

MAR 9 1993

*See Amendment  
to*

HOUSE FILE 354  
BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HSB 109)

Passed House, Date <sup>(P.873)</sup> 3/29/93 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 98 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved May 3, 1993

**A BILL FOR**

1 An Act relating to the state department of transportation by  
2 requiring federal and state cooperation regarding federal  
3 funding of transportation, by eliminating liens on public  
4 property and providing for retroactive application, by  
5 changing inspection requirements of railroads, by providing  
6 for the length of buses, by changing the transportation  
7 habitual offender statute and providing for additional  
8 penalties, by providing for safety standards for privately  
9 owned, public use airports, and by providing for the  
10 preapplication process for federal funding for airports.

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

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HF 354

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## DIVISION I

2 Section 1. Section 307.44, unnumbered paragraph 1, Code  
3 1993, is amended to read as follows:

4 If funds are allotted or appropriated by the government of  
5 the United States for the improvement of ~~streets-and-highways~~  
6 transportation facilities and services in this state, and ~~the~~  
7 ~~federal-statutes-or-the-rules-and-regulations-of-the-federal~~  
8 ~~government-provide-or-contemplate-that-the-work-shall-be-under~~  
9 ~~the-supervision-of-the-director,-the-director-may-let-the~~  
10 ~~necessary-contracts-for-the-construction-work,-supervise-and~~  
11 ~~direct-the-construction-work,~~ the department may cooperate  
12 with the government of the United States, and any agency or  
13 department thereof, in the planning, acquisition, contract  
14 letting, construction, improvement, maintenance, and operation  
15 of transportation facilities and services in this state; may  
16 comply with the federal statutes and rules; and may cooperate  
17 with the federal government in the expenditure of the federal  
18 funds.

19 Sec. 2. Section 328.13, Code 1993, is repealed.

20

## DIVISION II

21 Sec. 3. Section 321.213, Code 1993, is amended to read as  
22 follows:

23 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO  
24 VIOLATIONS BY JUVENILE DRIVERS.

25 Upon the entering of an order at the conclusion of an  
26 adjudicatory hearing under section 232.47 that the child  
27 violated a provision of this chapter or chapter 321A or  
28 chapter 321J for which the penalty is greater than a simple  
29 misdemeanor, the clerk of the juvenile court in the  
30 adjudicatory hearing shall forward a copy of the adjudication  
31 to the department. Notwithstanding section 232.55, a final  
32 adjudication in a juvenile court that the child violated a  
33 provision of this chapter or chapter 321A or chapter 321J  
34 constitutes a final conviction of a violation of a provision  
35 of this chapter or chapter 321A or chapter 321J for purposes

1 of section 321.189, subsection 8, paragraph "b", and sections  
2 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555,  
3 321A.17, 321J.2, 321J.3, and 321J.4.

4 Sec. 4. Section 321.457, subsection 2, paragraph b, Code  
5 1993, is amended to read as follows:

6 b. A single bus, ~~unladen or with load~~, shall not have an  
7 overall length, inclusive of front and rear bumpers, in excess  
8 of forty forty-five feet, except that buses constructed so as  
9 to contain a flexible part allowing articulation shall not  
10 exceed sixty-one feet.

11 Sec. 5. Section 321.555, subsection 1, paragraph c, Code  
12 1993, is amended to read as follows:

13 c. Driving a motor vehicle while the person's motor  
14 vehicle license is suspended, or revoked, or barred.

15 DIVISION III

16 Sec. 6. Section 327C.4, Code 1993, is amended to read as  
17 follows:

18 327C.4 INSPECTION -- NOTICE TO REPAIR.

19 The department ~~shall~~ may inspect the condition of each  
20 railroad, its rail facilities, equipment, rolling stock,  
21 operations and pertinent records at reasonable times and in a  
22 reasonable manner to insure proper operations. Employees of  
23 the department shall have proper identification which shall be  
24 displayed upon request. If found unsafe, the department shall  
25 immediately notify the railroad corporation whose duty it is  
26 to put the same in repair, which shall be done by it within  
27 such time as the department shall fix. If any corporation  
28 fails to perform this duty the department may forbid and  
29 prevent it from running trains over the defective portion  
30 while unsafe or may regulate the speed and operation of trains  
31 moving over the defective portion of the railroad. If the  
32 railroad corporation violates any requirement provided by the  
33 department, the railroad corporation shall be subject to a  
34 schedule "two" penalty for each day the repairs have not been  
35 made from the date the department set for repairs to be

1 completed. The court may consider the willingness and ability  
2 of the railroad corporation to co-operate in removing the  
3 safety hazard. Notwithstanding the provisions of chapter 669,  
4 the state shall not be held liable for damages for any act or  
5 failure to act under the provisions of this section.

6 DIVISION IV

7 Sec. 7. Section 328.35, subsection 2, Code 1993, is  
8 amended by striking the subsection.

9 Sec. 8. Section 328.35, subsection 3, Code 1993, is  
10 amended to read as follows:

11 3. No registration ~~or-site-approval~~ is required for an  
12 airport maintained ~~solely for personal~~ private use and-not-for  
13 hire.

14 DIVISION V

15 Sec. 9. Section 330.13, Code 1993, is amended to read as  
16 follows:

17 330.13 FEDERAL AID.

18 Any subdivision of government is authorized to accept,  
19 receive, and receipt for federal moneys, and other moneys,  
20 either public or private, for the acquisition, construction,  
21 enlargement, improvement, maintenance, equipment, or operation  
22 of airports, and other air navigation facilities, and sites  
23 therefor for airports and other navigation facilities, and to  
24 comply with ~~the-provisions-of~~ the laws of the United States  
25 and any ~~rules-and~~ regulations ~~made-thereunder~~ for the  
26 expenditure of federal moneys upon such airports and other air  
27 navigation facilities.

28 All preapplications for funds authorized to be received  
29 pursuant to this section by any governmental subdivision,  
30 commission, or authority, whether acting alone or jointly with  
31 another governmental or private entity, shall be approved by  
32 the state transportation commission prior to being submitted  
33 to any federal agency or department. Approval shall be based  
34 on criteria consistent with the Iowa aviation system plan.  
35 However, this paragraph does not apply to preapplications from

1 airports which receive federal primary commercial service  
2 entitlement funds if the airport making the preapplication  
3 files a copy of the preapplication with the state department  
4 of transportation.

## 5 DIVISION VI

6 Sec. 10. NEW SECTION. 626.109 PUBLIC PROPERTY.

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

13 Sec. 11. Section 627.18, Code 1993, is repealed.

14 Sec. 12. RETROACTIVE APPLICABILITY. Section 10 of this  
15 Act is retroactively applicable to all judgments against a  
16 department, agency, division, or official of the state, or a  
17 county, city, school district, or other political subdivision  
18 of the state.

