or of any other law regulating the operation of vehicles on
7 highways.

8 Within ten days after the conviction or forfeiture of bail
9 of a person upon a charge of violating any provision of this
10 chapter or other law regulating the operation of vehicles on
11 highways every ~~said~~ magistrate of the court or clerk of the
12 court of record in which ~~such~~ the conviction was had occurred
13 or bail was forfeited shall prepare and immediately forward to
14 the department an abstract of the record of ~~said-court~~
15 ~~covering the case in which said person was so convicted or~~
16 ~~forfeited bail, which.~~ The abstract must be certified by the
17 person ~~so required to prepare the same~~ preparing it to be true
18 and correct.

19 ~~Said~~ The abstract must be made upon a form furnished by the
20 department and shall include the name and address of the party
21 charged, the registration number of the vehicle involved, the
22 nature of the offense, the date of hearing, the plea, the
23 judgment, or whether the bail was forfeited, and the amount of
24 the fine or forfeiture ~~as the case may be~~, and any court
25 recommendation, if any, that the person's motor vehicle
26 license be suspended. The department shall consider and act
27 upon the recommendation.

28 Every clerk of a court of record shall also forward a like
29 report to the department upon the conviction of any person of
30 manslaughter or other felony in the commission of which a
31 vehicle was used.

32 The failure, refusal, or neglect of ~~any such~~ an officer to
33 comply with ~~any of~~ the requirements of this section shall
34 constitute misconduct in office and shall be ground for
35 removal ~~therefrom~~ from office.

1 ~~The department shall keep all~~ All abstracts received
2 ~~hereunder at its main office and the same~~ by the department
3 under this section shall be open to public inspection during
4 reasonable business hours.

5 Sec. 71. Section 321.555, subsection 1, paragraph c, Code
6 Supplement 1989, is amended to read as follows:

7 c. Driving a motor vehicle while operator's or chauffeur's
8 the person's motor vehicle license is suspended or revoked.

9 Sec. 72. Section 321.555, subsection 1, paragraph f, Code
10 Supplement 1989, is amended to read as follows:

11 f. Failure to stop and leave information or to render aid
12 as required by section sections 321.261 and 321.263.

13 Sec. 73. Section 321.555, subsection 2, Code Supplement
14 1989, is amended to read as follows:

15 2. Six or more of any separate and distinct offenses
16 within a two-year period in the operation of a motor vehicle,
17 which are required to be reported to the department by section
18 ~~321-207~~ 321.491 or chapter 321C, except equipment violations,
19 parking violations as defined in section 321.210, violations
20 of registration laws, violations of sections 321.445 and
21 321.446, operating a vehicle with an expired license or
22 permit, failure to appear, weights and measures violations and
23 speeding violations of less than fifteen miles per hour over
24 the legal speed limit.

25 Sec. 74. Section 321A.1, subsections 3 and 7, Code 1989,
26 are amended to read as follows:

27 3. LICENSE. ~~Any license, temporary instruction permit, or~~
28 temporary A motor vehicle license as defined in section 321.1
29 issued under the laws of this state pertaining to the
30 licensing of persons to operate motor vehicles.

31 7. OPERATOR. Every A person who is in actual physical
32 control of a motor vehicle whether or not licensed as an
33 operator or chauffeur that person has a motor vehicle license
34 as required under the laws of this state.

35 Sec. 75. Section 321A.17, Code Supplement 1989, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 6. This section does not apply to a
3 commercial driver's licensee who is merely disqualified from
4 operating a commercial motor vehicle under section 321.208 if
5 the licensee's driver's license is not suspended or revoked.

6 Sec. 76. Section 321E.26, Code 1989, is amended to read as
7 follows:

8 321E.26 DRIVER OF ESCORT VEHICLE -- LICENSE REQUIRED.

9 Any An operator of an escort vehicle, serving as an escort
10 in the movement of vehicles and loads of excess size and
11 weight under permits as required by this chapter shall have a
12 ~~valid-operator's-or-chauffeur's~~ motor vehicle license as
13 defined in section 321.1 valid for the operation of the escort
14 vehicle.

15 Sec. 77. Section 321G.9, subsection 6, paragraph b, Code
16 Supplement 1989, is amended to read as follows:

17 b. A person twelve to fifteen years of age and possessing
18 a valid safety certificate must be under the direct
19 supervision of a parent, guardian, or another adult authorized
20 by the parent or guardian, who is experienced in all-terrain
21 vehicle or snowmobile operation, and who possesses a valid
22 ~~operator's-or-chauffeur's~~ motor vehicle license, instruction
23 ~~permit, restricted-license-or-temporary-permit-issued-under~~
24 ~~chapter-321~~ as defined in section 321.1, or a safety
25 certificate issued under this chapter.

26 Sec. 78. Section 321G.20, unnumbered paragraph 1, Code
27 Supplement 1989, is amended to read as follows:

28 No An owner or operator of any a snowmobile shall not
29 permit any a person under twelve years of age to operate ~~nor~~
30 ~~shall-any~~ and a person less than twelve years of age shall not
31 operate, the a snowmobile except when accompanied on the same
32 snowmobile by a responsible person of at least eighteen years
33 of age who is experienced in snowmobile operation and who
34 possesses a valid ~~operator's-or-chauffeur's~~ motor vehicle
35 license, ~~instruction-permit, restricted-license, or temporary~~

1 permit-issued-under-chapter-321 as defined in section 321.1,
2 or a safety certificate issued under this chapter.

3 Sec. 79. Section 321G.24, subsection 1, Code Supplement
4 1989, is amended to read as follows:

5 1. A person under eighteen years of age shall not operate
6 an all-terrain vehicle or snowmobile in this state without
7 obtaining a valid safety certificate issued by the commission
8 and having the certificate in the person's possession, or
9 unless the person is accompanied on the same snowmobile by a
10 responsible person of at least eighteen years of age who is
11 experienced in snowmobile operation and possesses a valid
12 operator's-or-chauffeur's motor vehicle license, instruction
13 permit,-restricted-license-or-temporary-permit-issued-under
14 chapter-321 as defined in section 321.1, or a safety
15 certificate issued under this chapter.

16 Sec. 80. Section 321J.1, subsection 6, Code 1989, is
17 amended to read as follows:

18 6. "Motor vehicle license" means any license or permit
19 issued to a person to operate a motor vehicle ~~in~~ on the
20 highways of this state, including but not limited to an
21 operator,-chauffeur,-or-motorized-bicycle-license-and-an
22 instruction a driver's, commercial driver's, temporary
23 restricted, or temporary license and an instruction,
24 chauffeur's instruction, commercial driver's instruction,
25 temporary restricted, or temporary permit.

26 Sec. 81. Section 321J.4, subsection 8, Code 1989, is
27 amended to read as follows:

28 8. A person whose motor vehicle license has either been
29 revoked under this chapter, or revoked or suspended under
30 chapter 321 solely for violations of this chapter, or who has
31 been determined to be a habitual offender under chapter 321
32 based solely on violations of this chapter, and who is not
33 eligible for a temporary restricted license under this chapter
34 may petition the court for an order to the department to
35 require the department to issue a temporary restricted license

1 to the person notwithstanding section 321.560. The court
2 shall determine if the temporary restricted license is
3 necessary for the person to maintain the person's present
4 employment. If the court determines that the temporary
5 restricted license is necessary for the person to maintain the
6 person's present employment, the court shall order the
7 department to issue to the person a temporary restricted
8 license conditioned upon the person's certification to the
9 court of the installation of approved ignition interlock
10 devices in all motor vehicles that it is necessary for the
11 person to operate to maintain the person's present employment.
12 Section 321.561 does not apply to a person operating a motor
13 vehicle in the manner permitted under this subsection. If the
14 person operates a motor vehicle which does not have an
15 approved ignition interlock device or if the person tampers
16 with or circumvents an ignition interlock device, in addition
17 to other penalties provided, the person's temporary restricted
18 license shall be revoked.

19 Sec. 82. Section 321J.6, subsection 1, paragraph e, Code
20 1989, is amended to read as follows:

21 e. The preliminary breath screening test was administered
22 to a person operating a commercial motor vehicle as defined in
23 section 321.1 and it indicated an alcohol concentration of
24 0.04 or more.

25 f. The preliminary breath screening test was administered
26 and it indicated an alcohol concentration of less than ± 0
27 0.10 and the peace officer has reasonable grounds to believe
28 that the person was under the influence of a drug other than
29 alcohol or a combination of alcohol and another drug.

30 Sec. 83. Section 321J.8, Code 1989, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 3. If the person is operating a
33 commercial motor vehicle as defined in section 321.1 and
34 either refuses to submit to the test or submits to the test
35 and the results indicate an alcohol concentration of 0.04 or

1 more, the person is disqualified from operating a commercial
2 motor vehicle for the applicable period under section 321.208
3 in addition to any revocation of the person's license or
4 operating privilege which may be applicable under this
5 chapter.

6 Sec. 84. Section 321J.20, Code 1989, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 4. A person holding a temporary
9 restricted license issued by the department under this section
10 shall not operate a commercial motor vehicle on a highway if a
11 commercial driver's license is required for the person's
12 operation of the commercial motor vehicle.

13 Sec. 85. Section 326.10A, Code 1989, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 326:10A SEMIANNUAL INSTALLMENT PAYMENT.

17 A fleet owner electing to pay Iowa renewal registration
18 fees in two installments shall file with the department a
19 surety bond, certificate of deposit, or letter of credit at
20 the time of the first installment in an amount equal to the
21 amount of the first installment. Payment of the first
22 installment entitles an owner to the issuance of full-year
23 credentials. The second installment shall be paid by July 15.
24 If the second installment is not paid by July 15, the
25 department shall file claim against the security for payment
26 of fees and penalties due and the owner shall not be entitled
27 to elect the installment payment option for the following
28 year. Excess surety moneys received shall be refunded minus a
29 fifty dollar administration fee.

30 Sec. 86. Section 331.427, subsection 1, unnumbered
31 paragraph 1, Code Supplement 1989, is amended to read as
32 follows:

33 Except as otherwise provided by state law, county revenues
34 from taxes and other sources for general county services shall
35 be credited to the general fund of the county, including

1 revenues received under sections 84.21, 98.35, 98A.6, 101A.3,
2 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105,
3 321.152, ~~321.192~~, 321G.7, 331.554, subsection 6, 341A.20,
4 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19,
5 441.68, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17,
6 and 911.3, and chapter 405A, and the following:

7 Sec. 87. Section 331.653, subsection 31, Code 1989, is
8 amended by striking the subsection.

9 Sec. 88. Section 331.655, subsection 1, paragraph n, Code
10 1989, is amended by striking the paragraph.

11 Sec. 89. Section 805.6, subsection 1, paragraph a,
12 unnumbered paragraph 1, Code Supplement 1989, is amended to
13 read as follows:

14 The commissioner of public safety, the director of
15 transportation, and the director of natural resources, acting
16 jointly, shall adopt a uniform, combined citation and
17 complaint which shall be used for charging all traffic
18 violations in Iowa under state law or local regulation or
19 ordinance, and which shall be used for charging all other
20 violations which are designated by section 805.8 to be
21 scheduled violations. The court costs in cases of parking
22 violations which are denied, and charged and collected
23 pursuant to section 321.236, subsection 1, are eight dollars
24 per court appearance, regardless of the number of parking
25 violations considered at that court appearance. The court
26 costs in scheduled violation cases where a court appearance is
27 not required are ten dollars. The court costs in scheduled
28 violation cases where a court appearance is required are
29 fifteen dollars. This subsection does not prevent the
30 charging of any of those violations by information, by private
31 complaint filed under chapter 804, or by a simple notice of
32 fine where permitted by section 321.236, subsection 1. Each
33 uniform citation and complaint shall be serially numbered and
34 shall be in quintuplicate, and the officer shall deliver the
35 original and a copy to the court where the defendant is to

1 appear, two copies to the defendant, and a copy to the law
2 enforcement agency of the officer. The court shall forward
3 ~~the copy~~ an abstract of the uniform citation and complaint in
4 accordance with section ~~321.207~~ 321.491 when applicable.

5 Sec. 90. Section 805.8, subsection 2, paragraph f, Code
6 Supplement 1989, is amended to read as follows:

7 f. For violations of ~~a-restricted~~ the conditions or
8 restrictions of a motor vehicle license under section 321.180,
9 321.193 and 321.194, the scheduled fine is twenty dollars.

10 Sec. 91. Section 805.9, subsections 1 and 2, Code 1989,
11 are amended to read as follows:

12 1. In cases of scheduled violations, the defendant, before
13 the time specified in the citation and complaint for
14 appearance before the court, may sign the admission of
15 violation on the citation and complaint and deliver or mail a
16 copy of the citation and complaint, together with the minimum
17 fine for the violation, plus court costs, to a scheduled
18 violations office in the county. The office shall, if the
19 offense is a moving violation under chapter 321, forward a
20 ~~copy~~ an abstract of the citation and complaint and admission
21 to the state department of transportation as required by
22 section ~~321.207~~ 321.491. In this case the defendant is not
23 required to appear before the court. The admission
24 constitutes a conviction.

25 2. A defendant charged with a scheduled violation by
26 information may obtain two copies of the information from the
27 court and, before the time the defendant is required to appear
28 before the court, deliver or mail the copies, together with
29 the defendant's admission, fine, and court costs, to the
30 scheduled violations office in the county. The procedure,
31 fine, and costs are the same as when the charge is by citation
32 and complaint, with the admission and the number of the
33 defendant's ~~operator's-or-chauffeur's~~ motor vehicle license as
34 defined in section 321.1 placed upon the information, when the
35 violation involves the use of a motor vehicle.

1 Sec. 92. Section 805.16, subsection 2, Code 1989, is
2 amended to read as follows:

3 2. A person under the age of eighteen who refuses to sign
4 the citation without qualification, who persists in engaging
5 in the conduct for which the citation was issued, who refuses
6 to provide proper identification or to identify the person's
7 self, or who constitutes an immediate threat to the person's
8 own safety or the safety of the public may be arrested in the
9 manner provided in subsection 3. In addition, or
10 alternatively, the peace officer may require that person to
11 surrender the person's motor vehicle ~~operator's~~ license as
12 defined in section 321.1 until the time of the person's
13 initial court appearance. The peace officer shall immediately
14 send the person's ~~operator's~~ motor vehicle license along with
15 a copy of the unsigned citation indicating the juvenile's
16 refusal to sign to the clerk of the district court for the
17 district in which the peace officer issued the citation.

18 Sec. 93. Sections 321.175, 321.183, 321.192, 321.202,
19 321.207, 321.214, and 321A.35, Code 1989, are repealed.

20 Sec. 94.

21 The legislative council may authorize an interim study in
22 the 1991 interim to evaluate the implementation of this Act
23 and to recommend necessary legislative changes.

24 Sec. 95.

25 Notwithstanding contrary provisions of the Code or this
26 Act, the state department of transportation shall not issue
27 commercial driver's licenses until the commercial driver's
28 license provisions of this Act have been approved by federal
29 authorities. A valid chauffeur's license issued by the state
30 department of transportation which expires on or after July 1,
31 1990, shall be valid to operate a motor vehicle according to
32 the terms and limitations of the license until the date
33 commercial driver's licenses may be issued by the state
34 department of transportation under this section in accordance
35 with rules adopted by the state department of transportation.

LSB 8308SV 73

SENATE FILE 2329

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- 1 Amend Senate File 2329, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 19 the fol-
4 lowing:
5 "(5) The motor vehicle is a school bus designed to
6 transport more than ten persons."
7 2. Page 7, by striking lines 1 through 9 and
8 inserting the following: "is paid. Semiannual
9 installments do not apply to commercial vehicles, as
10 defined under section 326.2, subject to proportional
11 registration, with a base state other than the state
12 of Iowa, as defined in section 326.2, subsection 6.
13 The penalty on vehicles registered under chapter 326
14 accrues August 1 of each year except as provided in
15 section 326.6."
- 16 3. Page 8, lines 7 and 8, by striking the words
17 "or when disqualified from operating the vehicle under
18 section 321.208".
- 19 4. Page 9, lines 1 and 2, by striking the words
20 "within the legal scope of the" and inserting the fol-
21 lowing: "within the legal scope of the".
- 22 5. Page 9, line 10, by inserting after the word
23 "fifty" the following: "air".
- 24 6. Page 9, by inserting after line 25 the
25 following:
26 "6. A person exempted by rules adopted by the
27 department pursuant to section 321.176B.
28 Sec. . NEW SECTION. 321.176B PERSONS EXEMPT
29 BY RULE FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.
30 If after July 1, 1990, federal law or federal
31 regulations are changed to allow exemptions from
32 commercial driver's license requirements for suppliers
33 of agricultural inputs or their employees while
34 delivering these products to their customers, the
35 department shall immediately, pursuant to chapter 17A,
36 adopt rules which allow these exemptions from the
37 commercial driver's license requirements."
38 7. Page 11, line 27, by inserting after the word
39 "issuance" the following: "from the licensee's
40 birthday anniversary in the year of issuance".
- 41 8. Page 13, line 9, by striking the words "or C"
42 and inserting the following: "C, or D".
- 43 9. Page 14, line 16, by inserting after the word
44 "years" the following: "from the licensee's birthday
45 anniversary in the year of issuance".
- 46 10. By striking page 16, line 34, through page
47 17, line 14, and inserting the following:
48 "The department shall make every effort to
49 accommodate a commercial driver's license applicant's
50 need to arrange an appointment for a driving skills

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1 test at an established test site other than where the
2 applicant passed the required knowledge test. The
3 department shall report to the governor and the
4 general assembly on any problems, extraordinary costs
5 and recommendations regarding the appointment
6 scheduling process."

7 11. Page 17, line 25, by inserting after the word
8 "highways." the following: "However, an applicant for
9 a new motor vehicle license other than a commercial
10 driver's license need not pass a vision test
11 administered by the department if the applicant files
12 with the department a vision report in accordance with
13 section 321.186A.

14 Sec. . NEW SECTION. 321.186A VISION REPORT IN
15 LIEU OF VISION TEST.

16 1. An applicant for a new or renewed motor vehicle
17 license other than a commercial driver's license need
18 not take a vision test administered by the department
19 if the applicant files with the department a vision
20 report signed by a licensed vision specialist in
21 accordance with this section.

22 2. An applicant for such a new or renewed motor
23 vehicle license who fails a vision test administered
24 by the department may subsequently be issued the motor
25 vehicle license without need of passing a department
26 administered vision test, if the applicant files with
27 the department a vision report from a licensed vision
28 specialist in accordance with this section.

29 3. The vision report shall state the visual acuity
30 level of the applicant as measured by the vision
31 specialist and shall be in the form and include other
32 information as required by rule of the department. A
33 vision report is valid only if the visual acuity level
34 of the applicant has been measured by the licensed
35 vision specialist within thirty days before the
36 application for the new or renewed motor vehicle
37 license.

38 4. As used in this section, a "licensed vision
39 specialist" means a person licensed to practice
40 optometry."

41 12. Page 18, line 5, by striking the figure
42 "(1988)" and inserting the following: "adopted as of
43 a specific date by rule by the department".

44 13. Page 18, by striking lines 6 and 7.

45 14. Page 18, line 20, by striking the figure
46 "(1988)" and inserting the following: "adopted as of
47 a specific date by rule by the department".

48 15. Page 18, line 30, by striking the figure
49 "(1988)" and inserting the following: "adopted as of
50 a specific date by rule by the department".

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1 16. Page 19, line 15, by striking the figure
2 "(1988)" and inserting the following: "adopted as of
3 a specific date by rule by the department".

4 17. Page 20, line 1, by striking the figure
5 "(1988)" and inserting the following: "adopted as of
6 a specific date by rule by the department".

7 18. Page 20, line 18, by striking the word
8 "state" and inserting the following: "state, except a
9 basic Iowa rules of the road knowledge test and, when
10 applicable, motorcycle operator knowledge and driving
11 skills tests".

12 19. Page 21, line 1, by inserting after the word
13 "pounds" the following: "and valid for the operation
14 of vehicles with lower gross combination weight
15 ratings and other vehicles except motorcycles".

16 20. Page 21, line 8, by inserting after the word
17 "pounds" the following: "and valid for the operation
18 of vehicles with lower gross vehicle weight ratings or
19 gross combination weight ratings except motorcycles".

20 21. Page 21, by striking lines 23 and 24 and
21 inserting the following: "any class of driver's
22 license is not valid".

23 22. Page 21, by striking lines 26 through 28 and
24 inserting the following: "endorsed for the vehicle.
25 A class D driver's license only authorizes its holder
26 to operate a motor vehicle as a chauffeur with the
27 type of motor vehicle operation allowed being
28 determined by the other classes of licenses for which
29 the license is issued. The holder of a class D
30 driver's license is not required to obtain a class C
31 driver's license to operate a motor vehicle if the
32 operation is not as a chauffeur or is not subject to
33 commercial driver's license requirements. The".

34 23. Page 23, by striking line 29 and inserting
35 the following: "years of age or older who has passed
36 a vision test or who files a vision test as provided
37 in section 321.186A and who passes a".

38 24. Page 24, line 8, by inserting after the word
39 "years" the following: "from the licensee's birthday
40 anniversary in the year of issuance".

41 25. Page 26, line 10, by striking the words
42 "general fund of the state" and inserting the
43 following: "general fund of the state road use tax
44 fund".

45 26. Page 28, by striking lines 3 through 11 and
46 inserting the following: "REMOVAL OF AIR BRAKE
47 RESTRICTIONS FROM AN ISSUED LICENSE. If an applicant
48 wishes to upgrade a license class privilege, the only
49 fees charged shall be for upgrading and shall be
50 prorated on full-year fee increments of the new

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1 license. The expiration date of".

2 27. Page 28, line 13, by inserting after the word
3 "license." the following: "As used in this section
4 "to upgrade a license class privilege" means to add
5 additional classes or endorsements to or to remove air
6 brake restrictions from a valid motor vehicle
7 license."

8 28. Page 32, line 8, by inserting after the word
9 "years" the following: "from the licensee's birthday
10 anniversary occurring in the year of issuance".

11 29. Page 32, line 27, by inserting after the word
12 "applicant" the following: "either".

13 30. Page 32, line 29, by inserting after the word
14 "department" the following: "or files a vision report
15 in accordance with section 321.186A".

16 31. Page 33, by striking lines 21 through 26 and
17 inserting the following: "license or April 1, 1992.
18 A person who has been issued a valid chauffeur's
19 license by the department which expires on or after
20 July 1, 1990, and before July 1, 1991, may renew the
21 license and be issued a special class D driver's
22 license which shall be valid according to the terms
23 and limitations of the chauffeur's license previously
24 issued to the person. However, after April 1, 1992, a
25 chauffeur's license or a special class D driver's
26 license issued under this section shall not be valid
27 for operating a commercial motor vehicle. Between
28 July 1, 1990, and April 1, 1992, the holder of a valid
29 chauffeur's".

30 32. Page 37, line 7, by striking the words "more
31 than".

32 33. Page 37, line 8, by inserting after the word
33 "days" the following: "or more".

34 34. Page 37, line 10, by striking the words "more
35 than".

36 35. Page 37, line 11, by inserting after the word
37 "days" the following: "or more".

38 36. Page 39, by striking lines 3 and 4 and
39 inserting the following: "year disqualification as
40 provided in 49 C.S.R. § 383.51 adopted as of a
41 specific case by rule by the department."

42 37. Page 40, by striking line 8 and inserting the
43 following:

44 "7. A person is disqualified from operating a
45 motor vehicle if the person either".

46 38. Page 40, line 12, by striking the words
47 "more, the" and inserting the following: "more.
48 The".

49 39. Page 40, line 17, by inserting after the word
50 "testing" the following: "or submitted to chemical

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1 testing and the results show a blood alcohol
2 concentration as defined in section 321J.1 of 0.04 or
3 more".

4 40. Page 40, by inserting after line 34 the
5 following:

6 "11. As used in this section, the terms "acts",
7 "actions", and "offenses" mean acts, actions, or
8 offenses which occur on or after July 1, 1990."

9 41. Page 41, line 10, by striking the figure
10 "(1988)" and inserting the following: "adopted as of
11 a specific date by the department".

12 42. Page 47, line 8, by inserting after the word
13 "LICENSE" the following: "OR WHEN DISQUALIFIED".

14 43. Page 47, by inserting after line 31 the
15 following:

16 "5. A person who operates a commercial motor
17 vehicle upon the highways of this state when
18 disqualified from operating the commercial motor
19 vehicle under section 321.208 commits a simple
20 misdemeanor if a commercial driver's license is
21 required for the person to operate the commercial
22 motor vehicle."

23 44. Page 47, line 32, by striking the figure "5"
24 and inserting the following: "5 6."

25 45. Page 48, line 1, by striking the word "for"
26 and inserting the following: "under this section upon
27 a charge of".

28 46. Page 58, line 18, by inserting after the word
29 "revoked." the following: "A person holding a
30 temporary restricted license issued under this
31 subsection shall not operate a commercial motor
32 vehicle, as defined in section 321.1, on a highway if
33 a commercial driver's license is required for the
34 person to operate the commercial motor vehicle."

35 47. Page 59, by striking lines 13 through 29 and
36 inserting the following:

37 "Sec. 711. Section 326.6, subsection 2, paragraph
38 d, Code 1989, is amended to read as follows:

39 d. The product so obtained under paragraph "c" of
40 this subsection shall be the amount payable by the
41 owner for proportional registration of the fleet for
42 the registration year. Payment of registration fees
43 shall be made in accordance with ~~law~~ section 321.134,
44 subsection 2, or a fleet owner on a renewal
45 registration may pay a fee equal to one-half of the
46 applicable fee and post a surety bond, certificate of
47 deposit, or letter of credit, equal to one-half of the
48 applicable fee at the time of the first installment.
49 Payment of the first installment entitles an owner to
50 the issuance of full-year credentials. The second

1 installment shall be paid by July 15. If the second
2 installment is not paid by July 15, the department
3 shall file claim against the security for payment of
4 fees and penalties due and the owner shall not be
5 entitled to elect the installment payment option for
6 the following year. Excess surety moneys received
7 shall be refunded minus a fifty dollar administration
8 fee."

9 48. Page 62, by inserting after line 35, the
10 following:

11 "Sec. _____.

12 Section 711 of this Act applies to the 1992 and
13 subsequent registration years."

14 49. Title page, line 1, by inserting after the
15 word "Act" the following: "relating to motor vehicles
16 including provisions".

17 50. Title page, line 8, by inserting after the
18 word "applicable" the following: "and providing for
19 the Act's applicability".

20 51. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

By COMMITTEE ON TRANSPORTATION
KOENIGS of Mitchell, Chairperson

H-5581 FILED MARCH 8, 1990

Adopted as amended by 5608, 5714 3/20 (p 1245)

SENATE FILE 2329
AMENDMENT H-5581 TO SENATE FILE 2329
FISCAL NOTE

A fiscal note for H-5581 to Senate File 2329 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House Amendment 5581 makes several changes to Senate File 2329. These changes include: eliminating semiannual registration payments for commercial vehicles, requiring a commercial driver's license for the operation of a school bus designed to carry 10 or more passengers, requiring the Department of Transportation to make every effort to accommodate an applicant for a skills test at a test site other than where the applicant passed the knowledge test, changes the disposition of fees for the issuance of nonoperator identification cards from the General Fund to the Road Use Tax Fund, allows for the prorating of license fees for upgrading a license to a different class.

Assumptions

1. Under the new legislation the number of nonoperator identification cards to be issued in FY 1991 will total approximately 16,600. The fee for a nonoperator identification card is \$5.00.
2. The nonoperator identification card fees shall be deposited into the Road Use Tax Fund rather than the General Fund.

Fiscal Effect

The estimated fiscal effect of H-5581, upon the enactment of SF 2329, will be a reduction to the General Fund of \$80,000 and an increase to the Road Use Tax Fund of \$80,000.

(Source: Department of Transportation)

(SRS 5308-v. J, DLR)

SENATE FILE 2329

H-5714

1 Amend amendment H-5581 to Senate File 2329, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 38 the
5 following:

6 "____. Page 10, line 29, by inserting after the
7 word "person" the following: "is eighteen years of
8 age or older and the person."

9 2. Page 3, by inserting after line 19 the
10 following:

11 "____. Page 21, line 10, by inserting after the
12 word "motorcycle," the following: "or a combination
13 of vehicles with a gross combination weight rating of
14 twenty-six thousand one or more pounds provided the
15 towing vehicle has a gross vehicle weight rating of
16 less than twenty-six thousand one pounds and the towed
17 vehicle or vehicles have a gross vehicle weight rating
18 or gross combination weight rating of less than ten
19 thousand one pounds,."

20 3. Page 3, by striking lines 20 through 33 and
21 inserting the following:

22 "____. Page 21, by striking lines 22 through 28
23 and inserting the following: "may be issued as
24 commercial driver's licenses. A driver's license is
25 not valid for the operation of a vehicle requiring an
26 endorsement unless the driver's license is endorsed
27 for the vehicle. A class D driver's license is also
28 valid as a noncommercial class C driver's license.
29 The"."

30 4. By striking page 3, line 45 through page 4,
31 line 7, and inserting the following:

32 "____. Page 28, by striking lines 2 through 13 and
33 inserting the following:

34 "10. UPGRADING A LICENSE CLASS PRIVILEGE -- FEE
35 ADJUSTMENT. If an applicant wishes to upgrade a
36 license class privilege, the fee charged shall be
37 prorated on full-year fee increments of the new
38 license in accordance with rules adopted by the
39 department. The expiration date of the new license
40 shall be the expiration date of the currently held
41 driver's license. The fee for a commercial driver's
42 license endorsement, the removal of an air brake
43 restriction, or a commercial driver's license
44 instruction permit shall not be prorated.

45 As used in this subsection "to upgrade a license
46 class privilege" means to add any privilege to a valid
47 motor vehicle license. The addition of a privilege
48 includes converting from a noncommercial to a
49 commercial license, converting from a noncommercial
50 class C to a class D license, converting an

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- 1 instruction permit to a class license, adding any
- 2 privilege to a section 321.189, subsection 8, license,
- 3 adding an instruction permit privilege, adding a
- 4 section 321.189, subsection 8, license to an
- 5 instruction permit, and adding any privilege relating
- 6 to a motor vehicle license issued to a minor under
- 7 section 321.194 or section 321.178, subsection 2."
- 8 5. Page 4, line 45, by inserting before the word
- 9 "motor" the following: "commercial".
- 10 6. Renumber as necessary.

By KOENIGS of Mitchell

H-5714 FILED MARCH 15, 1990

Adapted 3/20 (p. 1245)

SENATE FILE 2329

H-5608

- 1 Amend amendment, H-5581, to Senate File 2329, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 39 and 40 and
- 5 inserting the following: "specialist" means a
- 6 physician licensed under chapter 148, 150, or 150A, or
- 7 an optometrist licensed under chapter 154."

By KOENIGS of Mitchell

H-5608 FILED MARCH 12, 1990

Adapted 3/20 (p. 1245)

SENATE FILE 2329

H-5643

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 51, line 32, by striking the word
- 4 "eighteen" and inserting the following: "eighteen
- 5 twenty-one".

By BLACK of Jasper
 KOENIGS of Mitchell
 PAVICH of Pottawattamie
 MUHLBAUER of Crawford
 FOGARTY of Palo Alto

ROYER of Page
 BEAMAN of Clarke
 HANSON of Delaware
 DODERER of Johnson

H-5643 FILED MARCH 13, 1990

Law 3/20 (p. 1251)

SENATE FILE 2329

H-5763

1 Amend Senate File 2329 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 106.14, Code 1989, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 106.14 OPERATING A WATERCRAFT WHILE INTOXICATED --
9 IMPLIED CONSENT TO TEST.

10 1. As used in this section:

11 a. "Chemical test" means an analysis of a person's
12 blood, breath, urine, or other bodily substance for
13 the determination of the presence of alcohol, a
14 controlled substance, or a drug.

15 b. "Controlled substance" means controlled
16 substance as defined in section 204.101.

17 c. "Intoxicated" means the condition of a person
18 who is under the influence of alcohol, a controlled
19 substance, a drug other than alcohol or a controlled
20 substance, or any combination of alcohol, a controlled
21 substance, a drug other than alcohol or a controlled
22 substance, or a drug, which impairs thought and action
23 and loss of normal control of the person's faculties
24 to an extent which endangers a person.

25 d. "Peace officer" means peace officer as defined
26 in section 801.4.

27 e. "Prima facie evidence of intoxication" includes
28 evidence that, at the time of an alleged violation, a
29 person had an alcohol concentration equal to or in
30 excess of the level specified in section 321J.2,
31 subsection 1, paragraph "b".

32 f. "Relevant evidence of intoxication" includes
33 evidence that, at the time of the alleged violation, a
34 person had an alcohol concentration of at least one-
35 half, but not more than, the level specified in
36 section 321J.2, subsection 1, paragraph "b".

37 g. "Watercraft" means a device for transportation
38 by water including a vessel, water skis, surfboard, or
39 similar device.

40 2. a. A person who operates a watercraft while
41 having an alcohol concentration equal to or in excess
42 of the level specified in section 321J.2, subsection
43 1, paragraph "b", or while intoxicated, commits an
44 aggravated misdemeanor.

45 b. A person who violates this section commits a
46 class "B" felony in either of the following cases:

47 (1) If the person has a previous conviction under
48 this section.

49 (2) If the offense results in serious bodily
50 injury to another person and the court determines that

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1 the person who committed the offense caused the
2 serious injury.

3 c. A person who violates this section commits a
4 class "C" felony if the crime results in the death of
5 another person and the court determines that the
6 person who committed the offense caused the death.

