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SENATE FILE 290
BY COMMITTEE ON TRANSPORTATION
(SUCCESSOR TO SSB 150)

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Vote: Ayes 47 Nays 2 Vote: Ayes 96 Nays 0
Approved April 29, 1995

A BILL FOR

1 An Act relating to motor vehicle and highway regulation by the
2 state department of transportation concerning retention of
3 records and documents, registration plates and stickers,
4 dissolution decree transfers of motor vehicle titles, junking
5 certificates for abandoned vehicles, flashing blue lights,
6 motorcycle license requirements, leased motor vehicles, proof
7 of financial responsibility, charges for handicapped
8 identification devices, single state registration for motor
9 carriers, commodity base state registration, other technical
10 changes, and providing an effective date.

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

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S.F. 290

1 Section 1. Section 321.1, subsection 11, paragraph d,
2 subparagraph (1), Code 1995, is amended to read as follows:

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

8 Sec. 2. Section 321.13, Code 1995, is amended to read as
9 follows:

10 321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

11 The department shall examine and determine the genuineness,
12 regularity, and legality of every application lawfully made to
13 the department, and may ~~in all cases make investigation as may~~
14 ~~be deemed necessary~~ investigate or require additional
15 information, ~~and shall~~. The department may reject any such
16 application if not satisfied of the genuineness, regularity,
17 or legality thereof of the application or the truth of any
18 statement contained therein made within the application, or
19 for any other reason, when authorized by law. The department
20 may retain possession of any record or document until the
21 investigation of the application is completed if it appears
22 that the record or document is fictitious or unlawfully or
23 erroneously issued and shall not return the record or document
24 if it is determined to be fictitious or unlawfully or
25 erroneously issued.

26 Sec. 3. Section 321.19, subsection 1, unnumbered paragraph
27 2, Code 1995, is amended to read as follows:

28 The department shall furnish, on application, free of
29 charge, distinguishing plates for vehicles thus exempted,
30 which plates except plates on Iowa highway safety patrol
31 vehicles shall bear the word "official" and the department
32 shall keep a separate record. Registration plates issued for
33 Iowa highway safety patrol vehicles, except unmarked patrol
34 vehicles, shall bear two red stars on a yellow background, one
35 before and one following the registration number on the plate,

1 which registration number shall be the officer's badge number.
2 Registration plates issued for a county sheriff's patrol
3 vehicles shall display one seven-pointed gold star on-a-green
4 background followed by the letter "S" and the call number of
5 the vehicle. However, the director of general services or the
6 director of transportation may order the issuance of regular
7 registration plates for any exempted vehicle used by peace
8 officers in the enforcement of the law, persons enforcing
9 chapter 124 and other laws relating to controlled substances,
10 persons in the department of justice and the department of
11 inspections and appeals who are regularly assigned to conduct
12 investigations which cannot reasonably be conducted with a
13 vehicle displaying "official" state registration plates, and
14 persons in the lottery division of the department of revenue
15 and finance whose regularly assigned duties relating to
16 security or the carrying of lottery tickets cannot reasonably
17 be conducted with a vehicle displaying "official" registration
18 plates. For purposes of sale of exempted vehicles, the
19 exempted governmental body, upon the sale of the exempted
20 vehicle, may issue for in-transit purposes a pasteboard card
21 bearing the words "Vehicle in Transit", the name of the
22 official body from which the vehicle was purchased, together
23 with the date of the purchase plainly marked in at least one-
24 inch letters, and other information required by the
25 department. The in-transit card is valid for use only within
26 forty-eight hours after the purchase date as indicated on the
27 bill of sale which shall be carried by the driver.

28 Sec. 4. Section 321.34, subsection 2, Code 1995, is
29 amended to read as follows:

30 2. VALIDATION STICKERS. In lieu of issuing new
31 registration plates each registration year for a vehicle
32 renewing registration, the department may reassign the
33 registration plates previously issued to the vehicle and may
34 adopt and prescribe an annual validation stickers sticker
35 indicating payment of registration fees. The department shall

1 issue two one validation stickers sticker for each set of
2 registration plates. ~~One~~ The sticker shall specify the month
3 and year of expiration of the registration period plates. The
4 ~~second-sticker-shall-specify-the-month-of-expiration-of-the~~
5 ~~registration-period-and-need-not-be-reissued-annually---~~The
6 ~~month-of-registration-shall-not-be-required-on-registration~~
7 ~~plates-or-validation-stickers-issued-for-vehicles-registered~~
8 ~~under-chapter-326~~. The stickers sticker shall be displayed
9 only on the rear registration plate, except that the stickers
10 sticker shall be displayed on the front registration plate of
11 a truck-tractor.