## 19 EXPLANATION

20 Division I of the bill provides that the state department  
21 of transportation shall cooperate with the federal government  
22 and comply with federal requirements as to expenditure of  
23 federal funds for all transportation facilities and services  
24 in the state and not just for highway and airport projects.

25 Division II provides that juveniles are subject to the  
26 habitual offender statute concerning motor vehicle offenses.  
27 Division II also provides that driving while barred is subject  
28 to the habitual offender statute. Division II also increases  
29 the allowable length for buses to 45 feet.

30 Division III changes the requirement that the department  
31 shall inspect rail equipment, rolling stock, operations, and  
32 other related items to a provision that the department may so  
33 inspect.

34 Division IV provides that all airports not maintained for  
35 private use shall meet minimum standards in order to be

1 registered. The bill eliminates the exemption from minimum  
2 safety standards for privately owned, public use airports.

3 Division V requires that preapplications from any  
4 governmental subdivision, commission, or authority for federal  
5 airport funds must be approved by the state transportation  
6 commission prior to being submitted to the federal government  
7 except for preapplications from airports that receive federal  
8 primary commercial service entitlement funds.

9 Division VI provides that a judgment against a governmental  
10 entity does not create a lien against public property held by  
11 the governmental entity. Division VI is also to be applied  
12 retroactively to any judgments against a governmental entity.

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HOUSE FILE 354

H-3283

1 Amend House File 354 as follows:

- 2 1. Page 2, by striking lines 19 and 20 and
- 3 inserting the following:
- 4 "The department shall inspect the condition of each
- 5 railroad, its railroad's rail track, and may inspect
- 6 the condition of each railroad's rail facilities,
- 7 equipment, rolling stock,".

By DICKINSON of Jackson  
OLLIE of Clinton

*(P. 72) 3/29/93 Adopted*

H-3283 FILED MARCH 15, 1993

HOUSE FILE 354

H-3197

1 Amend House File 354 as follows:

- 2 1. By striking page 2, line 15 through page 3,
- 3 line 5.
- 4 2. Title page, by striking lines 4 and 5 and
- 5 inserting the following: "property and providing for
- 6 retroactive application, by providing".
- 7 3. By renumbering as necessary.

By DICKINSON of Jackson  
OLLIE of Clinton

H-3197 FILED MARCH 9, 1993

WITHDRAWN

3.29-93

3/31/93 Senate - Transportation  
4/7/93 Senate - Amended/Passed  
w/3430

HOUSE FILE 354  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 109)

(As Amended and Passed by the House March 29, 1993)

Passed House, Date <sup>(p.1539)</sup> 4/22/93 Passed Senate, Date <sup>(p.1221)</sup> 4-19-93  
Vote: Ayes 94 Nays 1 Vote: Ayes 49 Nays 0  
Approved May 3, 1993

A BILL FOR

1 An Act relating to the state department of transportation by  
2 requiring federal and state cooperation regarding federal  
3 funding of transportation, by eliminating liens on public  
4 property and providing for retroactive application, by  
5 changing inspection requirements of railroads, by providing  
6 for the length of buses, by changing the transportation  
7 habitual offender statute and providing for additional  
8 penalties, by providing for safety standards for privately  
9 owned, public use airports, and by providing for the  
10 preapplication process for federal funding for airports.

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

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13 House Amendments \_\_\_\_\_  
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3 1993, is amended to read as follows:

4 If funds are allotted or appropriated by the government of  
5 the United States for the improvement of ~~streets-and-highways~~  
6 transportation facilities and services in this state, ~~and the~~  
7 ~~federal statutes or the rules and regulations of the federal~~  
8 ~~government provide or contemplate that the work shall be under~~  
9 ~~the supervision of the director, the director may let the~~  
10 ~~necessary contracts for the construction work, supervise and~~  
11 ~~direct the construction work, the department may cooperate~~  
12 with the government of the United States, and any agency or  
13 department thereof, in the planning, acquisition, contract  
14 letting, construction, improvement, maintenance, and operation  
15 of transportation facilities and services in this state; may  
16 comply with the federal statutes and rules; and may cooperate  
17 with the federal government in the expenditure of the federal  
18 funds.

19 Sec. 2. Section 328.13, Code 1993, is repealed.

## DIVISION II

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21 Sec. 3. Section 321.213, Code 1993, is amended to read as  
22 follows:

23 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO  
24 VIOLATIONS BY JUVENILE DRIVERS.

25 Upon the entering of an order at the conclusion of an  
26 adjudicatory hearing under section 232.47 that the child  
27 violated a provision of this chapter or chapter 321A or  
28 chapter 321J for which the penalty is greater than a simple  
29 misdemeanor, the clerk of the juvenile court in the  
30 adjudicatory hearing shall forward a copy of the adjudication  
31 to the department. Notwithstanding section 232.55, a final  
32 adjudication in a juvenile court that the child violated a  
33 provision of this chapter or chapter 321A or chapter 321J  
34 constitutes a final conviction of a violation of a provision  
35 of this chapter or chapter 321A or chapter 321J for purposes

1 of section 321.189, subsection 8, paragraph "b", and sections  
2 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555,  
3 321A.17, 321J.2, 321J.3, and 321J.4.

4 Sec. 4. Section 321.457, subsection 2, paragraph b, Code  
5 1993, is amended to read as follows:

6 b. A single bus, ~~unladen or with load,~~ shall not have an  
7 overall length, inclusive of front and rear bumpers, in excess  
8 of forty forty-five feet, except that buses constructed so as  
9 to contain a flexible part allowing articulation shall not  
10 exceed sixty-one feet.

11 Sec. 5. Section 321.555, subsection 1, paragraph c, Code  
12 1993, is amended to read as follows:

13 c. Driving a motor vehicle while the person's motor  
14 vehicle license is suspended, or revoked, or barred.

15 DIVISION III

16 Sec. 6. Section 327C.4, Code 1993, is amended to read as  
17 follows:

18 327C.4 INSPECTION -- NOTICE TO REPAIR.