7 d. A person who operates a watercraft after the
8 person has been ordered, pursuant to this section, not
9 to operate a watercraft commits a simple misdemeanor.

10 3. a. In addition to a criminal penalty imposed
11 for a misdemeanor under this section, the court shall
12 order the person not to operate a watercraft for at
13 least one year.

14 b. In addition to a criminal penalty imposed for a
15 felony under this section, the court shall order the
16 person not to operate a watercraft for at least two
17 years.

18 4. a. A person who operates a watercraft in
19 waters over which this state has jurisdiction
20 impliedly consents to submit to the chemical test
21 provisions of this section as a condition of operating
22 a watercraft in this state. If a person refuses to
23 submit to a chemical test under this section, the
24 court shall order the person not to operate a
25 watercraft for at least one year.

26 b. A peace officer who has probable cause to
27 believe that a person has committed an offense under
28 this section shall offer the person the opportunity to
29 submit to a chemical test. However, it is not
30 necessary for the peace officer to offer a chemical
31 test to an unconscious person. A peace officer may
32 offer a person more than one chemical test under this
33 section. However, all tests must be administered
34 within three hours after the officer had probable
35 cause to believe the person violated this section. A
36 person must submit to each chemical test offered by a
37 peace officer in order to comply with the implied
38 consent provisions of this section.

39 c. If the chemical test results in relevant
40 evidence that the person is intoxicated, the person
41 may be arrested for an offense under this section. If
42 the chemical test results in prima facie evidence that
43 the person is intoxicated, the person shall be
44 arrested for an offense under this section.

45 d. A person who refuses to submit to a chemical
46 test may be arrested for an offense under this
47 section.

48 e. At any proceeding under this section, a
49 person's refusal to submit to a chemical test is
50 admissible into evidence.

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- 1 f. If a person refuses to submit to a chemical
 2 test under this section, the peace officer shall
 3 inform the person that the person's refusal will
 4 result in the suspension of the person's watercraft
 5 operation privileges.
- 6 5. At any proceeding concerning an offense under
 7 this section, evidence of the amount by weight of
 8 alcohol that was in the blood of the person charged
 9 with the offense at the time of the alleged violation,
 10 as shown by an analysis of the person's blood, breath,
 11 urine, or other bodily substance, is admissible."
- 12 2. Title page, line 1, by inserting after the
 13 word "relating" the following: "to the operation of a
 14 watercraft by a person who is intoxicated,".
- 15 3. Renumber sections as necessary.
- By DeGROOT of Lyon GRUHN of Dickinson
 HANSON of Delaware MAULSBY of Calhoun
 MCKEAN of Jones VAN MAANEN of Mahaska

H-5763 FILED MARCH 19, 1990

Revised not germane 3/20 (p. 1248)

SENATE FILE 2329

H-5679

- 1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 52, line 35, by inserting after the word
 4 "education." the following: "A person shall be
 5 prohibited from operating a school bus under a
 6 temporary restricted license issued under chapter
 7 321J."

By HANSON of Delaware
 BLACK of Jasper

H-5679 FILED MARCH 14, 1990

*Adopted 3/30 (p. 1252)**Revised 4/10 upon adoption of H-5804 4/12 (p. 1725)*

SENATE FILE 2329

H-5769

1 Amend Senate File 2329 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 27, the
4 following:

5 "Sec. ____ . NEW SECTION. 321.180A SPECIAL
6 INSTRUCTION PERMIT.

7 1. Notwithstanding other provisions of this
8 chapter, a physically disabled person, who is not
9 suffering from a convulsive disorder and who can
10 provide a favorable medical report, whose license
11 renewal has been denied under section 321.177,
12 subsection 6 or 7, or whose motor vehicle license has
13 been suspended under section 321.210, subsection 1,
14 paragraph "c", upon meeting the requirements of
15 section 321.186, other than a driving demonstration or
16 the person's limitations which caused the denial under
17 section 321.177, subsection 6 or 7, or suspension
18 under section 321.210, subsection 1, paragraph "c",
19 and upon paying the fee required in section 321.191,
20 shall be issued a special instruction permit by the
21 department. Upon issuance of the permit the denial or
22 suspension shall be stayed and the stay shall remain
23 in effect as long as the permit is valid.

24 2. a. A special instruction permit entitles the
25 permittee, while having the permit in the permittee's
26 immediate possession, to operate a noncommercial motor
27 vehicle upon the highways for a period of six months
28 from the date of issuance. However, the permittee
29 must be accompanied by a person who is at least
30 twenty-one years of age, who has been issued a motor
31 vehicle license valid for the vehicle being operated,
32 and who is actually occupying a seat beside the
33 permittee.

34 b. A permittee shall not be penalized for failing
35 to have the permit in immediate possession if the
36 permittee produces in court, within a reasonable time,
37 the special instruction permit issued to the permittee
38 which was valid at the time of the permittee's arrest.

39 3. The permittee may apply for a motor vehicle
40 license if thirty days have elapsed since issuance of
41 the special instruction permit. The department shall
42 issue a motor vehicle license if the permittee is
43 qualified, passes all required tests, including a
44 driving test, and pays the required fees. If the
45 person has not obtained a motor vehicle license before
46 expiration of the person's special instruction permit,
47 the person's former denial or suspension under
48 sections 321.177, subsection 6 or 7, or section
49 321.210, subsection 1, paragraph "c", upon service of
50 notice by the department, shall be reinstated. A

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1 permit shall be reissued for one additional six-month
2 period if a permittee continues to meet the
3 qualifications of subsection 1 and has incurred no
4 motor vehicle violations."

5 2. Page 26, by striking line 24, and inserting
6 the following: "permit, other than a special
7 instruction permit, chauffeur's instruction permit,
8 or".

9 3. Page 26, line 25, by inserting after the word
10 "dollars." the following: "The fee for a special
11 instruction permit is ten dollars."

By DODERER of Johnson
KOENIGS of Mitchell

H-5769 FILED MARCH 20, 1990

ADOPTED (p. 1250)

SENATE FILE 2329

H-5771

1 Amend Senate File 2329, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 57, by inserting after line 25 the
4 following:

5 "Sec. _____. Section 321J.2, subsections 1 and 9,
6 Code 1989, are amended to read as follows:

7 1. A person commits the offense of operating while
8 intoxicated if the person operates a motor vehicle in
9 this state in either of the following conditions:

10 a. While under the influence of an alcoholic
11 beverage or other drug or a combination of such
12 substances.

13 b. While having an alcohol concentration as
14 defined in section 321J.1 of ± 0.08 or more.

15 9. In any prosecution under this section, the
16 results of a chemical test may not be used to prove a
17 violation of paragraph "b" of subsection 1 if the
18 alcohol concentration indicated by the chemical test
19 minus the established margin of error inherent in the
20 device or method used to conduct the chemical test
21 does not equal an alcohol concentration of ± 0.08 or
22 more.

23 Sec. _____. Section 321J.4, subsection 3, paragraph
24 b, subparagraph (2), Code 1989, is amended to read as
25 follows:

26 (2) The defendant has not been convicted, since
27 the date of the revocation order, of any subsequent
28 violations of section 321J.2 or 123.46, or any
29 comparable city or county ordinance, and the defendant
30 has not, since the date of the revocation order,
31 submitted to a chemical test under this chapter that
32 indicated an alcohol concentration as defined in
33 section 321J.1 of ± 0.08 or more, or refused to
34 submit to chemical testing under this chapter."

35 2. Page 58, by inserting after line 18 the
36 following:

37 "Sec. _____. Section 321J.6, subsection 1, paragraph
38 d, Code 1989, is amended to read as follows:

39 d. The preliminary breath screening test was
40 administered and it indicated an alcohol concentration
41 as defined in section 321J.1 of ± 0.08 or more."

42 3. Page 58, line 27, by striking the figure
43 "0.10" and inserting the following: "0.08".

44 4. Page 58, by inserting after line 29 the
45 following:

46 "Sec. _____. Section 321J.8, subsection 2, Code
47 1989, is amended to read as follows:

48 2. If the person submits to the test and the
49 results indicate an alcohol concentration as defined
50 in section 321J.1 of ± 0.08 or more, the person's

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1 license or operating privilege will be revoked by the
2 department for the applicable period under section
3 321J.12."

4 5. Page 59, by inserting after line 5 the
5 following:

6 "Sec. ____ . Section 321J.12, Code 1989, is amended
7 to read as follows:

8 321J.12 TEST RESULT REVOCATION.

9 Upon certification, subject to penalty for perjury,
10 by the peace officer that there existed reasonable
11 grounds to believe that the person had been operating
12 a motor vehicle in violation of section 321J.2, that
13 there existed one or more of the necessary conditions
14 for chemical testing described in section 321J.6,
15 subsection 1, and that the person submitted to
16 chemical testing and the test results indicated an
17 alcohol concentration as defined in section 321J.1 of
18 ~~±~~ 0.08 or more, the department shall revoke the
19 person's motor vehicle license or nonresident
20 operating privilege for a period of one hundred eighty
21 days if the person has had no revocation within the
22 previous six years under this chapter, and one year if
23 the person has had one or more previous revocations
24 within the previous six years under this chapter.

25 The effective date of the revocation shall be
26 twenty days after the department has mailed notice of
27 revocation to the person by certified mail. The peace
28 officer who requested or directed the administration
29 of the chemical test may, on behalf of the department,
30 serve immediate notice of revocation on a person whose
31 test results indicated an alcohol concentration of ~~±~~
32 0.08 or more.

33 If the peace officer serves that immediate notice,
34 the peace officer shall take the person's Iowa license
35 or permit, if any, and issue a temporary license valid
36 only for twenty days. The peace officer shall
37 immediately send the person's driver's license to the
38 department along with the officer's certificate
39 indicating that the test results indicated an alcohol
40 concentration of ~~±~~ 0.08 or more.

41 The results of a chemical test may not be used as
42 the basis for a revocation of a person's motor vehicle
43 license or nonresident operating privilege if the
44 alcohol concentration indicated by the chemical test
45 minus the established margin of error inherent in the
46 device or method used to conduct the chemical test
47 does not equal an alcohol concentration of ~~±~~ 0.08 or
48 more.

49 Sec. ____ . Section 321J.13, subsection 2, paragraph
50 b, Code Supplement 1989, is amended to read as

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1 follows:

2 b. Whether a test was administered and the test
3 results indicated an alcohol concentration as defined
4 in section 321J.1 of ~~±~~ 0.08 or more."

5 6. Page 60, by inserting after line 10 the
6 following:

7 "Sec. ____ . Section 707.6A, subsection 1, Code
8 Supplement 1989, is amended to read as follows:

9 1. A person commits a class "D" felony when the
10 person unintentionally causes the death of another by
11 either of the following means:

12 a. Operating a motor vehicle while under the
13 influence of alcohol or a drug or a combination of
14 such substances or while having an alcohol
15 concentration of ~~±~~ 0.08 or more, in violation of
16 section 321J.2. Upon a plea or verdict of guilty of a
17 violation of this paragraph, the court shall order the
18 state department of transportation to revoke the
19 defendant's motor vehicle license or nonresident
20 operating privileges for a period of six years. The
21 defendant shall surrender to the court any Iowa
22 license or permit and the court shall forward it to
23 the department with a copy of the revocation order.

24 b. Driving a motor vehicle in a reckless manner
25 with willful or wanton disregard for the safety of
26 persons or property, in violation of section 321.277."
27 7. Title page, line 1, by inserting after the
28 word "relating" the following: "to the violation of
29 operating a motor vehicle while under the influence of
30 an alcoholic beverage by reducing the per se alcohol
31 concentration level,".

32 8. By renumbering as necessary.

By McKEAN of Jones
HERMANN of Scott
TYRRELL of Iowa

H-5771 FILED MARCH 20, 1990

NOT GERMANE, MOTION TO SUSPEND RULES LOST (p. 1256)

SENATE FILE 2329

H-6042

1 Amend Senate File 2329, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 21, by striking lines 6 and 7 and insert-
4 ing the following: "provided the towing vehicle has a
5 gross vehicle weight rating of twenty-six thousand one
6 or more pounds and each towed vehicle has a gross
7 vehicle weight rating of less than".

By KOENIGS of Mitchell

H-6042 FILED APRIL 2, 1990

ADOPTED (p. 1724)

SENATE FILE 2329

H-5807

- 1 Amend the amendment, H-5804, to Senate File 2329,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 15, by inserting after the word
5 "bus." the following: "A person shall be prohibited
6 from operating a school bus holding a temporary
7 restricted license issued under chapter 321J."
8 2. Page 1, by inserting after line 21 the
9 following:
10 " . Page 59, by inserting after line 12 the
11 following:
12 "Sec. . Section 321J.20, Code 1989, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 5. A person holding a temporary
15 license issued by the department under this chapter
16 shall be prohibited from operating a school bus.""
17 3. By renumbering as necessary.

By HANSON of Delaware
BLACK of Jasper

H-5807 FILED MARCH 22, 1990

w/d 4/2 (p. 1725)

SENATE FILE 2329

H-5848

- 1 Amend the amendment, H-5804, to Senate File 2329,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 15, by inserting after the word
5 "bus." the following: "A person holding a temporary
6 restricted license issued under chapter 321J shall be
7 prohibited from operating a school bus."
8 2. Page 1, by inserting after line 21 the
9 following:
10 " . Page 59, by inserting after line 12 the
11 following:
12 "Sec. . Section 321J.20, Code 1989, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 5. A person holding a temporary
15 license issued by the department under this chapter
16 shall be prohibited from operating a school bus.""
17 3. By renumbering as necessary.

By HANSON of Delaware
BLACK of Jasper

H-5848 FILED MARCH 23, 1990

Adopted 4/2 (p. 1725)

SENATE FILE 2329

H-5794

1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, by striking line 16 and inserting the
 4 following:
 5 "7. CLASS "M" LICENSE SPECIAL REQUIREMENTS.
 6 a. EDUCATION REQUIREMENT. A person".
 7 2. Page 23, by inserting after line 25 the
 8 following:
 9 "b. PUBLIC SAFETY REQUIREMENT. A person issued a
 10 class "M" driver's license shall not operate a
 11 motorcycle on a highway while the person has an
 12 alcohol concentration as defined in section 321J.1 of
 13 0.08 or more. A person who violates this paragraph
 14 for the first offense is subject to the penalty
 15 provided under section 321J.2, subsection 2, paragraph
 16 "a"; for the second offense is subject to the penalty
 17 provided under section 321J.2, subsection 2, paragraph
 18 "b"; and for third and each subsequent offense is
 19 subject to the penalty provided under section 321J.2,
 20 subsection 2, paragraph "c". Section 321J.2,
 21 subsections 3, 4, 5, 7, 8, and 9 apply to violations
 22 of this paragraph."

By McKEAN of Jones

H-5794 FILED MARCH 21, 1990

Revised not germane 4/2 (p 1725)

SENATE FILE 2329

H-5804

1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 45, line 34, by inserting after the word
 4 "vehicle" the following: "and the person is
 5 disqualified to operate a commercial motor vehicle
 6 under section 321.208, subsections 1, 2, 3, or 4".
 7 2. Page 52, by striking lines 31 through 35 and
 8 inserting the following:
 9 "The driver of every a school bus shall have-a
 10 regular-or-special-chauffeur's hold a school bus
 11 driver's permit issued by the department of education
 12 and a driver's license issued by the department,-and
 13 in-addition-thereto,-must-hold-a-school-bus-driver's
 14 permit-issued-by-the-department-of-education valid for
 15 the operation of the school bus."
 16 3. Page 59, line 12, by inserting after the word
 17 "vehicle." the following: "However, this subsection
 18 does not apply if the temporary restricted license was
 19 issued as a result of a violation of this chapter
 20 while the person was operating a vehicle other than a
 21 commercial motor vehicle."

By JAY of Appanoose

H-5804 FILED MARCH 21, 1990

As drafted is amended by 5-8-48 4/2 (p 1725)

HOUSE AMENDMENT TO
SENATE FILE 2329

S-5851

1 Amend Senate File 2329, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 19 the fol-
4 lowing:

5 "(5) The motor vehicle is a school bus designed to
6 transport more than ten persons."

7 2. Page 7, by striking lines 1 through 9 and
8 inserting the following: "is paid. Semiannual
9 installments do not apply to commercial vehicles, as
10 defined under section 326.2, subject to proportional
11 registration, with a base state other than the state
12 of Iowa, as defined in section 326.2, subsection 6.
13 The penalty on vehicles registered under chapter 326
14 accrues August 1 of each year except as provided in
15 section 326.6."

16 3. Page 8, lines 7 and 8, by striking the words
17 "or when disqualified from operating the vehicle under
18 section 321.208".

19 4. Page 9, lines 1 and 2, by striking the words
20 "within the legal scope of the" and inserting the fol-
21 lowing: "within the legal scope of the".

22 5. Page 9, line 10, by inserting after the word
23 "fifty" the following: "air".

24 6. Page 9, by inserting after line 25 the
25 following:

26 "6. A person exempted by rules adopted by the
27 department pursuant to section 321.176B.

28 Sec. . NEW SECTION. 321.176B PERSONS EXEMPT
29 BY RULE FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

30 If after July 1, 1990, federal law or federal
31 regulations are changed to allow exemptions from
32 commercial driver's license requirements for suppliers
33 of agricultural inputs or their employees while
34 delivering these products to their customers, the
35 department shall immediately, pursuant to chapter 17A,
36 adopt rules which allow these exemptions from the
37 commercial driver's license requirements."

38 7. Page 10, line 29, by inserting after the word
39 "person" the following: "is eighteen years of age or
40 older and the person".

41 8. Page 11, line 27, by inserting after the word
42 "issuance" the following: "from the licensee's
43 birthday anniversary in the year of issuance".

44 9. Page 13, line 9, by striking the words "or C"
45 and inserting the following: "C, or D".

46 10. Page 14, line 16, by inserting after the word
47 "years" the following: "from the licensee's birthday
48 anniversary in the year of issuance".

49 11. Page 14, by inserting after line 27, the
50 following:

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Page 2

1 "Sec. . NEW SECTION. 321.180A SPECIAL
2 INSTRUCTION PERMIT.
3 1. Notwithstanding other provisions of this
4 chapter, a physically disabled person, who is not
5 suffering from a convulsive disorder and who can
6 provide a favorable medical report, whose license
7 renewal has been denied under section 321.177,
8 subsection 6 or 7, or whose motor vehicle license has
9 been suspended under section 321.210, subsection 1,
10 paragraph "c", upon meeting the requirements of
11 section 321.186, other than a driving demonstration or
12 the person's limitations which caused the denial under
13 section 321.177, subsection 6 or 7, or suspension
14 under section 321.210, subsection 1, paragraph "c",
15 and upon paying the fee required in section 321.191,
16 shall be issued a special instruction permit by the
17 department. Upon issuance of the permit the denial or
18 suspension shall be stayed and the stay shall remain
19 in effect as long as the permit is valid.
20 2. a. A special instruction permit entitles the
21 permittee, while having the permit in the permittee's
22 immediate possession, to operate a noncommercial motor
23 vehicle upon the highways for a period of six months
24 from the date of issuance. However, the permittee
25 must be accompanied by a person who is at least
26 twenty-one years of age, who has been issued a motor
27 vehicle license valid for the vehicle being operated,
28 and who is actually occupying a seat beside the
29 permittee.
30 b. A permittee shall not be penalized for failing
31 to have the permit in immediate possession if the
32 permittee produces in court, within a reasonable time,
33 the special instruction permit issued to the permittee
34 which was valid at the time of the permittee's arrest.
35 3. The permittee may apply for a motor vehicle
36 license if thirty days have elapsed since issuance of
37 the special instruction permit. The department shall
38 issue a motor vehicle license if the permittee is
39 qualified, passes all required tests, including a
40 driving test, and pays the required fees. If the
41 person has not obtained a motor vehicle license before
42 expiration of the person's special instruction permit,
43 the person's former denial or suspension under
44 sections 321.177, subsection 6 or 7, or section
45 321.210, subsection 1, paragraph "c", upon service of
46 notice by the department, shall be reinstated. A
47 permit shall be reissued for one additional six-month
48 period if a permittee continues to meet the
49 qualifications of subsection 1 and has incurred no
50 motor vehicle violations."

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Page 3

1 12. By striking page 16, line 34, through page
2 17, line 14, and inserting the following:

3 "The department shall make every effort to
4 accommodate a commercial driver's license applicant's
5 need to arrange an appointment for a driving skills
6 test at an established test site other than where the
7 applicant passed the required knowledge test. The
8 department shall report to the governor and the
9 general assembly on any problems, extraordinary costs
10 and recommendations regarding the appointment
11 scheduling process."

12 13. Page 17, line 25, by inserting after the word
13 "highways." the following: "However, an applicant for
14 a new motor vehicle license other than a commercial
15 driver's license need not pass a vision test
16 administered by the department if the applicant files
17 with the department a vision report in accordance with
18 section 321.186A.

19 Sec. . NEW SECTION. 321.186A VISION REPORT IN
20 LIEU OF VISION TEST.

21 1. An applicant for a new or renewed motor vehicle
22 license other than a commercial driver's license need
23 not take a vision test administered by the department
24 if the applicant files with the department a vision
25 report signed by a licensed vision specialist in
26 accordance with this section.

27 2. An applicant for such a new or renewed motor
28 vehicle license who fails a vision test administered
29 by the department may subsequently be issued the motor
30 vehicle license without need of passing a department
31 administered vision test, if the applicant files with
32 the department a vision report from a licensed vision
33 specialist in accordance with this section.

34 3. The vision report shall state the visual acuity
35 level of the applicant as measured by the vision
36 specialist and shall be in the form and include other
37 information as required by rule of the department. A
38 vision report is valid only if the visual acuity level
39 of the applicant has been measured by the licensed
40 vision specialist within thirty days before the
41 application for the new or renewed motor vehicle
42 license.

43 4. As used in this section, a "licensed vision
44 specialist" means a physician licensed under chapter
45 148, 150, or 150A, or an optometrist licensed under
46 chapter 154."

47 14. Page 18, line 5, by striking the figure
48 "(1988)" and inserting the following: "adopted as of
49 a specific date by rule by the department".

50 15. Page 18, by striking lines 6 and 7.

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Page 4

- 1 16. Page 18, line 20, by striking the figure
2 "(1988)" and inserting the following: "adopted as of
3 a specific date by rule by the department".
- 4 17. Page 18, line 30, by striking the figure
5 "(1988)" and inserting the following: "adopted as of
6 a specific date by rule by the department".
- 7 18. Page 19, line 15, by striking the figure
8 "(1988)" and inserting the following: "adopted as of
9 a specific date by rule by the department".
- 10 19. Page 20, line 1, by striking the figure
11 "(1988)" and inserting the following: "adopted as of
12 a specific date by rule by the department".
- 13 20. Page 20, line 18, by striking the word
14 "state" and inserting the following: "state, except a
15 basic Iowa rules of the road knowledge test and, when
16 applicable, motorcycle operator knowledge and driving
17 skills tests".
- 18 21. Page 21, line 1, by inserting after the word
19 "pounds" the following: "and valid for the operation
20 of vehicles with lower gross combination weight
21 ratings and other vehicles except motorcycles".
- 22 22. Page 21, by striking lines 6 and 7 and
23 inserting the following: "provided the towing vehicle
24 has a gross vehicle weight rating of twenty-six
25 thousand one or more pounds and each towed vehicle has
26 a gross vehicle weight rating of less than".
- 27 23. Page 21, line 8, by inserting after the word
28 "pounds" the following: "and valid for the operation
29 of vehicles with lower gross vehicle weight ratings or
30 gross combination weight ratings except motorcycles".
- 31 24. Page 21, line 10, by inserting after the word
32 "motorcycle," the following: "or a combination of
33 vehicles with a gross combination weight rating of
34 twenty-six thousand one or more pounds provided the
35 towing vehicle has a gross vehicle weight rating of
36 less than twenty-six thousand one pounds and the towed
37 vehicle or vehicles have a gross vehicle weight rating
38 or gross combination weight rating of less than ten
39 thousand one pounds,".
- 40 25. Page 21, by striking lines 22 through 28 and
41 inserting the following: "may be issued as commercial
42 driver's licenses. A driver's license is not valid
43 for the operation of a vehicle requiring an
44 endorsement unless the driver's license is endorsed
45 for the vehicle. A class D driver's license is also
46 valid as a noncommercial class C driver's license.
47 The".
- 48 26. Page 23, by striking line 29 and inserting
49 the following: "years of age or older who has passed
50 a vision test or who files a vision test as provided

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Page 5

- 1 in section 321.186A and who passes a".
2 27. Page 24, line 8, by inserting after the word
3 "years" the following: "from the licensee's birthday
4 anniversary in the year of issuance".
5 28. Page 26, line 10, by striking the words
6 "general fund of the state" and inserting the
7 following: "general-fund-of-the-state road use tax
8 fund".
9 29. Page 26, by striking line 24, and inserting
10 the following: "permit, other than a special
11 instruction permit, chauffeur's instruction permit,
12 or".
13 30. Page 26, line 25, by inserting after the word
14 "dollars." the following: "The fee for a special
15 instruction permit is ten dollars."
16 31. Page 28, by striking lines 2 through 13 and
17 inserting the following:
18 "10. UPGRADING A LICENSE CLASS PRIVILEGE -- FEE
19 ADJUSTMENT. If an applicant wishes to upgrade a
20 license class privilege, the fee charged shall be
21 prorated on full-year fee increments of the new
22 license in accordance with rules adopted by the
23 department. The expiration date of the new license
24 shall be the expiration date of the currently held
25 driver's license. The fee for a commercial driver's
26 license endorsement, the removal of an air brake
27 restriction, or a commercial driver's license
28 instruction permit shall not be prorated.
29 As used in this subsection "to upgrade a license
30 class privilege" means to add any privilege to a valid
31 motor vehicle license. The addition of a privilege
32 includes converting from a noncommercial to a
33 commercial license, converting from a noncommercial
34 class C to a class D license, converting an
35 instruction permit to a class license, adding any
36 privilege to a section 321.189, subsection 8, license,
37 adding an instruction permit privilege, adding a
38 section 321.189, subsection 8, license to an
39 instruction permit, and adding any privilege relating
40 to a motor vehicle license issued to a minor under
41 section 321.194 or section 321.178, subsection 2."
42 32. Page 32, line 8, by inserting after the word
43 "years" the following: "from the licensee's birthday
44 anniversary occurring in the year of issuance".
45 33. Page 32, line 27, by inserting after the word
46 "applicant" the following: "either".
47 34. Page 32, line 29, by inserting after the word
48 "department" the following: "or files a vision report
49 in accordance with section 321.186A".
50 35. Page 33, by striking lines 21 through 26 and

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Page 6

1 inserting the following: "license or April 1, 1992.
2 A person who has been issued a valid chauffeur's
3 license by the department which expires on or after
4 July 1, 1990, and before July 1, 1991, may renew the
5 license and be issued a special class D driver's
6 license which shall be valid according to the terms
7 and limitations of the chauffeur's license previously
8 issued to the person. However, after April 1, 1992, a
9 chauffeur's license or a special class D driver's
10 license issued under this section shall not be valid
11 for operating a commercial motor vehicle. Between
12 July 1, 1990, and April 1, 1992, the holder of a valid
13 chauffeur's".

14 36. Page 37, line 7, by striking the words "more
15 than".

16 37. Page 37, line 8, by inserting after the word
17 "days" the following: "or more".

18 38. Page 37, line 10, by striking the words "more
19 than".

20 39. Page 37, line 11, by inserting after the word
21 "days" the following: "or more".

22 40. Page 39, by striking lines 3 and 4 and
23 inserting the following: "year disqualification as
24 provided in 49 C.F.R. § 383.51 adopted as of a
25 specific date by rule by the department."

26 41. Page 40, by striking line 8 and inserting the
27 following:

28 "7. A person is disqualified from operating a
29 commercial motor vehicle if the person either".

30 42. Page 40, line 12, by striking the words
31 "more, the" and inserting the following: "more.
32 The".

33 43. Page 40, line 17, by inserting after the word
34 "testing" the following: "or submitted to chemical
35 testing and the results show a blood alcohol
36 concentration as defined in section 321J.1 of 0.04 or
37 more".

38 44. Page 40, by inserting after line 34 the
39 following:

40 "11. As used in this section, the terms "acts",
41 "actions", and "offenses" mean acts, actions, or
42 offenses which occur on or after July 1, 1990."

43 45. Page 41, line 10, by striking the figure
44 "(1988)" and inserting the following: "adopted as of
45 a specific date by the department".

46 46. Page 45, line 34, by inserting after the word
47 "vehicle" the following: "and the person is
48 disqualified to operate a commercial motor vehicle
49 under section 321.208, subsections 1, 2, 3, or 4".

50 47. Page 47, line 8, by inserting after the word

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Page 7

1 "LICENSE" the following: "OR WHEN DISQUALIFIED".

2 48. Page 47, by inserting after line 31 the
3 following:

4 "5. A person who operates a commercial motor
5 vehicle upon the highways of this state when
6 disqualified from operating the commercial motor
7 vehicle under section 321.208 commits a simple
8 misdemeanor if a commercial driver's license is
9 required for the person to operate the commercial
10 motor vehicle."

11 49. Page 47, line 32, by striking the figure "5-"
12 and inserting the following: "5 6."

13 50. Page 48, line 1, by striking the word "for"
14 and inserting the following: "under this section upon
15 a charge of".

16 51. Page 52, by striking lines 31 through 35 and
17 inserting the following:

18 "~~The driver of every a school bus shall have a~~
19 ~~regular or special chauffeur's~~ hold a school bus
20 driver's permit issued by the department of education
21 and a driver's license issued by the department, and
22 ~~in addition thereto, must hold a school bus driver's~~
23 ~~permit issued by the department of education valid for~~
24 the operation of the school bus. A person holding a
25 temporary restricted license issued under chapter 321C
26 shall be prohibited from operating a school bus."

27 52. Page 58, line 16, by inserting after the word
28 "revoked." the following: "A person holding a
29 temporary restricted license issued under this
30 subsection shall not operate a commercial motor
31 vehicle, as defined in section 321.1, on a highway if
32 a commercial driver's license is required for the
33 person to operate the commercial motor vehicle."

34 53. Page 59, line 12, by inserting after the word
35 "vehicle." the following: "However, this subsection
36 does not apply if the temporary restricted license was
37 issued as a result of a violation of this chapter
38 while the person was operating a vehicle other than a
39 commercial motor vehicle."

40 54. Page 59, by inserting after line 12 the
41 following:

42 "Sec. ____ . Section 321C.20, Code 1989, is amended
43 by adding the following new subsection:

44 NEW SUBSECTION. 5. A person holding a temporary
45 license issued by the department under this chapter
46 shall be prohibited from operating a school bus."

47 55. Page 59, by striking lines 13 through 29 and
48 inserting the following:

49 "Sec. 711. Section 326.5, subsection 2, paragraph
50 d, Code 1989, is amended to read as follows:

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Page 8

1 d. The product so obtained under paragraph "c" of
2 this subsection shall be the amount payable by the
3 owner for proportional registration of the fleet for
4 the registration year. Payment of registration fees
5 shall be made in accordance with law section 321.134,
6 subsection 2, or a fleet owner on a renewal
7 registration may pay a fee equal to one-half of the
8 applicable fee and post a surety bond, certificate of
9 deposit, or letter of credit, equal to one-half of the
10 applicable fee at the time of the first installment.
11 Payment of the first installment entitles an owner to
12 the issuance of full-year credentials. The second
13 installment shall be paid by July 15. If the second
14 installment is not paid by July 15, the department
15 shall file claim against the security for payment of
16 fees and penalties due and the owner shall not be
17 entitled to elect the installment payment option for
18 the following year. Excess surety moneys received
19 shall be refunded minus a fifty dollar administration
20 fee."

21 56. Page 62, by inserting after line 35, the
22 following:

23 "Sec. _____.

24 Section 711 of this Act applies to the 1992 and
25 subsequent registration years."

26 57. Title page, line 1, by inserting after the
27 word "Act" the following: "relating to motor vehicles
28 including provisions".

29 58. Title page, line 8, by inserting after the
30 word "applicable" the following: "and providing for
31 the Act's applicability".

32 59. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5851 FILED APRIL 3, 1990

CONCURRED as Amended by 5857 4/3 (J. 1491)

SENATE FILE 2329

S-5857

1 Amend the House amendment, S-5851, to Senate File
2 2329, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 6.

5 2. Page 3, line 18, by inserting after the figure
6 "321.186A" the following: "which shows that the
7 applicant's visual acuity level meets or exceeds those
8 required by the department".

9 3. Page 4, by inserting after line 17, the
10 following:

11 " . Page 20, by striking lines 34 and 35, and
12 inserting the following: "more pounds if one of the
13 towed vehicles has a gross vehicle weight rating"."

14 4. Page 4, by striking lines 36 through 38, and
15 inserting the following: "less than twenty-six
16 thousand one pounds and each towed vehicle has a gross
17 vehicle weight rating of less than ten".

18 5. Page 4, line 50, by striking the words "test
19 as" and inserting the following: "report as".

20 6. Page 5, line 1, by inserting after the figure
21 "321.186A" the following: "which shows that the
22 applicant's visual acuity level meets or exceeds those
23 required by the department".

24 7. Page 5, line 49, by inserting after the figure
25 "321.186A" the following: "which shows that the
26 applicant's visual acuity level meets or exceeds those
27 required by the department".

By C. JOSEPH COLEMAN
RICHARD DRAKE

S-5857 FILED APRIL 3, 1990

ADOPTED (p. 1491)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2329
H-6080

1 Amend the House amendment, S-5851, to Senate File
2 2329, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 6.

5 2. Page 3, line 18, by inserting after the figure
6 "321.186A" the following: "which shows that the
7 applicant's visual acuity level meets or exceeds those
8 required by the department".

