

Sen. Assembly 3/25 L.S. Pass 4/4/91 (p. 1139)
Wayne Wilson H. Pass 4/12/91 (p. 1354)

MAR 14 1991

HOUSE FILE 483

BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HSB 224)

Passed House, Date 3/20/91 (p. 755) Passed Senate, Date 4/30/91 (p. 1540)

Vote: Ayes 64 Nays 82 Vote: Ayes 35 Nays 47

Approved 5/14/99

A BILL FOR

1 An Act relating to permit fees for highway advertising devices.

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

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1 Section 1. Section 306C.18, Code 1991, is amended to read
2 as follows:

3 306C.18 PERMIT REQUIRED.

4 The owner of every advertising device regulated by the
5 ~~provisions of~~ this chapter, except signs and advertising
6 devices excepted by section 306C.11, subsections 1, 2 and 5,
7 shall be required to make application to the department for a
8 permit.

9 1. The application for a permit shall be on a form
10 provided by the department and shall contain the name and
11 address of the owner of the advertising device and the name
12 and address of the owner of the real property on which it is
13 located; the date of its erection; a description of its
14 location; its dimensions; and such other information required
15 by the department, together with a permit fee as provided in
16 this section.

17 2. After July 1, 1972, no new advertising device for which
18 an application for a permit is required may be erected without
19 first obtaining a permit from the department, except in the
20 case of advertising devices lawfully in existence in areas
21 adjacent to any highway made an interstate, freeway primary,
22 or primary highway after July 1, 1972. The owner shall be
23 required to make application for a permit as provided for in
24 this section within thirty days after the date the said
25 highway acquired said designation.

26 3. Upon receipt of an application containing all the
27 required information in due form and properly executed
28 together with the fee required, the department shall issue a
29 permit to be affixed to the advertising device if the
30 advertising device will not violate any provision of this
31 division or chapter 306B, or any rule promulgated by the
32 department, provided that in the case of advertising devices
33 to be acquired pursuant to section 306C.15, a provisional
34 permit shall be issued.

35 4. The fee for both types of permits shall be twenty-five

1 fifty dollars for the initial fee and five ten dollars for
2 each annual renewal. The fees collected for the above permits
3 shall be credited to a special account entitled the "highway
4 beautification fund" and all salaries and expenses incurred in
5 administering this chapter shall be paid from this fund or
6 from specific appropriations for this purpose, except that
7 surveillance of, and removal of, advertising devices performed
8 by regular maintenance personnel are not to be charged against
9 the account.

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EXPLANATION

This bill raises the fees for advertising sign permits from
\$25 to \$50 for the initial fee and from \$5 to \$10 for each
annual renewal.

TRANSPORTATION

HOUSE FILE 483
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON KOENIGS)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to transportation and liens against public
2 property, and providing for the Act's applicability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 306A.3, Code 1991, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department may adopt a
4 utility accommodation policy imposing reasonable restrictions
5 on utility placements on state highway rights-of-way. The
6 department, as part of this policy, may require utilities to
7 give notice to the department prior to installation of a
8 utility system on state highway rights-of-way and obtain prior
9 permission from the department for the proposed installation.

10 Sec. 2. Section 306C.18, Code 1991, is amended to read as
11 follows:

12 306C.18 PERMIT REQUIRED.

13 The owner of every advertising device regulated by the
14 ~~provisions-of~~ this chapter, except signs and advertising
15 devices excepted by section 306C.11, subsections 1, 2 and 5,
16 shall be required to make application to the department for a
17 permit.

18 1. The application for a permit shall be on a form
19 provided by the department and shall contain the name and
20 address of the owner of the advertising device and the name
21 and address of the owner of the real property on which it is
22 located; the date of its erection; a description of its
23 location; its dimensions; and such other information required
24 by the department, together with a permit fee as provided in
25 this section.