19 The department shall inspect the condition of each  
20 railroad, its railroad's rail track, and may inspect the  
21 condition of each railroad's rail facilities, equipment,  
22 rolling stock, operations and pertinent records at reasonable  
23 times and in a reasonable manner to insure proper operations.  
24 Employees of the department shall have proper identification  
25 which shall be displayed upon request. If found unsafe, the  
26 department shall immediately notify the railroad corporation  
27 whose duty it is to put the same in repair, which shall be  
28 done by it within such time as the department shall fix. If  
29 any corporation fails to perform this duty the department may  
30 forbid and prevent it from running trains over the defective  
31 portion while unsafe or may regulate the speed and operation  
32 of trains moving over the defective portion of the railroad.  
33 If the railroad corporation violates any requirement provided  
34 by the department, the railroad corporation shall be subject  
35 to a schedule "two" penalty for each day the repairs have not

1 been made from the date the department set for repairs to be  
2 completed. The court may consider the willingness and ability  
3 of the railroad corporation to co-operate in removing the  
4 safety hazard. Notwithstanding the provisions of chapter 669,  
5 the state shall not be held liable for damages for any act or  
6 failure to act under the provisions of this section.

7 DIVISION IV

8 Sec. 7. Section 328.35, subsection 2, Code 1993, is  
9 amended by striking the subsection.

10 Sec. 8. Section 328.35, subsection 3, Code 1993, is  
11 amended to read as follows:

12 3. No registration ~~or-site-approval~~ is required for an  
13 airport maintained ~~solely for personal~~ private use ~~and-not-for~~  
14 hire.

15 DIVISION V

16 Sec. 9. Section 330.13, Code 1993, is amended to read as  
17 follows:

18 330.13 FEDERAL AID.

19 Any subdivision of government is authorized to accept,  
20 receive, and receipt for federal moneys, and other moneys,  
21 either public or private, for the acquisition, construction,  
22 enlargement, improvement, maintenance, equipment, or operation  
23 of airports, and other air navigation facilities, and sites  
24 ~~therefor~~ for airports and other navigation facilities, and to  
25 comply with ~~the-provisions-of~~ the laws of the United States  
26 and any ~~rules-and~~ regulations ~~made-thereunder~~ for the  
27 expenditure of federal moneys upon such airports and other air  
28 navigation facilities.

29 All preapplications for funds authorized to be received  
30 pursuant to this section by any governmental subdivision,  
31 commission, or authority, whether acting alone or jointly with  
32 another governmental or private entity, shall be approved by  
33 the state transportation commission prior to being submitted  
34 to any federal agency or department. Approval shall be based  
35 on criteria consistent with the Iowa aviation system plan.

1 However, this paragraph does not apply to preapplications from  
2 airports which receive federal primary commercial service  
3 entitlement funds if the airport making the preapplication  
4 files a copy of the preapplication with the state department  
5 of transportation.

6 DIVISION VI

7 Sec. 10. NEW SECTION. 626.109 PUBLIC PROPERTY.

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

14 Sec. 11. Section 627.18, Code 1993, is repealed.

15 Sec. 12. RETROACTIVE APPLICABILITY. Section 10 of this  
16 Act is retroactively applicable to all judgments against a  
17 department, agency, division, or official of the state, or a  
18 county, city, school district, or other political subdivision  
19 of the state.

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## HOUSE FILE 354

S-3329

1 Amend House File 354, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 14 the  
4 following:

5 "Sec. 100. Section 321H.2, subsection 3, Code  
6 1993, is amended to read as follows:

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

11 Sec. 101. Section 321H.2, Code 1993, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 4A. "Salvage pool" means the  
14 business of selling at auction wrecked or salvage  
15 vehicles, as defined in section 321.52.

16 Sec. 102. Section 321H.3, unnumbered paragraph 1,  
17 Code 1993, is amended to read as follows:

18 Except for educational institutions, people  
19 licensed as new vehicle dealers under chapter 322,  
20 people engaged in a hobby not for profit, people  
21 engaged in the business of purchasing bodies, parts of  
22 bodies, frames or component parts of vehicles only for  
23 sale as scrap metal or a person licensed under the  
24 provisions of this chapter ~~as-an-authorized-vehicle~~  
25 ~~recycler~~, a person in this state shall not engage in  
26 the business of:

27 Sec. 103. Section 321H.3, Code 1993, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 5. Purchasing more than two motor  
30 vehicles from a salvage pool in a calendar year. A  
31 person who purchases more than two motor vehicles from  
32 a salvage pool is considered to be engaging in the  
33 business for purposes of this section.

34 Sec. 104. Section 321H.4, subsection 1, Code 1993,  
35 is amended by striking the subsection and inserting in  
36 lieu thereof the following:

37 1. Upon initial application or renewal and upon  
38 payment of a fee, a person may apply for a license to  
39 engage in business as either an authorized vehicle  
40 recycler or a salvage pool. A person who applies for  
41 an authorized vehicle recycler license may apply to  
42 engage in one or more of the following businesses:

- 43 a. Vehicle rebuilder.
- 44 b. Used vehicle parts dealer.
- 45 c. Vehicle salvager.

46 Sec. 105. Section 321H.4, subsection 2, unnumbered  
47 paragraph 1, Code 1993, is amended to read as follows:

48 Application for a license as an authorized vehicle  
49 recycler or salvage pool shall be made to the  
50 department on forms provided by the department. The

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S-3329

Page 2

1 application shall be accompanied by a fee of seventy  
 2 dollars for a two-year license, one hundred forty  
 3 dollars for a four-year license, or two hundred ten  
 4 dollars for a six-year license. The license shall be  
 5 approved or disapproved within thirty days after  
 6 application for the license. A license is valid for  
 7 two years, four years, or six years and expires on the  
 8 last day of the last month of the two-year, four-year,  
 9 or six-year period, as applicable. A separate license  
 10 shall be obtained for each county in which an  
 11 applicant conducts operations."

12 2. Title page, line 4, by inserting after the  
 13 word "application," the following: "requiring salvage  
 14 pool licenses,".

15 3. By renumbering as necessary.

*Lost 4-19-93*

By JOHN JENSEN  
 EUGENE FRAISE

S-3329 FILED MARCH 31, 1993

HOUSE FILE 354

S-3430

1 Amend House File 354, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
 4 following:

5 "Section 1. Section 6A.10, subsection 1, Code  
 6 1993, is amended to read as follows:

7 1. The railway corporation shall apply to the  
 8 department of transportation for permission to  
 9 condemn. The owner and any recordholders of liens and  
 10 encumbrances on any land described in the application  
 11 shall be made a party to the proceedings. The  
 12 department shall grant authority to condemn only upon  
 13 consideration of criteria the department establishes  
 14 by rule pursuant to chapter 17A. The department may,  
 15 after hearing, report to the district court clerk of  
 16 the county in which the land is situated the  
 17 description of the land sought to be condemned. The  
 18 corporation may begin condemnation procedures in  
 19 district court for the land described by the  
 20 authority."