9 3. Page 4, by inserting after line 17, the
10 following:

11 "____. Page 20, by striking lines 34 and 35, and
12 inserting the following: "more pounds if one of the
13 towed vehicles has a gross vehicle weight rating"."

14 4. Page 4, by striking lines 36 through 38, and
15 inserting the following: "less than twenty-six
16 thousand one pounds and each towed vehicle has a gross
17 vehicle weight rating of less than ten".

18 5. Page 4, line 50, by striking the words "test
19 as" and inserting the following: "report as".

20 6. Page 5, line 1, by inserting after the figure
21 "321.186A" the following: "which shows that the
22 applicant's visual acuity level meets or exceeds those
23 required by the department".

24 7. Page 5, line 49, by inserting after the figure
25 "321.186A" the following: "which shows that the
26 applicant's visual acuity level meets or exceeds those
27 required by the department".

RECEIVED FROM THE SENATE

H-6080 FILED APRIL 3, 1990
House concurred 4/4 (p. 1869)

COLEMAN, CH.
DOYLE
DRAKE

SSB 2250
TRANSPORTATION

SENATE FILE 2379
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON COLEMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to motor vehicle registration fees by allowing
2 semiannual installment payments of registration fees for
3 certain commercial vehicles, and to the use and issuance of
4 motor vehicle licenses including provisions authorizing the
5 issuance of commercial driver's licenses, setting fees for
6 issuance of motor vehicle licenses, providing penalties, and
7 making penalties applicable.

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

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1 Section 1. Section 172B.1, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. "Motor vehicle license" means any
4 license or permit issued to a person to operate a motor
5 vehicle on the highways.

6 Sec. 2. Section 172B.3, subsection 2, paragraphs b, i, and
7 j, Code Supplement 1989, are amended to read as follows:

8 b. The name, driver's motor vehicle license number, and
9 address of the owner of the livestock.

10 i. The motor vehicle operator's license number of the
11 person transporting livestock.

12 j. The vehicle license registration plate number and the
13 state of issuance.

14 Sec. 3. Section 172B.5, subsection 1, Code 1989, is
15 amended to read as follows:

16 1. INVESTIGATION. A law enforcement officer may stop and
17 detain a person, whether on or off a highway, who is
18 transporting livestock for the purpose of obtaining compliance
19 with section 172B.2, and the officer may request the
20 presentation or execution of a transportation certificate.
21 The officer may examine the livestock for identification, the
22 vehicle for the purpose of obtaining the vehicle registration
23 plate number, and the registration of the vehicle and the
24 operator's motor vehicle license of the driver or person
25 detained. However, nothing in this chapter shall be construed
26 to authorize any law enforcement officer to open or require
27 the opening of the cargo compartment of any vehicle
28 manufactured for use in carrying refrigerated cargo when both
29 the cargo is actually under refrigeration at the time the
30 vehicle is detained by the law enforcement officer, and the
31 person operating the vehicle has in possession when stopped a
32 valid transportation certificate or approved shipping document
33 which was executed by the shipper and which identifies the
34 cargo as processed livestock and otherwise complies with
35 section 172B.3, subsection 2.

1 Sec. 4. Section 285.11, subsection 10, Code 1989, is
2 amended by striking the subsection.

3 Sec. 5. Section 312.2, subsection 17, Code Supplement
4 1989, is amended to read as follows:

5 17. The treasurer of state, before making the allotments
6 provided for in this section, shall credit monthly from the
7 road use tax fund to the motorcycle rider education fund
8 established in section 321.189, subsection 3 9, an amount
9 equal to one dollar per year of license validity for each
10 issued or renewed motor vehicle license which is valid for the
11 operation of a motorcycle. Moneys credited to the motorcycle
12 rider education fund under this subsection shall be taken from
13 moneys credited to the road use tax fund under section 423.24.

14 Sec. 6. Section 321.1, subsection 24, Code Supplement
15 1989, is amended to read as follows:

16 24. a. "Gross weight" shall-mean means the empty weight
17 of a vehicle plus the maximum load to be carried thereon by
18 the vehicle. The maximum load to be carried by a passenger-
19 carrying vehicle shall be determined by multiplying one
20 hundred fifty pounds by the number of passenger seats carried
21 by such vehicle.

22 b. "Unladen weight" means the weight of a vehicle or
23 vehicle combination without load.

24 c. "Gross vehicle weight rating" means the weight
25 specified by the manufacturer as the loaded weight of a single
26 vehicle.

27 Sec. 7. Section 321.1, subsection 25, Code Supplement
28 1989, is amended to read as follows:

29 25. a. "Combined gross weight" shall-mean means the gross
30 weight of a motor-vehicle-plus-the-gross-weight-of-a-trailer
31 or-semitrailer-to-be-drawn-thereby combination of vehicles.

32 b. "Gross combination weight rating" means the combined
33 weights specified by the manufacturer as the loaded weight of
34 each vehicle in a combination of vehicles. In the absence of
35 a weight specified by the manufacturer for a towed vehicle,

1 the gross vehicle weight rating of the towed vehicle shall be
2 its gross weight.

3 Sec. 8. Section 321.1, subsection 32, Code Supplement
4 1989, is amended to read as follows:

5 32. "Commercial vehicle" means a vehicle or combination of
6 vehicles designed principally to transport passengers or
7 property of any kind if any ~~or-a~~ of the following apply:

8 a. The vehicle or any combination of vehicles has a gross
9 weight or combined gross weight of ten thousand one or more
10 pounds.

11 b. The vehicle or any combination of vehicles has a gross
12 vehicle weight rating or gross combination weight rating of
13 ten thousand one or more pounds.

14 c. The vehicle is designed to transport sixteen or more
15 than-fifteen-passengers persons, including the driver.

16 d. The vehicle is used in the transportation of hazardous
17 material in of a type or quantity requiring vehicle
18 placarding.

19 Sec. 9. Section 321.1, subsection 42, Code Supplement
20 1989, is amended to read as follows:

21 42. "Operator" or "driver" means every person, other-than
22 a-chauffeur, who is in actual physical control of a motor
23 vehicle upon a highway.

24 Sec. 10. Section 321.1, subsection 43, unnumbered
25 paragraph 1, Code Supplement 1989, is amended to read as
26 follows:

27 "Chauffeur" means a person who operates a motor vehicle,
28 including a school bus, in the transportation of persons for
29 wages, compensation or hire, or a person who operates a truck
30 tractor, road tractor or any a motor truck which is-required
31 to-be-registered-at has a gross vehicle weight classification
32 rating exceeding five eight tons, -or-any-such-motor-vehicle
33 exempt-from-registration-which-would-be-within-the-gross
34 weight-classification-if-not-so-exempt. A person is not a
35 chauffeur when the operation of the motor vehicle, other than

1 a truck tractor, by the owner or operator is occasional and
2 merely incidental to the owner's or operator's principal
3 business.

4 Sec. 11. Section 321.1, subsection 44, Code Supplement
5 1989, is amended by striking the subsection.

6 Sec. 12. Section 321.1, subsection 77, Code Supplement
7 1989, is amended to read as follows:

8 77. "Motor vehicle license" means any license or permit
9 issued to a person to operate a motor vehicle on the highways
10 of this state, including but not limited to ~~operator,~~
11 ~~chauffeur, and motorized bicycle licenses and instruction and~~
12 a driver's, commercial driver's, temporary restricted, or
13 temporary license and an instruction, chauffeur's instruction,
14 commercial driver's instruction, temporary restricted, or
15 temporary permits permit.

16 Sec. 13. Section 321.1, Code Supplement 1989, is amended
17 by adding the following new subsections:

18 NEW SUBSECTION. 90. "Conviction" means a final conviction
19 or an unvacated forfeiture of bail or collateral deposited to
20 secure a person's appearance in court.

21 NEW SUBSECTION. 91. "Endorsement" means an authorization
22 to a person's motor vehicle license required to permit the
23 person to operate certain types of motor vehicles or to permit
24 certain types of operation of motor vehicles.

25 Sec. 14. Section 321.1, Code Supplement 1989, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 92. For purposes of administering and
28 enforcing the commercial driver's license provisions:

29 a. "Commercial driver" means the operator of a commercial
30 motor vehicle.

31 b. "Commercial driver's license" means a motor vehicle
32 license valid for the operation of a commercial motor vehicle.

33 c. "Commercial driver's license information system" means
34 the national information system established to serve as a
35 clearinghouse for locating information related to the

1 licensing and identification of commercial motor vehicle
2 drivers.

3 d. "Commercial motor vehicle" means a motor vehicle or
4 combination of vehicles used to transport passengers or
5 property if any of the following apply:

6 (1) The combination of vehicles has a gross combination
7 weight rating of twenty-six thousand one or more pounds
8 provided the towed vehicle has a gross vehicle weight rating
9 of ten thousand one or more pounds.

10 (2) The motor vehicle has a gross vehicle weight rating of
11 twenty-six thousand one or more pounds.

12 (3) The motor vehicle is designed to transport sixteen or
13 more persons, including the operator, or is of a size and
14 design to transport sixteen or more persons, including the
15 operator, but is redesigned or modified to transport less than
16 sixteen handicapped persons.

17 (4) The motor vehicle is used in the transportation of
18 hazardous material of a type or quantity requiring vehicle
19 placarding.

20 e. "Foreign jurisdiction" means a jurisdiction outside the
21 fifty United States, the District of Columbia, and Canada.

22 f. "Nonresident commercial driver's license" means a
23 commercial driver's license issued to a person who is not a
24 resident of the United States or Canada.

25 g. "Tank vehicle" means a commercial motor vehicle that is
26 designed to transport liquid or gaseous materials within a
27 tank having a rated capacity of one thousand one or more
28 gallons that is either permanently or temporarily attached to
29 the vehicle or chassis.

30 Sec. 15. Section 321.1A, unnumbered paragraph 2, Code
31 1989, is amended to read as follows:

32 "Resident" does not include a person who is attending a
33 college or university in this state, if the person has a
34 domicile in another state and has a valid operator's motor
35 vehicle license and-vehicle-registration issued by the state

1 of domicile. "Resident" also does not include members of the
2 armed forces that are stationed in Iowa, providing that their
3 vehicles are properly registered in their state of residency.

4 Sec. 16. Section 321.12, Code 1989, is amended to read as
5 follows:

6 321.12 OBSOLETE RECORDS DESTROYED.

7 The director may destroy any records of the department
8 which have been maintained on file for three years which the
9 director ~~may-deem~~ deems obsolete and of no further service in
10 carrying out the powers and duties of the department.

11 However, operating records relating to a person who has been
12 issued a commercial driver's license shall be maintained on
13 file in accordance with rules adopted by the department.

14 Sec. 17. Section 321.96, Code 1989, is amended to read as
15 follows:

16 321.96 PROHIBITED PLATES -- CERTIFICATES ---BADGES.

17 No A person shall not display or cause or permit to be
18 displayed, or have in the person's possession, any a vehicle
19 identification number or component part number except as
20 provided in this chapter, or any a canceled, revoked, altered,
21 or fictitious registration number plates, registration
22 receipt, or certificate of title, ~~chauffeur's-license~~
23 ~~certificate, or-chauffeur's-badge,~~ as the same are
24 respectively provided for in this chapter.

25 Sec. 18. Section 321.134, subsection 2, Code Supplement
26 1989, is amended to read as follows:

27 2. The annual registration fee for trucks, truck tractors,
28 and road tractors, as provided in sections 321.121 and
29 321.122, may be payable in two equal semiannual installments
30 if the annual registration fee exceeds the registration fee
31 for a vehicle with a gross weight exceeding five tons. The
32 penalties provided in subsection 1 shall be computed on the
33 amount of the first installment only and on the first day of
34 the seventh month of the registration period the same rate of
35 penalty shall apply to the second installment, until the fee

1 is paid. ~~Semiannual installments do not apply to commercial~~
2 ~~vehicles subject to proportional registration, with a base~~
3 ~~state other than the state of Iowa, as defined in section~~
4 ~~326.2, subsection 6. -- The penalty on vehicles registered under~~
5 ~~chapter 326 accrues August 1 of each year. Commercial~~
6 vehicles, as defined under section 326.2, subject to
7 proportional registration under chapter 326 may pay annual
8 registration fees in semiannual installments in accordance
9 with section 326.10A.

10 Sec. 19. Section 321.145, Code 1989, is amended to read as
11 follows:

12 321.145 DISPOSITION OF MONEYS AND FEES.

13 ~~The money, except~~ Except for fines, and forfeitures,
14 ~~operator's and chauffeur's license fees and except the~~
15 collection fees retained by the county treasurer pursuant to
16 section 321.152, moneys and motor vehicle license fees
17 ~~collected pursuant to the provisions of~~ under this chapter
18 shall be credited by the treasurer of state to the road use
19 tax fund.

20 Sec. 20. Section 321.174, Code 1989, is amended to read as
21 follows:

22 321.174 OPERATORS AND CHAUFFEURS LICENSED -- OPERATION OF
23 COMMERCIAL MOTOR VEHICLES.

24 1. A person, except those hereinafter expressly exempted,
25 shall not ~~drive~~ operate any motor vehicle upon a highway in
26 this state unless ~~such~~ the person has a valid motor vehicle
27 license issued by the department valid for the vehicle's
28 operation. ~~No person shall operate a motor vehicle as a~~
29 ~~chauffeur unless the person holds a valid chauffeur's license.~~

30 2. A person operating a commercial motor vehicle shall not
31 have more than one motor vehicle license. A nonresident may
32 operate a commercial motor vehicle in Iowa only if the
33 nonresident has been issued a commercial driver's license by
34 another state, a nonresident commercial driver's license, or a
35 motor vehicle license issued by a foreign jurisdiction which

1 the federal highway administration has determined to be issued
 2 in conformity with the federal commercial driver testing and
 3 licensing standards, which is valid for the vehicle operated.
 4 A person who operates a commercial motor vehicle upon the
 5 highways of this state without having been issued a motor
 6 vehicle license valid for the vehicle operated or when
 7 disqualified from operating the vehicle under section 321.208
 8 commits a serious misdemeanor.

9 3. Every A licensee shall have the licensee's operator's
 10 or-chauffeur's,-or-motorized-bicycle-license-or-instruction
 11 permit motor vehicle license in immediate possession at all
 12 times when operating a motor vehicle and shall display the
 13 same, upon demand of a judicial magistrate, or district
 14 associate judge, a district judge, peace officer, or a field
 15 deputy-or examiner of the department. However, no a person
 16 charged with violating this subsection shall not be
 17 convicted if the person produces in court, within a reasonable
 18 time, an-operator's-or-chauffeur's-or-motorized-bicycle
 19 license-or-instruction-permit a motor vehicle license issued
 20 to that person and valid for the vehicle operated at the time
 21 of the person's arrest or at the time the person was charged
 22 with a violation of this section.

23 Sec. 21. Section 321.176, Code 1989, is amended to read as
 24 follows:

25 321.176 PERSONS EXEMPT FROM MOTOR VEHICLE LICENSING
 26 REQUIREMENTS.

27 The following persons are exempt from motor vehicle license
 28 hereunder requirements:

29 1. Any person while operating a military motor vehicle in
 30 the service of the armed forces of the United States.

31 2. Any person while operating a farm tractor or implement
 32 of husbandry to or from the home farm buildings to any
 33 adjacent or nearby farm land for the exclusive purpose of
 34 conducting farm operations.

35 3. A nonresident operating a motor vehicle, other than a

1 commercial motor vehicle, within the legal scope of the
2 nonresident's home state or country license.

3 Sec. 22. NEW SECTION. 321.176A PERSONS EXEMPT FROM
4 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS. .

5 The following operators are exempt from the commercial
6 driver license requirements:

7 1. A farmer or a person working for a farmer while
8 operating a special truck within one hundred fifty miles of
9 the farmer's farm to transport agricultural products, farm
10 machinery, or farm supplies to or from the farm. However,
11 this exemption does not apply to the operation of a vehicle of
12 a size or type required to be placarded under Iowa law.

13 2. A firefighter while operating a fire vehicle for a
14 volunteer or paid fire organization under conditions necessary
15 to preserve life or property or to execute related
16 governmental functions.

17 3. Military personnel while on active duty and operating
18 equipment owned or operated by the United States department of
19 defense.

20 4. A person while operating a motor home solely for
21 personal or family use.

22 5. A person operating a motor vehicle with a gross vehicle
23 weight rating of less than twenty-six thousand one pounds
24 towing a travel trailer or fifth-wheel travel trailer solely
25 for personal or family use.

26 Sec. 23. Section 321.177, Code 1989, is amended to read as
27 follows:

28 321.177 PERSONS NOT TO BE LICENSED.

29 The department shall not issue any a motor vehicle license
30 hereunder:

31 1. To any person~~7-as-an-operator7~~ who is under the age of
32 eighteen years, without the person's first having successfully
33 completed an approved driver education course, in which case,
34 the minimum age is sixteen years. However, the department may
35 issue a school driver's license to certain minors as provided

1 in section 321.194, ~~or a temporary~~ an instruction permit as
2 provided in section 321.180, ~~to any person who is at least~~
3 ~~fourteen years of age. The department may issue~~ subsection 1,
4 or a driver's license restricted for use only for to motorized
5 bicycles as provided in section 321.189, subsection 2 8.

6 2. To any person ~~as a chauffeur who is under the age of~~
7 eighteen years holding any other motor vehicle license.

8 3. To any person ~~as an operator or chauffeur~~ whose motor
9 vehicle license or driving privilege has been is suspended
10 during such suspension or ~~to any person whose license or~~
11 ~~driving privilege has been revoked until the expiration of~~
12 ~~one year after such revocation.~~

13 4. To any person ~~as an operator or chauffeur~~, who is a
14 chronic alcoholic, or is addicted to the use of narcotic
15 drugs.

16 5. To any person ~~as an operator or chauffeur~~, who has
17 previously been adjudged to be incompetent by reason of mental
18 illness and who has not at the time of application been
19 restored to competency by the methods provided by law.

20 6. To any person ~~as an operator or chauffeur~~, who is
21 fails to pass an examination required by this chapter ~~to take~~
22 ~~an examination unless such person shall have successfully~~
23 ~~passed such examination.~~

24 7. To any person when the director has good cause to
25 believe ~~that such~~ the person by reason of physical or mental
26 disability would not be able to operate a motor vehicle with
27 safety upon the highways safely.

28 8. To any person to operate a commercial motor vehicle
29 unless the person qualifies under federal and state law to be
30 issued a commercial driver's license in this state.

31 9. To any person, as a chauffeur, who is under the age of
32 eighteen.

33 Sec. 24. Section 321.178, subsection 1, unnumbered
34 paragraph 4, Code Supplement 1989, is amended to read as
35 follows:

1 Any person who successfully completes an approved driver
2 education course at a private or commercial driver education
3 school licensed by the department, shall likewise be eligible
4 for ~~an operator's~~ a driver's license at the age of sixteen
5 years, providing the instructor in charge of the student's
6 training has satisfied the educational requirements for a
7 teaching certificate at the secondary level and holds a valid
8 certificate to teach driver education in the public schools of
9 Iowa.

10 Sec. 25. Section 321.180, Code Supplement 1989, is amended
11 to read as follows:

12 321.180 INSTRUCTION PERMITS.

13 1. a. A person who is at least fourteen years of age and
14 who, except for the person's lack of ~~instructions~~ instruction
15 in operating a motor vehicle, would be qualified to obtain ~~an~~
16 ~~operator's~~ a driver's license, shall, upon meeting the
17 requirements of section 321.186 other than a driving
18 demonstration, and upon paying the required fee, be issued a
19 ~~temporary~~ an instruction permit by the department. Subject to
20 the limitations in this subsection, ~~a temporary~~ an instruction
21 permit entitles the permittee, while having the permit in the
22 permittee's immediate possession, to ~~drive~~ operate a motor
23 vehicle, other than a commercial motor vehicle or as a
24 chauffeur, upon the highways for a period of two years from
25 the date of issuance. If the applicant for an instruction
26 permit holds a driver's license issued in this state valid for
27 the operation of a motorized bicycle or a motorcycle, the
28 instruction permit shall be valid for such operation without
29 the need of an accompanying person.

30 A permittee shall not be penalized for failing to have the
31 instruction permit in immediate possession if the permittee
32 produces in court, within a reasonable time, an instruction
33 permit issued to the permittee and valid at the time of the
34 permittee's arrest or at the time the permittee was charged
35 with failure to have the permit in the permittee's immediate

1 possession.

2 b. The Except as otherwise provided, a permittee who is
3 sixteen years of age or older must be accompanied by a
4 licensed-operator-or-chauffeur person issued a motor vehicle
5 license valid for the vehicle operated who is at least
6 eighteen years of age, who is an approved driver education
7 instructor, or who is a prospective driver education
8 instructor enrolled in and specifically designated by a
9 practitioner preparation program with a safety education
10 program approved by the state board of education, and who is
11 actually occupying a seat beside the driver. The temporary
12 instruction permit issued to Except as otherwise provided, a
13 person who is less than sixteen years of age entitles the
14 permittee to drive a motor vehicle upon the highways only when
15 must be accompanied by a licensed-operator-or-chauffeur person
16 issued a motor vehicle license valid for the vehicle operated
17 who is the parent or guardian of the permittee, an approved
18 driver education instructor, a prospective driver education
19 instructor who is enrolled in and has been specifically
20 designated by a practitioner preparation program with a safety
21 education program approved by the state board of education, or
22 a person who is twenty-five years of age or more if written
23 permission is granted by the parent or guardian, and who is
24 actually occupying a seat beside the driver.

25 If However, if the permittee is driving operating a
26 motorcycle, the qualified operator accompanying person must be
27 within audible and visual communications distance from the
28 permittee and be accompanying the permittee on or in a
29 different motor vehicle. Only one permit-holder permittee
30 shall be under the immediate supervision of an accompanying
31 qualified operator person, unless the qualified operator
32 person is an approved motorcycle or driver education
33 instructor or a prospective motorcycle or driver education
34 instructor who is enrolled in a practitioner preparation
35 program with a safety education program approved by the state

1 board of education, and the permittee is enrolled in an
2 approved motorcycle or driver education course, in which case
3 no more than three students shall be under the immediate
4 supervision of each instructor while on the highway.

5 2. A person who holds a class B or C driver's license,
6 upon meeting each of the following requirements, shall be
7 eligible to apply for a chauffeur's commercial driver's
8 instruction permit valid for the operation of a commercial
9 motor vehicle requiring a chauffeur's license when the
10 permittee is accompanied by a person ~~possessing a valid~~
11 ~~chauffeur's license~~, properly licensed to drive the operate a
12 commercial motor vehicle and actually occupying a seat beside
13 the permittee. An applicant must be at least eighteen years
14 of age ~~otherwise~~ and qualified to obtain a valid chauffeur's
15 commercial driver's license and must meet including the
16 requirements of section ~~321.186~~ 321.188 other than a the
17 knowledge examination and driving demonstration skills tests.
18 The chauffeur's commercial driver's instruction permit shall
19 be valid for a period not to exceed two years six months and
20 shall be returned to the department upon receipt issuance of a
21 valid chauffeur's license. ~~issuance of a chauffeur's~~
22 ~~instruction permit shall not require the surrender of a valid~~
23 ~~operator's license~~. A commercial driver's instruction permit
24 may be renewed only once in any two-year period. If the
25 applicant for a commercial driver's instruction permit holds a
26 driver's license issued in this state valid for the operation
27 of a commercial or noncommercial vehicle, the commercial
28 driver's instruction permit shall be valid for such operation
29 without the need of an accompanying person.

30 ~~A permittee shall not be penalized for failing to have the~~
31 ~~permit in immediate possession if the permittee produces in~~
32 ~~court, within a reasonable time, an instruction permit issued~~
33 ~~to the permittee and valid at the time of the permittee's~~
34 ~~arrest~~.

35 3. A person, upon meeting each of the following

1 requirements, shall be eligible to apply for a chauffeur's
2 instruction permit valid for the operation of a motor vehicle,
3 other than a commercial motor vehicle, as a chauffeur when the
4 permittee is accompanied by a person, possessing a valid class
5 D driver's license or commercial driver's license, properly
6 licensed to drive the motor vehicle and actually occupying a
7 seat beside the permittee. An applicant must be at least
8 eighteen years of age, otherwise qualified to obtain a class D
9 driver's license, and must meet the requirements of section
10 321.186 other than a driving demonstration. The chauffeur's
11 instruction permit shall be valid for a period not to exceed
12 two years and shall be returned to the department upon
13 issuance of a class D driver's license or commercial driver's
14 license. If the applicant for a chauffeur's instruction
15 permit holds a driver's license issued under this chapter, the
16 chauffeur's instruction permit shall be valid in the same
17 manner as the driver's license would be for the operation of
18 motor vehicles without the need of an accompanying person.

19 4. The instruction permit, chauffeur's instruction permit,
20 and commercial driver's instruction permit are subject to
21 suspension or revocation for the same reasons and in the same
22 manner as suspension or revocation of a driver's license.

23 Sec. 26. Section 321.181, Code 1989, is amended to read as
24 follows:

25 321.181 TEMPORARY PERMIT.

26 The department may, ~~in its discretion,~~ issue a temporary
27 driver's permit to an applicant for an operator's or
28 chauffeur's a motor vehicle license permitting the applicant
29 to operate a motor vehicle other than a commercial motor
30 vehicle while the department is completing its investigation
31 and determination of all facts relative to such the
32 applicant's right privilege to receive an operator's the motor
33 vehicle license. Such The permit must be in the applicant's
34 immediate possession while operating a motor vehicle, ~~and it,~~
35 The temporary permit shall be invalid and returned to the

1 department when the applicant's license has-been is issued or
2 for-good-cause-has-been-refused when the license is denied.

3 ~~The-temporary-driver's-permit-shall-bear-a-colored~~
4 ~~photograph-of-the-permittee-and-shall-contain-such-other~~
5 ~~information-as-the-department-may-by-rule-require.--The~~
6 ~~department-shall-not-retain-a-positive-or-negative-photograph~~
7 ~~of-the-permittee.~~

8 Sec. 27. Section 321.182, Code 1989, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 321.182 APPLICATION.

12 Every applicant for a motor vehicle license shall do all of
13 the following:

14 1. Make application on a form provided by the department
15 which shall include the applicant's full name, signature,
16 current mailing address, current residential address, date of
17 birth, social security number, and physical description
18 including sex, height, and eye color. The application may
19 contain other information the department may require by rule.

20 2. Surrender all other motor vehicle licenses.

21 3. Certify that the applicant has no other motor vehicle
22 license.

23 4. Certify that the applicant is not currently subject to
24 suspension, revocation, or cancellation of any motor vehicle
25 license and has committed no offense and has not acted in a
26 manner which either alone or with previous actions or offenses
27 could result in suspension, revocation, or cancellation of any
28 motor vehicle license.

29 Sec. 28. Section 321.184, subsection 1, Code 1989, is
30 amended to read as follows:

31 1. CONSENT REQUIRED. The application of an unmarried
32 person under the age of eighteen years for ~~an-instruction~~
33 ~~permit, operator's license, motorized-bicycle license,~~
34 ~~restricted license, or school license issued under section~~
35 ~~321.194~~ a motor vehicle license shall contain the verified

1 consent and confirmation of the applicant's birthday by either
2 parent of the applicant, the guardian of the applicant, or a
3 person having custody of the applicant under chapter 600A.
4 Officers and employees of the department may administer the
5 oaths without charge.

6 Sec. 29. Section 321.186, Code 1989, is amended to read as
7 follows:

8 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.

9 The department may examine every new applicant for an
10 ~~operator's, motorized-bicycle-or-chauffeur's~~ a motor vehicle
11 license or any person holding a valid ~~operator's, motorized~~
12 ~~bicycle-or-chauffeur's~~ motor vehicle license when the
13 department has reason to believe that ~~such~~ the person may be
14 physically or mentally incompetent to operate a motor vehicle,
15 or whose driving record appears to the department to justify
16 ~~such-an~~ the examination. ~~Such~~ The examinations shall be held
17 in every county within periods not to exceed fifteen days. ~~---it~~
18 except that the driving skills test for a commercial driver's
19 license shall be given only at locations where required
20 driving skills may be adequately tested, including pretrip and
21 off-road examinations. The department shall make every effort
22 to accommodate a functionally illiterate applicant when the
23 applicant is taking a knowledge test. The department shall
24 make every effort to have an examiner conduct the commercial
25 driver's license operator skills tests at other locations
26 where skills may be adequately tested when requested by a
27 person representing ten or more drivers seeking commercial
28 driver's licenses. The examination shall include a test
29 screening of the applicant's eyesight, a test of the
30 applicant's ability to read and understand highway signs
31 regulating, warning, and directing traffic, a test of the
32 applicant's knowledge of the traffic laws of this state, and
33 ~~shall-include~~ an actual demonstration of ability to exercise
34 ordinary and reasonable control in the operation of a motor
35 vehicle and ~~such-further~~ other physical and mental

1 examinations as the department finds necessary to determine
2 the applicant's fitness to operate a motor vehicle safely upon
3 the highways.

4 Sec. 30. Section 321.187, Code 1989, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 321.187 EXAMINERS.

8 1. The department shall examine applicants for motor
9 vehicle licenses. However, the department may by rule
10 designate area vocational schools and community colleges to
11 administer the driving skills test required for a commercial
12 driver's license provided that all of the following occur:

13 a. The driving skills test is the same as that which would
14 otherwise be administered by the state.

15 b. The examiner contractually agrees to comply with the
16 requirements of 49 C.F.R. § 383.75.

17 Examiners of the department shall wear an identifying badge
18 and uniform provided by the department.

19 2. The department may also designate by rule other parties
20 to administer the driving skills test required for a
21 commercial driver's license provided that both subsection 1,
22 paragraphs "a" and "b" occur. This subsection is repealed
23 April 1, 1992.

24 Sec. 31. NEW SECTION. 321.188 COMMERCIAL DRIVER'S
25 LICENSE REQUIREMENTS.

26 1. Before the department issues, renews, or upgrades a
27 commercial driver's license and in addition to the
28 requirements of section 321.182, the license applicant shall
29 do all of the following:

30 a. Certify whether the applicant is subject to and meets
31 applicable driver qualifications of 49 C.F.R. part 391.

32 b. Certify the applicant is not subject to any commercial
33 driver's license disqualification and has committed no offense
34 and has not acted in a manner which either alone or with
35 previous actions or offenses could result in commercial

1 driver's license disqualification.

2 c. Successfully pass knowledge tests and driving skills
3 tests which the department shall require by rule. The rules
4 adopted shall substantially comply with the federal minimum
5 testing and licensing requirements in 49 C.F.R. part 383,
6 subparts E, G, and H.

7 d. Certify the vehicle to be operated in the driving
8 skills tests represents the largest class of vehicle the
9 applicant will operate on the highway.

10 e. Certify that the applicant is a resident of Iowa or a
11 resident of a foreign jurisdiction.

12 2. An applicant for a commercial driver's license may
13 substitute for a driving skills test the applicant's operating
14 record and previous passage of a driving skill test or the
15 applicant's operating record and previous driving experience
16 if all of the following conditions exist:

17 a. The applicant is currently licensed to operate a
18 commercial motor vehicle.

19 b. The applicant certifies that during the two years
20 immediately preceding application all of the following apply:

21 (1) The applicant has not held motor vehicle licenses
22 valid for the operation of commercial motor vehicles from more
23 than one state simultaneously.

24 (2) The applicant has not had any convictions which are
25 federal commercial driver's license disqualifying offenses
26 under 49 C.F.R. § 383.51 while operating any type of vehicle.

27 (3) The applicant has not committed a traffic violation,
28 other than a parking violation, arising in connection with a
29 traffic accident.

30 (4) No record of an accident exists for which the
31 applicant was convicted of a moving traffic violation.

32 (5) The applicant has not had any motor vehicle license
33 suspended, revoked, or canceled.

34 c. The applicant provides evidence of and certifies that
35 the applicant is employed in a job requiring operation of a

1 commercial motor vehicle and the applicant has done one of the
2 following:

3 (1) Has previously passed a driving skills test given by
4 this state or its designee in a motor vehicle representative
5 of the class of motor vehicle the applicant will operate.

6 (2) Has operated during the two-year period immediately
7 preceding the application a motor vehicle representative of
8 the class of motor vehicle the applicant will operate.

9 3. Upon initial license application and at the time of an
10 application for license renewal or upgrade, an applicant for a
11 hazardous material endorsement must pass a knowledge test as
12 required under 49 C.F.R. § 383.17 to obtain or retain the
13 endorsement. An applicant for license transfer may retain the
14 endorsement if the applicant successfully passed the
15 endorsement test within the preceding two years.

16 4. The department shall check the applicant's driving
17 record as maintained by the applicant's current licensing
18 state, the national commercial driver's license information
19 system, and the national driver register to determine whether
20 the applicant qualifies to be issued a commercial driver's
21 license. The department shall notify the national commercial
22 driver's license information system of the issuance, renewal,
23 or upgrade of a commercial driver's license.

24 Sec. 32. Section 321.189, Code 1989, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 321.189 DRIVER'S LICENSE -- CONTENT -- MOTORCYCLE RIDER
28 EDUCATION FUND.

29 1. CLASSIFICATION AND ISSUANCE. Upon payment of the
30 required fee, the department shall issue to every qualified
31 applicant a driver's license. Driver's licenses shall be
32 classified as follows:

33 a. Class A -- A combination of vehicles with a gross
34 combination weight rating of twenty-six thousand one or more
35 pounds provided the towed vehicle or vehicles have a gross

1 vehicle weight rating or gross combination weight rating of
2 ten thousand one or more pounds.