12 The state department of transportation shall promulgate
13 adopt rules to provide for the placement of the motor vehicle
14 registration validation ~~stickers-on-all-registration-plates~~
15 ~~issued-for-the-motor-vehicle-when-such-validation-stickers-are~~
16 ~~issued-in-lieu-of-issuing-new-registration-plates-under-the~~
17 ~~provisions-of-this-section~~ sticker.

18 Sec. 5. Section 321.34, subsection 7, Code 1995, is
19 amended to read as follows:

20 7. HANDICAPPED PLATES. The owner of a motor vehicle
21 subject to registration pursuant to section 321.109,
22 subsection 1, light delivery truck, panel delivery truck, or
23 pickup, who is a handicapped person, or who is the parent or
24 guardian of a child who resides with the parent or guardian
25 owner and who is a handicapped person, as defined in section
26 321L.1, may, upon written application to the department, order
27 handicapped registration plates designed by the department
28 bearing the international symbol of accessibility. The
29 handicapped registration plates shall only be issued if the
30 application is accompanied with a statement from a physician
31 licensed under chapter 148, 149, 150, or 150A, or a
32 chiropractor licensed under chapter 151, written on the
33 physician's or chiropractor's stationery, stating the nature
34 of the applicant's or the applicant's child's handicap and
35 such additional information as required by rules adopted by

1 the department, including proof of residency of a child who is
2 a handicapped person. If the application is approved by the
3 department the handicapped registration plates shall be issued
4 to the applicant in exchange for the previous registration
5 plates issued to the person. ~~The fee for the handicapped~~
6 ~~plates is five dollars which is in addition to the regular~~
7 ~~annual registration fee.~~ The department shall validate the
8 handicapped plates in the same manner as regular registration
9 plates are validated under this section at the regular annual
10 registration fee. However, the handicapped plates shall not
11 be renewed without the applicant furnishing evidence to the
12 department that the owner of the motor vehicle or the owner's
13 child is still a handicapped person as defined in section
14 321L.1, unless the applicant has previously provided
15 satisfactory evidence to the department that the owner of the
16 vehicle or the owner's child is permanently handicapped in
17 which case the furnishing of additional evidence shall not be
18 required for renewal. However, an owner who has a child who
19 is a handicapped person shall provide satisfactory evidence to
20 the department that the handicapped child continues to reside
21 with the owner. The handicapped registration plates shall be
22 surrendered in exchange for regular registration plates when
23 the owner of the motor vehicle or the owner's child no longer
24 qualifies as a handicapped person as defined in section 321L.1
25 or when the owner's child who is a handicapped person no
26 longer resides with the owner.

27 Sec. 6. Section 321.35, Code 1995, is amended to read as
28 follows:

29 321.35 PLATES -- REFLECTIVE MATERIAL -- BID PROCEDURES.

30 All motor vehicle registration plates shall be treated with
31 a reflective material according to specifications prescribed
32 proposed by the director and approved by the commission.

33 The department shall not enter into any contract requiring
34 an expenditure of at least five hundred thousand dollars for
35 the manufacture of motor vehicle registration plates to be

1 reissued to owners under this chapter unless competitive
2 bidding procedures as provided in chapter 18 are followed.