26 2. After July 1, 1972, no new advertising device for which
27 an application for a permit is required may be erected without
28 first obtaining a permit from the department, except in the
29 case of advertising devices lawfully in existence in areas
30 adjacent to any highway made an interstate, freeway primary,
31 or primary highway after July 1, 1972. The owner shall be
32 required to make application for a permit as provided for in
33 this section within thirty days after the date the said
34 highway acquired said designation.

35 3. Upon receipt of an application containing all the

1 required information in due form and properly executed
2 together with the fee required, the department shall issue a
3 permit to be affixed to the advertising device if the
4 advertising device will not violate any a provision of this
5 division or chapter 306B, or any a rule promulgated adopted by
6 the department, provided that in the case of advertising
7 devices to be acquired pursuant to section 306C.15, a
8 provisional permit shall be issued.

9 4. The fee for both types of permits shall be twenty-five
10 ~~dollars-for-the-initial-fee-and-five-dollars-for-each-annual~~
11 ~~renewal~~ established by rule at an amount sufficient to recover
12 the administrative costs for issuing the permits. The fees
13 ~~collected for-the-above-permits~~ pursuant to this chapter shall
14 be credited to a special account entitled the "highway
15 beautification fund" and all salaries and expenses incurred in
16 administering this chapter shall be paid from this fund or
17 from specific appropriations for this purpose, except that
18 surveillance of, and removal of, advertising devices performed
19 by regular maintenance personnel are not to be charged against
20 the account.

21 Sec. 3. Section 319.14, Code 1991, is amended to read as
22 follows:

23 319.14 PERMIT REQUIRED.

24 A person shall not excavate, fill, or make any a physical
25 change within the right of way of a public road or highway
26 without obtaining a permit from the highway authority having
27 jurisdiction of such the public road or highway. Any-work
28 Work performed under the permit shall be performed in
29 conformity with the specifications prescribed by the highway
30 authority. If the excavation, fill, or physical change within
31 the right of way of a public road or highway does not conform
32 to the specifications that accompany the permit the person
33 shall be notified to make such conforming changes. If after
34 twenty days the changes have not been made, the public road or
35 highway authority may make the necessary changes and

1 immediately send a statement of the cost to the responsible
2 ~~person responsible-for-the-work-done-not-in-conformance-to-the~~
3 specifications. If within ten thirty days after sending the
4 statement the cost is not paid, the highway authority may
5 institute proceedings in the district court system to collect
6 the cost of correction. ~~Utility-companies-are-exempt-from-the~~
7 ~~provisions-of-this-section.~~

8 Sec. 4. Section 321.191, Code 1991, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 11. Temporary restricted licenses. The
11 fee for a temporary restricted license is ten dollars.

12 Sec. 5. Section 321E.14, unnumbered paragraph 1, Code
13 1991, is amended to read as follows:

14 The department or local authorities issuing the permits
15 shall charge a fee of twenty-five dollars for an annual permit
16 and a fee of ten dollars for a single-trip permit and shall
17 determine charges for special permits issued pursuant to
18 section 321E.29 by rules adopted pursuant to chapter 17A.
19 Fees for the movement of buildings, parts of buildings, or
20 unusual vehicles or loads may be increased to cover the costs
21 of inspections by the issuing authority. A fee not to exceed
22 one two hundred fifty dollars per ten-hour day or a prorated
23 fraction of that fee per person and car for escort service may
24 be charged when requested or when required under this chapter.
25 Proration of escort fees between state and local authorities
26 when more than one governmental authority provides or is
27 required to provide escort for a movement during the period of
28 a day shall be determined by rule under section 321E.15. The
29 department and local authorities may charge a permit applicant
30 for the cost of trimming trees and removal and replacement of
31 natural obstructions or official signs and signals or other
32 public or private property required to be removed during the
33 movement of a vehicle and load. In addition to the fees
34 provided in this section, the annual fee for a permit for
35 special mobile equipment, as defined in section 321.1,

1 subsection 17, operated pursuant to section 321E.7, subsection
2 2, with a combined gross weight up to and including eighty
3 thousand pounds shall be twenty-five dollars and for a
4 combined gross weight exceeding eighty thousand pounds, fifty
5 dollars.