3 b. Class B -- A vehicle with a gross vehicle weight rating
4 of twenty-six thousand one or more pounds or a combination of
5 vehicles with a gross combination weight rating of twenty-six
6 thousand one or more pounds provided the towed vehicle or
7 vehicles have a gross vehicle weight rating or gross
8 combination weight rating of less than ten thousand one
9 pounds.

10 c. Class C -- A vehicle, other than a motorcycle, or a
11 combination of vehicles with a gross vehicle weight rating or
12 gross combination weight rating of less than twenty-six
13 thousand one pounds.

14 d. Class D -- For motor vehicle operation as a chauffeur.

15 e. Class M -- A motorcycle.

16 A driver's license may be issued for more than one class.
17 Class A and B driver's licenses shall only be issued as
18 commercial driver's licenses. Class C and M driver's licenses
19 may be issued as commercial driver's licenses. The holder of
20 a class A or B driver's license may operate any smaller class
21 vehicle except a motorcycle; however, the license is not valid
22 for a vehicle requiring an endorsement unless the license is
23 endorsed for the vehicle. The holder of a class D driver's
24 license may operate a motor vehicle as a chauffeur for the
25 class of motor vehicles for which the license was issued. The
26 holder of a commercial driver's license is not required to
27 obtain a class D driver's license to operate a motor vehicle
28 as a chauffeur. When necessary, the department shall by rule
29 create additional classes or modify existing classes of
30 driver's licenses.

31 2. CONTENT OF LICENSE.

32 a. Appearing on the driver's license shall be a
33 distinguishing number assigned to the licensee; the licensee's
34 full name, date of birth, sex, and residence address; a
35 colored photograph; a physical description of the licensee;

1 the name of the state; the dates of issuance and expiration;
2 and the usual signature of the licensee. The license shall
3 identify the class of vehicle the licensee may operate and the
4 applicable endorsements and restrictions which the department
5 shall require by rule.

6 b. A commercial driver's license shall include the
7 licensee's mailing address rather than residence address, the
8 licensee's social security number, and the word "commercial"
9 shall appear prominently on the face of the license. If the
10 applicant is a nonresident, the license must conspicuously
11 display the word "nonresident".

12 c. The department shall advise an applicant that the
13 applicant for a motor vehicle license other than a commercial
14 driver's license may request a number other than a social
15 security number as the motor vehicle license number.

16 d. The license may contain other information as required
17 under the department's rules.

18 3. REPLACEMENT. If prior to the renewal date, a person
19 desires to obtain a motor vehicle license in the form
20 authorized by this section, a license may be issued as a
21 voluntary replacement upon payment of the required fee as set
22 by the department by rule. A person shall return a motor
23 vehicle license and be issued a new license when the first
24 license contains inaccurate information upon payment of the
25 required fee as set by the department by rule.

26 4. SYMBOLS. Upon the request of a licensee, the
27 department shall indicate on the license the presence of a
28 medical condition or that the licensee is a donor under the
29 uniform anatomical gift law. The license may contain such
30 other information as the department may require by rule.

31 5. TAMPERPROOFING. The department shall issue a motor
32 vehicle license by a method or process which prevents as
33 nearly as possible the alteration, reproduction, or
34 superimposition of a photograph on the license without ready
35 detection.

1 6. LICENSES ISSUED TO MINORS. A motor vehicle license
2 issued to a person under twenty-one years of age shall be
3 identical in form to any other motor vehicle license except
4 that the word "minor" shall appear prominently on the face of
5 the license. Upon attaining the age of twenty-one, and upon
6 payment of a one dollar fee, the person shall be entitled to a
7 new motor vehicle license or nonoperator's identification card
8 for the unexpired months of the motor vehicle license or card.

9 7. CLASS "M" LICENSE EDUCATION REQUIREMENTS. A person
10 under the age of eighteen applying for a driver's license
11 valid for the operation of a motorcycle shall be required to
12 successfully complete a motorcycle education course either
13 approved and established by the department of education or
14 from a private or commercial driver education school licensed
15 by the department. A public school district shall charge a
16 student a fee which shall not exceed the actual cost of
17 instruction minus moneys received by the school district under
18 subsection 9.

19 8. MOTORIZED BICYCLE.

20 a. The department may issue a driver's license valid only
21 for operation of a motorized bicycle to a person fourteen
22 years of age or older who has passed a vision test and a
23 written examination on the rules of the road. A person under
24 the age of sixteen applying for a driver's license valid only
25 for operation of a motorized bicycle shall also be required to
26 successfully complete a motorized bicycle education course
27 approved and established by the department of education or
28 successfully complete an approved motorized bicycle education
29 course at a private or commercial driver education school
30 licensed by the department. A public school district shall
31 charge a student a fee which shall not exceed the actual cost
32 of instruction. A driver's license valid only for operation
33 of a motorized bicycle entitles the licensee to operate a
34 motorized bicycle upon the highway while having the license in
35 the licensee's immediate possession. The license is valid for

1 a period of two years, subject to termination or cancellation
2 as provided in this section.

3 b. A driver's license valid only for operation of a
4 motorized bicycle shall be canceled upon a conviction for a
5 moving traffic violation and reapplication may be made thirty
6 days after the date of cancellation. The cancellation of the
7 license upon conviction for a moving traffic violation shall
8 not result in requiring the applicant to maintain proof of
9 financial responsibility under section 321A.17, unless the
10 conviction would otherwise result in a suspension or
11 revocation of a person's driver's license.

12 c. As used in this section, "moving traffic violation"
13 does not include a parking violation as defined in section
14 321.210 or a violation of a section of the Code or municipal
15 ordinance pertaining to standards to be maintained for motor
16 vehicle equipment except sections 321.430 and 321.431, or
17 except a municipal ordinance pertaining to motor vehicle brake
18 requirements as applicable to motorized bicycles.

19 d. The holder of any class of driver's license may operate
20 a motorized bicycle.

21 9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider
22 education fund is established in the office of the treasurer
23 of state. The moneys credited to the fund are appropriated to
24 the department of education to be used to establish new
25 motorcycle rider education courses and reimburse sponsors of
26 motorcycle rider education courses for the costs of providing
27 motorcycle education courses approved and established by the
28 department of education. The department of education shall
29 adopt rules under chapter 17A providing for the distribution
30 of moneys to sponsors of motorcycle rider education courses
31 based upon the costs of providing the education courses.

32 Sec. 33. Section 321.190, subsection 1, Code Supplement
33 1989, is amended to read as follows:

34 1. APPLICATION FOR AND CONTENTS OF CARD.

35 a. The department shall, upon application and payment of

1 the required fee, issue to an applicant a nonoperator's
2 identification card~~7-which~~. To be valid the card shall bear a
3 distinguishing number assigned to the card holder, the full
4 name, date of birth, sex, residence address, a brief physical
5 description and a colored photograph of the card holder, the
6 usual signature of the card holder, and such other information
7 as the department may require by rule require. The card~~7~~
8 ~~including-the-colored-photograph~~ shall be issued to the
9 applicant at the time of application ~~and-no-positive-or~~
10 ~~negative-photograph-shall-be-retained~~--~~The-department-shall~~
11 ~~by-rule~~--~~establish-procedures-for-the-application-for~~--~~and~~
12 ~~issuance-of~~--~~a-nonoperator's-identification-card~~--~~An~~
13 ~~identification-card-shall-not-be-valid-unless-it-bears-the~~
14 ~~usual-signature-of-the-card-holder~~ pursuant to procedures
15 established by rule.

16 b. The department shall not issue a card to a person
17 holding a motor vehicle license. The card shall be identical
18 in form to a driver's license issued under section 321.189
19 except the word "nonoperator" shall appear prominently on the
20 face of the card. A nonoperator's identification card issued
21 to a person under twenty-one years of age shall include the
22 word "minor" prominently on the face of the card.

23 c. The department shall use a process or processes for
24 issuance of a nonoperator's identification card, that
25 prevents, as nearly as possible, the opportunity for
26 alteration or reproduction of, and the superimposition of a
27 photograph on the nonoperator's identification card without
28 ready detection.

29 d. The fee for a nonoperator's identification card shall
30 be five dollars and the card shall be valid for-the-purpose-of
31 identification for a period of four years from the date of
32 issuance. No issuance fee shall be charged for a person whose
33 motor vehicle license or driving privilege has been suspended
34 under section 321.210, subsection 1, paragraph "c".

35 The nonoperator's identification card fees shall be

1 transmitted by the department to the treasurer of state who
2 shall credit ~~such~~ the fees to the general fund of the state.

3 Sec. 34. Section 321.190, subsection 3, Code Supplement
4 1989, is amended by striking the subsection and inserting in
5 lieu thereof the following:

6 3. The department shall cancel a person's nonoperator's
7 identification card upon determining the person was not
8 entitled to be issued the card, did not provide correct
9 information, committed fraud in applying for the card, or
10 unlawfully used a nonoperator's identification card.

11 Sec. 35. Section 321.191, Code 1989, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 321.191 FEES FOR MOTOR VEHICLE LICENSES.

15 1. The fee for a noncommercial motor vehicle license,
16 other than a class D driver's license or any type of
17 instruction permit, valid for two years is eight dollars. The
18 fee for a noncommercial class D driver's license valid for two
19 years is fifteen dollars. An additional fee of seven dollars
20 is required to issue a motor vehicle license, other than an
21 instruction permit, valid for two years for the operation of a
22 commercial motor vehicle. The fee for an instruction permit,
23 other than a chauffeur's instruction permit or commercial
24 driver's instruction permit, is six dollars. The fee for a
25 chauffeur's instruction permit or commercial driver's
26 instruction permit is twelve dollars. The fee for a motor
27 vehicle license valid for four years is twice the fee for a
28 two-year license. However, the fee for a driver's license
29 issued to a minor under section 321.194 is four dollars for
30 each partial or complete year until the minor's eighteenth
31 birthday. An additional fee of one dollar per year of license
32 validity is required to issue a license valid to operate a
33 motorcycle. The fee for a double/triple trailer endorsement,
34 tank vehicle endorsement, and hazardous materials endorsement
35 is five dollars for each endorsement. The fee for a passenger

1 endorsement is ten dollars. The fee for removal of an air
 2 brake restriction on a commercial driver's license is ten
 3 dollars. Fees imposed under this subsection for endorsements
 4 or removal of restrictions are valid for the length of the
 5 time period of the license regardless of whether the license
 6 is issued for two or four years. Upon renewal of a commercial
 7 driver's license there is no fee for retaining endorsements or
 8 the removal of the air brake restriction for those
 9 endorsements or restrictions which do not require the taking
 10 of either a knowledge or a driving skills test for renewal.

11 2. The fee for reinstatement of a motor vehicle license
 12 shall be twenty dollars for a license which is, after notice
 13 and opportunity for hearing, canceled, suspended, or revoked.
 14 The fee for reinstatement of the privilege to operate a
 15 commercial motor vehicle after a period of disqualification
 16 shall be twenty dollars.

17 Sec. 36. Section 321.193, Code 1989, is amended to read as
 18 follows:

19 321.193 ~~RESTRICTED~~ RESTRICTIONS ON LICENSES.

20 When As provided in ~~rules-adopted-pursuant-to-chapter-17A~~
 21 by rule, the department upon ~~issuing-an-operator's-or~~
 22 ~~chauffeur's-license-or-motorized-bicycle-license-shall-have~~
 23 ~~authority-when-ever-good-cause-appears-to~~ may impose
 24 restrictions suitable to the motor vehicle licensee's driving
 25 ability with respect to the type of motor vehicle or special
 26 mechanical control devices required on a motor vehicle which
 27 the licensee may operate or such other restrictions applicable
 28 to the licensee, ~~including-licenses-issued-under-section~~
 29 ~~321-194,~~ as the department may determine to be appropriate to
 30 ~~assure-the-safe-operation-of-a-motor-vehicle-by-the-licensee.~~
 31 ~~The-department-shall-not-require-a-person-issued-a-valid~~
 32 ~~operator's-or-chauffeur's-license-to-comply-with-any-other~~
 33 ~~licensing-requirements-in-order-to-operate-a-motorized~~
 34 ~~bicycle.~~

35 The department may ~~either-issue-a-special-restricted~~

1 ~~license-or-may~~ set forth such restrictions upon the usual
2 motor vehicle license form.

3 The department may suspend or revoke the motor vehicle
4 license upon receiving satisfactory evidence of any violation
5 of the license's restrictions of ~~such-license-suspend-or~~
6 ~~revoke-the-same-but-the-licensee-shall-be-entitled-to-a~~
7 ~~hearing-as-upon-a-suspension-or-revocation-under-this-chapter.~~

8 ~~It-is-a-misdemeanor,-punishable-as-provided-in-section~~
9 ~~321-482,-for-any-person-to-operate-a-motor-vehicle-in-any~~
10 ~~manner-in-violation-of-the-restrictions-imposed-in-a~~
11 ~~restricted-license-issued-to-that-person.~~

12 Sec. 37. Section 321.194, Code Supplement 1989, is amended
13 to read as follows:

14 321.194 SPECIAL MINORS' SCHOOL LICENSES.

15 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

16 Upon certification of a special need by the school board or
17 the superintendent of the applicant's school, the department
18 may issue a ~~school~~ class C or M driver's license to a person
19 between the ages of fourteen and eighteen years who has
20 successfully ~~completed~~ completes an approved driver education
21 course. However, the completion of a course is not required
22 if the applicant demonstrates to the satisfaction of the
23 department that completion of the course would impose a
24 hardship upon the applicant. The department shall adopt rules
25 ~~under-chapter-17A~~ defining the term "hardship" and establish
26 procedures for the demonstration and determination of when
27 completion of the course would impose a hardship upon an
28 applicant.

29 a. The ~~school~~ driver's license entitles the holder, while
30 having the license in immediate possession, to operate a motor
31 vehicle ~~during~~ other than a commercial motor vehicle or as a
32 chauffeur:

33 (1) During the hours of 6 a.m. to 10 p.m. over the most
34 direct and accessible route between the licensee's residence
35 and schools of enrollment and between schools of enrollment

1 for the purpose of attending duly scheduled courses of
2 instruction and extracurricular activities at the schools or
3 ~~at any time when accompanied by a parent or guardian, member~~
4 ~~of the license holder's immediate family if the family member~~
5 ~~is at least twenty-one years of age, driver education~~
6 ~~instructor, or prospective driver education instructor who is~~
7 ~~a holder of a valid operator's or chauffeur's license, and who~~
8 ~~is actually occupying a seat beside the driver.~~

9 (2) At any time when the licensee is accompanied in
10 accordance with section 321.180, subsection 1, paragraph "b".

11 PARAGRAPH DIVIDED. The Notwithstanding section 321.196,
12 the license shall expire on the licensee's eighteenth birthday
13 or upon issuance of a restricted license under section
14 321.178, subsection 2, or operator's license. Parental
15 consent given for the issuance of a school license under this
16 section shall not be deemed to be consent given under section
17 321.184 for the issuance of any other permit or license
18 applied for by the school license applicant.

19 b. Each application shall be accompanied by a statement
20 from the school board or superintendent of the applicant's
21 school. The statement shall be upon a form provided by the
22 department. The school board or superintendent shall certify
23 that a need exists for the license and that the board and
24 superintendent are not responsible for actions of the
25 applicant which pertain to the use of the school driver's
26 license. The department of education shall adopt rules
27 pursuant to chapter 17A establishing criteria for issuing a
28 statement of necessity. Upon receipt of a statement of
29 necessity, the department shall issue a school the driver's
30 license. The fact that the applicant resides at a distance
31 less than one mile from the applicant's schools of enrollment
32 is prima facie evidence of the nonexistence of necessity for
33 the issuance of a license. A school The driver's license
34 shall not be issued for purposes of attending a public school
35 in a school district other than the either of the following:

1 (1) The district of residence or a of the parent or
2 guardian of the student.

3 (2) A district which is contiguous to the district of
4 residence of the parent or guardian of the student, if the
5 student is enrolled in the public school which is not the
6 school district of residence because of open enrollment under
7 section 282.18 or as a result of an election by the student's
8 district of residence to enter into one or more sharing
9 agreements pursuant to the procedures in chapter 282.

10 2. SUSPENSION AND REVOCATION. A driver's license issued
11 under this section is subject to suspension or revocation in
12 like-manner-as for the same reasons and in the same manner as
13 suspension or revocation of any other driver's license or
14 permit-issued-under-a-law-of-this-state. The department may
15 also suspend a driver's license issued under this section upon
16 receiving satisfactory evidence that the licensee has violated
17 the restrictions of the license or has been involved in one or
18 more accidents chargeable to the licensee. The department may
19 suspend a driver's license issued under this section and-a
20 permit-issued-under-section-321.180 upon receiving a record of
21 the licensee's conviction for one violation. The department
22 shall revoke the license and-any-permit-issued-under-section
23 321.180 upon receiving a record of conviction for two or more
24 violations of a law of this state or a city ordinance
25 regulating the operation of motor vehicles on highways other
26 than parking violations as defined in section 321.210. After
27 revoking a person licensed under this section receives two or
28 more convictions which require revocation of the person's
29 license or-permit under this section, the department shall not
30 grant an application for a new motor vehicle license or-permit
31 until the expiration of one year or until the licensee's
32 sixteenth birthday, whichever is the longer period.

33 Sec. 38. Section 321.196, Code Supplement 1989, is amended
34 to read as follows:

35 321.196 EXPIRATION OF OPERATOR'S LICENSE -- RENEWAL --

1 VISION TEST MANDATORY.

2 Except as otherwise provided, ~~an operator's~~ a motor vehicle
3 license, other than an instruction permit, chauffeur's
4 instruction permit, or commercial driver's instruction permit
5 issued under section 321.180 or a driver's license issued
6 under section 321.194, expires, at the option of the
7 applicant, two or four years from the licensee's birthday
8 anniversary occurring in the year of issuance if the licensee
9 is between the ages of seventeen years, eleven months and
10 seventy years on the date of issuance of the license,
11 otherwise. If the licensee is under the age of seventeen
12 years eleven months or age seventy or over the license is
13 effective for a period of two years. The Except as required
14 in section 321.182, a motor vehicle license is renewable
15 without written examination or penalty within a period of
16 thirty sixty days after its expiration date. A person shall
17 not be considered to be driving with an invalid license during
18 a period of thirty sixty days following the license expiration
19 date. However, for a license renewed within the thirty-day
20 sixty-day period, the date of issuance shall be considered to
21 be the previous birthday anniversary on which it expired.
22 Applicants whose licenses are restricted due to vision or
23 other physical deficiencies may be required to renew their
24 licenses every two years. For the purposes of this section
25 the birthday anniversary of a person born on February 29 shall
26 be deemed to occur on March 1. ~~All applications for renewal~~
27 ~~of operators' licenses shall be made under the direct~~
28 ~~supervision of a uniformed member of the department and shall~~
29 ~~be approved by the uniformed member.~~ The department in its
30 discretion may authorize the renewal of a valid motor vehicle
31 license other than a commercial driver's license upon
32 application without an examination provided that the applicant
33 satisfactorily passes a vision test as prescribed by the
34 department.

35 Any resident of Iowa holding a valid ~~operator's~~ or

1 chauffeur's motor vehicle license who is temporarily absent
2 from the state, or incapacitated, may, at the time for renewal
3 for such license, ~~obtain from the sheriff of the county of the~~
4 ~~licensee's residence a form to~~ apply to the department for a
5 temporary extension of the license. The department upon
6 receipt of ~~such the~~ application form ~~properly filled out~~
7 shall, upon a showing of good cause, issue a temporary
8 extension of ~~such the~~ motor vehicle license for a period not
9 to exceed six months. ~~The department shall prescribe and~~
10 ~~furnish such forms to each county sheriff.~~

11 ~~Prior to the renewal of a license pursuant to this section,~~
12 ~~the department shall issue to each applicant information on~~
13 ~~the law relating to the operation of a motor vehicle while~~
14 ~~intoxicated and statistical information relating to the number~~
15 ~~of injuries and fatalities occurring as a result of the~~
16 ~~operation of motor vehicles while intoxicated.~~

17 Sec. 39. Section 321.197, Code 1989, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 321.197 EXPIRATION OF CHAUFFEUR'S LICENSES -- REPLACEMENT
21 BY COMMERCIAL DRIVER'S LICENSE.

22 Notwithstanding other provisions of this chapter, a valid
23 chauffeur's license issued by the department shall be valid to
24 operate a motor vehicle according to the terms and limitations
25 of the license until the earlier of the expiration date on the
26 license or April 1, 1992. After January 1, 1992, a
27 chauffeur's license shall not be valid for operating a school
28 bus which is a commercial motor vehicle. After April 1, 1992,
29 a chauffeur's license shall not be valid for operating a
30 commercial motor vehicle. Between October 1, 1990, and April
31 1, 1992, the holder of a valid chauffeur's license may apply
32 for a new driver's license and, if qualified, be issued a
33 commercial driver's license valid only until the expiration
34 date appearing on the surrendered chauffeur's license, upon
35 surrender of the chauffeur's license and upon payment of a one

1 dollar replacement fee together with the fees for any
2 commercial driver's license endorsements obtained.
3 Additionally, if application is made within one year preceding
4 the chauffeur's license expiration date and upon payment of
5 required fees, a qualified applicant may be issued a
6 commercial driver's license valid for a two-year or four-year
7 period beginning on the expiration date on the surrendered
8 chauffeur's license. For purposes of section 321.221, a valid
9 chauffeur's license shall be deemed to be a class D driver's
10 license.

11 This section is repealed effective July 1, 1994.

12 Sec. 40. Section 321.198, unnumbered paragraph 1, Code
13 1989, is amended to read as follows:

14 The effective date of a valid operator's motor vehicle
15 license and-of-a-valid-chauffeur's-license to the extent that
16 it permits the operation of a motor vehicle as-an-operator
17 other than a commercial motor vehicle and other than as a
18 chauffeur, issued under the laws of this state, held by any
19 person at the time of entering the military service of the
20 United States or of the state of Iowa notwithstanding the
21 expiration of such the license according to its terms, is
22 hereby extended without fee until six months following the
23 initial separation from active duty of such the person from
24 the military service, provided such the person is not
25 suffering from such physical disabilities as-to-impair which
26 impairs the person's competency as an operator and provided
27 further that such the licensee shall upon demand of any peace
28 officer furnish satisfactory evidence of the person's military
29 service. However, no a person entitled to the benefits of
30 this section, charged with operating a motor vehicle without
31 an operator's license, shall not be convicted if the person
32 produces in court, within a reasonable time, a valid
33 operator's-or-chauffeur's motor vehicle license theretofore
34 issued to that person along with evidence of the person's
35 military service as above mentioned.

1 Sec. 41. Section 321.199, Code 1989, is amended to read as
2 follows:

3 321.199 MOTOR VEHICLE LICENSE RECORDS.

4 The department shall file every application for a license
5 received by it and shall maintain suitable indexes containing,
6 in alphabetical order, all of the following:

7 1. All applications denied and ~~on each thereof note~~ the
8 reasons for such the denial.

9 2. All applications granted.

10 3. The name of every licensee who has been disqualified
11 from operating a commercial motor vehicle or whose license has
12 been suspended or revoked by the department and after each
13 such name a note on the reasons for such the action.

14 Sec. 42. Section 321.201, Code 1989, is amended to read as
15 follows:

16 321.201 ~~AUTHORITY TO CANCEL~~ CANCELLATION AND RETURN OF
17 LICENSE -- PROHIBITION FROM ISSUANCE OF COMMERCIAL DRIVER'S
18 LICENSE FOR FALSE INFORMATION.

19 1. The department ~~is hereby authorized to~~ may cancel any
20 ~~operator's or chauffeur's~~ a motor vehicle license upon
21 ~~determining that~~ determination of any of the following:

22 a. That the licensee was not entitled to the issuance
23 ~~thereof hereunder or that said~~ of the license.

24 b. That the licensee failed to give the required or
25 correct information ~~in the licensee's application~~ or committed
26 any fraud in making such the application.

27 ~~The provisions applicable in this section and sections~~
28 ~~321.202 to 321.215 relating to cancellation, suspension or~~
29 ~~revocation of an operator's or chauffeur's license are also~~
30 ~~applicable to motorized bicycle licenses and licensees holding~~
31 ~~motorized bicycle licenses.~~

32 Upon cancellation, the licensee shall immediately return
33 the license to the department.

34 2. Upon cancellation of a commercial driver's license for
35 providing false information or committing fraud in the

1 application, the applicant shall not operate a commercial
2 motor vehicle in this state and shall not be issued a license
3 valid to operate a commercial motor vehicle for a period of
4 sixty days.

5 Sec. 43. Section 321.203, Code 1989, is amended to read as
6 follows:

7 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

8 A nonresident's privilege of-driving to operate a motor
9 vehicle on a highway in this state is subject to suspension
10 and or revocation for the same reasons and in the same manner
11 as suspension or revocation of an-operator's-or-chauffeur's a
12 resident's driver's license and is also subject to suspension
13 as provided in section 321.513.

14 Sec. 44. Section 321.204, Code 1989, is amended to read as
15 follows:

16 321.204 CERTIFICATION OF CONVICTION -- NOTIFICATION OF
17 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

18 1. The department is further authorized, upon receiving a
19 record of the conviction in this state of a nonresident driver
20 operator of a motor vehicle of for any offense under the motor
21 vehicle laws of this state, to forward a certified copy-of
22 such written or electronic record of the conviction to the
23 motor vehicle administrator in the licensing state wherein-the
24 person-so-convicted-is-a-resident.

25 2. The department shall notify the commercial driver's
26 license information system and the commercial motor vehicle
27 administrator in the licensing state, if applicable, of the
28 disqualification of a commercial driver within ten days of any
29 of the following:

30 a. The disqualification of the commercial driver under
31 section 321.208 if the disqualification is for more than sixty
32 days.

33 b. The suspension or revocation of a commercial driver's
34 license if the suspension or revocation is for more than sixty
35 days.

1 c. The cancellation of a commercial driver's license.

2 Sec. 45. Section 321.205, Code 1989, is amended to read as
3 follows:

4 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
5 STATE.

6 The department is authorized to suspend or revoke the motor
7 vehicle license of any a resident of this state upon receiving
8 notice of the conviction of such-person the resident in
9 another state of for an offense therein which, if committed in
10 this state, would be grounds for the suspension or revocation
11 of the license of-an-operator-or-chauffeur or upon receiving
12 notice of a final administrative decision in another state
13 that the resident has acted in a manner which would be grounds
14 for suspension or revocation of the license in this state.

15 Sec. 46. Section 321.206, Code 1989, is amended to read as
16 follows:

17 321.206 SURRENDER OF LICENSE -- DUTY OF COURT.

18 Whenever-any If a person is convicted in court of any an
19 offense for which this chapter makes requires mandatory the
20 revocation of the operator's-or-chauffeur's person's motor
21 vehicle license of-such-person-by-the-department or, if the
22 person's license is a commercial driver's license and the
23 conviction disqualifies the person from operating a commercial
24 motor vehicle, the court in-which-such-conviction-is-had shall
25 require the person to surrender to-it-of-all-operator's-and
26 chauffeur's-licenses-then the motor vehicle license held by
27 the person so-convicted and the court shall thereupon forward
28 the same license together with a record of such the conviction
29 to the department as provided in section 321.491.

30 Sec. 47. Section 321.208, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 321.208 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION --
34 REPLACEMENT DRIVER'S LICENSE -- TEMPORARY LICENSE.

35 1. A person is disqualified from operating a commercial

1 motor vehicle for one year upon a conviction or final
2 administrative decision that the person while operating a
3 commercial motor vehicle has committed any of the following
4 acts or offenses in any state or foreign jurisdiction:

5 a. Operating a commercial motor vehicle while under the
6 influence of an alcoholic beverage or other drug or controlled
7 substance or a combination of such substances.

8 b. Operating a commercial motor vehicle with a blood
9 alcohol concentration, as defined in section 321J.1, of 0.04
10 or more.

11 c. Refusal to submit to chemical testing required under
12 chapter 321J.

13 d. Failure to stop and render aid at the scene of an
14 accident involving the person's vehicle.

15 e. A felony or aggravated misdemeanor involving the use of
16 a commercial motor vehicle other than an offense involving
17 manufacturing, distributing, or dispensing a controlled
18 substance.

19 However, a person is disqualified for three years if the
20 act or offense occurred while the person was operating a
21 commercial motor vehicle transporting hazardous material of a
22 type or quantity requiring vehicle placarding.

23 2. A person is disqualified for life if convicted or found
24 to have committed two or more of the above acts or offenses
25 arising out of two or more separate incidents. However, a
26 disqualification for life is subject to a reduction to a ten-
27 year disqualification by the United States secretary of
28 transportation.

29 3. A person is disqualified from operating a commercial
30 motor vehicle for the person's life upon a conviction that the
31 person used a commercial motor vehicle in the commission of a
32 felony or aggravated misdemeanor involving the manufacturing,
33 distributing, or dispensing of a controlled substance as
34 defined in section 204.101.

35 4. A person is disqualified from operating a commercial

1 motor vehicle if the person receives convictions for
2 committing within any three-year period two or more of the
3 following offenses while operating a commercial motor vehicle:
4 a. Speeding fifteen miles per hour or more over the legal
5 speed limit.
6 b. Reckless driving.
7 c. Any violation of the traffic laws, except a parking
8 violation or a vehicle weight violation, which arises in
9 connection with a fatal traffic accident.
10 d. Operating a commercial motor vehicle when not issued a
11 motor vehicle license valid for the vehicle operated.
12 e. Operating a commercial motor vehicle upon a highway
13 when disqualified.
14 f. Operating a commercial motor vehicle upon a highway
15 without immediate possession of a motor vehicle license valid
16 for the vehicle operated.
17 g. Following another motor vehicle too closely.
18 h. Improper lane changes in violation of section 321.306.
19 The period of disqualification under this subsection shall
20 be sixty days for two offenses within any three-year period
21 and one hundred twenty days for three offenses within any
22 three-year period.
23 5. Upon receiving a record of a person's disqualifying
24 conviction or administrative decision, the department shall,
25 by rule, without preliminary hearing and upon twenty days'
26 advance notice, disqualify the person from operating a
27 commercial motor vehicle upon a highway.
28 6. If a person operating a commercial motor vehicle either
29 refuses to submit to chemical testing required under chapter
30 321J or submits to chemical testing and the results show a
31 blood alcohol concentration as defined in section 321J.1 of
32 0.04 or more, the department, upon receipt of the peace
33 officer's certification, subject to penalty for perjury, that
34 the peace officer had reasonable grounds to believe the person
35 to have been operating a commercial motor vehicle with a blood

1 alcohol concentration of 0.04 or more and that the person
2 refused to submit to the chemical testing, shall, without
3 preliminary hearing and upon twenty days' advance notice,
4 disqualify the person from operating a commercial motor
5 vehicle upon a highway.

6 7. Upon notice, the disqualified person shall surrender
7 the person's commercial driver's license to the department and
8 the department may issue a driver's license valid only to
9 operate a noncommercial motor vehicle upon payment of a one
10 dollar fee. The department shall notify the commercial
11 driver's license information system of the disqualification if
12 required to do so under section 321.204.

13 8. Notwithstanding the Iowa administrative procedure Act,
14 the filing of a petition for judicial review shall stay the
15 disqualification pending the determination by the district
16 court.

17 9. The department may reinstate a qualified person's
18 privilege to operate a commercial motor vehicle after a period
19 of disqualification and after payment of required fees.

20 Sec. 48. NEW SECTION. 321.208A TWENTY-FOUR HOUR OUT-OF-
21 SERVICE ORDER.

22 A person required to hold a commercial driver's license to
23 operate a commercial motor vehicle shall not operate a
24 commercial motor vehicle on the highways of this state in
25 violation of rules adopted by the department under this
26 section. A motor carrier shall not allow a driver of a
27 commercial vehicle to be in violation of rules adopted by the
28 department under this section. The department shall adopt
29 rules under chapter 17A which shall be consistent with 49
30 C.F.R. § 392.5.

31 Sec. 49. Section 321.209, unnumbered paragraph 1, Code
32 1989, is amended to read as follows:

33 The department shall forthwith upon twenty days' notice and
34 without preliminary hearing revoke the license or operating
35 privilege of any an operator or-chauffeur,-or-driving

1 privilege, upon receiving a record of such the operator's or
2 chauffeur's conviction of for any of the following offenses,
3 when such conviction has become final:

4 Sec. 50. Section 321.210, Code Supplement 1989, is amended
5 by striking the section and inserting in lieu thereof the
6 following:

7 321.210 SUSPENSION.

8 1. The department is authorized to establish rules
9 providing for the suspension of the license of an operator
10 upon twenty days' notice and without preliminary hearing upon
11 a showing by its records or other sufficient evidence that the
12 licensee:

13 a. Is an habitually reckless or negligent driver of a
14 motor vehicle.

15 b. Is an habitual violator of the traffic laws.

16 c. Is physically or mentally incapable of safely operating
17 a motor vehicle.

18 d. Has permitted an unlawful or fraudulent use of the
19 license.

20 e. Has committed an offense or acted in a manner in
21 another state or foreign jurisdiction which in this state
22 would be grounds for suspension or revocation.

23 f. Has committed a serious violation of the motor vehicle
24 laws of this state.

25 g. Is subject to a license suspension under section
26 321.513.

27 Prior to a suspension taking effect under paragraph "a",
28 "b", "c", "d", "e", or "f", the licensee shall have received
29 twenty days' advance notice of the effective date of the
30 suspension. Notwithstanding the terms of the Iowa
31 administrative procedure Act, the filing of a petition for
32 judicial review shall operate to stay the suspension pending
33 the determination by the district court.