3 Sec. 7. Section 321.47, unnumbered paragraph 1, Code 1995,
4 is amended to read as follows:

5 ~~In-the-event-of-the-transfer-of~~ If ownership of a vehicle
6 is transferred by operation of law ~~as~~ upon inheritance, devise
7 or bequest, dissolution decree, order in bankruptcy,
8 insolvency, replevin, foreclosure or execution sale, abandoned
9 vehicle sale, or when the engine of a motor vehicle is
10 replaced by another engine, or a vehicle is sold or
11 transferred to satisfy an artisan's lien as provided in
12 chapter 577, a landlord's lien as provided in chapter 570, a
13 storage lien as provided in chapter 579, a judgment in an
14 action for abandonment of a mobile home as provided in chapter
15 555B, or repossession is had upon default in performance of
16 the terms of a security agreement, the county treasurer in the
17 transferee's county of residence, upon the surrender of the
18 prior certificate of title or the manufacturer's or importer's
19 certificate, or when that is not possible, upon presentation
20 of satisfactory proof to the county treasurer of ownership and
21 right of possession to the vehicle and upon payment of a fee
22 of ten dollars and the presentation of an application for
23 registration and certificate of title, may issue to the
24 applicant a registration card for the vehicle and a
25 certificate of title to ~~it~~ the vehicle. A person entitled to
26 ownership of a vehicle under a decree of dissolution shall
27 surrender a certified copy of the dissolution and upon
28 fulfilling the other requirements of this chapter is entitled
29 to a certificate of title and registration receipt issued in
30 the person's name.

31 PARAGRAPH DIVIDED. The persons entitled under the laws of
32 descent and distribution of an intestate's property to the
33 possession and ownership of a vehicle owned in whole or in
34 part by a decedent, upon filing an affidavit stating the name
35 and date of death of the decedent, the right to possession and

1 ownership of the persons filing the affidavit, and that there
2 has been no administration of the decedent's estate, which
3 instrument shall also contain an agreement to indemnify
4 creditors of the decedent who would be entitled to levy
5 execution upon the motor vehicle to the extent of the value of
6 the motor vehicle, are entitled upon fulfilling the other
7 requirements of this chapter, to the issuance of a
8 registration card for the interest of the decedent in the
9 vehicle and a certificate of title to it. If a decedent dies
10 testate, and either the will is not probated or is admitted to
11 probate without administration, the persons entitled to the
12 possession and ownership of a vehicle owned in whole or in
13 part by the decedent may file an affidavit, and upon
14 fulfilling the other requirements of this chapter, are
15 entitled to the issuance of a registration card for the
16 interest of the decedent in the vehicle and a certificate of
17 title to the vehicle. The affidavit shall contain the same
18 information and indemnity agreement as is required in cases of
19 intestacy pursuant to this section. No requirement of chapter
20 450 or 451 shall be considered satisfied by the filing of the
21 affidavit provided for in this section. If, from the records
22 in the office of the county treasurer, there appear to be any
23 liens on the vehicle, the certificate of title shall contain a
24 statement of the liens unless the application is accompanied
25 by proper evidence of their satisfaction or extinction.
26 Evidence of extinction may consist of, but is not limited to,
27 an affidavit of the applicant stating that a security interest
28 was foreclosed as provided in ~~Uniform-Commercial-Code~~ chapter
29 554, article 9, part 5.

30 Sec. 8. Section 321.89, subsection 4, unnumbered paragraph
31 1, Code 1995, is amended to read as follows:

32 If an abandoned vehicle has not been reclaimed as provided
33 for in subsection 3, the police authority shall make a
34 determination as to whether or not the vehicle shall be sold
35 for use upon the highways. If the vehicle is not sold for use

1 upon the highways, it shall be sold for junk, or demolished
2 and sold as scrap. The police authority shall sell the
3 vehicle at public auction. Notwithstanding any other
4 provision of this section, any police authority, which has
5 taken into possession any abandoned vehicle which lacks an
6 engine or two or more wheels or another part which renders the
7 vehicle totally inoperable may dispose of the vehicle to a
8 demolisher for junk after complying with the notification
9 procedures enumerated in subsection 3 and without public
10 auction. The purchaser of the vehicle takes title free and
11 clear of all liens and claims of ownership, shall receive a
12 sales receipt from the police authority, and is entitled to
13 register the vehicle and receive a certificate of title if
14 sold for use upon the highways. ~~However, if~~ If the vehicle is
15 sold or disposed of to a demolisher for junk, the sales
16 ~~receipt by itself is sufficient title only for purposes of~~
17 ~~transferring the vehicle to the demolisher for demolition,~~
18 ~~wrecking, or dismantling and, when so transferred, no further~~
19 ~~titling of the vehicle is permitted~~ demolisher shall make
20 application for a junking certificate to the county treasurer
21 within fifteen days of purchase and shall surrender the sales
22 receipt in lieu of the certificate of title.