21 2. Page 4, by inserting after line 19 the  
 22 following:

23 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 7 and 8 of  
 24 this Act take effect on January 1, 1994."

25 3. Title page, line 1, by inserting after the  
 26 word "by" the following: "establishing railroad  
 27 condemnation criteria,".

28 4. Title page, line 10, by inserting after the  
 29 word "airports," the following: "and providing an  
 30 effective date".

31 5. By renumbering as necessary.

*Adopted 4-19-93 (p. 1220)*

By COMMITTEE ON TRANSPORTATION  
 JEAN LLOYD-JONES, Chairperson

S-3430 FILED APRIL 7, 1993

## SENATE AMENDMENT TO HOUSE FILE 354

H-4061

1 Amend House File 354, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 6A.10, subsection 1, Code  
6 1993, is amended to read as follows:  
7 1. The railway corporation shall apply to the  
8 department of transportation for permission to  
9 condemn. The railway corporation shall serve notice  
10 of the application and hearing and provide a copy of  
11 the legal description of the property to be condemned  
12 to the owner and any recordholders of liens and  
13 encumbrances on any land described in the application.  
14 The department may, after hearing, report to the  
15 district court clerk of the county in which the land  
16 is situated the description of the land sought to be  
17 condemned. The corporation may begin condemnation  
18 procedures in district court for the land described by  
19 the authority."

20 2. Page 1, by inserting after line 18 the  
21 following:

22 "Sec. \_\_\_\_ . Section 321.46, Code 1993, is amended  
23 by adding the following new subsection:  
24 NEW SUBSECTION. 7. If a motor vehicle is leased  
25 and the lessee purchases the vehicle upon termination  
26 of the lease, the lessor shall, upon claim by the  
27 lessee with the lessor within fifteen days of the  
28 purchase, assign the registration fee credit and  
29 registration plates for the leased motor vehicle to  
30 the lessee. Credit shall be applied as provided in  
31 subsection 3."

32 3. Page 1, by inserting after line 18 the  
33 following:

34 "Sec. \_\_\_\_ . Section 321.205, Code 1993, as amended  
35 by 1993 Iowa Acts, Senate File 373, section 3, is  
36 amended to read as follows:

37 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN  
38 ANOTHER STATE.

39 The department is authorized to suspend or revoke  
40 the motor vehicle license of a resident of this state  
41 upon receiving notice of the conviction of the  
42 resident in another state ~~or-fer-a-conviction-under~~  
43 ~~federal-jurisdiction~~ for an offense which, if  
44 committed in this state, would be grounds for the  
45 suspension or revocation of the license or upon  
46 receiving notice of a final administrative decision in  
47 another state that the resident has acted in a manner  
48 which would be grounds for suspension or revocation of  
49 the license in this state.

50 The department shall suspend or revoke for one

H-4061

H-4061

Page 2

- 1 hundred eighty days the motor vehicle license of a  
2 resident of this state upon receiving notice of  
3 conviction in another state or under federal  
4 jurisdiction for an a drug or drug-related offense  
5 ~~enumerated under section 321-2097-subsection-8.~~  
6 4. Page 4, by striking lines 9 through 13 and  
7 inserting the following: "official of the state does  
8 not create or constitute a lien against public  
9 property held by the state."  
10 5. Page 4, by striking line 14.  
11 6. Page 4, by striking lines 17 through 19 and  
12 inserting the following: "department, agency,  
13 division, or official of the state."  
14 7. Page 4, by inserting after line 19 the  
15 following:  
16 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 7 and 8 of  
17 this Act take effect on January 1, 1994."  
18 8. Title page, line 3, by inserting after the  
19 word "transportation," the following: "by permitting  
20 a credit for certain registration fees on leased  
21 vehicles purchased by the lessee,".  
22 9. Title page, line 3, by inserting after the  
23 word "transportation," the following: "concerning  
24 motor vehicle license suspension or revocation for  
25 drug-related offenses,".  
26 10. Title page, line 10, by inserting after the  
27 word "airports," the following: "and providing an  
28 effective date".  
29 11. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4061 FILED APRIL 20, 1993

*House Concurred 4/22/93*  
*(P. 1539)*



## HOUSE FILE 354

S-3507

1 Amend House File 354, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 14 the  
4 following:

5 "Sec. 100. Section 321H.2, subsection 3, Code  
6 1993, is amended to read as follows:

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

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16 Sec. 102. Section 321H.3, unnumbered paragraph 1,  
17 Code 1993, is amended to read as follows:

18 Except for educational institutions, people  
19 licensed as new vehicle dealers under chapter 322,  
20 people engaged in a hobby not for profit, people  
21 engaged in the business of purchasing bodies, parts of  
22 bodies, frames or component parts of vehicles only for  
23 sale as scrap metal or a person licensed under the  
24 provisions of this chapter ~~as-an-authorized-vehicle~~  
25 ~~recycler~~, a person in this state shall not engage in  
26 the business of:

27 Sec. 103. Section 321H.3, Code 1993, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 5. Purchasing more than two motor  
30 vehicles from a salvage pool in a calendar year. A  
31 person who purchases more than two motor vehicles from  
32 a salvage pool is considered to be engaging in the  
33 business for purposes of this section.

34 Sec. 104. Section 321H.4, subsection 1, Code 1993,  
35 is amended by striking the subsection and inserting in  
36 lieu thereof the following:

37 1. Upon initial application or renewal and upon  
38 payment of a fee, a person may apply for a license to  
39 engage in business as either an authorized vehicle  
40 recycler or a salvage pool. A person who applies for  
41 an authorized vehicle recycler license may apply to  
42 engage in one or more of the following businesses:

- 43 a. Vehicle rebuilder.
- 44 b. Used vehicle parts dealer.
- 45 c. Vehicle salvager.

46 Sec. 105. Section 321H.4, subsection 2, unnumbered  
47 paragraph 1, Code 1993, is amended to read as follows:

48 Application for a license as an authorized vehicle  
49 recycler or salvage pool shall be made to the  
50 department on forms provided by the department. The

S-3507

S-3507

Page 2

1 application shall be accompanied by a fee of seventy  
 2 dollars for a two-year license, one hundred forty  
 3 dollars for a four-year license, or two hundred ten  
 4 dollars for a six-year license. The license shall be  
 5 approved or disapproved within thirty days after  
 6 application for the license. A license is valid for  
 7 two years, four years, or six years and expires on the  
 8 last day of the last month of the two-year, four-year,  
 9 or six-year period, as applicable. A separate license  
 10 shall be obtained for each county in which an  
 11 applicant conducts operations."