34 2. In determining suspension the department shall not
35 consider the following:

1 a. Violation of motor vehicle equipment standards if
2 repairs are made within seventy-two hours of the violation and
3 satisfactory evidence of repair is immediately sent to the
4 department.

5 b. Violations of requirements to install and use safety
6 belts, safety harnesses, and child restraint devices under
7 sections 321.445 and 321.446.

8 c. Parking violations, meaning violation of a local
9 authority parking ordinance or violation of sections 321L.4,
10 321.366, subsection 6, and 321.354 through 321.361 except
11 section 321.354, subsection 1.

12 d. The first two speeding violations within any twelve-
13 month period of ten miles per hour or less over the legal
14 speed limit in speed zones having a legal speed limit between
15 thirty-four miles per hour and fifty-six miles per hour.

16 Sec. 51. Section 321.211, unnumbered paragraph 2, Code
17 Supplement 1989, is amended to read as follows:

18 There is appropriated each year from the road use tax fund
19 to the department of transportation one hundred twenty-five
20 thousand dollars, or as much thereof as is necessary, to be
21 used to pay the cost of notice and personal delivery of
22 service, as necessary to meet the notice requirement of this
23 section. The department shall adopt rules governing the
24 payment of the cost of personal delivery of service. The
25 reinstatement fees collected under section 321.191 shall be
26 deposited in the road use tax fund in the manner provided in
27 section ~~321.192~~ 321.145, as reimbursement for the costs of
28 notice under this section.

29 Sec. 52. Section 321.212, subsection 2, Code 1989, is
30 amended to read as follows:

31 2. The department upon suspending or revoking a motor
32 vehicle license shall require that such the license be
33 surrendered to and be retained by the department except-that
34 at. At the end of the period of suspension such the license
35 so surrendered shall be returned reissued to the licensee upon

1 payment of the reinstatement fee under section 321.191. At
2 the end of a period of revocation the licensee must apply for
3 a new motor vehicle license.

4 Sec. 53. Section 321.213, Code Supplement 1989, is amended
5 to read as follows:

6 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
7 VIOLATIONS BY JUVENILE DRIVERS.

8 Upon the entering of an order at the conclusion of an
9 adjudicatory hearing under section 232.47 that the child
10 violated a provision of this chapter or chapter 321A or
11 chapter 321J for which the penalty is greater than a simple
12 misdemeanor, the clerk of the juvenile court in the
13 adjudicatory hearing shall forward a copy of the adjudication
14 to the department. Notwithstanding section 232.55, a final
15 adjudication in a juvenile court that the child violated a
16 provision of this chapter or chapter 321A or chapter 321J
17 constitutes a final conviction of a violation of a provision
18 of this chapter or chapter 321A or chapter 321J for purposes
19 of section 321.189, subsection 2 8, paragraph "b", and
20 sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215,
21 321A.17, 321J.2, 321J.3, and 321J.4.

22 Sec. 54. Section 321.215, Code 1989, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 321.215 TEMPORARY RESTRICTED LICENSE -- TEMPORARY
26 RESTRICTED PERMIT.

27 1. The department, on application, may issue a temporary
28 restricted license to a person whose motor vehicle license is
29 suspended or revoked under this chapter, allowing the person
30 to drive to and from the person's home and specified places at
31 specified times which can be verified by the department and
32 which are required by any of the following:

33 a. The person's full-time or part-time employment.

34 b. The person's continuing health care or the continuing
35 health care of another who is dependent upon the person.

1 c. The person's continuing education while enrolled in an
2 educational institution on a part-time or full-time basis and
3 while pursuing a course of study leading to a diploma, degree,
4 or other certification of successful educational completion.

5 d. The person's substance abuse treatment.

6 e. The person's court-ordered community service
7 responsibilities.

8 However, a temporary restricted license shall not be issued
9 to a person whose license is revoked under section 321.209,
10 subsections 1 through 5 or subsection 7. A temporary
11 restricted license may be issued to a person whose license is
12 revoked under section 321.209, subsection 6, only if the
13 person has no previous drag racing convictions. A person
14 holding a temporary restricted license issued by the
15 department under this section shall not operate a motor
16 vehicle for pleasure.

17 2. Upon conviction and the suspension or revocation of a
18 person's motor vehicle license under section 321.209,
19 subsection 5 or 6, 321.210, 321.210A, 321.513, or 321.555,
20 subsection 2, and upon the denial by the director of an
21 application for a temporary restricted license, a person may
22 apply to the district court having jurisdiction for the
23 residence of the person for a temporary restricted permit to
24 operate a motor vehicle for the limited purpose or purposes
25 specified in subsection 1. The application may be granted
26 only if all of the following criteria are satisfied:

27 a. The temporary restricted permit is requested only for a
28 case of extreme hardship where alternative means of
29 transportation do not exist.

30 b. The permit applicant has not made an application for a
31 temporary restricted permit in any district court in the state
32 which was denied.

33 c. The temporary restricted permit is restricted to the
34 limited purpose or purposes specified in subsection 1 at times
35 specified in the permit.

1 d. Proof of financial responsibility is established as
2 defined in chapter 321A; however, such proof is not required
3 if the motor vehicle license was suspended under section
4 321.210A or 321.513.

5 The district court shall forward a record of each
6 application for such temporary restricted permit to the
7 department, together with the results of the disposition of
8 the request by the court. A temporary restricted permit is
9 valid only if the department is in receipt of records required
10 by this section.

11 3. The temporary restricted license or permit shall be
12 canceled upon conviction of a moving traffic violation or upon
13 a violation of a term of the license or permit. A "moving
14 traffic violation" does not include a parking violation as
15 defined in section 321.210.

16 4. The temporary restricted license or permit is not valid
17 to operate a commercial motor vehicle.

18 Sec. 55. Section 321.216, Code Supplement 1989, is amended
19 to read as follows:

20 321.216 UNLAWFUL USE OF LICENSE -- PENALTY.

21 It is a simple misdemeanor for any person:

22 1. To display or cause or permit to be displayed or have
23 in the person's possession any a canceled, revoked, suspended,
24 fictitious, or fraudulently altered temporary-driver's-permit,
25 temporary-instruction-permit, motorized-bicycle-license,
26 operator's-license-or-chauffeur's motor vehicle license.

27 2. To lend that person's temporary-driver's-permit,
28 temporary-instruction-permit, motorized-bicycle-license,
29 operator's-license-or-chauffeur's motor vehicle license to
30 any-other another person or knowingly permit the use thereof
31 of the license by another.

32 3. To display or represent as one's own any-temporary
33 driver's-permit, temporary-instruction-permit, motorized
34 bicycle-license-operator's-license-or-chauffeur's a motor
35 vehicle license not issued to that person.

1 4. To fail or refuse to surrender to the department upon
 2 its lawful demand ~~any-temporary-driver's-permit, temporary~~
 3 ~~instruction-permit, motorized-bicycle-license, operator's~~
 4 ~~license, or chauffeur's~~ a motor vehicle license which has been
 5 suspended, revoked, or canceled.

6 5. To use a false or fictitious name in any an application
 7 for a ~~temporary-driver's-permit, temporary-instruction-permit,~~
 8 ~~motorized-bicycle-license, operator's-license, or chauffeur's~~
 9 motor vehicle license or to knowingly make a false statement
 10 or to knowingly conceal a material fact or otherwise commit a
 11 fraud in ~~any-such~~ the application.

12 6. To permit any an unlawful use of a ~~temporary-driver's~~
 13 ~~permit, temporary-instruction-permit, motorized-bicycle~~
 14 ~~license, operator's-license, or chauffeur's~~ motor vehicle
 15 license issued to that person.

16 7. To obtain, possess or have in one's control or on one's
 17 premises blank motor vehicle ~~license-forms~~ licenses.

18 8. To obtain, possess, or have in one's control or on
 19 one's premises a motor vehicle license, a nonoperator's
 20 identification card, or a blank motor vehicle license form,
 21 which has been made by a person having no authority or right
 22 to make the license, or card, or form.

23 Sec. 56. Section 321.218, Code Supplement 1989, is amended
 24 to read as follows:

25 321.218 DRIVING OPERATING WITHOUT VALID MOTOR VEHICLE
 26 LICENSE -- PENALTIES.

27 1. A person whose ~~operator's-or-chauffeur's~~ motor vehicle
 28 license or driving operating privilege has been denied,
 29 canceled, suspended, or revoked as provided in this chapter,
 30 and who drives operates a motor vehicle upon the highways of
 31 this state while the license or privilege is denied, canceled,
 32 suspended, or revoked, commits a simple misdemeanor.

33 2. However, a person whose license or driving operating
 34 privilege has been revoked under section 321.209, and who
 35 drives operates a motor vehicle upon the highways of this

1 state while the license or privilege is revoked, commits a
2 serious misdemeanor.

3 3. The sentence imposed under this section shall not be
4 suspended by the court, notwithstanding section 907.3 or any
5 other statute.

6 4. The department, upon receiving the record of the
7 conviction of a person under this section upon a charge of
8 driving operating a motor vehicle while the license of the
9 person was is suspended or revoked, shall, except for licenses
10 suspended under section 321.210, subsection 1, paragraph "c",
11 321.210A, or 321.513, extend the period of suspension or
12 revocation for an additional like period, and the department
13 shall not issue a new motor vehicle license to the person
14 during the additional period.

15 ~~5. A person operating a motorized bicycle on the highways~~
16 ~~of the state and not possessed of an operator's or chauffeur's~~
17 ~~license or a valid motorized bicycle license, is, upon~~
18 ~~conviction, guilty of a simple misdemeanor.~~

19 Sec. 57. Section 321.220, Code 1989, is amended to read as
20 follows:

21 321.220 PERMITTING UNAUTHORIZED PERSON TO DRIVE.

22 No A person shall not knowingly authorize or knowingly
23 permit a motor vehicle owned by that the person or under the
24 person's control to be driven upon any a highway by any a
25 person who is not ~~authorized hereunder or in violation of any~~
26 ~~of the provisions of this chapter~~ issued a motor vehicle
27 license valid for the vehicle's operation.

28 Sec. 58. Section 321.221, Code 1989, is amended to read as
29 follows:

30 321.221 EMPLOYING UNLICENSED CHAUFFEUR.

31 No A person shall not employ as a chauffeur of a motor
32 vehicle any a person not then licensed holding a class D
33 driver's license or a commercial driver's license as provided
34 in this chapter.

35 Sec. 59. Section 321.223, Code 1989, is amended to read as

1 follows:

2 321.223 MOTOR VEHICLE LICENSE INSPECTED INSPECTION FOR
3 MOTOR VEHICLE RENTAL.

4 No A person shall not rent a motor vehicle to another until
5 the person has inspected without inspecting the operator's-or
6 chauffeur's motor vehicle license of the person to whom the
7 vehicle is to be rented and compared doing all of the
8 following:

9 1. A comparison and verified verification of the signature
10 thereon on the motor vehicle license with the signature of
11 such person written in the inspecting person's presence.

12 2. A comparison and verification of the person to whom the
13 motor vehicle is to be rented with the photograph and other
14 identification information on the person's motor vehicle
15 license.

16 3. A determination that the motor vehicle license of the
17 person to whom the vehicle is to be rented is valid for
18 operating the vehicle to be rented.

19 Sec. 60. Section 321.233, unnumbered paragraph 2, Code
20 1989, is amended by striking the unnumbered paragraph.

21 Sec. 61. Section 321.234A, Code 1989, is amended to read
22 as follows:

23 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG
24 REQUIRED.

25 All-terrain vehicles shall be operated on a highway only
26 between sunrise and sunset and only when the operation on the
27 highway is incidental to the vehicle's use for agricultural
28 purposes. A person operating an all-terrain vehicle on a
29 highway shall have a valid operator's motor vehicle license
30 and the vehicle shall be operated at speeds of less than
31 thirty miles per hour. When operated on a highway, an all-
32 terrain vehicle shall have a bicycle safety flag which extends
33 not less than five feet above the ground attached to the rear
34 of the vehicle. The bicycle safety flag shall be triangular
35 in shape with an area of not less than thirty square inches,

1 be day-glow in color, and shall be in lieu of the reflective
2 equipment required by section 321.383.

3 Sec. 62. Section 321.247, Code 1989, is amended to read as
4 follows:

5 321.247 GOLF CART OPERATION ON CITY STREETS.

6 Incorporated areas may, upon approval of their governing
7 body, allow the operation of golf carts on city streets by
8 persons possessing a valid operator's motor vehicle license.
9 However, a golf cart shall not be operated upon a city street
10 which is a primary road extension through the city but shall
11 be allowed to cross a city street which is a primary road
12 extension through the city. The golf carts shall be equipped
13 with a slow moving vehicle sign and a bicycle safety flag and
14 operate on the streets only from sunrise to sunset. Golf
15 carts operated on city streets shall be equipped with adequate
16 brakes and shall meet any other safety requirements imposed by
17 the governing body. Golf carts are not subject to the
18 registration provisions of this chapter.

19 Sec. 63. Section 321.261, unnumbered paragraphs 1 and 2,
20 Code 1989, are amended to read as follows:

21 3. Any A person failing to stop or to comply with the
22 requirements in subsection 1 ~~of this section~~, in the event of
23 an accident resulting in the death of any a person, is guilty
24 upon conviction of an aggravated misdemeanor.

25 4. The director shall revoke the ~~operator's or chauffeur's~~
26 motor vehicle license of the a person so convicted of a
27 violation of this section.

28 Sec. 64. Section 321.263, Code 1989, is amended to read as
29 follows:

30 321.263 INFORMATION AND AID -- LEAVING SCENE OF ACCIDENT.

31 1. The driver of any a vehicle involved in an accident
32 resulting in injury to or death of any a person or damage to
33 any a vehicle which is driven or attended by any a person
34 shall give the driver's name, address, and the registration
35 number of the vehicle the driver is driving and shall upon

1 request and if available exhibit the driver's ~~operator's~~ or
2 ~~chauffeur's~~ motor vehicle license to the person struck, or the
3 driver or occupant of, or the person attending any the vehicle
4 ~~collided with~~ involved in the accident and shall render to any
5 a person injured in such the accident reasonable assistance,
6 including the ~~carrying, or the making of arrangements for the~~
7 ~~carrying,~~ transporting or arranging for the transporting of
8 such the person ~~to a physician, surgeon, or hospital~~ for
9 medical ~~or surgical~~ treatment if it is apparent that such
10 medical treatment is necessary or if ~~such carrying~~
11 transportation for medical treatment is requested by the
12 injured person.

13 2. If the accident causes the death of any a person, the
14 all surviving driver drivers shall ~~not leave~~ remain at the
15 scene of the accident except to seek necessary aid ~~for the~~
16 ~~surviving driver~~ or to report the accident to law enforcement
17 authorities. Before leaving the scene of the fatal accident,
18 the each surviving driver shall leave the surviving driver's
19 motor vehicle license, automobile registration receipt, or
20 other identification data at the scene of the accident. After
21 leaving the scene of the accident, the a surviving driver
22 shall promptly report the accident ~~by telephone~~ to law
23 enforcement authorities, and shall immediately return to the
24 scene of the accident, ~~or shall~~ inform the law enforcement
25 authorities where the surviving driver can be located.

26 Sec. 65. Section 321.265, Code 1989, is amended to read as
27 follows:

28 321.265 STRIKING FIXTURES UPON A HIGHWAY.

29 The driver of any a vehicle involved in an accident
30 resulting in damage to property legally upon or adjacent to a
31 highway shall take reasonable steps to locate and notify the
32 owner, a peace officer, or person in charge of such the
33 damaged property of ~~such fact~~ the damage and shall inform the
34 person of the driver's name and address and of the
35 registration number of the vehicle causing the damage and

1 shall, upon request and if available, exhibit the driver's
2 operator's-or-chauffeur's motor vehicle license and shall make
3 report of-such the accident when and as required in section
4 321.266.

5 Sec. 66. Section 321.375, Code Supplement 1989, is amended
6 to read as follows:

7 321.375 SCHOOL BUS DRIVERS -- QUALIFICATIONS -- GROUNDS
8 FOR SUSPENSION.

9 1. The drivers of school buses must meet all of the
10 following requirements:

11 a. ~~(1)-be~~ Be at least eighteen years of age, 7-unless-such
12 person-has-successfully-completed-an-approved-driver-education
13 course,7-in-which-case,7-the-minimum-age-shall-be-sixteen-years,7
14 (2)-be

15 b. Be physically and mentally competent, 7-(3)-not

16 c. Not possess personal or moral habits which would be
17 detrimental to the best interests of the safety and welfare of
18 the children transported, 7-(4)-have

19 d. Have an annual physical examination and meet all
20 established requirements for physical fitness.

21 2. Any of the following shall constitute grounds for a
22 school bus driver's immediate suspension from duties, pending
23 a termination hearing by the board of directors of a public
24 school district or the authorities in charge in a nonpublic
25 school:

26 a. Use of nonprescription controlled substances or
27 alcoholic beverages during working hours,7-operating

28 b. Operating a school bus while under the influence of
29 nonprescription controlled substances or alcoholic beverages, 7
30 fraud

31 c. Fraud in the procurement or renewal of a school bus
32 driver's permit, 7-the

33 d. The commission of or conviction for a public offense as
34 defined by the Iowa criminal code, if the offense is relevant
35 to and affects driving ability, or if the offense includes

1 sexual involvement with a minor student with the intent to
2 ~~commit or the commission of~~ acts and practices proscribed
3 under sections 709.2 through 709.4, section 709.8, and
4 ~~sections 725.1 through 725.3 shall constitute grounds for the~~
5 ~~driver's immediate suspension from duties, pending a~~
6 ~~termination hearing by the board.~~

7 Sec. 67. Section 321.376, Code Supplement 1989, is amended
8 to read as follows:

9 321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

10 The driver of every a school bus shall have a ~~regular or~~
11 ~~special chauffeur's~~ driver's license issued by the department
12 valid for the operation of a school bus, and in addition
13 ~~thereto~~, must hold a school bus driver's permit issued by the
14 department of education.

15 ~~A person applying for a school bus driver's permit for the~~
16 ~~first time shall have enrolled in and successfully completed~~
17 ~~an approved course of instruction for school bus drivers, as~~
18 ~~programmed by the department of education, before a permit may~~
19 ~~be issued by the department. -- Certification of course~~
20 ~~completion shall be submitted to the department of education,~~
21 ~~prior to issuance of a permit, by an authorized program~~
22 ~~instructor on forms provided by the department of education.~~

23 A person applying for employment or employed as a school
24 bus driver shall successfully complete a department of
25 education approved course of instruction for school bus
26 drivers before or within the first six months of employment
27 and at least every twenty-four months thereafter. If an
28 employee fails to provide an employer with a certificate of
29 completion of ~~an approved~~ the required school bus driver's
30 ~~course within the first six months of employment as a school~~
31 ~~bus driver~~, the driver's employer shall report the failure to
32 the department of education and the employee's school bus
33 driver's permit shall be revoked. The department of education
34 shall send notice of the revocation of the employee's permit
35 to both the employee and the employer. A person whose school

1 bus driver's permit has been revoked under this section shall
2 not be issued a another school bus driver's permit until
3 certification of the completion of an approved school bus
4 driver's course is received by the department of education.

5 Sec. 68. Section 321.485, subsection 1, paragraph b,
6 subparagraph (1), Code 1989, is amended to read as follows:

7 (1) Prepare a written citation to appear in court
8 containing the name and address of such person, the operator
9 or-chauffeur motor vehicle license number, if any, the
10 registration number, if any, of the person's vehicle, the
11 offense charged, and the time when and place where-such the
12 person shall appear in court; or

13 Sec. 69. Section 321.491, Code 1989, is amended to read as
14 follows:

15 321.491 CONVICTIONS AND RECOMMENDATIONS FOR SUSPENSION TO
16 BE REPORTED.

17 Every district court judge, district associate judge, and
18 judicial magistrate shall keep a full record of every case in
19 which a person is charged with any violation of this chapter
20 or of any other law regulating the operation of vehicles on
21 highways.

22 Within ten days after the conviction or forfeiture of bail
23 of a person upon a charge of violating any provision of this
24 chapter or other law regulating the operation of vehicles on
25 highways every ~~said~~ magistrate of the court or clerk of the
26 court of record in which ~~such~~ the conviction was-had occurred
27 or bail was forfeited shall prepare and immediately forward to
28 the department an abstract of the record of ~~said-court~~
29 ~~covering the case in-which-said-person-was-so-convicted-or~~
30 ~~forfeited-bail;-which.~~ The abstract must be certified by the
31 person ~~so-required-to-prepare-the-same~~ preparing it to be true
32 and correct.

33 ~~Said~~ The abstract must be made upon a form furnished by the
34 department and shall include the name and address of the party
35 charged, the registration number of the vehicle involved, the

1 nature of the offense, the date of hearing, the plea, the
2 judgment, or whether the bail was forfeited, and the amount of
3 the fine or forfeiture as-the-case-may-be, and any court
4 recommendation, if any, that the person's motor vehicle
5 license be suspended. The department shall consider and act
6 upon the recommendation.

7 Every clerk of a court of record shall also forward a like
8 report to the department upon the conviction of any person of
9 manslaughter or other felony in the commission of which a
10 vehicle was used.

11 The failure, refusal, or neglect of any-such an officer to
12 comply with any-of the requirements of this section shall
13 constitute misconduct in office and shall be ground for
14 removal therefrom from office.

15 ~~The department shall keep all~~ All abstracts received
16 ~~hereunder at its main office and the same~~ by the department
17 under this section shall be open to public inspection during
18 reasonable business hours.

19 Sec. 70. Section 321.555, subsection 1, paragraph c, Code
20 Supplement 1989, is amended to read as follows:

21 c. Driving a motor vehicle while ~~operator's or chauffeur's~~
22 the person's motor vehicle license is suspended or revoked.

23 Sec. 71. Section 321.555, subsection 2, Code Supplement
24 1989, is amended to read as follows:

25 2. Six or more of any separate and distinct offenses
26 within a two-year period in the operation of a motor vehicle,
27 which are required to be reported to the department by section
28 ~~321-207~~ 321.491 or chapter 321C, except equipment violations,
29 parking violations as defined in section 321.210, violations
30 of registration laws, violations of sections 321.445 and
31 321.446, operating a vehicle with an expired license or
32 permit, failure to appear, weights and measures violations and
33 speeding violations of less than fifteen miles per hour over
34 the legal speed limit.

35 Sec. 72. Section 321A.1, subsections 3 and 7, Code 1989,

1 are amended to read as follows:

2 3. LICENSE. ~~Any license, temporary instruction permit, or~~
3 temporary A motor vehicle license as defined in section 321.1
4 issued under the laws of this state pertaining to the
5 licensing of persons to operate motor vehicles.

6 7. OPERATOR. Every A person who is in actual physical
7 control of a motor vehicle whether or not ~~licensed as an~~
8 operator or chauffeur that person has a motor vehicle license
9 as required under the laws of this state.

10 Sec. 73. Section 321A.17, Code Supplement 1989, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 6. This section does not apply to a
13 commercial driver's licensee who is merely disqualified from
14 operating a commercial motor vehicle under section 321.208 if
15 the licensee's driver's license is not suspended or revoked.

16 Sec. 74. Section 321A.35, Code 1989, is amended to read as
17 follows:

18 321A.35 PAST APPLICATION OF CHAPTER.

19 This chapter shall not apply with respect to any an
20 accident, or judgment arising ~~therefrom~~ from an accident, or
21 violation of the motor vehicle laws of this state, occurring
22 prior to October 1, 1947. Any A person who has before October
23 1, 1947, had the person's ~~operator's~~ license suspended or has
24 had the person's motor vehicle registration plates suspended
25 or who has been refused registration or license to operate a
26 motor vehicle upon the highways of the state of Iowa, under
27 the provisions of sections of the Code in effect before
28 October 1, 1947, and has not had ~~such~~ the suspension removed,
29 as therein provided, shall not be issued ~~an operator's~~ a
30 license nor be entitled to the registration of a motor vehicle
31 in this state until proof is filed with the county treasurer
32 and the state department of transportation that the judgment
33 against the person rendered by the court has been stayed,
34 satisfied or otherwise discharged of record.

35 Sec. 75. Section 321E.26, Code 1989, is amended to read as

1 follows:

2 321E.26 DRIVER OF ESCORT VEHICLE -- LICENSE REQUIRED.

3 Any An operator of an escort vehicle, serving as an escort
4 in the movement of vehicles and loads of excess size and
5 weight under permits as required by this chapter shall have a
6 ~~valid-operator's-or-chauffeur's~~ motor vehicle license as
7 defined in section 321.1 valid for the operation of the escort
8 vehicle.

9 Sec. 76. Section 321G.9, subsection 6, paragraph b, Code
10 Supplement 1989, is amended to read as follows:

11 b. A person twelve to fifteen years of age and possessing
12 a valid safety certificate must be under the direct
13 supervision of a parent, guardian, or another adult authorized
14 by the parent or guardian, who is experienced in all-terrain
15 vehicle or snowmobile operation, and who possesses a valid
16 ~~operator's-or-chauffeur's~~ motor vehicle license, instruction
17 ~~permit, restricted-license-or-temporary-permit-issued-under~~
18 ~~chapter-321~~ as defined in section 321.1, or a safety
19 certificate issued under this chapter.

20 Sec. 77. Section 321G.20, unnumbered paragraph 1, Code
21 Supplement 1989, is amended to read as follows:

22 No An owner or operator of any a snowmobile shall not
23 permit any a person under twelve years of age to operate nor
24 ~~shall-any~~ and a person less than twelve years of age shall not
25 operate, ~~the~~ a snowmobile except when accompanied on the same
26 snowmobile by a responsible person of at least eighteen years
27 of age who is experienced in snowmobile operation and who
28 possesses a valid ~~operator's-or-chauffeur's~~ motor vehicle
29 ~~license, instruction-permit, restricted-license, or temporary~~
30 ~~permit-issued-under-chapter-321~~ as defined in section 321.1,
31 or a safety certificate issued under this chapter.

32 Sec. 78. Section 321G.24, subsection 1, Code Supplement
33 1989, is amended to read as follows:

34 1. A person under eighteen years of age shall not operate
35 an all-terrain vehicle or snowmobile in this state without

1 obtaining a valid safety certificate issued by the commission
2 and having the certificate in the person's possession, or
3 unless the person is accompanied on the same snowmobile by a
4 responsible person of at least eighteen years of age who is
5 experienced in snowmobile operation and possesses a valid
6 ~~operator's or chauffeur's~~ motor vehicle license, instruction
7 ~~permit, restricted license or temporary permit issued under~~
8 ~~chapter 321~~ as defined in section 321.1, or a safety
9 certificate issued under this chapter.

10 Sec. 79. Section 321J.1, subsection 6, Code 1989, is
11 amended to read as follows:

12 6. "Motor vehicle license" means any license or permit
13 issued to a person to operate a motor vehicle ~~in~~ on the
14 highways of this state, including but not limited to an
15 ~~operator, chauffeur, or motorized bicycle license and an~~
16 ~~instruction~~ a driver's, commercial driver's, temporary
17 restricted, or temporary license and an instruction,
18 chauffeur's instruction, commercial driver's instruction,
19 temporary restricted, or temporary permit.

20 Sec. 80. Section 321J.8, Code 1989, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 3. If the person is operating a
23 commercial motor vehicle as defined in section 321.1 and
24 either refuses to submit to the test or submits to the test
25 and the results indicate an alcohol concentration of 0.04 or
26 more, the person is disqualified from operating a commercial
27 motor vehicle for the applicable period under section 321.208
28 in addition to any revocation of the person's license or
29 operating privilege which may be applicable under this
30 chapter.

31 Sec. 81. Section 326.10A, Code 1989, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 326.10A SEMIANNUAL INSTALLMENT PAYMENT.

35 A fleet owner electing to pay Iowa registration fees in two

1 installments shall file with the department a surety bond,
2 certificate of deposit, or letter of credit at the time of the
3 first installment in an amount equal to the amount of the
4 first installment. Payment of the first installment entitles
5 an owner to the issuance of full-year credentials. The second
6 installment shall be paid by July 15. If the second
7 installment is not paid by July 15, the department shall file
8 claim against the security for payment of fees and penalties
9 due and the owner shall not be entitled to elect the install-
10 ment payment option for the following year. Excess surety
11 moneys received shall be refunded minus a fifty dollar admin-
12 istration fee.

13 Sec. 82. Section 331.427, subsection 1, unnumbered
14 paragraph 1, Code Supplement 1989, is amended to read as
15 follows:

16 Except as otherwise provided by state law, county revenues
17 from taxes and other sources for general county services shall
18 be credited to the general fund of the county, including
19 revenues received under sections 84.21, 98.35, 98A.6, 101A.3,
20 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105,
21 321.152, ~~321.192~~, 321G.7, 331.554, subsection 6, 341A.20,
22 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19,
23 441.68, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17,
24 and 911.3, and chapter 405A, and the following:

25 Sec. 83. Section 331.653, subsection 31, Code 1989, is
26 amended by striking the subsection.

27 Sec. 84. Section 331.655, subsection 1, paragraph n, Code
28 1989, is amended by striking the paragraph.

29 Sec. 85. Section 805.6, subsection 1, paragraph a,
30 unnumbered paragraph 1, Code Supplement 1989, is amended to
31 read as follows:

32 The commissioner of public safety and the director of
33 natural resources, acting jointly, shall adopt a uniform,
34 combined citation and complaint which shall be used for
35 charging all traffic violations in Iowa under state law or

1 local regulation or ordinance, and which shall be used for
2 charging all other violations which are designated by section
3 805.8 to be scheduled violations. The court costs in cases of
4 parking violations which are denied, and charged and collected
5 pursuant to section 321.236, subsection 1, are eight dollars
6 per court appearance, regardless of the number of parking
7 violations considered at that court appearance. The court
8 costs in scheduled violation cases where a court appearance is
9 not required are ten dollars. The court costs in scheduled
10 violation cases where a court appearance is required are
11 fifteen dollars. This subsection does not prevent the
12 charging of any of those violations by information, by private
13 complaint filed under chapter 804, or by a simple notice of
14 fine where permitted by section 321.236, subsection 1. Each
15 uniform citation and complaint shall be serially numbered and
16 shall be in quintuplicate, and the officer shall deliver the
17 original and a copy to the court where the defendant is to
18 appear, two copies to the defendant, and a copy to the law
19 enforcement agency of the officer. The court shall forward
20 ~~the copy~~ an abstract of the uniform citation and complaint in
21 accordance with ~~section 321.207~~ 321.491 when applicable.

22 Sec. 86. Section 805.8, subsection 2, paragraph f, Code
23 Supplement 1989, is amended to read as follows:

24 f. For violations of ~~a restricted~~ the conditions or
25 restrictions of a motor vehicle license under section 321.180,
26 321.193 and 321.194, the scheduled fine is twenty dollars.

27 Sec. 87. Section 805.9, subsections 1 and 2, Code 1989,
28 are amended to read as follows:

29 1. In cases of scheduled violations, the defendant, before
30 the time specified in the citation and complaint for
31 appearance before the court, may sign the admission of
32 violation on the citation and complaint and deliver or mail a
33 copy of the citation and complaint, together with the minimum
34 fine for the violation, plus court costs, to a scheduled
35 violations office in the county. The office shall, if the

1 offense is a moving violation under chapter 321, forward a
2 copy an abstract of the citation and complaint and admission
3 to the state department of transportation as required by
4 section ~~321-207~~ 321.491. In this case the defendant is not
5 required to appear before the court. The admission
6 constitutes a conviction.

7 2. A defendant charged with a scheduled violation by
8 information may obtain two copies of the information from the
9 court and, before the time the defendant is required to appear
10 before the court, deliver or mail the copies, together with
11 the defendant's admission, fine, and court costs, to the
12 scheduled violations office in the county. The procedure,
13 fine, and costs are the same as when the charge is by citation
14 and complaint, with the admission and the number of the
15 defendant's operator's-or-chauffeur's motor vehicle license as
16 defined in section 321.1 placed upon the information, when the
17 violation involves the use of a motor vehicle.

18 Sec. 88. Section 805.16, subsection 2, Code 1989, is
19 amended to read as follows:

20 2. A person under the age of eighteen who refuses to sign
21 the citation without qualification, who persists in engaging
22 in the conduct for which the citation was issued, who refuses
23 to provide proper identification or to identify the person's
24 self, or who constitutes an immediate threat to the person's
25 own safety or the safety of the public may be arrested in the
26 manner provided in subsection 3. In addition, or
27 alternatively, the peace officer may require that person to
28 surrender the person's motor vehicle operator's license as
29 defined in section 321.1 until the time of the person's
30 initial court appearance. The peace officer shall immediately
31 send the person's operator's motor vehicle license along with
32 a copy of the unsigned citation indicating the juvenile's
33 refusal to sign to the clerk of the district court for the
34 district in which the peace officer issued the citation.

35 Sec. 89. Sections 321.175, 321.183, 321.192, 321.202,

1 321.207, and 321.214, Code 1989, are repealed.

2 Sec. 90.

3 The legislative council may authorize an interim study in
4 the 1991 interim to evaluate the implementation of this Act
5 and to recommend necessary legislative changes.

6 EXPLANATION

7 Federal law requires states to adopt certain commercial
8 driver's license provisions or else face a reduction in
9 federal highway funds effective October 1, 1993.

10 Section 1 adds the definition of motor vehicle license to
11 chapter 172B.

12 Section 2 corrects references to motor vehicle license
13 numbers and vehicle registration plate numbers.

14 Section 3 adds a reference to registration plate number
15 instead of registration number and substitutes motor vehicle
16 license for operator's license.