23 PARAGRAPH DIVIDED. From the proceeds of the sale of an
24 abandoned vehicle the police authority shall reimburse itself
25 for the expenses of the auction, the costs of towing,
26 preserving, and storing which resulted from placing the
27 abandoned vehicle in custody, all notice and publication costs
28 incurred pursuant to subsection 3, the cost of inspection, and
29 any other costs incurred except costs of bookkeeping and other
30 administrative costs. Any remainder from the proceeds of a
31 sale shall be held for the owner of the vehicle or entitled
32 lienholder for ninety days, and shall then be deposited in the
33 road use tax fund. The costs to police authorities of
34 auction, towing, preserving, storage, and all notice and
35 publication costs, and all other costs which result from

1 placing abandoned vehicles in custody, whenever the proceeds
2 from a sale of the abandoned vehicles are insufficient to meet
3 these expenses and costs, shall be paid from the road use tax
4 fund.

5 Sec. 9. Section 321.90, subsection 2, paragraphs d, e, and
6 f, Code 1995, are amended to read as follows:

7 d. If the abandoned motor vehicle is not reclaimed in
8 accordance with section 321.89, subsection 3, or no lienholder
9 objects to the disposal in the case of an owner-applicant, the
10 police authority shall give the applicant a certificate of
11 authority ~~to dispose of~~ allowing the applicant to obtain a
12 junking certificate for the motor vehicle to any demolisher
13 for demolition, wrecking, or dismantling. The demolisher
14 applicant shall make application for a junking certificate to
15 the county treasurer within fifteen days of purchase and
16 surrender the certificate of authority in lieu of the
17 certificate of title. The demolisher shall accept ~~such the~~
18 junking certificate in lieu of the certificate of title to the
19 motor vehicle.

20 e. Notwithstanding any other provisions of this section
21 and sections 321.89 and 321.91, any person, firm, corporation,
22 or unit of government upon whose property or in whose
23 possession is found any abandoned motor vehicle, or any person
24 being the owner of a motor vehicle whose title certificate is
25 faulty, lost, or destroyed, may dispose of such motor vehicle
26 to a demolisher for junk without a title and without the
27 notification procedures of section 321.89, subsection 3, if
28 the motor vehicle lacks an engine or two or more wheels or
29 other structural part which renders the vehicle totally
30 inoperable. The police authority shall give the applicant a
31 certificate of authority. The owner shall apply to the county
32 treasurer for a junking certificate within fifteen days of
33 purchase and shall surrender the certificate of authority in
34 lieu of the certificate of title.

35 f. The owner of an abandoned motor vehicle and all

1 lienholders shall no longer have any right, title, claim, or
2 interest in or to ~~such~~ the motor vehicle; and no court in any
3 case in law or equity shall recognize any right, title, claim,
4 or interest of any ~~such~~ owner and or lienholders after the
5 disposal of ~~such~~ the motor vehicle to a demolisher.

6 Sec. 10. Section 321.90, subsection 3, Code 1995, is
7 amended to read as follows:

8 3. DUTIES OF DEMOLISHERS.