12 2. Title page, line 4, by inserting after the  
 13 word "application," the following: "requiring salvage  
 14 pool licenses,".

15 3. By renumbering as necessary.

By EUGENE S. FRAISE

RICHARD F. DRAKE

JOHN W. JENSEN

BERL E. PRIEBE

JOE J. WELSH

*out of order  
4-19-93*

S-3507 FILED APRIL 15, 1993

HOUSE FILE 354

S-3509

1 Amend the amendment, S-3430, to House File 354, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 9 through 14 and  
 5 inserting the following: "condemn. The railway  
 6 corporation shall serve notice of the application and  
 7 hearing and provide a copy of the legal description of  
 8 the property to be condemned to the owner and any  
 9 recordholders of liens and encumbrances on any land  
 10 described in the application. The department may,".

11 2. Page 1, by striking lines 25 through 27.

12 3. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3509 FILED APRIL 15, 1993

*Adopted 4-19-93 (P. 1207)*

HOUSE FILE 354

S-3519

1 Amend House File 354 as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 9 through 13 and  
 4 inserting the following: "official of the state does  
 5 not create or constitute a lien against public  
 6 property held by the state."

7 2. Page 4, by striking line 14.

8 3. Page 4, by striking lines 17 through 19 and  
 9 inserting the following: "department, agency,  
 10 division, or official of the state."

11 4. By renumbering as necessary.

By BERL E. PRIEBE

JEAN LLOYD-JONES

S-3519 FILED APRIL 19, 1993

ADOPTED

HOUSE FILE 354

S-3503

- 1 Amend House File 354 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 321.46, Code 1993, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 7. If a motor vehicle is leased
- 8 and the lessee purchases the vehicle upon termination
- 9 of the lease, the lessor shall, upon claim by the
- 10 lessee with the lessor within fifteen days of the
- 11 purchase, assign the registration fee credit and
- 12 registration plates for the leased motor vehicle to
- 13 the lessee. Credit shall be applied as provided in
- 14 subsection 3."
- 15 2. Title page, line 3, by inserting after the
- 16 word "transportation," the following: "by permitting
- 17 a credit for certain registration fees on leased
- 18 vehicles purchased by the lessee,".
- 19 3. By renumbering as necessary.

By MERLIN E. BARTZ

S-3503 FILED APRIL 15, 1993

*adopted*  
*4-19-93*  
*(p. 1220)*

## HOUSE FILE 354

S-3490

Amend House File 354, as amended, passed, and re-printed by the House, as follows:

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

"Sec. \_\_\_\_ . Section 321.205, Code 1993, as amended by 1993 Iowa Acts, Senate File 373, section 3, 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 a resident of this state upon receiving notice of the conviction of the resident in another state or ~~for a conviction under federal jurisdiction~~ for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license 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.

The department shall suspend or revoke for one hundred eighty days the motor vehicle license of a resident of this state upon receiving notice of conviction in another state or under federal jurisdiction for an a drug or drug-related offense enumerated under section 321.209, subsection 8."

2. Title page, line 3, by inserting after the word "transportation," the following: "concerning motor vehicle license suspension or revocation for drug-related offenses,".

3. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3490 FILED APRIL 14, 1993

*Adopted 4-19-93*

*(p. 1220)*

HOUSE FILE 354

S-3502

Amend the amendment, S-3430, to House File 354, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 11 through 14 and inserting the following: "shall be served notice of the application and hearing and be provided a copy of the legal description of the property to be condemned by the railway corporation. The department may,".

2. Page 1, by striking lines 25 through 27.

3. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3502 FILED APRIL 15, 1993

*Withdrawn  
4-19-93*

Renken, Chair  
Churchill  
COHOON

HSB 109

TRANSPORTATION

SENATE/HOUSE FILE 354  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the state department of transportation by  
2 requiring federal and state cooperation regarding federal  
3 funding of transportation, by eliminating liens on public  
4 property and providing for retroactive application, by  
5 changing inspection requirements of railroads, by providing  
6 for the length of buses, by changing the transportation  
7 habitual offender statute and providing for additional  
8 penalties, by providing for safety standards for privately  
9 owned, public use airports, and by providing for the  
10 preapplication process for federal funding for airports.  
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 Section 1. Section 307.44, unnumbered paragraph 1, Code  
3 1993, is amended to read as follows:

4 If funds are allotted or appropriated by the government of  
5 the United States for the improvement of streets-and-highways  
6 transportation facilities and services in this state, and the  
7 ~~federal statutes or the rules and regulations of the federal~~  
8 ~~government provide or contemplate that the work shall be under~~  
9 ~~the supervision of the director, the director may let the~~  
10 ~~necessary contracts for the construction work, supervise and~~  
11 ~~direct the construction work, the department may cooperate~~  
12 with the government of the United States, and any agency or  
13 department thereof, in the planning, acquisition, contract  
14 letting, construction, improvement, maintenance, and operation  
15 of transportation facilities and services in this state; may  
16 comply with the federal statutes and rules; and may cooperate  
17 with the federal government in the expenditure of the federal  
18 funds.

19 Sec. 2. Section 328.13, Code 1993, is repealed.

20 DIVISION II

21 Sec. 3. Section 321.213, Code 1993, is amended to read as  
22 follows:

23 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO  
24 VIOLATIONS BY JUVENILE DRIVERS.

25 Upon the entering of an order at the conclusion of an  
26 adjudicatory hearing under section 232.47 that the child  
27 violated a provision of this chapter or chapter 321A or  
28 chapter 321J for which the penalty is greater than a simple  
29 misdemeanor, the clerk of the juvenile court in the  
30 adjudicatory hearing shall forward a copy of the adjudication  
31 to the department. Notwithstanding section 232.55, a final  
32 adjudication in a juvenile court that the child violated a  
33 provision of this chapter or chapter 321A or chapter 321J  
34 constitutes a final conviction of a violation of a provision  
35 of this chapter or chapter 321A or chapter 321J for purposes

1 of section 321.189, subsection 8, paragraph "b", and sections  
2 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555,  
3 321A.17, 321J.2, 321J.3, and 321J.4.

4 Sec. 4. Section 321.457, subsection 2, paragraph b, Code  
5 1993, is amended to read as follows:

6 b. A single bus, ~~unladen or with load~~, shall not have an  
7 overall length, inclusive of front and rear bumpers, in excess  
8 of ~~forty~~ forty-five feet, except that buses constructed so as  
9 to contain a flexible part allowing articulation shall not  
10 exceed sixty-one feet.