17 Section 4 strikes a requirement that school bus contracting
18 be based on the consideration that a bus driver hold a
19 chauffeur's license and bus driver permit. However, school
20 bus drivers are required to hold a driver's license valid for
21 the operation of a school bus and a school bus driver permit
22 under section 66 of the bill.

23 Section 5 corrects a cross-reference to a rewritten section
24 of the Code.

25 Section 6 adds the definition of gross vehicle weight
26 rating to chapter 321.

27 Section 7 changes the definition of combined gross weight
28 to mean the gross weight of a combination of vehicles and adds
29 the definition of gross combination weight rating.

30 Section 8 changes the definition of commercial vehicle to
31 include a combination of vehicles.

32 Section 9 strikes a reference to chauffeur in the
33 definition of operator and adds a reference to driver making
34 it synonymous with operator.

35 Section 10 alters the definition of chauffeur to include a

1 person who operates a truck tractor, road tractor, or a motor
2 truck which has a gross vehicle weight rating exceeding 8
3 tons. Current law includes operators of these vehicles if
4 their gross weight classification exceeds 5 tons.

5 Section 11 strikes the definition of driver which was made
6 synonymous with operator in section 9.

7 Section 12 conforms the definition of motor vehicle license
8 with terminology adopted in the bill.

9 Section 13 adds the definition of conviction which was
10 stricken from section 321.208 in section 47 of the bill and
11 also adds the definition of endorsement.

12 Section 14 adds the following definitions relating to the
13 commercial driver's license provisions: commercial driver,
14 commercial driver's license, commercial driver's license
15 information system, commercial motor vehicle, foreign
16 jurisdiction, nonresident commercial driver's license, and
17 tank vehicle.

18 Section 15 substitutes the term motor vehicle license for
19 operator's license and specifies that "resident" does not
20 include a person who is attending a college or university in
21 Iowa, if the person is domiciled in another state and has a
22 valid motor vehicle license issued by the state of domicile.

23 Section 16 requires the director of transportation to
24 maintain operating records relating to a person who has been
25 issued a commercial driver's license for the normal life
26 expectancy of the person in accordance with the state
27 department of transportation's rules.

28 Section 17 strikes a reference to a chauffeur's license
29 certificate and a chauffeur's badge.

30 Section 18 states that a commercial vehicle, as defined
31 under section 326.2, subject to proportional registration may
32 pay annual registration fees in installments under section
33 326.10A which is contained in section 81 of the bill.

34 Section 19 strikes operator's and chauffeur's license fees
35 and adds motor vehicle license fees clarifying that they are

1 to be credited to the road use tax fund.

2 Section 20 strikes references to chauffeur's licenses and
3 strikes provisions relating to operating a motor vehicle as a
4 chauffeur, and substitutes operate for drive. The section
5 also provides that persons operating a commercial motor
6 vehicle have no more than one motor vehicle license. A
7 nonresident can operate a commercial motor vehicle in the
8 state only if the person has a valid commercial driver's
9 license or its equivalent. A person operating a commercial
10 motor vehicle without a valid license or when that person has
11 been disqualified from operating a commercial motor vehicle
12 commits a serious misdemeanor. In addition, the section
13 substitutes references to motor vehicle license for references
14 to an operator's, chauffeur's, or motorized bicycle license or
15 instruction permit. A district judge is added to the list and
16 a field deputy is stricken from the list of persons who can
17 demand that a driver display the driver's motor vehicle
18 license.

19 Section 21 adds that nonresidents are not exempt from motor
20 vehicle licensing requirements for operation of a commercial
21 motor vehicle within the state.

22 Section 22 lists operators who are exempted from commercial
23 motor vehicle requirements.

24 Farmers are exempt while operating a special truck within
25 150 miles of the farm transporting agricultural products, farm
26 machinery, or farm supplies to or from the farm. However, a
27 farmer who operates a vehicle of a size or type required to be
28 placarded under Iowa law is not exempt.

29 Firefighters are exempt while operating a vehicle for a
30 volunteer or paid fire department under conditions necessary
31 for the preservation of life or property or to execute related
32 governmental functions.

33 Military personnel who are on active duty and operating
34 equipment owned or operated by the United States department of
35 defense are exempt.

1 Persons who operate a motor vehicle with a gross vehicle
2 weight rating of less than 26,001 pounds while towing a travel
3 trailer or fifth-wheel travel trailer or who operate a motor
4 home are exempt if the operation is solely for personal or
5 family use.

6 Section 23 conforms license terminology with that adopted
7 elsewhere in the bill. The section provides that a person be
8 issued only one motor vehicle license, and a person who holds
9 any other motor vehicle license will not be issued an
10 additional license. The section also adds a requirement that
11 a person be qualified under federal and state law to be issued
12 a commercial driver's license in Iowa before such a license
13 will be issued. The section requires a person to be 18 to
14 qualify for a class D driver's license (chauffeur).

15 Section 24 substitutes the term driver's license for
16 operator's license.

17 Section 25 strikes the word temporary in reference to
18 instruction permits, substitutes the term driver's license for
19 operator's license, and prohibits operation of a commercial
20 motor vehicle with an instruction permit. The section
21 requires that if a permittee holds a driver's license valid
22 for the operation of a motorized bicycle or motorcycle, the
23 instruction permit shall also be valid for the operation of a
24 motorized bicycle or motorcycle.

25 All permittees must be accompanied by a person issued a
26 motor vehicle license valid for the vehicle being operated.
27 The section strikes the requirement that a person accompanying
28 a permittee who is 16 or older must be an approved or
29 prospective driver education instructor.

30 In relation to instruction permits for motorcycles, the
31 section adds a requirement that a prospective motorcycle
32 instructor be enrolled in a practitioner preparation program
33 with a safety education program approved by the state board of
34 education.

35 The section provides for the issuance of commercial

1 driver's instruction permits. A commercial driver's
2 instruction permit is valid only for a period of 6 months
3 rather than the 2-year period which is applicable to
4 chauffeur's instruction permits and may be renewed only one
5 time within a 2-year period. A commercial driver's
6 instruction permittee is exempted from taking the knowledge
7 and skills tests required for issuance of a commercial
8 driver's license. A chauffeur's permit requires passage of a
9 knowledge test but not a driving demonstration. A commercial
10 driver's permit is endorsed to be valid for operation of a
11 motor vehicle if the permittee holds a valid driver's license.

12 The section adds provisions making the instruction permit,
13 chauffeur's instruction permit, and commercial driver's
14 instruction permit subject to suspension or revocation for the
15 same reasons and in the same manner as a driver's license.

16 Section 26 substitutes the term motor vehicle license for
17 operator's license. A temporary permit is not issued for
18 operation of a commercial motor vehicle. The section strikes
19 requirements that the temporary permit bear a colored
20 photograph of the permittee and contain other information the
21 department may require by rule. A prohibition against the
22 department's retaining a positive or negative photograph of
23 the permittee is also stricken.

24 Section 27 substitutes the term motor vehicle license
25 application for an operator's, chauffeur's, and motorized
26 bicycle license application and an instruction and temporary
27 driver's permit application. The section also strikes the
28 oath requirement for verification of the application. The
29 section lists information required on the application,
30 requires surrender of all other motor vehicle licenses, and
31 requires certification by the applicant that the applicant has
32 no other motor vehicle license and is not subject to or has
33 committed no offense which could currently require suspension,
34 revocation, or cancellation of the applicant's motor vehicle
35 license. The section also requires the application to contain

1 the applicant's social security number.

2 Section 28 substitutes a reference to motor vehicle license
3 for references to an instruction permit and an operator's,
4 motorized bicycle, restricted, and school license.

5 Section 29 substitutes the term motor vehicle license for
6 operator's, motorized bicycle, or chauffeur's license and adds
7 an exception to the requirement that examinations of new or
8 incompetent operators be held in every county every 15 days
9 for the driving skills portion of the commercial driver's
10 license test. It needs to be given only at locations where
11 operator skills can be adequately tested. However, the state
12 department of transportation is required to make every effort
13 to have an examiner conduct the commercial driver's license
14 skill tests at locations requested by a person representing
15 ten or more drivers seeking commercial driver's licenses. The
16 state department of transportation is also required to make
17 every effort to accommodate functionally illiterate applicants
18 when the applicant is taking a knowledge test.

19 Section 30 strikes the state department of transportation's
20 authorization to appoint the county sheriff as a motor vehicle
21 license examiner. The department may, however, designate by
22 rule area vocational schools and community colleges to
23 administer the commercial driver's skills tests provided that
24 the driving skills tests are the same and the examiner agrees
25 to comply with 49 C.F.R. § 383.75. The department may also
26 designate by rule other parties to administer the skills tests
27 until April 1, 1992.

28 Section 31 adds requirements for issuing, transferring,
29 renewing, or upgrading a commercial driver's license. An
30 applicant must: certify whether the applicant is subject to
31 and meets the driver qualifications of 49 C.F.R. part 391 and
32 whether the applicant is subject to disqualification or has
33 committed an offense which could currently require
34 disqualification for a commercial driver's license; pass
35 knowledge and skills tests; and certify that the vehicle being

1 operated in the skills tests is the largest class of vehicle
2 that the applicant will operate.

3 An applicant is not required to take a driving skills test
4 if the applicant is currently licensed to operate a commercial
5 motor vehicle; the applicant certifies that during the two
6 years immediately preceding the application the applicant has
7 not held motor vehicle licenses valid for the operation of
8 commercial motor vehicles from more than one state
9 simultaneously, has not had disqualifying offenses while
10 operating a commercial motor vehicle, has not had a traffic
11 violation, other than a parking violation, arising in
12 connection with a traffic accident, and has no record of an
13 accident in which the applicant was convicted of a moving
14 traffic violation, and has not had the applicant's motor
15 vehicle license suspended, revoked, or canceled; and if the
16 applicant provides evidence and certifies that operation of a
17 commercial motor vehicle is required in the applicant's
18 current employment, that the applicant has either passed a
19 driving skills test or has operated a representative motor
20 vehicle for the preceding two years.

21 An applicant for the issuance, renewal, or upgrade of a
22 hazardous materials endorsement must pass a knowledge test
23 unless the applicant has successfully passed the test within
24 the preceding two years.

25 The state department of transportation must check the
26 applicant's driving record in the licensing state, the
27 national commercial driver's license information system, and
28 the national driver's register to determine an applicant's
29 qualification and must notify the commercial driver's license
30 information system of the issuance, transfer, renewal, or
31 upgrade of the license.

32 Section 32 restructures the motor vehicle licensing system
33 by requiring applications for one motor vehicle license with
34 differing classes, restrictions, and endorsements rather than
35 separate licenses for an operator's, chauffeur's, and

1 motorized bicycle license. Classes A and B are strictly for
2 commercial motor vehicles with differing weight categories and
3 include operation of any smaller class vehicle except a
4 motorcycle unless an endorsement is required for the vehicle.
5 Class C includes smaller commercial motor vehicles,
6 noncommercial vehicles, and motorized bicycles. Class D is
7 for motor vehicle operation as a chauffeur. Class M is solely
8 for motorcycles but can be issued as a commercial motor
9 vehicle license.

10 This section includes the name of the state, the date of
11 issuance, expiration date, and the class, endorsements, and
12 restrictions for the operation of a motor vehicle as the
13 contents appearing on the face of the motor vehicle license.

14 In addition to the contents of a driver's license a
15 commercial driver's license includes a licensee's mailing
16 address rather than a residence address, and a licensee's
17 social security number. The word "commercial" appears
18 prominently on the face of a commercial driver's license. If
19 the applicant is a nonresident, the word nonresident appears
20 on the face of the license. If an applicant's license is not
21 a commercial driver's license, the state department of
22 transportation is required to instruct the applicant that the
23 applicant may request a number other than a social security
24 number as the motor vehicle license number. If an applicant's
25 license contains inaccurate information, an applicant must
26 return it and be issued a new license after payment of a
27 required fee. The section also strikes a prohibition against
28 the state department of transportation from retaining positive
29 or negative photographs of the licensee and a provision
30 preventing the reduction of places where licenses are
31 available based upon procedures or equipment required in
32 placing photographs on the licenses or permits.

33 The section strikes the use of decals or stickers to
34 indicate that the licensee has a medical condition or is an
35 anatomical donor but requires the department to indicate this

1 on the license in another form. The motor vehicle license
2 will be as tamperproof as possible.

3 The section strikes the side profile photograph on a
4 minor's license and instead requires that a motor vehicle
5 license issued to a minor be identical in form to other
6 licenses except that the word "Minor" appears prominently on
7 the license.

8 All references to motorized bicycle licenses have been
9 changed to a driver's license valid only for the operation of
10 a motorized bicycle. The section strikes current provisions
11 requiring the termination and return of a motorized bicycle
12 license when a person is issued an operator's or chauffeur's
13 license.

14 Section 33 requires a physical description of an applicant
15 rather than a brief description, strikes redundant
16 requirements relating to a colored photograph on the
17 nonoperator's identification card, and the usual signature of
18 the cardholder. The section allows the department to
19 establish issuance procedures by rule. A person issued a
20 motor vehicle license cannot also be issued a nonoperator's
21 identification card. The nonoperator's card is identical to a
22 motor vehicle license except that the word "nonoperator" will
23 appear on the face of the license. If a person is under 21,
24 the word "minor" will also appear on the card. No fee is
25 required for the issuance of a nonoperator's identification
26 card if the applicant's motor vehicle license has been
27 suspended because the applicant is physically or mentally
28 incapable of safely operating a motor vehicle.

29 Section 34 strikes the tamperproofing provisions related to
30 nonoperator's identification cards. The section adds
31 provisions requiring cancellation of a person's nonoperator's
32 identification card if the person is not entitled to be issued
33 the card, does not provide correct information, commits fraud
34 in applying for the card, or unlawfully uses the card.

35 Section 35 changes motor vehicle licensing fees. The fee

1 for a 2-year noncommercial motor vehicle license other than a
2 class D driver's license or any type of instruction permit is
3 \$8. The fee for a 2-year noncommercial class D driver's
4 license is \$15. The fee for a 2-year commercial driver's
5 license without any endorsements or the removal of air brake
6 restrictions is \$15. The fee for an instruction permit other
7 than a chauffeur's instruction permit or commercial driver's
8 instruction permit is \$6. The fee for a chauffeur's
9 instruction permit or commercial driver's instruction permit
10 is \$12. The fee for a 4-year license is twice the fee for a
11 2-year license. However, the fee for a driver's license
12 issued to a minor under section 321.194 is \$4 for each partial
13 or complete year until the minor's eighteenth birthday. An
14 additional fee of \$1 per year of license validity is required
15 to issue a license valid to operate a motorcycle. The fee for
16 a double/triple trailer endorsement, tank vehicle endorsement,
17 and hazardous materials endorsement is \$5 for each
18 endorsement. The fee for a passenger endorsement is \$10. The
19 fee for removal of an air brake restriction on a commercial
20 driver's license is \$10. The fees imposed for endorsements or
21 removal of restrictions are valid for the length of the time
22 period of the license regardless of whether the license issued
23 is issued for 2 or 4 years. Upon renewal, fees are not
24 imposed for retention of endorsements or the removal of air
25 brake restrictions if no knowledge or driving skills test is
26 required.

27 Current law specifies particular instances of revocation
28 and suspension when a reinstatement fee of \$20 is applicable.
29 This section strikes these references and makes the
30 reinstatement fee and procedures available for any license
31 which has been suspended, revoked, or canceled. The lowered
32 reinstatement fee for persons who receive notice of their
33 suspension or revocation by certified mail contained in the
34 current Code is stricken in this section.

35 Section 36 strikes the references to operator's,

1 chauffeur's, motorized bicycle, and minor's school licenses
2 and allows the state department of transportation to impose
3 driving ability restrictions on any motor vehicle license
4 issued. The section strikes the good cause requirement for
5 imposition of a restriction and a reference to the safe
6 operation of the motor vehicle by the licensee as a standard
7 for imposing restrictions.

8 Section 37 provides for the issuance of driver's licenses
9 to minors for travel to and from school and also for use when
10 properly accompanied by another driver.

11 Section 38 relates to the expiration of license and renewal
12 provisions. However, the expiration of instruction permits,
13 chauffeur's instruction permits, commercial driver's
14 instruction permits, and minor's driver's licenses for travel
15 to and from work and school are not governed by this section.
16 All motor vehicle licenses are given a 60-day period beyond
17 their expiration dates when they shall be considered valid.
18 The section strikes provisions requiring that all applications
19 for renewal be made under the supervision of and approved by a
20 uniformed member of the department, but these requirements are
21 included in section 321.187 in section 30 of this bill.

22 Section 38 also strikes provisions for obtaining temporary
23 extension forms from the county sheriff and strikes the
24 requirement that the department issue each applicant
25 statistical information on the number of fatalities and
26 injuries occurring as a result of the operation of motor
27 vehicles while intoxicated.

28 Section 39 strikes provisions relating to the expiration of
29 a chauffeur's license and adds provisions detailing the
30 replacement of a currently existing chauffeur's license with
31 the commercial driver's license. A chauffeur's license will
32 be valid until the earlier of it's expiration or April 1,
33 1992. After January 1, 1992, a chauffeur's license will not
34 be valid for operating a school bus which is a commercial
35 motor vehicle. After April 1, 1992, a chauffeur's license

1 will not be valid for operation of a commercial motor vehicle
2 but is still valid for the operation of noncommercial motor
3 vehicles as a chauffeur. Between October 1, 1990, and April
4 1, 1992, the holder of a chauffeur's license can obtain a
5 commercial driver's license for a \$1 replacement fee, plus any
6 required endorsement fees, valid until the expiration date of
7 the chauffeur's license. If the holder of a chauffeur's
8 license makes application within 1 year of the expiration date
9 on the chauffeur's license and pays the requisite fees, the
10 applicant may be issued a 2-year or 4-year commercial driver's
11 license for a period to begin on the expiration date of the
12 surrendered chauffeur's license. This section is repealed on
13 July 1, 1994.

14 Section 40 corrects references to licenses to reflect
15 terminology adopted in the bill.

16 Section 41 adds a requirement that the department keep a
17 record of commercial motor vehicle disqualifications.

18 Section 42 relates to cancellation and return of motor
19 vehicle licenses. If a motor vehicle license is canceled, the
20 licensee must immediately return it to the department. If an
21 applicant for a commercial driver's license provides false
22 information or commits fraud on the application, the applicant
23 cannot operate a commercial motor vehicle for 60 days.

24 Section 43 substitutes the term operating for driving and
25 makes a nonresident's operating privilege subject to
26 suspension or revocation for the same reasons and in the same
27 manner as a resident's driver's license.

28 Section 44 strikes provisions requiring the state
29 department of transportation to forward a certified copy of a
30 conviction of a nonresident operator to the state of residence
31 and instead requires forwarding of a certified written or
32 electronic record of the conviction to the licensing state.
33 The section adds provisions relating to notification for
34 commercial driver's license disqualifications. The department
35 must notify the commercial driver's license information system

1 and the licensing state within 10 days of a disqualification
2 for more than 60 days, of a suspension or revocation of more
3 than 60 days, or the cancellation of a commercial driver's
4 license.

5 Section 45 allows the state department of transportation to
6 suspend or revoke a motor vehicle license upon receipt of
7 notice of a final administrative decision in another state
8 which would be grounds for suspension or revocation of the
9 license in this state.

10 Section 46 substitutes the term motor vehicle license for
11 operator's and chauffeur's license. Disqualification for
12 operation of a commercial motor vehicle is added as an offense
13 which requires surrender of a commercial driver's license to
14 the court.

15 Section 47 strikes the definition of conviction which is
16 added to section 321.1 in section 14 of the bill and adds
17 provisions relating to the disqualification of commercial
18 driver's licenses. If a person operates a commercial motor
19 vehicle while under the influence of drugs or alcohol, with an
20 alcohol concentration of 0.04 or more, if the person refuses
21 to take a chemical test, if the person fails to stop and
22 render aid at the scene of an accident involving the person's
23 vehicle, or if the person commits a felony or aggravated
24 misdemeanor involving the use of the vehicle, that person is
25 disqualified for 1 year. If a person commits any of these
26 acts while transporting hazardous materials, the person is
27 disqualified for 3 years. If a person commits 2 or more of
28 the previous acts the person is disqualified for life, subject
29 to reduction to a 10-year disqualification by the United
30 States secretary of transportation.

31 A person is disqualified for life if the person uses a
32 commercial motor vehicle in the commission of a felony or
33 aggravated misdemeanor involving manufacturing, distributing,
34 or dispensing of a controlled substance.

35 A person is disqualified for 60 days if convicted of 2 of

1 the following offenses within a 3-year period and is
2 disqualified for 120 days if convicted of 3 of the following
3 offenses within a 3-year period: speeding 15 mph over the
4 speed limit; reckless driving; any traffic violation, other
5 than parking, arising in connection with a fatal accident;
6 operating a commercial motor vehicle without a valid license;
7 operating while disqualified; operating without immediate
8 possession of a valid motor vehicle license; following another
9 motor vehicle too closely; and improper lane changes.

10 When the state department of transportation receives notice
11 of a disqualifying conviction, without preliminary hearing and
12 upon 20 days' advance notice, the person is disqualified from
13 operating a commercial motor vehicle.

14 If a person refuses to take a chemical test required under
15 chapter 321J or has a blood alcohol concentration of 0.04 or
16 higher, the state department of transportation upon receipt of
17 certification from a peace officer shall without preliminary
18 hearing and upon 20 days' advance notice disqualify the person
19 from operating a commercial motor vehicle.

20 The person must surrender the commercial driver's license
21 and for a \$1 fee will be issued a driver's license valid only
22 to operate a noncommercial vehicle. The department will
23 notify the commercial driver's license information system when
24 appropriate. The department may reinstate a disqualified
25 person's commercial driver's license after the period of
26 disqualification and payment of fees.

27 Section 48 requires the state department of transportation
28 to adopt rules in compliance with federal regulations relating
29 to 24-hour out-of-service orders for use or possession of
30 intoxicating beverages while a person is operating commercial
31 motor vehicles.

32 Section 49 strikes references to chauffeur and adds a 20-
33 day notice requirement before revocation of a license or
34 operating privilege when conviction is final for the mandatory
35 revocation offenses listed in section 321.209.

1 Section 50 strikes the suspension section and rewrites the
2 provisions regarding suspension, strikes the point system
3 previously authorized for the determination of suspensions,
4 and strikes the temporary restricted license provisions which
5 are added in section 54 of the bill. The state department of
6 transportation may suspend a motor vehicle license upon 20
7 days' notice and without preliminary hearing if a licensee is
8 an habitually reckless or negligent driver, is an habitual
9 violator of the traffic laws, is physically or mentally
10 incapable of safely operating a motor vehicle, has permitted
11 an unlawful or fraudulent use of the license, has committed an
12 offense in another state which would be grounds for revocation
13 or suspension in this state, has committed a serious violation
14 of the motor vehicle laws, or is subject to license suspension
15 under the nonresident traffic violator compact found in
16 section 321.513. Filing of a petition for judicial review
17 will stay the suspension.

18 In determining suspension, the department cannot consider
19 violations of motor vehicle equipment standards if repairs are
20 made within 72 hours; safety belt, safety harness, and child
21 restraint violations; certain stopping, standing, and parking
22 violations; and the first two speeding violations within a
23 year if the violations were 10 mph or less over the speed
24 limit and the speed limit was between 34 mph and 56 mph.

25 Section 51 corrects a cross-reference to a repealed
26 section.

27 Section 52 adds provisions requiring payment of a
28 reinstatement fee prior to reinstatement and requires the
29 licensee to apply for a new motor vehicle license after
30 revocation.

31 Section 53 corrects a cross-reference to a rewritten
32 section.

33 Section 54 strikes provisions regarding judicial review
34 under the Iowa administrative procedures Act and adds
35 provisions similar to current section 321.210 relating to

1 temporary restricted licenses and adds a reference to section
2 321.209, subsection 7, which is mandatory revocation for
3 eluding or attempting to elude a law enforcement vehicle, to
4 the list of revocations for which a temporary restricted
5 license will not be granted. A person who is denied a
6 temporary restricted license by the state department of
7 transportation can apply for a temporary restricted permit
8 with the district court. The current law allows such
9 application only for permits denied for going to and from
10 work; this section allows appeal for permits denied for any of
11 the listed purposes. A temporary restricted license or permit
12 is not valid for operation of a commercial motor vehicle.

13 Section 55 substitutes motor vehicle license for all
14 references to temporary driver's permit, temporary instruction
15 permit, motorized bicycle license, and operator's and
16 chauffeur's licenses.

17 Section 56 substitutes the term motor vehicle license for
18 operator's and chauffeur's licenses, strikes the use of the
19 word "drive", and adds "operates" in various forms. The
20 section adds persons whose licenses have been revoked for
21 being physically or mentally incapable of safely operating a
22 motor vehicle or for license suspensions for failure to pay
23 fines, penalties, surcharges, or court costs to those who are
24 excepted from the extension of the revocation period when
25 convicted of operating a motor vehicle without a valid
26 license. The section strikes the penalty provisions for
27 persons operating without a valid operator's, chauffeur's, or
28 motorized bicycle license. Operating a motorized bicycle
29 without a valid license is included in the general motor
30 vehicle licensing provisions of this section.

31 Section 57 makes it a simple misdemeanor for a person to
32 knowingly authorize or permit another to drive a motor vehicle
33 when that person does not have a motor vehicle license valid
34 for the vehicle's operation.

35 Section 58 makes references to terminology adopted in the

1 bill.

2 Section 59 adds provisions requiring a person who is
3 renting a motor vehicle to another to compare and verify the
4 photograph and other information on the motor vehicle license
5 with the person to whom the motor vehicle is to be rented, and
6 to determine whether the motor vehicle license of the person
7 who is renting the motor vehicle is valid for operating the
8 vehicle which is to be rented.

9 Section 60 strikes the chauffeur's license exemption for
10 road construction and road maintenance workers.

11 Section 61 substitutes the term motor vehicle license for
12 operator's license.

13 Section 62 substitutes the term motor vehicle license for
14 operator's license.

15 Section 63 substitutes the term motor vehicle license for
16 operator's or chauffeur's license.

17 Section 64 substitutes the term motor vehicle license for
18 operator's or chauffeur's license. Current law requires that
19 the driver of a vehicle which has collided with another
20 vehicle must stop and render aid. This section requires that
21 any person in a vehicle involved in the accident must stop and
22 render aid. This section strikes a reference to physician,
23 surgeon, or hospital as specific places to transport someone
24 and refers to the transportation of an injured person for
25 medical treatment in general. The section requires a driver,
26 who departs from the scene of a fatal accident to report the
27 accident, to leave the driver's motor vehicle license,
28 automobile registration receipt, or other identification data
29 at the scene of the accident and strikes the requirement that
30 the driver report to law enforcement authorities by telephone.

31 Section 65 substitutes the term motor vehicle license for
32 operator's and chauffeur's license.

33 Section 66 strikes provisions regarding 16-year-old and 17-
34 year-old bus drivers and adds the authorities in charge of a
35 nonpublic school as an entity holding a termination hearing

1 for a bus driver for suspension.

2 Section 67 strikes a reference to a regular or special
3 chauffeur's license for a school bus driver and adds that a
4 school bus driver must be possessed of a driver's license
5 valid for the operation of a school bus. The section modifies
6 the requirement that a person applying for a first time school
7 bus driver's permit be enrolled in and successfully complete a
8 school bus driver's course of instruction prior to
9 certification by the department of education and allows for
10 completion of a department of education approved course before
11 or within the first 6 months of employment. A school bus
12 driver must take an approved education course every 24 months
13 thereafter. The section also specifies references to the
14 department of education rather than the state department of
15 transportation.

16 Section 68 substitutes the term motor vehicle license
17 number for operator and chauffeur license number.

18 Section 69 adds a requirement that the abstract of a
19 conviction include any court recommendation that the person's
20 motor vehicle license be suspended. The state department of
21 transportation is required to consider and act upon this
22 recommendation. The section strikes the state department of
23 transportation's duty to keep all abstracts received at its
24 main office.

25 Section 70 substitutes the term motor vehicle license for
26 operator's and chauffeur's licenses.

27 Section 71 changes a cross-reference from a repealed
28 section of the Code.

29 Section 72 makes conforming changes to the definitions of
30 license and operator in chapter 321A.

31 Section 73 clarifies that a commercial driver's license is
32 not required to have the licensee's motor vehicle
33 registrations surrendered or file proof of financial
34 responsibility if the licensee is merely disqualified from
35 operating a commercial motor vehicle if the person's license

1 is not suspended or revoked.

2 Section 74 strikes the term operator's in reference to
3 license.

4 Section 75 strikes valid operator's or chauffeur's license
5 and adds motor vehicle license as defined in section 321.1
6 valid for the operation of an escort vehicle.

7 Sections 76, 77, and 78 substitute the term motor vehicle
8 license for operator's, chauffeur's, and restricted licenses
9 and instruction and temporary permits.

10 Section 79 defines motor vehicle license for chapter 321J.

11 Section 80 adds a requirement that a person who is asked to
12 submit to a chemical test be advised by a peace officer that
13 if the person is operating a commercial motor vehicle and
14 either refuses to submit to the test or submits to the test
15 and the results show a blood alcohol concentration of 0.04 or
16 more, the person is disqualified from operation of a
17 commercial motor vehicle in addition to any revocation of the
18 person's license or operating privilege under chapter 321J.

19 Section 81 allows commercial vehicles subject to
20 proportional registration under chapter 326 to pay
21 registration fees in semiannual installments by filing a
22 surety bond, certificate of deposit, or letter of credit at
23 the time of the first installment in an amount equal to the
24 first installment. An owner is entitled to full-year
25 credentials upon payment of the first installment. If the
26 second installment is not paid by July 15, the department
27 shall file claim against the security for the payment of the
28 fees and penalties due and the owner will not have an option
29 the following year to pay the registration fee by semiannual
30 installments. Surety moneys received in excess of the amounts
31 due will be returned minus a \$50 refund.

32 The section also strikes a provision allowing for payment
33 of registration fees by personal or corporate check and
34 requiring that the state department of transportation make
35 sure that the check clears the bank before issuing plates,

1 stickers, or other identifiers.

2 Section 82 strikes a reference to a repealed section.

3 Section 83 strikes conducting of operator's, chauffeur's,
4 and motorized bicycle licensing examinations as a general duty
5 of a sheriff.

6 Section 84 strikes the provision regarding the sheriff's
7 collection of operator's, chauffeur's, or motorized bicycle
8 licensing fees.

9 Section 85 strikes a reference to a repealed section and
10 adds a reference to the applicable section.

11 Section 86 strikes a reference to a restricted license and
12 replaces it with reference to the conditions or restrictions
13 of a motor vehicle license.

14 Section 87 substitutes the term motor vehicle license for
15 operator's and chauffeur's licenses and replaces a reference
16 to a repealed section with the relevant section reference.

17 Section 88 substitutes the term motor vehicle license for
18 operator's license.

19 Section 89 repeals section 321.175 exempting chauffeurs
20 from the need of procuring operator's licenses. This
21 provision is included in section 321.189, in section 32 of the
22 bill, by allowing commercial driver's licenses for use of
23 smaller class vehicles.

24 Section 89 repeals section 321.183 relating to the contents
25 of a license application. Similar provision are now in
26 section 321.189, in section 32 of the bill.

27 Section 89 repeals section 321.192 relating to the disposal
28 of license fees. This provision is now in section 321.145, in
29 section 19 of the bill, with the exception of the sheriff's
30 portion of the fees.

31 Section 89 repeals section 321.202 relating to the
32 surrender of a motor vehicle license to the state department
33 of transportation, but similar provisions are now included in
34 section 321.201 in section 42 of the bill.

35 Section 89 repeals section 321.207 requiring a court of

1 conviction to forward a record to the department. A similar
2 provision can be found in section 321.491 in section 69 of the
3 bill.

4 Section 89 repeals section 321.214 relating to the
5 operation of a motor vehicle under a license issued outside of
6 Iowa while the operator's license issued in Iowa is suspended
7 or revoked.

8 Section 90 allows the legislative council to authorize an
9 interim study in the 1991 interim to evaluate the
10 implementation of this bill and to recommend necessary
11 legislative changes.

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SENATE FILE 2329

AN ACT

RELATING TO MOTOR VEHICLES INCLUDING PROVISIONS RELATING TO IMPLIED CONSENT TO TEST PERSONS OPERATING COMMERCIAL MOTOR VEHICLES, TO MOTOR VEHICLE REGISTRATION FEES BY ALLOWING SEMIANNUAL INSTALLMENT PAYMENTS OF REGISTRATION FEES FOR CERTAIN COMMERCIAL VEHICLES, AND TO THE USE AND ISSUANCE OF MOTOR VEHICLE LICENSES INCLUDING PROVISIONS AUTHORIZING THE ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, SETTING FEES FOR ISSUANCE OF MOTOR VEHICLE LICENSES, PROVIDING PENALTIES, AND MAKING PENALTIES APPLICABLE AND PROVIDING FOR THE ACT'S APPLICABILITY.

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

Section 1. Section 172B.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle on the highways.

Sec. 2. Section 172B.3, subsection 2, paragraphs b, i, and j, Code Supplement 1989, are amended to read as follows:

b. The name, driver's motor vehicle license number, and address of the owner of the livestock.

i. The motor vehicle operator's license number of the person transporting livestock.

j. The vehicle license registration plate number and the state of issuance.