9 a. Any demolisher who purchases or otherwise acquires an
10 abandoned motor vehicle for junk under the provisions of this
11 section shall junk, scrap, wreck, dismantle, or demolish such
12 motor vehicle. ~~However, if the vehicle is acquired under the~~
13 ~~provisions of subsection 2, paragraph "e", the demolisher~~
14 ~~shall apply to the police authority of the jurisdiction from~~
15 ~~which the vehicle was acquired for a certificate of authority~~
16 ~~to demolish the vehicle. In making the application the~~
17 ~~demolisher shall describe the motor vehicle as required by~~
18 ~~subsection 2, paragraph "b". The police authority shall issue~~
19 ~~the certificate of authority upon complying with subsection 2,~~
20 ~~paragraph "c", but shall be excused from following the~~
21 ~~notification procedures as required therein. No further~~
22 ~~titling of the motor vehicle shall be permitted. After the~~
23 ~~motor vehicle has been demolished, processed, or changed so~~
24 ~~that it physically is no longer a motor vehicle, the~~
25 ~~demolisher shall surrender the auction sales receipt or~~
26 ~~certificate of authority to dispose of or demolish a motor~~
27 ~~vehicle to the department for cancellation. The department~~
28 ~~shall issue such forms and rules governing the surrender of~~
29 ~~auction sales receipts, certificates of title, and~~
30 ~~certificates of authority to dispose of or demolish motor~~
31 ~~vehicles, and the cancellation and surrender of the~~
32 ~~registrations and certificates of title for such motor~~
33 ~~vehicles as are appropriate. A demolisher shall not junk,~~
34 ~~scrap, wreck, dismantle, or demolish a vehicle until the~~
35 ~~demolisher has obtained the junking certificate issued for the~~

1 vehicle.

2 b. A demolisher shall keep an accurate and complete record
3 of all motor vehicles purchased or received by the demolisher
4 in the course of the demolisher's business. These records
5 shall contain the name and address of the person from whom
6 each ~~such~~ motor vehicle was purchased or received and the date
7 when ~~such~~ the purchases or receipts occurred. ~~Such~~ The
8 records shall be open for inspection by any police authority
9 at any time during normal business hours. Any record required
10 by this section shall be kept by the demolisher for at least
11 one year after the transaction to which it applies.

12 Sec. 11. Section 321.123, subsection 1, unnumbered para-
13 graph 1, Code 1995, is amended to read as follows:

14 Travel trailers and fifth-wheel travel trailers, except
15 those in manufacturer's or dealer's stock, an annual fee of
16 twenty cents per square foot of floor space computed on the
17 exterior overall measurements, but excluding three feet
18 occupied by any trailer hitch as provided by and certified to
19 by the owner, to the nearest whole dollar, which amount shall
20 not be prorated or refunded; except the annual fee for travel
21 trailers of any type, when registered in Iowa for the first
22 time or when removed from a manufacturer's or dealer's stock,
23 shall be prorated on a monthly basis. ~~The registrant of a~~
24 ~~travel-trailer-of-any-type-shall-be-issued-a-"travel-trailer"~~
25 ~~plate.~~ It is further provided the annual fee thus computed
26 shall be limited to seventy-five percent of the full fee after
27 the vehicle is more than six model years old.

28 Sec. 12. Section 321.126, subsection 6, unnumbered
29 paragraph 1, Code 1995, is amended to read as follows:

30 If a vehicle is sold or junked, the owner in whose name the
31 vehicle was registered may make claim to the county treasurer
32 or department for a refund of the sold or junked vehicle's
33 registration fee. Also if the owner of a vehicle receives a
34 vehicle registration fee credit under section 321.46,
35 subsection 3, and the credit allowed exceeds the amount of the

1 registration fee for the vehicle acquired, the owner may claim
2 a refund for the balance of the credit. The refund is subject
3 to the following limitations:

4 Sec. 13. Section 321.166, subsection 2, Code 1995, is
5 amended to read as follows:

6 2. Every registration plate or pair of plates shall
7 display a registration plate number which shall consist of
8 alphabetical or numerical characters or a combination thereof
9 and the name of this state, which may be abbreviated. Every
10 registration plate issued by the county treasurer and
11 personalized registration plates issued under section 321.34,
12 subsection 5, shall display the name of the county except
13 plates issued for ~~truck-tractors,-motorcycles,-motorized~~
14 ~~bicycles,-travel-trailers,-semitrailers-and-trailers~~ special
15 trucks. ~~The year of expiration or the date of expiration~~
16 ~~shall be displayed on vehicle registration plates,-except~~
17 ~~plates issued under section 321.19.~~ Special truck
18 registration plates shall display the word "special".