11 Sec. 5. Section 321.555, subsection 1, paragraph c, Code  
12 1993, is amended to read as follows:

13 c. Driving a motor vehicle while the person's motor  
14 vehicle license is suspended, or revoked, or barred.

15 DIVISION III

16 Sec. 6. Section 327C.4, Code 1993, is amended to read as  
17 follows:

18 327C.4 INSPECTION -- NOTICE TO REPAIR.

19 The department ~~shall~~ may inspect the condition of each  
20 railroad, its rail facilities, equipment, rolling stock,  
21 operations and pertinent records at reasonable times and in a  
22 reasonable manner to insure proper operations. Employees of  
23 the department shall have proper identification which shall be  
24 displayed upon request. If found unsafe, the department shall  
25 immediately notify the railroad corporation whose duty it is  
26 to put the same in repair, which shall be done by it within  
27 such time as the department shall fix. If any corporation  
28 fails to perform this duty the department may forbid and  
29 prevent it from running trains over the defective portion  
30 while unsafe or may regulate the speed and operation of trains  
31 moving over the defective portion of the railroad. If the  
32 railroad corporation violates any requirement provided by the  
33 department, the railroad corporation shall be subject to a  
34 schedule "two" penalty for each day the repairs have not been  
35 made from the date the department set for repairs to be

1 completed. The court may consider the willingness and ability  
2 of the railroad corporation to co-operate in removing the  
3 safety hazard. Notwithstanding the provisions of chapter 669,  
4 the state shall not be held liable for damages for any act or  
5 failure to act under the provisions of this section.

6 DIVISION IV

7 Sec. 7. Section 328.35, subsection 2, Code 1993, is  
8 amended by striking the subsection.

9 Sec. 8. Section 328.35, subsection 3, Code 1993, is  
10 amended to read as follows:

11 3. No registration ~~or-site-approval~~ is required for an  
12 airport maintained ~~solely~~ for ~~personal~~ private use ~~and-not-for~~  
13 hire.

14 DIVISION V

15 Sec. 9. Section 330.13, Code 1993, is amended to read as  
16 follows:

17 330.13 FEDERAL AID.

18 Any subdivision of government is authorized to accept,  
19 receive, and receipt for federal moneys, and other moneys,  
20 either public or private, for the acquisition, construction,  
21 enlargement, improvement, maintenance, equipment, or operation  
22 of airports, and other air navigation facilities, and sites  
23 therefor for airports and other navigation facilities, and to  
24 comply with ~~the-provisions-of~~ the laws of the United States  
25 and any ~~rules-and~~ regulations ~~made-thereunder~~ for the  
26 expenditure of federal moneys upon such airports and other air  
27 navigation facilities.

28 All preapplications for funds authorized to be received  
29 pursuant to this section by any governmental subdivision,  
30 commission, or authority, whether acting alone or jointly with  
31 another governmental or private entity, shall be approved by  
32 the state transportation commission prior to being submitted  
33 to any federal agency or department. Approval shall be based  
34 on criteria consistent with the Iowa aviation system plan.  
35 However, this paragraph does not apply to preapplications from



1 airports which receive federal primary commercial service  
2 entitlement funds if the airport making the preapplication  
3 files a copy of the preapplication with the state department  
4 of transportation.

5 DIVISION VI

6 Sec. 10. NEW SECTION. 626.109 PUBLIC PROPERTY.

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

13 Sec. 11. Section 627.18, Code 1993, is repealed.

14 Sec. 12. RETROACTIVE APPLICABILITY. Section 10 of this  
15 Act is retroactively applicable to all judgments against a  
16 department, agency, division, or official of the state, or a  
17 county, city, school district, or other political subdivision  
18 of the state.

19 EXPLANATION

20 Division I of the bill provides that the state department  
21 of transportation shall cooperate with the federal government  
22 and comply with federal requirements as to expenditure of  
23 federal funds for all transportation facilities and services  
24 in the state and not just for highway and airport projects.

25 Division II provides that juveniles are subject to the  
26 habitual offender statute concerning motor vehicle offenses.  
27 Division II also provides that driving while barred is subject  
28 to the habitual offender statute. Division II also increases  
29 the allowable length for buses to 45 feet.

30 Division III changes the requirement that the department  
31 shall inspect rail equipment, rolling stock, operations, and  
32 other related items to a provision that the department may so  
33 inspect.

34 Division IV provides that all airports not maintained for  
35 private use shall meet minimum standards in order to be

1 registered. The bill eliminates the exemption from minimum  
2 safety standards for privately owned, public use airports.

3 Division V requires that preapplications from any  
4 governmental subdivision, commission, or authority for federal  
5 airport funds must be approved by the state transportation  
6 commission prior to being submitted to the federal government  
7 except for preapplications from airports that receive federal  
8 primary commercial service entitlement funds.

9 Division VI provides that a judgment against a governmental  
10 entity does not create a lien against public property held by  
11 the governmental entity. Division VI is also to be applied  
12 retroactively to any judgments against a governmental entity.

13 BACKGROUND STATEMENT

14 SUBMITTED BY THE AGENCY

15 Division I. The Code of Iowa currently provides authority  
16 to the state department of transportation to comply with the  
17 provisions of federal laws and regulations in the expenditure  
18 of federal funds for highway and airport projects. This  
19 authority needs to be expanded to other modes for which the  
20 state department of transportation receives federal funds.

21 An example of an application of this authority is in the  
22 area of bidder preference. Federal law specifies a "Buy  
23 America" preference and prohibits preference for Iowa bidders  
24 over other states' bidders.

25 The state department of transportation needs its authority  
26 to be clear in order to comply with the provisions of federal  
27 laws and regulations to utilize federal funds to the greatest  
28 extent possible.

29 Division II. Section 3: An adjudicatory hearing finding a  
30 juvenile violated certain motor vehicle chapters of the Code  
31 constitutes a final conviction for the purposes of specific  
32 sections of chapter 321, motor vehicles and law of the road.  
33 The habitual offender section, 321.155, should be included as  
34 an area in which a juvenile offender may be sanctioned the  
35 same as an adult who repeatedly violates motor vehicle

1 operation laws.

2 Section 4: The federal Intermodal Surface Transportation  
3 Efficiency Act of 1991 prohibits states from imposing a  
4 vehicle limitation of less than 45 feet on the length of any  
5 bus on any segment of the interstate or primary road system.  
6 Longer buses may be manufactured to retain bus capacity while  
7 still complying with the federal American Disabilities Act.  
8 Changing the allowable length of buses to 45 feet from 40 feet  
9 on all roads brings Iowa into compliance with federal law.