Sec. 3. Section 172B.5, subsection 1, Code 1989, is amended to read as follows:

1. INVESTIGATION. A law enforcement officer may stop and detain a person, whether on or off a highway, who is transporting livestock for the purpose of obtaining compliance with section 172B.2, and the officer may request the presentation or execution of a transportation certificate. The officer may examine the livestock for identification, the vehicle for the purpose of obtaining the vehicle registration

plate number, and the registration of the vehicle and the operator's motor vehicle license of the driver or person detained. However, nothing in this chapter shall be construed to authorize any law enforcement officer to open or require the opening of the cargo compartment of any vehicle manufactured for use in carrying refrigerated cargo when both the cargo is actually under refrigeration at the time the vehicle is detained by the law enforcement officer, and the person operating the vehicle has in possession when stopped a valid transportation certificate or approved shipping document which was executed by the shipper and which identifies the cargo as processed livestock and otherwise complies with section 172B.3, subsection 2.

Sec. 4. Section 285.11, subsection 10, Code 1989, is amended by striking the subsection.

Sec. 5. Section 312.2, subsection 17, Code Supplement 1989, is amended to read as follows:

17. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the motorcycle rider education fund established in section 321.189, subsection 3 2, an amount equal to one dollar per year of license validity for each issued or renewed motor vehicle license which is valid for the operation of a motorcycle. Moneys credited to the motorcycle rider education fund under this subsection shall be taken from moneys credited to the road use tax fund under section 423.24.

Sec. 6. Section 321.1, subsection 24, Code Supplement 1989, is amended to read as follows:

24. a. "Gross weight" shall mean means the empty weight of a vehicle plus the maximum load to be carried thereon by the vehicle. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle.

b. "Unladen weight" means the weight of a vehicle or vehicle combination without load.

c. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

Sec. 7. Section 321.1, subsection 25, Code Supplement 1989, is amended to read as follows:

25. a. "Combined gross weight" shall mean means the gross weight of a motor vehicle plus the gross weight of a trailer or semitrailer to be drawn thereby combination of vehicles.

b. "Gross combination weight rating" means the combined weights specified by the manufacturer as the loaded weight of each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle shall be its gross weight.

Sec. 8. Section 321.1, subsection 32, Code Supplement 1989, is amended to read as follows:

32. "Commercial vehicle" means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any or all of the following apply:

a. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one or more pounds.

b. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds.

c. The vehicle is designed to transport sixteen or more than-fifteen-passengers persons, including the driver.

d. The vehicle is used in the transportation of hazardous material in of a type or quantity requiring vehicle placarding.

Sec. 9. Section 321.1, subsection 42, Code Supplement 1989, is amended to read as follows:

42. "Operator" or "driver" means every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

Sec. 10. Section 321.1, subsection 43, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

"Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or a person who operates a truck tractor, road tractor or any a motor truck which is required to be registered at has a gross vehicle weight classification rating exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt sixteen thousand pounds. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner's or operator's principal business.

Sec. 11. Section 321.1, subsection 44, Code Supplement 1989, is amended by striking the subsection.

Sec. 12. Section 321.1, subsection 77, Code Supplement 1989, is amended to read as follows:

77. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to operator chauffeur, and motorized bicycle licenses and instruction and a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, temporary restricted, or temporary permits permit.

Sec. 13. Section 321.1, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 90. "Conviction" means a final conviction or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court.

NEW SUBSECTION. 91. "Endorsement" means an authorization to a person's motor vehicle license required to permit the person to operate certain types of motor vehicles or to transport certain types or quantities of hazardous materials.

Sec. 14. Section 321.1, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 92. For purposes of administering and enforcing the commercial driver's license provisions:

a. "Commercial driver" means the operator of a commercial motor vehicle.

b. "Commercial driver's license" means a motor vehicle license valid for the operation of a commercial motor vehicle.

c. "Commercial driver's license information system" means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

d. "Commercial motor vehicle" means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply:

(1) The combination of vehicles has a gross combination weight rating of twenty-six thousand one or more pounds provided the towed vehicle has a gross vehicle weight rating of ten thousand one or more pounds.

(2) The motor vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds.

(3) The motor vehicle is designed to transport sixteen or more persons, including the operator, or is of a size and design to transport sixteen or more persons, including the operator, but is redesigned or modified to transport less than sixteen handicapped persons.

(4) The motor vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.

e. "Foreign jurisdiction" means a jurisdiction outside the fifty United States, the District of Columbia, and Canada.

f. "Nonresident commercial driver's license" means a commercial driver's license issued to a person who is not a resident of the United States or Canada.

g. "Tank vehicle" means a commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank having a rated capacity of one thousand one or more gallons that is either permanently or temporarily attached to the vehicle or chassis.

Sec. 15. Section 321.1A, unnumbered paragraph 2, Code 1989, is amended to read as follows:

"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 motor vehicle 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.

Sec. 16. Section 321.12, Code 1989, is amended to read as follows:

321.12 OBSOLETE RECORDS DESTROYED.

The director may destroy any records of the department which have been maintained on file for three years which the director may deem deems obsolete and of no further service in carrying out the powers and duties of the department. However, operating records relating to a person who has been issued a commercial driver's license shall be maintained on file in accordance with rules adopted by the department.

Sec. 17. Section 321.96, Code 1989, is amended to read as follows:

321.96 PROHIBITED PLATES -- CERTIFICATES ---BAGB89.

No A person shall not display or cause or permit to be displayed, or have in the person's possession, any a vehicle identification number or component part number except as provided in this chapter, or any a canceled, revoked, altered, or fictitious registration number plates, registration receipt, or certificate of title, chauffeur's-license certificate, or chauffeur's-badge, as the same are respectively provided for in this chapter.

Sec. 18. Section 321.134, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The annual registration fee for trucks, truck tractors, and road tractors, as provided in sections 321.121 and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the registration fee for a vehicle with a gross weight exceeding five tons. The

penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid. Semiannual installments do not apply to commercial vehicles, as defined under section 326.2, subject to proportional registration, with a base state other than the state of Iowa, as defined in section 326.2, subsection 6. The penalty on vehicles registered under chapter 326 accrues August 1 of each year except as provided in section 326.6.

Sec. 19. Section 321.145, Code 1989, is amended to read as follows:

321.145 DISPOSITION OF MONEYS AND FEES.

~~The money, except~~ Except for fines, and forfeitures, operator's and chauffeur's license fees court costs, and except the collection fees retained by the county treasurer pursuant to section 321.152, moneys and motor vehicle license fees collected pursuant to the provisions of under this chapter shall be credited by the treasurer of state to the road use tax fund.

Sec. 20. Section 321.174, Code 1989, is amended to read as follows:

321.174 OPERATORS AND CHAUFFEURS LICENSED -- OPERATION OF COMMERCIAL MOTOR VEHICLES.

1. A person, except those hereinafter expressly exempted, shall not drive operate any motor vehicle upon a highway in this state unless such the person has a valid motor vehicle license issued by the department valid for the vehicle's operation. ~~No person shall operate a motor vehicle as a chauffeur unless the person holds a valid chauffeur's license.~~

2. A person operating a commercial motor vehicle shall not have more than one motor vehicle license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license, or a motor vehicle license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with

the federal commercial driver testing and licensing standards, if the license, commercial driver's license, or motor vehicle license is valid for the vehicle operated. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a motor vehicle license valid for the vehicle operated commits a simple misdemeanor.

3. Every A licensee shall have the licensee's operator's or-chauffeur's, or-motorized-bicycle-license-or-instruction permit motor vehicle license in 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 district judge, peace officer, or a field deputy or examiner of the department. However, no a person charged with violating this section subsection shall not be convicted if the person produces in court, within a reasonable time, an-operator's-or-chauffeur's-or-motorized-bicycle license-or-instruction-permit a motor vehicle license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section.

Sec. 21. Section 321.176, Code 1989, is amended to read as follows:

321.176 PERSONS EXEMPT FROM MOTOR VEHICLE LICENSING REQUIREMENTS.

The following persons are exempt from license-hereunder motor vehicle licensing requirements:

1. Any person while operating a military motor vehicle in the service of the armed forces of the United States.
2. Any person while operating a farm tractor or implement of husbandry to or from the home farm buildings to any adjacent or nearby farm land for the exclusive purpose of conducting farm operations.
3. A nonresident operating a motor vehicle within the legal scope of the nonresident's home state or country license except a nonresident may operate a commercial motor vehicle only in compliance with section 321.174.

Sec. 22. NEW SECTION. 321.176A PERSONS EXEMPT FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

The following operators are exempt from the commercial driver's license requirements:

1. A farmer or a person working for a farmer while operating a special truck within one hundred fifty air miles of the farmer's farm to transport agricultural products, farm machinery, or farm supplies to or from the farm.
2. A firefighter while operating a fire vehicle for a volunteer or paid fire organization under conditions necessary to preserve life or property or to execute related governmental functions.
3. Military personnel while on active duty and operating equipment owned or operated by the United States department of defense.
4. A person while operating a motor home solely for personal or family use.
5. A person operating a motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds towing a travel trailer or fifth-wheel travel trailer solely for personal or family use.
6. A person exempted by rules adopted by the department pursuant to section 321.176B.

Sec. 23. NEW SECTION. 321.176B PERSONS EXEMPT BY RULE FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

If after July 1, 1990, federal law or federal regulations are changed to allow exemptions from commercial driver's license requirements for suppliers of agricultural inputs or their employees while delivering these products to their customers, the department shall immediately, pursuant to chapter 17A, adopt rules which allow these exemptions from the commercial driver's license requirements.

Sec. 24. Section 321.177, Code 1989, is amended to read as follows:

321.177 PERSONS NOT TO BE LICENSED.

The department shall not issue any a motor vehicle license hereunder:

1. To any person, ~~as an operator~~, who is under the age of eighteen years, without the person's first having successfully completed an approved driver education course, in which case, the minimum age is sixteen years. However, the department may issue a school driver's license to certain minors as provided in section 321.194, ~~or a temporary an~~ instruction permit as provided in section 321.180, ~~to any person who is at least fourteen years of age--The department may issue subsection 1, or a driver's license restricted for use only for~~ to motorized bicycles as provided in section 321.189, subsection 2 B.

2. To any person, ~~as a chauffeur who is under the age of eighteen years~~ holding any other motor vehicle license.

3. To any person, ~~as an operator or chauffeur~~ whose motor vehicle license or driving privilege has been is suspended during such suspension or ~~to any person whose license or driving privilege has been revoked, until the expiration of one year after such revocation.~~

4. To any person, ~~as an operator or chauffeur~~, who is a chronic alcoholic, or is addicted to the use of an illegal narcotic drug drug.

5. To any person, ~~as an operator or chauffeur~~, who has previously been adjudged to be incompetent by reason of mental illness and who has not at the time of application been restored to competency by the methods provided by law.

6. To any person, ~~as an operator or chauffeur~~, who ~~is~~ fails to pass an examination required by this chapter ~~to take an examination, unless such person shall have successfully passed such examination.~~

7. To any person when the director has good cause to believe ~~that such the~~ person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways safely.

8. To any person to operate a commercial motor vehicle unless the person is eighteen years of age or older and the person qualifies under federal and state law to be issued a commercial driver's license in this state.

9. To any person, as a chauffeur, who is under the age of eighteen.

Sec. 25. Section 321.178, subsection 1, unnumbered paragraph 4, Code Supplement 1989, is amended to read as follows:

Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department, shall likewise be eligible for an operator's a driver's license at the age of sixteen years, providing the instructor in charge of the student's training has satisfied the educational requirements for a teaching certificate at the secondary level and holds a valid certificate to teach driver education in the public schools of Iowa.

Sec. 26. Section 321.180, Code Supplement 1989, is amended to read as follows:

321.180 INSTRUCTION PERMITS.

1. a. A person who is at least fourteen years of age and who, except for the person's lack of instructions instruction in operating a motor vehicle, would be qualified to obtain an operator's a driver's license, shall, upon meeting the requirements of section 321.186 other than a driving demonstration, and upon paying the required fee, be issued a temporary an instruction permit by the department. Subject to the limitations in this subsection, a-temporary an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to drive operate a motor vehicle, other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds, upon the highways for a period of not to exceed two years from the date of issuance from the licensee's birthday anniversary in the year of issuance. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the need of an accompanying person.

A permittee shall not be penalized for failing to have the instruction permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

b. Except as otherwise provided, a permittee who is sixteen years of age or older must be accompanied by a licensed-operator-or-chauffeur person issued a motor vehicle license valid for the vehicle operated who is at least eighteen years of age, who is an approved driver education instructor, or who is a prospective driver education instructor enrolled in and specifically designated by a practitioner preparation program with a safety education program approved by the state board of education; and who is actually occupying a seat beside the driver. The temporary instruction permit issued to Except as otherwise provided, a person permittee who is less than sixteen years of age entitles the permittee to drive a motor vehicle upon the highways only when must be accompanied by a licensed operator or chauffeur person issued a motor vehicle license valid for the vehicle operated who is the parent or guardian of the permittee, member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in and has been specifically designated by a practitioner preparation program with a safety education program approved by the state board of education, or a person who is twenty-five years of age or more if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver.

If However, if the permittee is driving operating a motorcycle, the qualified operator accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permit holder permittee

shall be under the immediate supervision of an accompanying qualified operator person, unless the qualified operator person is an approved motorcycle or driver education instructor or a prospective motorcycle or driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, and the permittee is enrolled in an approved motorcycle or driver education course, in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.

2. A person who holds a class A, B, C, or D driver's license, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's commercial driver's instruction permit valid for the operation of a commercial motor vehicle requiring a chauffeur's license when the permittee is accompanied by a person possessing a valid chauffeur's license, properly licensed to drive the operate a commercial motor vehicle and actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise and qualified to obtain a valid chauffeur's commercial driver's license and must meet including the requirements of section 321.186 321.188 other than a the knowledge examination and driving demonstration skills tests. The chauffeur's commercial driver's instruction permit shall be valid for a period not to exceed two years and shall be returned to the department upon receipt of a valid chauffeur's license six months. issuance of a chauffeur's instruction permit shall not require the surrender of a valid operator's license. A commercial driver's instruction permit may be renewed only once in any two-year period. If the applicant for a commercial driver's instruction permit holds a driver's license issued in this state valid for the operation of a commercial or noncommercial vehicle, the commercial driver's instruction permit shall be valid for such operation without the need of an accompanying person.

A permittee shall not be penalized for failing to have the permit in immediate possession if the permittee produces in

court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest:

3. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle, other than a commercial motor vehicle, as a chauffeur when the permittee is accompanied by a person, possessing a valid class D driver's license or commercial driver's license valid for the operation of the motor vehicle and the accompanying person is actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a class D driver's license, and must meet the requirements of section 321.186 other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance and shall be returned to the department upon issuance of a class D driver's license or commercial driver's license. If the applicant for a chauffeur's instruction permit holds a driver's license issued under this chapter, the chauffeur's instruction permit shall be valid in the same manner as the driver's license would be for the operation of motor vehicles without the need of an accompanying person.

4. The instruction permit, chauffeur's instruction permit, and commercial driver's instruction permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license.

Sec. 27. NEW SECTION. 321.180A SPECIAL INSTRUCTION PERMIT.

1. Notwithstanding other provisions of this chapter, a physically disabled person, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose motor vehicle license has been suspended under section 321.210, subsection 1, paragraph "c", upon meeting the requirements of section 321.186, other

than a driving demonstration or the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "c", and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

2. a. A special instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a noncommercial motor vehicle upon the highways for a period of six months from the date of issuance. However, the permittee must be accompanied by a person who is at least twenty-one years of age, who has been issued a motor vehicle license valid for the vehicle being operated, and who is actually occupying a seat beside the permittee.

b. A permittee shall not be penalized for failing to have the permit in immediate possession if the permittee produces in court, within a reasonable time, the special instruction permit issued to the permittee which was valid at the time of the permittee's arrest.

3. The permittee may apply for a motor vehicle license if thirty days have elapsed since issuance of the special instruction permit. The department shall issue a motor vehicle license if the permittee is qualified, passes all required tests, including a driving test, and pays the required fees. If the person has not obtained a motor vehicle license before expiration of the person's special instruction permit, the person's former denial or suspension under sections 321.177, subsection 6 or 7, or section 321.210, subsection 1, paragraph "c", upon service of notice by the department, shall be reinstated. A permit shall be reissued for one additional six-month period if a permittee continues to meet the qualifications of subsection 1 and has incurred no motor vehicle violations.

Sec. 28. Section 321.181, Code 1989, is amended to read as follows:

321.181 TEMPORARY PERMIT.

The department may, in its discretion, issue a temporary driver's permit to an applicant for an operator's or chauffeur's a motor vehicle license permitting the applicant to operate a motor vehicle other than a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to such the applicant's right privilege to receive an operator's the motor vehicle license. Such The permit must be in the applicant's immediate possession while operating a motor vehicle and it. The temporary permit shall be invalid and returned to the department when the applicant's license has been is issued or for-good-cause-has-been-refused when the license is denied.

The temporary driver's permit shall bear a colored photograph of the permittee and shall contain such other information as the department may by rule require--The department shall not retain a positive or negative photograph of the permittee.

Sec. 29. Section 321.182, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.182 APPLICATION.

Every applicant for a motor vehicle license shall do all of the following:

1. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule.
2. Surrender all other motor vehicle licenses.
3. Certify that the applicant has no other motor vehicle license.
4. Certify that the applicant is not currently subject to suspension, revocation, or cancellation of any motor vehicle

license and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in suspension, revocation, or cancellation of any motor vehicle license.

Sec. 30. Section 321.184, subsection 1, Code 1989, is amended to read as follows:

1. CONSENT REQUIRED. The application of an unmarried person under the age of eighteen years for an ~~instruction permit, operator's license, motorized bicycle license, restricted license, or school license issued under section 321.194~~ a motor vehicle license shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under chapter 600A. Officers and employees of the department may administer the oaths without charge.

Sec. 31. Section 321.186, Code 1989, is amended to read as follows:

321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.

The department may examine every new applicant for an ~~operator's, motorized bicycle or chauffeur's~~ a motor vehicle license or any person holding a valid ~~operator's, motorized bicycle or chauffeur's~~ motor vehicle license when the department has reason to believe that such the person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify such an the examination. Such The examinations shall be held in every county within periods not to exceed fifteen days---it except that the driving skills test for a commercial driver's license shall be given only at locations where required driving skills may be adequately tested, including pretrip and off-road examinations. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test. The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when

requested by a person representing ten or more drivers requiring driving skills testing.

The department shall make every effort to accommodate a commercial driver's license applicant's need to arrange an appointment for a driving skills test at an established test site other than where the applicant passed the required knowledge test. The department shall report to the governor and the general assembly on any problems, extraordinary costs and recommendations regarding the appointment scheduling process.

PARAGRAPH DIVIDED. The examination shall include a test screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new motor vehicle license other than a commercial driver's license need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Sec. 32. NEW SECTION. 321.186A VISION REPORT IN LIEU OF VISION TEST.

1. An applicant for a new or renewed motor vehicle license other than a commercial driver's license need not take a vision test administered by the department if the applicant files with the department a vision report signed by a licensed vision specialist in accordance with this section.

2. An applicant for such a new or renewed motor vehicle license who fails a vision test administered by the department may subsequently be issued the motor vehicle license without

need of passing a department administered vision test, if the applicant files with the department a vision report from a licensed vision specialist in accordance with this section.

3. The vision report shall state the visual acuity level of the applicant as measured by the vision specialist and shall be in the form and include other information as required by rule of the department. A vision report is valid only if the visual acuity level of the applicant has been measured by the licensed vision specialist within thirty days before the application for the new or renewed motor vehicle license.

4. As used in this section, a "licensed vision specialist" means a physician licensed under chapter 148, 150, or 150A, or an optometrist licensed under chapter 154.

Sec. 33. Section 321.187, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.187 EXAMINERS.

The department shall examine applicants for motor vehicle licenses. Examiners of the department shall wear an identifying badge and uniform provided by the department.

1. The department may by rule designate area vocational schools and community colleges to administer the driving skills test required for a commercial driver's license provided that all of the following occur:

a. The driving skills test is the same as that which would otherwise be administered by the state.

b. The examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75 adopted as of a specific date by rule by the department.

2. The department may also designate by rule other parties to administer the driving skills test required for a commercial driver's license provided that both subsection 1, paragraphs "a" and "b" apply. This subsection is repealed April 1, 1992.

Sec. 34. NEW SECTION. 321.188 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

1. Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. part 391 adopted as of a specific date by rule by the department.

b. Certify the applicant is not subject to any commercial driver's license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver's license disqualification.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H adopted as of a specific date by rule by the department.

d. Certify the vehicle to be operated in the driving skills tests represents the largest class of vehicle the applicant will operate on the highway.

e. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction.

2. An applicant for a commercial driver's license may substitute for a driving skills test the applicant's operating record and previous passage of a driving skills test or the applicant's operating record and previous driving experience if all of the following conditions exist:

a. The applicant is currently licensed to operate a commercial motor vehicle.

b. The applicant certifies that during the two years immediately preceding application all of the following apply:

(1) The applicant has not held motor vehicle licenses valid for the operation of commercial motor vehicles from more than one state simultaneously.

(2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses

under 49 C.F.R. § 383.51 adopted as of a specific date by rule by the department while operating any type of vehicle.

(3) The applicant has not committed a traffic violation, other than a parking violation, arising in connection with a traffic accident.

(4) No record of an accident exists for which the applicant was convicted of a moving traffic violation.

(5) The applicant has not had any motor vehicle license suspended, revoked, or canceled.

c. The applicant provides evidence of and certifies that the applicant is employed in a job requiring operation of a commercial motor vehicle and the applicant has done one of the following:

(1) Has previously passed a driving skills test given by this state or its designee in a motor vehicle representative of the class of motor vehicle the applicant will operate.

(2) Has operated during the two-year period immediately preceding the application a motor vehicle representative of the class of motor vehicle the applicant will operate.

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 adopted as of a specific date by rule by the department to obtain or retain the endorsement. However, an applicant for license upgrade may retain the endorsement if the applicant successfully passed the endorsement test within the preceding twenty-four months.

4. The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, and the national driver register to determine whether the applicant qualifies to be issued a commercial driver's license. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license.

5. A resident of this state holding a commercial driver's license issued by a former state of residence in conformity with the federal commercial driver testing and licensing

standards shall not be required to take a knowledge or driving skills test prior to issuance of a commercial driver's license in this state, except a basic Iowa rules of the road knowledge test and, when applicable, motorcycle operator knowledge and driving skills tests. The commercial driver's license issued by this state shall be valid for operation of the same class of vehicles with the same endorsements and restrictions as in the former state of licensure. However, a person with a hazardous materials endorsement must comply with subsection 3.

Sec. 35. Section 321.189, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.189 DRIVER'S LICENSE -- CONTENT -- MOTORCYCLE RIDER EDUCATION FUND.

1. CLASSIFICATION AND ISSUANCE. Upon payment of the required fee, the department shall issue to every qualified applicant a driver's license. Driver's licenses shall be classified as follows:

a. Class A -- Valid for the operation of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if one of the towed vehicles has a gross vehicle weight rating of ten thousand one or more pounds and valid for the operation of vehicles with lower gross combination weight ratings and other vehicles except motorcycles.

b. Class B -- Valid for the operation of a vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided the towing vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds and each towed vehicle has a gross vehicle weight rating of less than ten thousand one pounds and valid for the operation of vehicles with lower gross vehicle weight ratings or gross combination weight ratings except motorcycles.

c. Class C -- Valid for the operation of a vehicle, other than a motorcycle, or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more

pounds provided the towing vehicle has a gross vehicle weight rating of less than twenty-six thousand one pounds and each towed vehicle has a gross vehicle weight rating of less than ten thousand one pounds, or a combination of vehicles with a gross vehicle weight rating or gross combination weight rating of less than twenty-six thousand one pounds and also valid for the operation of any vehicle, other than a motorcycle, for which the operator is exempt from commercial driver's license requirements under section 321.176A.

d. Class D -- Valid for the operation of a motor vehicle as a chauffeur.

e. Class M -- Valid for the operation of a motorcycle.

A driver's license may be issued for more than one class. Class A and B driver's licenses shall only be issued as commercial driver's licenses. Class C and M driver's licenses may be issued as commercial driver's licenses. A driver's license is not valid for the operation of a vehicle requiring an endorsement unless the driver's license is endorsed for the vehicle. A class D driver's license is also valid as a noncommercial class C driver's license. The holder of a commercial driver's license is not required to obtain a class D driver's license to operate a motor vehicle as a chauffeur. When necessary, the department shall by rule create additional classes or modify existing classes of driver's licenses, however, the rule shall be temporary and if within sixty days after the next regular session of the general assembly convenes the general assembly has not made corresponding changes in this chapter, the temporary classification or modification shall be nullified.

2. CONTENT OF LICENSE.

a. Appearing on the driver's license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, sex, and residence address; a colored photograph; a physical description of the licensee; the name of the state; the dates of issuance and expiration; and the usual signature of the licensee. The license shall identify the class of vehicle the licensee may operate and the

applicable endorsements and restrictions which the department shall require by rule.

b. A commercial driver's license shall include the licensee's address as required under federal regulations, the licensee's social security number, and the word "commercial" shall appear prominently on the face of the license. If the applicant is a nonresident, the license must conspicuously display the word "nonresident".

c. The department shall advise an applicant that the applicant for a motor vehicle license other than a commercial driver's license may request a number other than a social security number as the motor vehicle license number.

d. The license may contain other information as required under the department's rules.

3. REPLACEMENT. If prior to the renewal date, a person desires to obtain a motor vehicle license in the form authorized by this section, a license may be issued as a voluntary replacement upon payment of the required fee as set by the department by rule. A person shall return a motor vehicle license and be issued a new license when the first license contains inaccurate information upon payment of the required fee as set by the department by rule.

4. SYMBOLS. Upon the request of a licensee, the department shall indicate on the license the presence of a medical condition or that the licensee is a donor under the uniform anatomical gift law. The license may contain such other information as the department may require by rule.

5. TAMPERPROOFING. The department shall issue a motor vehicle license by a method or process which prevents as nearly as possible the alteration, reproduction, or superimposition of a photograph on the license without ready detection.

6. LICENSES ISSUED TO MINORS. A motor vehicle license issued to a person under twenty-one years of age shall be identical in form to any other motor vehicle license except that the word "minor" shall appear prominently on the face of the license. Upon attaining the age of twenty-one, and upon

payment of a one dollar fee, the person shall be entitled to a new motor vehicle license or nonoperator's identification card for the unexpired months of the motor vehicle license or card.

7. CLASS "M" LICENSE EDUCATION REQUIREMENTS. A person under the age of eighteen applying for a driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of education or from a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under subsection 9.

8. MOTORIZED BICYCLE.

a. The department may issue a driver's license valid only for operation of a motorized bicycle to a person fourteen years of age or older who has passed a vision test or who files a vision report as provided in section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department and who passes a written examination on the rules of the road. A person under the age of sixteen applying for a driver's license valid only for operation of a motorized bicycle shall also be required to successfully complete a motorized bicycle education course approved and established by the department of education or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A driver's license valid only for operation of a motorized bicycle entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance, subject to termination or cancellation as provided in this section.

b. A driver's license valid only for operation of a motorized bicycle shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section 321A.17, unless the conviction would otherwise result in a suspension or revocation of a person's driver's license.

c. As used in this section, "moving traffic violation" does not include a parking violation as defined in section 321.210 or a violation of a section of the Code or municipal ordinance pertaining to standards to be maintained for motor vehicle equipment except sections 321.430 and 321.431, or except a municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

d. The holder of any class of driver's license may operate a motorized bicycle.

9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the department of education to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department of education. The department of education shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the costs of providing the education courses.

Sec. 36. Section 321.190, subsection 1, Code Supplement 1989, is amended to read as follows:

1. APPLICATION FOR AND CONTENTS OF CARD.

a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator's identification card which, To be valid the card shall bear a distinguishing number assigned to the card holder, the full

name, date of birth, sex, residence address, a brief physical description and a colored photograph of the card holder, the usual signature of the card holder, and such other information as the department may require by rule require. The card, ~~including the colored photograph~~ shall be issued to the applicant at the time of application ~~and no positive or negative photograph shall be retained~~. ~~The department shall by rule establish procedures for the application for and issuance of a nonoperator's identification card.~~ ~~An identification card shall not be valid unless it bears the usual signature of the card holder pursuant to procedures established by rule.~~

b. The department shall not issue a card to a person holding a motor vehicle license. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person under twenty-one years of age shall include the word "minor" prominently on the face of the card.

c. The department shall use a process or processes for issuance of a nonoperator's identification card, that prevents, as nearly as possible, the opportunity for alteration or reproduction of, and the superimposition of a photograph on the nonoperator's identification card without ready detection.

d. The fee for a nonoperator's identification card shall be five dollars and the card shall be valid ~~for the purpose of~~ identification for a period of four years from the date of issuance. No issuance fee shall be charged for a person whose motor vehicle license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "c".

The nonoperator's identification card fees shall be transmitted by the department to the treasurer of state who shall credit such the fees to the general fund of the state road use tax fund.

Sec. 37. Section 321.190, subsection 3, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

3. The department shall cancel a person's nonoperator's identification card upon determining the person was not entitled to be issued the card, did not provide correct information, committed fraud in applying for the card, or unlawfully used a nonoperator's identification card.

Sec. 38. Section 321.191, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.191 FEES FOR MOTOR VEHICLE LICENSES.

1. INSTRUCTION PERMITS. The fee for an instruction permit, other than a special instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit, is six dollars. The fee for a special instruction permit is ten dollars. The fee for a chauffeur's instruction permit or commercial driver's instruction permit is twelve dollars.

2. NONCOMMERCIAL MOTOR VEHICLE LICENSES. The fee for a noncommercial motor vehicle license, other than a class D driver's license or any type of instruction permit, valid for two years is eight dollars.

3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial class D driver's license valid for two years is sixteen dollars.

4. COMMERCIAL MOTOR VEHICLE LICENSES. An additional fee of eight dollars is required to issue a motor vehicle license, other than an instruction permit, valid for two years for the operation of a commercial motor vehicle.

5. LICENSES VALID FOR MOTORCYCLES. An additional fee of one dollar per year of license validity is required to issue a license valid to operate a motorcycle.

6. SPECIAL MINOR' LICENSES. Notwithstanding subsection 2, the fee for a driver's license issued to a minor under section 321.194 or a restricted license issued to a minor under section 321.178, subsection 2, is eight dollars.

7. FOUR-YEAR LICENSES. The fee for a motor vehicle license valid for four years is twice the fee for a two-year license.

8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.

The fee for a double/triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver's license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the length of the time period of the license regardless of whether the license is issued for two or four years. Upon renewal of a commercial driver's license there is no fee for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for reinstatement of a motor vehicle license shall be twenty dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, or revoked. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph "c", shall be without fee. The fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars.

10. UPGRADING A LICENSE CLASS PRIVILEGE -- FEE ADJUSTMENT.

If an applicant wishes to upgrade a license class privilege, the fee charged shall be prorated on full-year fee increments of the new license in accordance with rules adopted by the department. The expiration date of the new license shall be the expiration date of the currently held driver's license. The fee for a commercial driver's license endorsement, the removal of an air brake restriction, or a commercial driver's license instruction permit shall not be prorated.

As used in this subsection "to upgrade a license class privilege" means to add any privilege to a valid motor vehicle license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an

instruction permit to a class license, adding any privilege to a section 321.189, subsection 8, license, adding an instruction permit privilege, adding a section 321.189, subsection 8, license to an instruction permit, and adding any privilege relating to a motor vehicle license issued to a minor under section 321.194 or section 321.178, subsection 2.

Sec. 39. Section 321.193, Code 1989, is amended to read as follows:

321.193 ~~RESTRICTIONS~~ RESTRICTIONS ON LICENSES.

When As provided in ~~rules adopted pursuant to chapter 17A by rule~~, the department upon issuing an operator's or chauffeur's license or motorized bicycle license shall have authority whenever good cause appears to may impose restrictions suitable to the motor vehicle licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee including licenses issued under section ~~321.194~~, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The department shall not require a person issued a valid operator's or chauffeur's license to comply with any other licensing requirements in order to operate a motorized bicycle.

The department may ~~either issue a special restricted license or may set forth such restrictions upon the usual~~ motor vehicle license form.

The department may suspend or revoke the motor vehicle license upon receiving satisfactory evidence of any violation of the license's restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

~~It is a misdemeanor punishable as provided in section 321.402 for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person.~~

Sec. 40. Section 321.194, Code Supplement 1989, is amended to read as follows:

321.194 SPECIAL MINORS' ~~BEH006~~ LICENSES.

1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a school class C or M driver's license to a person between the ages of fourteen and eighteen years who has successfully completed ~~completes~~ an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules under chapter-17A defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

a. The school driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle during other than a commercial motor vehicle or as a chauffeur:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at the schools or at any time when accompanied by a parent or guardian member of the license holder's immediate family if the family member is at least twenty-one years of age, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a restricted license under section 321.170, subsection 2, or operator's license. -- Parental consent given for the issuance of a school license under this section shall not be deemed to be consent given under section 321.184 for

~~the issuance of any other permit or license applied for by the school license applicant:~~

(2) At any time when the licensee is accompanied in accordance with section 321.180, subsection 1, paragraph "b".

b. Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that the board and superintendent are not responsible for actions of the applicant which pertain to the use of the school driver's license. The department of education shall adopt rules pursuant to chapter-17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a school the driver's license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. A school The driver's license shall not be issued for purposes of attending a public school in a school district other than the either of the following:

(1) The district of residence, or a of the parent or guardian of the student.

(2) A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

2. SUSPENSION AND REVOCATION. A driver's license issued under this section is subject to suspension or revocation in like manner as for the same reasons and in the same manner as suspension or revocation of any other driver's license or permit issued under a law of this state. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated

the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section and a permit issued under section 321.100 upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license and any permit issued under section 321.100 upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After revoking a person licensed under this section receives two or more convictions which require revocation of the person's license or permit under this section, the department shall not grant an application for a new motor vehicle license or permit until the expiration of one year or until the licensee's sixteenth birthday, whichever is the longer period.