6 Sec. 6. Section 328.35, subsection 2, Code 1991, is
7 amended by striking the subsection.

8 Sec. 7. NEW SECTION. 626.109 PUBLIC PROPERTY.

9 A judgment against a department, agency, division, or
10 official of the state, or a county, city, school district, or
11 other political subdivision of the state does not create or
12 constitute a lien against public property held by the state,
13 or a county, city, school district, or other political
14 subdivision of the state.

15 Sec. 8. Section 627.18, Code 1991, is repealed.

16 Sec. 9. RETROACTIVE APPLICABILITY. Section 7 of this Act
17 is retroactively applicable to all judgments against a
18 department, agency, institution, or official of the state, or
19 a county, city, school district, or other political
20 subdivision of the state.

21 **EXPLANATION**

22 This bill combines the state department of transportation
23 policy change requests for the Seventy-fourth General Assembly
24 and encompasses several different topics which relate to
25 transportation. Sections 1 and 3 allow the department to
26 adopt a utility accommodation policy which will impose
27 reasonable restrictions on utility placements on state highway
28 rights-of-way and removes a provision which exempts utility
29 companies from obtaining a permit from the appropriate highway
30 authority prior to making a physical change within the right-
31 of-way of a public road or highway.

32 Section 2 allows the department to set fees for advertising
33 sign permits by administrative rule rather than the \$25
34 initial fee and \$5 for each annual renewal which is required
35 at the present time.

1 Section 4 requires that persons receiving a temporary
2 restricted license pay a \$10 fee. At the present time, there
3 is no fee for issuance of a temporary restricted license.

4 Section 5 increases the fees from \$100 to \$250 for escort
5 services for the movement of vehicles of excessive size and
6 weight.

7 Section 6 eliminates the exemption from minimum safety
8 standards for privately owned, public use airports. An
9 airport maintained solely for personal use and not for hire is
10 not required to meet minimum safety standards.

11 Sections 7 through 9 provide that a judgment against a
12 department, agency, division, or official of the state or a
13 county, city, school district, or other political subdivision
14 of the state does not create a lien against public property
15 held by the state, county, city, school district, or political
16 subdivision of the state and make it retroactively applicable.

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HOUSE FILE 483

AN ACT

RELATING TO PERMIT FEES FOR HIGHWAY ADVERTISING DEVICES.

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

Section 1. Section 306C.18, Code 1991, is amended to read as follows:

306C.18 PERMIT REQUIRED.

The owner of every advertising device regulated by the provisions of this chapter, except signs and advertising devices excepted by section 306C.11, subsections 1, 2 and 5, shall be required to make application to the department for a permit.

1. The application for a permit shall be on a form provided by the department and shall contain the name and

address of the owner of the advertising device and the name and address of the owner of the real property on which it is located; the date of its erection; a description of its location; its dimensions; and such other information required by the department, together with a permit fee as provided in this section.

2. After July 1, 1972, no new advertising device for which an application for a permit is required may be erected without first obtaining a permit from the department, except in the case of advertising devices lawfully in existence in areas adjacent to any highway made an interstate, freeway primary, or primary highway after July 1, 1972. The owner shall be required to make application for a permit as provided for in this section within thirty days after the date the said highway acquired said designation.

3. Upon receipt of an application containing all the required information in due form and properly executed together with the fee required, the department shall issue a permit to be affixed to the advertising device if the advertising device will not violate any provision of this division or chapter 306B, or any rule promulgated by the department, provided that in the case of advertising devices to be acquired pursuant to section 306C.15, a provisional permit shall be issued.

4. The fee for both types of permits shall be twenty-five fifty dollars for the initial fee and five ten dollars for each annual renewal. The fees collected for the above permits shall be credited to a special account entitled the "highway beautification fund" and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed

by regular maintenance personnel are not to be charged against the account.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 483, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved 5/14/99, 1991

TERRY E. BRANSTAD
Governor