10 Section 5: Operating a motor vehicle while a person's  
11 motor vehicle license is suspended or revoked counts toward  
12 being declared a habitual offender. Being barred may result  
13 from the habitual offender declaration. Barment is a judicial  
14 action. Driving without a license while barred means the  
15 person is driving after having been declared a habitual  
16 offender and a court has found that the person should not be  
17 issued a motor vehicle license for a specific period of time.  
18 Driving while barred should be considered as serious as  
19 driving while revoked or suspended and should count towards  
20 further sanctioning.

21 Division III. The Code language requiring the department  
22 to inspect railroads, railroad facilities, equipment, rolling  
23 stock, operations, and pertinent records was modified and  
24 carried forward from the Iowa state commerce commission to the  
25 department when the state department of transportation was  
26 created in 1976. The state department of transportation has  
27 never had the funding or staff to carry out such inspections  
28 except for inspection of rail facilities (track). For many  
29 years the federal Railroad Administration (FRA) participated  
30 in funding the rail facility inspection program on a 50/50  
31 basis. The FRA has not provided funds for track inspections  
32 since 1988.

33 Changing "shall" to "may" will provide authority to inspect  
34 on an as-needed basis. The state department of transportation  
35 will continue to inspect rail facilities (track) on a regular

1 basis.

2 Division IV. Currently the state department of  
3 transportation issues certificates of registration for all  
4 public use airports; privately owned, personal use airports  
5 are not registered. The 113 publicly owned, public use  
6 airports in Iowa must meet minimum safety standards to be  
7 registered. The 25 privately owned, public use airports in  
8 Iowa are exempt from meeting minimum safety requirements for  
9 registration. Mostly privately owned airports have turf  
10 runways.

11 This bill eliminates the exemption from minimum safety  
12 standards for the 25 privately owned, public use airports.  
13 Minimum safety standards include runway marking, width of  
14 runway, clear approach zones, areas required to be free of  
15 obstruction hazards and equipment requirements. For safety,  
16 all public use airports should meet minimum safety standards  
17 to be registered as public use airports. Privately owned  
18 airports unable to meet the minimum safety requirements could  
19 remain open as privately owned, private use airports.

20 Division V. A proposal to require preapplications for  
21 federal airport funds to be approved by the state  
22 transportation agency is commonly referred to as a channeling  
23 act. This bill makes exceptions for preapplications from  
24 airports receiving federal primary commercial service  
25 entitlement funds (Des Moines, Cedar Rapids, Sioux City,  
26 Burlington, Waterloo, Mason City, and Dubuque).

27 A channeling act will benefit the development of Iowa's  
28 system of airports in the following ways:

29 Channeling will improve the state's programming ability.  
30 The current year-to-year funding of projects by the federal  
31 aviation administration (FAA) makes long-range planning  
32 difficult. Allowing the state some control in the federal  
33 funding mechanism, as it already has in most other  
34 transportation modes, makes long-term planning and programming  
35 more feasible.

1 This proposal will allow the state to present a more  
2 organized program to FAA and better mesh the state and federal  
3 funding programs so they work toward a single state system  
4 plan. The current system of two parallel but unconnected  
5 funding programs can lead to the federal funding of projects  
6 that may not be as high a priority in Iowa's system plan, and  
7 can lead to over-investment at one airport in comparison to  
8 the state's other needs, thus reducing funding available for  
9 other communities.

10 Consolidated preapplications may increase the amount of  
11 discretionary federal funds coming to Iowa. Channeling will  
12 act to better equalize Iowa's airports' accessibility to  
13 federal funds.

14 This proposal will improve the state's ability to work with  
15 the congressional delegation by providing a more coordinated  
16 approach to federal airport funding and will ultimately  
17 prepare the state to participate in the state block grant  
18 program.

19 According to the national association of state aviation  
20 officials, 14 states have channeling acts which require the  
21 state agency act as "agent" or "sponsor" in applying for and  
22 receiving federal funds for airport projects. These 14  
23 include the following states which border Iowa: Illinois,  
24 Minnesota, Nebraska, South Dakota, and Wisconsin. Five states  
25 specifically prohibit channeling and the remaining 31 states  
26 (including Iowa) permit channeling to some degree and under  
27 certain circumstances.

28 In July 1992, the FAA recommended that, based on the  
29 success of a pilot program involving three states, all states  
30 administer federal aid to general aviation airports. The  
31 pilot program is being expanded from three to seven states and  
32 Iowa applied to be a pilot state.

33 Division VI. The state department of transportation  
34 routinely sells excess property which is conveyed to the buyer  
35 by patent or deed. Some buyers encounter problems when

1 attempting to get a loan on the property because of judgment  
2 liens placed against the property.

3 The process of clearing the property of all liens and  
4 judgments can take a lengthy period of time. Most liens  
5 result from unpaid court costs. The liens may go back many  
6 years and may be filed against a number of different state  
7 agencies. In the meantime the buyer is prevented from using  
8 the property as security for loans to finance the development  
9 of the property.

10 Publicly owned real property is exempt from execution. A  
11 person with a judgment against the state may not seize and  
12 sell real property in order to obtain payment of a judgment in  
13 the same way privately owned real property may be seized and  
14 sold. This proposal clarifies that judgments against public  
15 authorities do not create a lien against real property owned  
16 by the public.

17 Publicly owned land needs to be merchantable by being free  
18 of judgment liens so that land no longer needed for public  
19 uses can be sold and returned to the tax rolls.

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HOUSE FILE 354

AN ACT

RELATING TO THE STATE DEPARTMENT OF TRANSPORTATION BY REQUIRING FEDERAL AND STATE COOPERATION REGARDING FEDERAL FUNDING OF TRANSPORTATION, BY PERMITTING A CREDIT FOR CERTAIN REGISTRATION FEES ON LEASED VEHICLES PURCHASED BY THE LESSEE, CONCERNING MOTOR VEHICLE LICENSE SUSPENSION OR REVOCATION FOR DRUG-RELATED OFFENSES, BY ELIMINATING LIENS ON PUBLIC PROPERTY AND PROVIDING FOR RETROACTIVE APPLICATION, BY CHANGING INSPECTION REQUIREMENTS OF RAILROADS, BY PROVIDING FOR THE LENGTH OF BUSES, BY CHANGING THE TRANSPORTATION HABITUAL OFFENDER STATUTE AND PROVIDING FOR ADDITIONAL PENALTIES, BY PROVIDING FOR SAFETY STANDARDS FOR PRIVATELY OWNED, PUBLIC USE AIRPORTS, AND BY PROVIDING FOR THE PREAPPLICATION PROCESS FOR FEDERAL FUNDING FOR AIRPORTS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 6A.10, subsection 1, Code 1993, is amended to read as follows:

1. The railway corporation shall apply to the department of transportation for permission to condemn. The railway corporation shall serve notice of the application and hearing and provide a copy of the legal description of the property to be condemned to the owner and any recordholders of liens and encumbrances on any land described in the application. The department may, after hearing, report to the district court clerk of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the authority.