19 Sec. 14. Section 321.166, subsection 7, Code 1995, is
20 amended to read as follows:

21 7. The year and month of expiration of registration, which
22 may be abbreviated, shall be displayed on vehicle registration
23 plates issued by the county treasurer. A distinctive emblem
24 or validation sticker may be prescribed by the department to
25 designate the year and month of expiration ~~which shall be~~
26 ~~attached to the embossed area on the plate located at the~~
27 ~~lower corners of the registration plate.~~ The year and month
28 of expiration shall not be required to be displayed on plates
29 issued under section 321.19.

30 Sec. 15. Section 321.182, subsection 2, Code 1995, is
31 amended to read as follows:

32 2. Surrender all other motor vehicle licenses and
33 nonoperator's identification cards.

34 Sec. 16. Section 321.189, subsection 7, Code 1995, is
35 amended to read as follows:

1 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A person
2 applying for a driver's license valid for the operation of a
3 motorcycle shall be required to successfully complete a
4 motorcycle education course either approved and established by
5 the department of education or from a private or commercial
6 driver education school licensed by the department before the
7 class M license will be issued. A public school district
8 shall charge a student a fee which shall not exceed the actual
9 cost of instruction minus moneys received by the school
10 district under subsection 9.

11 The requirement that an applicant complete a motorcycle
12 education course prior to issuance of a driver's license under
13 this subsection does not apply to the following:

14 a. An operator who has been issued a class M license prior
15 to ~~July-17-1994~~ May 1, 1995.

16 b. An operator who is renewing the operator's class M
17 license issued prior to ~~July-17-1994~~ May 1, 1995.

18 c. An operator who has been issued a driver's license
19 which is valid for the operation of a motorcycle in another
20 state.

21 Sec. 17. Section 321.423, subsections 3 and 4, Code 1995,
22 are amended to read as follows:

23 3. BLUE LIGHT. A blue light shall not be used on any
24 vehicle except for the following:

25 a. A vehicle owned or exclusively operated by a fire
26 department; ~~or.~~

27 b. A vehicle authorized by the ~~director-when:~~ chief of the
28 fire department if

29 ~~{1}--The~~ the vehicle is owned by a member of a the fire
30 department;

31 ~~{2}--The,~~ the request for authorization is made by the
32 member on forms provided by the department;

33 ~~{3}--Necessity,~~ and necessity for authorization is
34 demonstrated in the request.

35 ~~{4}--The-chief-of-the-fire-department-certifies-that-the~~

1 member-is-in-good-standing-with-the-fire-department-and
2 recommends-that-the-authorization-be-granted-

3 4. EXPIRATION OF AUTHORITY. The authorization shall
4 expire at midnight on the thirty-first day of December five
5 years from the year in which it was issued, or when the
6 vehicle is no longer owned by the member, or when the member
7 has ceased to be an active member of the fire department or of
8 an ambulance, rescue, or first responder service or when the
9 member has used the blue or white light beyond the scope of
10 its authorized use. A person issued an authorization under
11 subsection 3, paragraph "b", shall return the authorization to
12 the fire chief upon expiration.

13 Sec. 18. Section 321.484, unnumbered paragraph 2, Code
14 1995, is amended to read as follows:

15 The owner of a vehicle shall not be held responsible for a
16 violation of a provision regulating the stopping, standing, or
17 parking of a vehicle, whether the provision is contained in
18 this chapter, or chapter 321L, or an ordinance or other
19 regulation or rule, if the owner establishes that at the time
20 of the violation the vehicle was in the custody of an
21 identified person other than the owner pursuant to a lease as
22 defined in chapter 321F. The furnishing to the clerk of the
23 district court where the charge is pending of a copy of the
24 certificate-of-responsibility lease prescribed by section
25 321F.6 that was in effect for the vehicle at the time of the
26 alleged violation shall be prima facie evidence that the
27 vehicle was in the custody of an identified person other than
28 the owner within the meaning of this paragraph, and the charge
29 against the owner shall be dismissed. The clerk of the
30 district court then shall cause a uniform citation and
31 complaint to be issued against the lessee of the vehicle, and
32 the citation shall be served upon the defendant by ordinary
33 mail directed to the defendant at the address shown in the
34 certificate of responsibility.