Sec. 41. Section 321.196, Code Supplement 1989, is amended to read as follows:

321.196 EXPIRATION OF OPERATOR'S LICENSE -- RENEWAL -- VISION TEST MANDATORY.

Except as otherwise provided, an operator's a motor vehicle license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.100, expires, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years, eleven months and seventy years on the date of issuance of the license, otherwise. If the licensee is under the age of seventeen years eleven months or age seventy or over the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. The Except as required in section 321.108, a motor vehicle license is renewable without written examination or penalty within a period of thirty sixty days after its expiration date. A person shall not be considered to be driving with an invalid license during a period of thirty sixty days following the

license expiration date. However, for a license renewed within the thirty-day sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by the uniformed member. The department in its discretion may authorize the renewal of a valid motor vehicle license other than a commercial driver's license upon application without an examination provided that the applicant either satisfactorily passes a vision test as prescribed by the department or files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Any resident of Iowa holding a valid operator's or chauffeur's motor vehicle license who is temporarily absent from the state, or incapacitated, may, at the time for renewal for such license, obtain from the sheriff of the county of the licensee's residence a form to apply to the department for a temporary extension of the license. The department upon receipt of such the application form properly filled out shall, upon a showing of good cause, issue a temporary extension of such the motor vehicle license for a period not to exceed six months. The department shall prescribe and furnish such forms to each county sheriff.

Prior to the renewal of a license pursuant to this section, the department shall issue to each applicant information on the law relating to the operation of a motor vehicle while intoxicated and statistical information relating to the number of injuries and fatalities occurring as a result of the operation of motor vehicles while intoxicated.

Sec. 42. Section 321.197, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSES -- REPLACEMENT BY COMMERCIAL DRIVER'S LICENSE.

Notwithstanding other provisions of this chapter, a valid chauffeur's license issued by the department shall be valid to operate a motor vehicle according to the terms and limitations of the license until the earlier of the expiration date on the license or April 1, 1992. A person who has been issued a valid chauffeur's license by the department which expires on or after July 1, 1990, and before July 1, 1991, may renew the license and be issued a special class D driver's license which shall be valid according to the terms and limitations of the chauffeur's license previously issued to the person. However, after April 1, 1992, a chauffeur's license or a special class D driver's license issued under this section shall not be valid for operating a commercial motor vehicle. Between July 1, 1990, and April 1, 1992, the holder of a valid chauffeur's license may apply for a new driver's license and, if qualified, be issued a commercial driver's license valid only until the expiration date appearing on the surrendered chauffeur's license, upon surrender of the chauffeur's license and upon payment of a one dollar replacement fee together with the fees for any commercial driver's license endorsements obtained. Additionally, if application is made within one year preceding the chauffeur's license expiration date and upon payment of required fees, a qualified applicant may be issued a commercial driver's license valid for a two-year or four-year period beginning on the expiration date on the surrendered chauffeur's license. For purposes of section 321.221, a valid chauffeur's license shall be deemed to be a class D driver's license.

This section is repealed effective July 1, 1994.

Sec. 43. Section 321.198, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The effective date of a valid operator's motor vehicle license and of a valid chauffeur's license to the extent that it permits the operation of a motor vehicle as an operator other than a commercial motor vehicle and other than as a chauffeur, issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa notwithstanding the expiration of such the license according to its terms, is hereby extended without fee until six months following the initial separation from active duty of such the person from the military service, provided such the person is not suffering from such physical disabilities as to impair which impair the person's competency as an operator and provided further that such the licensee shall upon demand of any peace officer furnish satisfactory evidence of the person's military service. However, no a person entitled to the benefits of this section, charged with operating a motor vehicle without an operator's license, shall not be convicted if the person produces in court, within a reasonable time, a valid operator's or chauffeur's motor vehicle license theretofore previously issued to that person along with evidence of the person's military service as above mentioned.

Sec. 44. Section 321.198, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person whose period of validity of the person's motor vehicle license is extended under this section may file an application in accordance with rules adopted by the department to have the person's record of issuance of a motor vehicle license retained in the department's record system during the period for which the motor vehicle license remains valid. If a person has had the record of issuance of their motor vehicle license removed from the department's records, the person shall have their record of motor vehicle license issuance reentered by the department upon request if the request is accompanied by a letter from the applicable person's commanding officer verifying the military service.

Sec. 45. Section 321.199, Code 1989, is amended to read as follows:

321.199 MOTOR VEHICLE LICENSE RECORDS.

The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order, all of the following:

1. All applications denied and on each thereof note the reasons for such the denial.
2. All applications granted.
3. The name of every licensee who has been disqualified from operating a commercial motor vehicle or whose license has been suspended, or revoked, or canceled by the department and after each such name a note on the reasons for such the action.

Sec. 46. Section 321.201, Code 1989, is amended to read as follows:

321.201 AUTHORITY TO CANCEL CANCELLATION AND RETURN OF LICENSE -- PROHIBITION FROM ISSUANCE OF COMMERCIAL DRIVER'S LICENSE FOR FALSE INFORMATION.

1. The department is hereby authorized to may cancel any operator's or chauffeur's a motor vehicle license upon determining that determination of any of the following:

- a. That the licensee was not entitled to the issuance thereof hereunder or that said of the license.
- b. That the licensee failed to give the required or correct information in the licensee's application or committed any fraud in making such the application.

The provisions applicable in this section and sections 321.202 to 321.215 relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses:

Upon cancellation, the licensee shall immediately return the license to the department.

2. Upon cancellation of a commercial driver's license for providing false information or committing fraud in the application, the applicant shall not operate a commercial

motor vehicle in this state and shall not be issued a license valid to operate a commercial motor vehicle for a period of sixty days.

Sec. 47. Section 321.203, Code 1989, is amended to read as follows:

321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

A nonresident's privilege of driving to operate a motor vehicle on a highway in this state is subject to suspension and or revocation for the same reasons and in the same manner as suspension or revocation of an operator's or chauffeur's a resident's driver's license and is also subject to suspension as provided in section 321.513.

Sec. 48. Section 321.204, Code 1989, is amended to read as follows:

321.204 CERTIFICATION OF CONVICTION -- NOTIFICATION OF COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

1. The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver operator of a motor vehicle of for any offense under the motor vehicle laws of this state, to forward a certified copy of such written or electronic record of the conviction to the motor vehicle administrator in the licensing state wherein the person so convicted is a resident.

2. The department shall notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state, if applicable, of the disqualification of a commercial driver within ten days of any of the following:

- a. The disqualification of the commercial driver under section 321.208 if the disqualification is for sixty days or more.
- b. The suspension or revocation of a commercial driver's license if the suspension or revocation is for sixty days or more.
- c. The cancellation of a commercial driver's license.

Sec. 49. Section 321.205, Code 1989, is amended to read as follows:

321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER STATE.

The department is authorized to suspend or revoke the motor vehicle license of any a resident of this state upon receiving notice of the conviction of such-person the resident in another state of for an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of-an-operator-or-chauffeur or upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license in this state.

Sec. 50. Section 321.206, Code 1989, is amended to read as follows:

321.206 SURRENDER OF LICENSE -- DUTY OF COURT.

Whenever-any If a person is convicted in court of any an offense for which this chapter makes requires mandatory the revocation of the operator's-or-chauffeur's person's motor vehicle license of-such-person-by-the-department or, if the person's license is a commercial driver's license and the conviction disqualifies the person from operating a commercial motor vehicle, the court in-which-such-conviction-is-had shall require the person to surrender to-it-of-all-operator's-and-chauffeur's-licenses-then the motor vehicle license held by the person so-convicted and the court shall thereupon forward the same license together with a record of such the conviction to the department as provided in section 321.491.

Sec. 51. Section 321.208, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.208 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION -- REPLACEMENT DRIVER'S LICENSE -- TEMPORARY LICENSE.

1. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person while operating a commercial motor vehicle has committed any of the following acts or offenses in any state or foreign jurisdiction:

- a. Operating a commercial motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances.
- b. Operating a commercial motor vehicle with a blood alcohol concentration, as defined in section 321J.1, of 0.04 or more.
- c. Refusal to submit to chemical testing required under chapter 321J.
- d. Failure to stop and render aid at the scene of an accident involving the person's vehicle.
- e. A felony or aggravated misdemeanor involving the use of a commercial motor vehicle other than an offense involving manufacturing, distributing, or dispensing a controlled substance.

However, a person is disqualified for three years if the act or offense occurred while the person was operating a commercial motor vehicle transporting hazardous material of a type or quantity requiring vehicle placarding.

2. A person is disqualified for life if convicted or found to have committed two or more of the above acts or offenses arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.P.R. § 383.51 adopted as of a specific date by rule by the department.

3. A person is disqualified from operating a commercial motor vehicle for the person's life upon a conviction that the person used a commercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 204.101.

4. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle:

- a. Speeding fifteen miles per hour or more over the legal speed limit.
- b. Reckless driving.

c. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

d. Operating a commercial motor vehicle when not issued a motor vehicle license valid for the vehicle operated.

e. Operating a commercial motor vehicle upon a highway when disqualified.

f. Operating a commercial motor vehicle upon a highway without immediate possession of a motor vehicle license valid for the vehicle operated.

g. Following another motor vehicle too closely.

h. Improper lane changes in violation of section 321.306.

The period of disqualification under this subsection shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period.

5. A person is disqualified from operating a commercial motor vehicle when the person's driving privilege is suspended or revoked.

6. Upon receiving a record of a person's disqualifying conviction, administrative decision, suspension, or revocation, the department shall, by rule, without preliminary hearing and upon twenty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

7. A person is disqualified from operating a commercial motor vehicle if the person either refuses to submit to chemical testing required under chapter 321J or submits to chemical testing and the results show a blood alcohol concentration as defined in section 321J.1 of 0.04 or more. The department, upon receipt of the peace officer's certification, subject to penalty for perjury, that the peace officer had reasonable grounds to believe the person to have been operating a commercial motor vehicle with a blood alcohol concentration of 0.04 or more and that the person refused to submit to the chemical testing or submitted to chemical testing and the results show a blood alcohol concentration as

defined in section 321J.1 of 0.04 or more, shall, without preliminary hearing and upon twenty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

8. Upon notice, the disqualified person shall surrender the person's commercial driver's license to the department and the department may issue a driver's license valid only to operate a noncommercial motor vehicle upon payment of a one dollar fee. The department shall notify the commercial driver's license information system of the disqualification if required to do so under section 321.204.

9. Notwithstanding the Iowa administrative procedure Act, the filing of a petition for judicial review shall stay the disqualification pending the determination by the district court.

10. The department may reinstate a qualified person's privilege to operate a commercial motor vehicle after a period of disqualification and after payment of required fees.

11. As used in this section, the terms "acts", "actions", and "offenses" mean acts, actions, or offenses which occur on or after July 1, 1990.

Sec. 52. NEW SECTION. 321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. An employer shall not allow an employee to drive a commercial motor vehicle in violation of such out-of-service order. The department shall adopt out-of-service rules which shall be consistent with 49 C.P.R. § 392.5 adopted as of a specific date by the department.

Sec. 53. Section 321.209, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The department shall forthwith upon twenty days' notice and without preliminary hearing revoke the license or operating

~~privilege of any an operator or chauffeur or driving privilege;~~ upon receiving a record of such ~~the~~ operator's or chauffeur's conviction of ~~for~~ any of the following offenses, when such conviction has become final:

Sec. 54. Section 321.210, Code Supplement 1989, is amended by striking the section and inserting in lieu thereof the following:

321.210 SUSPENSION.

1. The department is authorized to establish rules providing for the suspension of the license of an operator upon twenty days' notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

- a. Is an habitually reckless or negligent driver of a motor vehicle.
- b. Is an habitual violator of the traffic laws.
- c. Is physically or mentally incapable of safely operating a motor vehicle.
- d. Has permitted an unlawful or fraudulent use of the license.
- e. Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
- f. Has committed a serious violation of the motor vehicle laws of this state.
- g. Is subject to a license suspension under section 321.513.

Prior to a suspension taking effect under paragraph "a", "b", "c", "d", "e", or "f", the licensee shall have received twenty days' advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, the filing of a petition for judicial review shall operate to stay the suspension pending the determination by the district court.

2. In determining suspension the department shall not consider the following:

a. Violation of motor vehicle equipment standards if repairs are made within seventy-two hours of the violation and satisfactory evidence of repair is immediately sent to the department.

b. Violations of requirements to install and use safety belts, safety harnesses, and child restraint devices under sections 321.445 and 321.446.

c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 6, and 321.354 through 321.361 except section 321.354, subsection 1.

d. The first two speeding violations within any twelve-month period of ten miles per hour or less over the legal speed limit in speed zones having a legal speed limit between thirty-four miles per hour and fifty-six miles per hour.

Sec. 55. Section 321.211, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

There is appropriated each year from the road use tax fund to the department of transportation one hundred twenty-five thousand dollars, or as much thereof as is necessary, to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section ~~321.192~~ 321.145, as reimbursement for the costs of notice under this section.

Sec. 56. Section 321.212, subsection 2, Code 1989, is amended to read as follows:

2. The department upon suspending or revoking a motor vehicle license shall require that such the license be surrendered to and be retained by the department except that at. At the end of the period of suspension such the license so surrendered shall be returned reissued to the licensee upon payment of the reinstatement fee under section 321.191. At the end of a period of revocation the licensee must apply for a new motor vehicle license.

Sec. 57. Section 321.213, Code Supplement 1989, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 321A or chapter 321J for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or chapter 321A or chapter 321J constitutes a final conviction of a violation of a provision of this chapter or chapter 321A or chapter 321J for purposes of section 321.189, subsection 2 g, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 58. Section 321.215, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.215 TEMPORARY RESTRICTED LICENSE -- TEMPORARY RESTRICTED PERMIT.

1. The department, on application, may issue a temporary restricted license to a person whose motor vehicle license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

- a. The person's full-time or part-time employment.
- b. The person's continuing health care or the continuing health care of another who is dependent upon the person.
- c. The person's continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion.
- d. The person's substance abuse treatment.

e. The person's court-ordered community service responsibilities.

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.209, subsections 1 through 5 or subsection 7. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

2. Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.209, subsection 5 or 6, 321.210, 321.210A, 321.513, or 321.555, subsection 2, 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 for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

- a. The temporary restricted permit is requested only for a case of extreme hardship where alternative means of transportation do not exist.
- b. The permit applicant has not made an application for a temporary restricted permit in any district court in the state which was denied.
- c. The temporary restricted permit is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the permit.
- d. Proof of financial responsibility is established as defined in chapter 321A; however, such proof is not required if the motor vehicle license was suspended under section 321.210A or 321.513.

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. A temporary restricted permit is valid only if the department is in receipt of records required by this section.

3. The temporary restricted license or permit shall be canceled upon conviction of a moving traffic violation or upon a violation of a term of the license or permit. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

4. The temporary restricted license or permit is not valid to operate a commercial motor vehicle if a commercial driver's license is required for the person's operation of the commercial motor vehicle and the person is disqualified to operate a commercial motor vehicle under section 321.208, subsections 1, 2, 3, or 4.

Sec. 59. Section 321.216, Code Supplement 1989, is amended to read as follows:

321.216 UNLAWFUL USE OF LICENSE -- PENALTY.

It is a simple misdemeanor for any person:

1. To display or cause or permit to be displayed or have in the person's possession any a canceled, revoked, suspended, fictitious, or fraudulently altered temporary-driver's-permit, temporary-instruction-permit, motorized-bicycle-license, operator's-license, or chauffeur's motor vehicle license.

2. To lend that person's temporary-driver's-permit, temporary-instruction-permit, motorized-bicycle-license, operator's-license, or chauffeur's motor vehicle license to any other another person or knowingly permit the use thereof of the license by another.

3. To display or represent as one's own any-temporary driver's-permit, temporary-instruction-permit, motorized bicycle-license, operator's-license, or chauffeur's a motor vehicle license not issued to that person.

4. To fail or refuse to surrender to the department upon its lawful demand any-temporary-driver's-permit, temporary instruction-permit, motorized-bicycle-license, operator's license, or chauffeur's a motor vehicle license which has been suspended, revoked, or canceled.

5. To use a false or fictitious name in any an application for a temporary-driver's-permit, temporary-instruction-permit, motorized-bicycle-license, operator's-license, or chauffeur's motor vehicle license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any-such the application.

6. To permit any an unlawful use of a temporary-driver's permit, temporary-instruction-permit, motorized-bicycle license, operator's-license, or chauffeur's motor vehicle license issued to that person.

7. To obtain, possess or have in one's control or on one's premises blank motor vehicle license forms.

8. To obtain, possess, or have in one's control or on one's premises a motor vehicle license, a nonoperator's identification card, or a blank motor vehicle license form, which has been made by a person having no authority or right to make the license, card, or form.

Sec. 60. Section 321.218, Code Supplement 1989, is amended to read as follows:

321.218 DRIVING OPERATING WITHOUT VALID MOTOR VEHICLE LICENSE OR WHEN DISQUALIFIED -- PENALTIES.

1. A person whose operator's-or-chauffeur's motor vehicle license or driving operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter, and who drives operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor.

2. However, a person whose license or driving operating privilege has been revoked under section 321.209, and who drives operates a motor vehicle upon the highways of this state while the license or privilege is revoked, commits a serious misdemeanor.

3. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute.

4. The department, upon receiving the record of the conviction of a person under this section upon a charge of

driving operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 321.210, subsection 1, paragraph "c", 321.210A, or 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new motor vehicle license to the person during the additional period.

5. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 commits a simple misdemeanor if a commercial driver's license is required for the person to operate the commercial motor vehicle.

5 6. ~~A person operating a motorized bicycle on the highways of the state and not possessed of an operator's or chauffeur's license or a valid motorized bicycle license, or upon conviction, guilty of a simple misdemeanor~~ The department, upon receiving the record of a conviction of a person under this section upon a charge of operating a commercial motor vehicle while the person is disqualified shall extend the period of disqualification for an additional like period.

Sec. 61. Section 321.220, Code 1989, is amended to read as follows:

321.220 PERMITTING UNAUTHORIZED PERSON TO DRIVE.

No A person shall not knowingly authorize or knowingly permit a motor vehicle owned by that the person or under the person's control to be driven upon any a highway by any a person who is not authorized-hereunder-or-in-violation-of-any-of-the-provisions-of-this-chapter issued a motor vehicle license valid for the vehicle's operation.

Sec. 62. Section 321.221, Code 1989, is amended to read as follows:

321.221 EMPLOYING UNLICENSED CHAUFFEUR.

No A person shall not employ as a chauffeur of a motor vehicle any a person not then licensed holding a class D driver's license or a commercial driver's license as provided in this chapter.

Sec. 63. Section 321.223, Code 1989, is amended to read as follows:

321.223 MOTOR VEHICLE LICENSE INSPECTOR INSPECTION FOR MOTOR VEHICLE RENTAL.

No A person shall not rent a motor vehicle to another until the person has-inspected without inspecting the operator's or chauffeur's motor vehicle license of the person to whom the vehicle is to be rented and compared doing all of the following:

1. A comparison and verified verification of the signature thereon on the motor vehicle license with the signature of such person written in the inspecting person's presence.

2. A comparison and verification of the person to whom the motor vehicle is to be rented with the photograph and other identification information on the person's motor vehicle license.

3. A determination that the motor vehicle license of the person to whom the vehicle is to be rented is valid for operating the vehicle to be rented.

Sec. 64. Section 321.233, unnumbered paragraph 2, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 65. Section 321.234A, Code 1989, is amended to read as follows:

321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG REQUIRED.

All-terrain vehicles shall be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid operator's motor vehicle license and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, be day-glow in color, and shall be in lieu of the reflective equipment required by section 321.383.

Sec. 66. Section 321.247, Code 1989, is amended to read as follows:

321.247 GOLF CART OPERATION ON CITY STREETS.

Incorporated areas may, upon approval of their governing body, allow the operation of golf carts on city streets by persons possessing a valid operator's motor vehicle license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of this chapter.

Sec. 67. Section 321.261, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

1. Any A person failing to stop or to comply with the requirements in subsection 1 of this section, in the event of an accident resulting in the death of any a person, is guilty upon conviction of an aggravated misdemeanor.

4. The director shall revoke the operator's-or-chauffeur's motor vehicle license of the a person so convicted of a violation of this section.

Sec. 68. Section 321.263, Code 1989, is amended to read as follows:

321.263 INFORMATION AND AID -- LEAVING SCENE OF ACCIDENT.

1. The driver of any a vehicle involved in an accident resulting in injury to or death of any a person or damage to any a vehicle which is driven or attended by any a person shall give the driver's name, address, and the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the driver's operator's-or-chauffeur's motor vehicle license to the person struck, or the driver or occupant of, or the person attending any the vehicle collided with involved in the accident and shall render to any

a person injured in such the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, transporting or arranging for the transporting of such the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such medical treatment is necessary or if such carrying transportation for medical treatment is requested by the injured person.

2. If the accident causes the death of any a person, the all surviving driver drivers shall not leave remain at the scene of the accident except to seek necessary aid for the surviving driver or to report the accident to law enforcement authorities. Before leaving the scene of the fatal accident, the each surviving driver shall leave the surviving driver's motor vehicle license, automobile registration receipt, or other identification data at the scene of the accident. After leaving the scene of the accident, the a surviving driver shall promptly report the accident by telephone to law enforcement authorities, and shall immediately return to the scene of the accident or shall inform the law enforcement authorities where the surviving driver can be located.

Sec. 69. Section 321.265, Code 1989, is amended to read as follows:

321.265 STRIKING FIXTURES UPON A HIGHWAY.

The driver of any a vehicle involved in an accident resulting 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 the damaged property of such fact the damage and shall inform the person of the driver's name and address and of the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's operator's-or-chauffeur's motor vehicle license and shall make report of such the accident when and as required in section 321.266.

Sec. 70. Section 321.375, Code Supplement 1989, is amended to read as follows:

321.375 SCHOOL BUS DRIVERS -- QUALIFICATIONS -- GROUNDS FOR SUSPENSION.

1. The drivers A driver of a school buses bus must meet all of the following requirements:

a. Be at least eighteen years of age, unless such person has successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years;

b. Be physically and mentally competent;

c. Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported;

d. Have an annual physical examination and meet all established requirements for physical fitness.

2. Any of the following shall constitute grounds for a school bus driver's immediate suspension from duties, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school:

a. Use of nonprescription controlled substances or alcoholic beverages during working hours;

b. Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages;

c. Fraud in the procurement or renewal of a school bus driver's permit;

d. The commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit or the commission of acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3 shall constitute grounds for the driver's immediate suspension from duties, pending a termination hearing by the board.

Sec. 71. Section 321.376, Code Supplement 1989, is amended to read as follows:

321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

The driver of every a school bus shall have a regular or special chauffeur's hold a school bus driver's permit issued by the department of education and a driver's license issued by the department, and in addition thereto, must hold a school bus driver's permit issued by the department of education valid for the operation of the school bus. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus.

A person applying for a school bus driver's permit for the first time shall have enrolled in and successfully completed an approved course of instruction for school bus drivers, as programmed by the department of education, before a permit may be issued by the department. Certification of course completion shall be submitted to the department of education, prior to issuance of a permit, by an authorized program instructor on forms provided by the department of education.

A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of an approved the required school bus driver's course within the first six months of employment as a school bus driver, the driver's employer shall report the failure to the department of education and the employee's school bus driver's permit shall be revoked. The department of education shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school bus driver's permit has been revoked under this section shall not be issued a another school bus driver's permit until certification of the completion of an approved school bus driver's course is received by the department of education.

Sec. 72. Section 321.485, subsection 1, paragraph b, subparagraph (1), Code 1989, is amended to read as follows:

(1) Prepare a written citation to appear in court containing the name and address of such person, the operator

or-chauffeur motor vehicle license number, if any, the registration number, if any, of the person's vehicle, the offense charged, and the time when and place where such the person shall appear in court; or

Sec. 73. Section 321.491, Code 1989, is amended to read as follows:

321.491 CONVICTIONS AND RECOMMENDATIONS FOR SUSPENSION TO BE REPORTED.

Every district court judge, district associate judge, and judicial magistrate shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law regulating the operation of vehicles on highways.

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record in which such the conviction was had occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which The abstract must be certified by the person so required to prepare the same preparing it to be true and correct.

Said The abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, and the amount of the fine or forfeiture as the case may be, and any court recommendation, if any, that the person's motor vehicle license be suspended. The department shall consider and act upon the recommendation.

Every clerk of a court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of any such an officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom from office.

~~The department shall keep all~~ All abstracts received hereunder at its main office and the same by the department under this section shall be open to public inspection during reasonable business hours.

Sec. 74. Section 321.555, subsection 1, paragraph c, Code Supplement 1989, is amended to read as follows:

c. Driving a motor vehicle while operator's or chauffeur's the person's motor vehicle license is suspended or revoked.

Sec. 75. Section 321.555, subsection 1, paragraph f, Code Supplement 1989, is amended to read as follows:

f. Failure to stop and leave information or to render aid as required by section sections 321.261 and 321.263.

Sec. 76. Section 321.555, subsection 2, Code Supplement 1989, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section ~~321.207~~ 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

Sec. 77. Section 321A.1, subsections 3 and 7, Code 1989, are amended to read as follows:

3. LICENSE. ~~Any license, temporary instruction permit, or temporary A motor vehicle license as defined in section 321.1 issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.~~

7. OPERATOR. Every A person who is in actual physical control of a motor vehicle whether or not licensed as an operator or chauffeur that person has a motor vehicle license as required under the laws of this state.

Sec. 78. Section 321A.17, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section does not apply to a commercial driver's licensee who is merely disqualified from operating a commercial motor vehicle under section 321.208 if the licensee's driver's license is not suspended or revoked.

Sec. 79. Section 321E.26, Code 1989, is amended to read as follows:

321E.26 DRIVER OF ESCORT VEHICLE -- LICENSE REQUIRED.

Any An operator of an escort vehicle, serving as an escort in the movement of vehicles and loads of excess size and weight under permits as required by this chapter shall have a valid-operator's-or-chauffeur's motor vehicle license as defined in section 321.1 valid for the operation of the escort vehicle.

Sec. 80. Section 321G.9, subsection 6, paragraph b, Code Supplement 1989, is amended to read as follows:

b. A person twelve to fifteen years of age and possessing a valid safety certificate must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in all-terrain vehicle or snowmobile operation, and who possesses a valid operator's-or-chauffeur's motor vehicle license, instruction permit, restricted-license-or-temporary-permit-issued-under chapter-321 as defined in section 321.1, or a safety certificate issued under this chapter.

Sec. 81. Section 321G.20, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

No An owner or operator of any a snowmobile shall not permit any a person under twelve years of age to operate nor shall any and a person less than twelve years of age shall not operate, the a snowmobile except when accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator's-or-chauffeur's motor vehicle license, instruction-permit, restricted-license, or-temporary permit-issued-under-chapter-321 as defined in section 321.1, or a safety certificate issued under this chapter.

Sec. 82. Section 321G.24, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A person under eighteen years of age shall not operate an all-terrain vehicle or snowmobile in this state without obtaining a valid safety certificate issued by the commission and having the certificate in the person's possession, or unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid operator's-or-chauffeur's motor vehicle license, instruction permit, restricted-license-or-temporary-permit-issued-under chapter-321 as defined in section 321.1, or a safety certificate issued under this chapter.

Sec. 83. Section 321J.1, subsection 6, Code 1989, is amended to read as follows:

6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle in on the highways of this state, including but not limited to an operator, chauffeur, or-motorized-bicycle-license-and-an instruction a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, temporary restricted, or temporary permit.

Sec. 84. Section 321J.4, subsection 8, Code 1989, is amended to read as follows:

8. A person whose motor vehicle license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter, and who is not eligible for a temporary restricted license under this chapter may petition the court for an order to the department to require the department to issue a temporary restricted license to the person notwithstanding section 321.560. The court shall determine if the temporary restricted license is necessary for the person to maintain the person's present employment. If the court determines that the temporary

restricted license is necessary for the person to maintain the person's present employment, the court shall order the department to issue to the person a temporary restricted license conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person's present employment. Section 321.561 does not apply to a person operating a motor vehicle in the manner permitted under this subsection. If the person operates a motor vehicle which does not have an approved ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked. A person holding a temporary restricted license issued under this subsection shall not operate a commercial motor vehicle, as defined in section 321.1, on a highway if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Sec. 85. Section 321J.6, subsection 1, paragraph e, Code 1989, is amended to read as follows:

e. The preliminary breath screening test was administered to a person operating a commercial motor vehicle as defined in section 321.1 and it indicated an alcohol concentration of 0.04 or more.

f. The preliminary breath screening test was administered and it indicated an alcohol concentration of less than ~~0.10~~ 0.10 and the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug.

Sec. 86. Section 321J.8, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the person is operating a commercial motor vehicle as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate an alcohol concentration of 0.04 or more, the person is disqualified from operating a commercial

motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's license or operating privilege which may be applicable under this chapter.

Sec. 87. Section 321J.20, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license is required for the person's operation of the commercial motor vehicle. However, this subsection does not apply if the temporary restricted license was issued as a result of a violation of this chapter while the person was operating a vehicle other than a commercial motor vehicle.

Sec. 88. Section 321J.20, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person holding a temporary license issued by the department under this chapter shall be prohibited from operating a school bus.

Sec. 89. Section 326.6, subsection 2, paragraph d, Code 1989, is amended to read as follows:

d. The product so obtained under paragraph "c" of this subsection shall be the amount payable by the owner for proportional registration of the fleet for the registration year. Payment of registration fees shall be made in accordance with ~~law section 321.134, subsection 2,~~ or a fleet owner on a renewal registration may pay a fee equal to one-half of the applicable fee and post a surety bond, certificate of deposit, or letter of credit, equal to one-half of the applicable fee at the time of the first installment. Payment of the first installment entitles an owner to the issuance of full-year credentials. The second installment shall be paid by July 15. If the second installment is not paid by July 15, the department shall file claim against the security for payment of fees and penalties due and the owner shall not be entitled to elect the installment payment option for the

following year. Excess surety moneys received shall be refunded minus a fifty dollar administration fee.

Sec. 90. Section 331.427, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152, ~~321.192~~, 321G.7, 331.554, subsection 6, 341A.20, 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 441.68, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and chapter 405A, and the following:

Sec. 91. Section 331.653, subsection 31, Code 1989, is amended by striking the subsection.

Sec. 92. Section 331.655, subsection 1, paragraph n, Code 1989, is amended by striking the paragraph.

Sec. 93. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The commissioner of public safety, the director of transportation, and the director of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The court costs in cases of parking violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, are eight dollars per court appearance, regardless of the number of parking violations considered at that court appearance. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the

charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy an abstract of the uniform citation and complaint in accordance with section ~~321.207~~ 321.491 when applicable.

Sec. 94. Section 805.8, subsection 2, paragraph f, Code Supplement 1989, is amended to read as follows:

f. For violations of a-restricted the conditions or restrictions of a motor vehicle license under section 321.180, 321.193 and 321.194, the scheduled fine is twenty dollars.

Sec. 95. Section 805.9, subsections 1 and 2, Code 1989, are amended to read as follows:

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail a copy of the citation and complaint, together with the minimum fine for the violation, plus court costs, to a scheduled violations office in the county. The office shall, if the offense is a moving violation under chapter 321, forward a copy an abstract of the citation and complaint and admission to the state department of transportation as required by section ~~321.207~~ 321.491. In this case the defendant is not required to appear before the court. The admission constitutes a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time the defendant is required to appear before the court, deliver or mail the copies, together with the defendant's admission, fine, and court costs, to the scheduled violations office in the county. The procedure, fine, and costs are the same as when the charge is by citation

and complaint, with the admission and the number of the defendant's operator's-or-chauffeur's motor vehicle license as defined in section 321.1 placed upon the information when the violation involves the use of a motor vehicle.

Sec. 96. Section 805.16, subsection 2, Code 1989, is amended to read as follows:

2. A person under the age of eighteen who refuses to sign the citation without qualification, who persists in engaging in the conduct for which the citation was issued, who refuses to provide proper identification or to identify the person's self, or who constitutes an immediate threat to the person's own safety or the safety of the public may be arrested in the manner provided in subsection 3. In addition, or alternatively, the peace officer may require that person to surrender the person's motor vehicle operator's license as defined in section 321.1 until the time of the person's initial court appearance. The peace officer shall immediately send the person's operator's motor vehicle license along with a copy of the unsigned citation indicating the juvenile's refusal to sign to the clerk of the district court for the district in which the peace officer issued the citation.

Sec. 97. Sections 321.175, 321.183, 321.192, 321.202, 321.207, 321.214, and 321A.35, Code 1989, are repealed.

Sec. 98.

The legislative council may authorize an interim study in the 1991 interim to evaluate the implementation of this Act and to recommend necessary legislative changes.

Sec. 99.

Notwithstanding contrary provisions of the Code or this Act, the state department of transportation shall not issue commercial driver's licenses until the commercial driver's license provisions of this Act have been approved by federal authorities. A valid chauffeur's license issued by the state department of transportation which expires on or after July 1, 1990, shall be valid to operate a motor vehicle according to the terms and limitations of the license until the date commercial driver's licenses may be issued by the state

department of transportation under this section in accordance with rules adopted by the state department of transportation.

Sec. 100.

Section 89 of this Act applies to the 1992 and subsequent registration years.

JO ANN ZIMMERMAN
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 2329, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  1990

TERRY E. BRANSTAD
Governor