DIVISION I

Sec. 2. Section 307.44, unnumbered paragraph 1, Code 1993, is amended to read as follows:

If funds are allotted or appropriated by the government of the United States for the improvement of streets-and-highways transportation facilities and services in this state, ~~and the federal statutes or the rules and regulations of the federal government provide or contemplate that the work shall be under the supervision of the director, the director may let the necessary contracts for the construction work, supervise and direct the construction work, the department may cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, contract letting, construction, improvement, maintenance, and operation of transportation facilities and services in this state; may~~ comply with the federal statutes and rules; and may cooperate with the federal government in the expenditure of the federal funds.

Sec. 3. Section 321.46, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If a motor vehicle is leased and the lessee purchases the vehicle upon termination of the lease, the lessor shall, upon claim by the lessee with the lessor within fifteen days of the purchase, assign the registration fee credit and registration plates for the leased motor vehicle to the lessee. Credit shall be applied as provided in subsection 3.

Sec. 4. Section 321.205, Code 1993, as amended by 1993 Iowa Acts, Senate File 373, section 3, 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 a resident of this state upon receiving notice of the conviction of the resident in another state or ~~for a conviction under federal jurisdiction~~ for an offense

which, if committed in this state, would be grounds for the suspension or revocation of the license 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.

The department shall suspend or revoke for one hundred eighty days the motor vehicle license of a resident of this state upon receiving notice of conviction in another state or under federal jurisdiction for an a drug or drug-related offense enumerated under section 321.209, subsection 8.

Sec. 5. Section 328.13, Code 1993, is repealed.

#### DIVISION II

Sec. 6. Section 321.213, Code 1993, 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 6, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 7. Section 321.457, subsection 2, paragraph b, Code 1993, is amended to read as follows:

b. A single bus, ~~unit~~ unit, shall not have an overall length, inclusive of front and rear bumpers, in excess of forty ~~forty-five~~ feet, except that buses constructed so as

to contain a flexible part allowing articulation shall not exceed sixty-one feet.

Sec. 8. Section 321.555, subsection 1, paragraph c, Code 1993, is amended to read as follows:

c. Driving a motor vehicle while the person's motor vehicle license is suspended, or revoked, or barred.

#### DIVISION III

Sec. 9. Section 327C.4, Code 1993, is amended to read as follows:

327C.4 INSPECTION -- NOTICE TO REPAIR.

The department shall inspect the condition of each ~~railroad~~ its railroad's rail track, and may inspect the condition of each railroad's rail facilities, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request. If found unsafe, the department shall immediately notify the railroad corporation whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a schedule "two" penalty for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to co-operate in removing the safety hazard. Notwithstanding the provisions of chapter 669, the state shall not be held liable for damages for any act or failure to act under the provisions of this section.

#### DIVISION IV



which, if committed in this state, would be grounds for the suspension or revocation of the license 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.

The department shall suspend or revoke for one hundred eighty days the motor vehicle license of a resident of this state upon receiving notice of conviction in another state or under federal jurisdiction for an a drug or drug-related offense enumerated under section 321.209, subsection 8.

Sec. 5. Section 328.13, Code 1993, is repealed.

#### DIVISION II

Sec. 6. Section 321.213, Code 1993, 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 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 7. Section 321.457, subsection 2, paragraph b, Code 1993, is amended to read as follows:

b. A single bus ~~unladen or with load~~ shall not have an overall length, inclusive of front and rear bumpers, in excess of forty forty-five feet, except that buses constructed so as

to contain a flexible part allowing articulation shall not exceed sixty-one feet.

Sec. 8. Section 321.555, subsection 1, paragraph c, Code 1993, is amended to read as follows:

c. Driving a motor vehicle while the person's motor vehicle license is suspended, or revoked, or barred.

#### DIVISION III

Sec. 9. Section 327C.4, Code 1993, is amended to read as follows:

#### 327C.4 INSPECTION -- NOTICE TO REPAIR.

The department shall inspect the condition of each ~~railroad, its railroad's rail track, and may inspect the condition of each railroad's rail facilities, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner to insure proper operations.~~ Employees of the department shall have proper identification which shall be displayed upon request. If found unsafe, the department shall immediately notify the railroad corporation whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a schedule "two" penalty for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to co-operate in removing the safety hazard. Notwithstanding the provisions of chapter 669, the state shall not be held liable for damages for any act or failure to act under the provisions of this section.

#### DIVISION IV

Sec. 10. Section 328.35, subsection 2, Code 1993, is amended by striking the subsection.

Sec. 11. Section 328.35, subsection 3, Code 1993, is amended to read as follows:

3. No registration ~~or-site-approval~~ is required for an airport maintained solely for personal private use and-not-for hire.

DIVISION V

Sec. 12. Section 330.13, Code 1993, is amended to read as follows:

330.13 FEDERAL AID.

Any subdivision of government is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, and other air navigation facilities, and sites therefor for airports and other navigation facilities, and to comply with ~~the-provisions-of~~ the laws of the United States and any ~~rules-and~~ regulations made ~~thereunder~~ for the expenditure of federal moneys upon such airports and other air navigation facilities.

All preapplications for funds authorized to be received pursuant to this section by any governmental subdivision, commission, or authority, whether acting alone or jointly with another governmental or private entity, shall be approved by the state transportation commission prior to being submitted to any federal agency or department. Approval shall be based on criteria consistent with the Iowa aviation system plan. However, this paragraph does not apply to preapplications from airports which receive federal primary commercial service entitlement funds if the airport making the preapplication files a copy of the preapplication with the state department of transportation.

DIVISION VI

Sec. 13. NEW SECTION. 626.109 PUBLIC PROPERTY.

A judgment against a department, agency, division, or official of the state does not create or constitute a lien against public property held by the state.

Sec. 14. RETROACTIVE APPLICABILITY. Section 13 of this Act is retroactively applicable to all judgments against a department, agency, division, or official of the state.

Sec. 15. EFFECTIVE DATE. Sections 10 and 11 of this Act take effect on January 1, 1994.

HAROLD VAN MAANEN  
Speaker of the House

LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 354, Seventy-fifth General Assembly.

ELIZABETH ISAACSON  
Chief Clerk of the House

Approved *May 3*, 1993

TERRY E. BRANSTAD  
Governor