35 Sec. 19. Section 321E.11, unnumbered paragraph 1, Code

1 1995, is amended to read as follows:

2 Movements by permit in accordance with this chapter shall
3 be permitted only during the hours from sunrise to sunset
4 unless the issuing authority determines that the movement can
5 be better accomplished at another period of time because of
6 traffic volume conditions or the vehicle subject to the permit
7 has an overall length not to exceed one hundred feet, an
8 overall width not to exceed eleven feet, and an overall height
9 not to exceed fourteen feet, four inches, and the permit
10 requires the vehicle to operate only on the those highways
11 designated highway-system by the department. Additional
12 safety lighting and escorts may be required for movement at
13 night.

14 Sec. 20. Section 321F.6, Code 1995, is amended by striking
15 the section and inserting in lieu thereof the following:

16 321F.6 FINANCIAL RESPONSIBILITY -- LEASE.

17 The lessee shall carry in the vehicle being leased,
18 evidence of financial responsibility as required by this
19 chapter and a copy of the lease, setting forth the name and
20 address of the lessee, period of the lease, and other
21 information as the director may require. The lease shall be
22 shown to any peace officer upon request.

23 Sec. 21. Section 321L.2, subsection 3, Code 1995, is
24 amended to read as follows:

25 3. Each handicapped identification device shall be
26 acquired by ~~the department and sold at a cost not to exceed~~
27 ~~five dollars,~~ to handicapped persons upon application on forms
28 prescribed by the department. Before delivering a handicapped
29 identification device to a handicapped person the department
30 shall permanently affix to the device a unique number which
31 may be used by the department to identify the individual to
32 whom the device is issued. A temporary handicapped
33 identification hanging device shall have the expiration date
34 permanently affixed to the device. Expiration dates and
35 identification numbers affixed to handicapped identification

1 hanging devices shall be of sufficient size to be readable
2 from outside the vehicle.

3 A handicapped person who owns a motor vehicle for which the
4 handicapped person has been issued radio operator registration
5 plates under section 321.34, subsection 3, or registration
6 plates as a seriously disabled veteran under section 321.105
7 may apply to the department for a handicapped identification
8 sticker to be affixed to the plates. The handicapped
9 identification stickers shall bear the international symbol of
10 accessibility. The handicapped identification stickers shall
11 be acquired by ~~the department and sold at a cost not to exceed~~
12 ~~five dollars~~, to eligible handicapped persons upon application
13 on forms prescribed by the department.

14 Sec. 22. Section 327B.1, Code 1995, is amended to read as
15 follows:

16 327B.1 AUTHORITY SECURED AND REGISTERED.

17 It is unlawful for a carrier to perform an interstate
18 transportation service for compensation upon the highways of
19 this state without first registering the authority obtained
20 from the interstate commerce commission or evidence that such
21 authority is not required with the state department of
22 transportation.

23 The department shall participate in the single state
24 insurance registration program for regulated motor carriers as
25 provided in 49 U.S.C. § 11506 and interstate commerce
26 commission regulations.

27 Registration for carriers transporting commodities exempt
28 from interstate commerce commission regulation shall be
29 granted without hearing upon application and payment of a
30 twenty-five-dollar filing fee and an annual one-dollar fee per
31 vehicle. ~~Each amendment of supplemental authority shall~~
32 ~~require a ten-dollar filing fee.~~

33 ~~The department shall participate in the single state~~
34 ~~insurance registration system for motor carriers as provided~~
35 ~~in 49 U.S.C. § 11506.~~

1 The state department of transportation may execute
2 reciprocity agreements with authorized representatives of any
3 state exempting nonresidents from payment of fees as set forth
4 in this chapter. The state department of transportation shall
5 adopt rules pursuant to chapter 17A for the identification of
6 vehicles operated under reciprocity agreements.

7 Fees may be subject to reduction or proration pursuant to
8 sections 326.5 and 326.32.

9 Sec. 23. Section 327B.6, unnumbered paragraph 1, Code
10 1995, is amended to read as follows:

11 Registration under section 327B.1 shall not be granted
12 until the exempt carrier has filed with the state department
13 of transportation evidence of insurance or surety bond issued
14 by an insurance carrier or bonding company authorized to do
15 business in this state and in the a form prescribed in-49
16 ~~C.F.R. § 387.15 for motor carriers of property and in 49~~
17 ~~C.F.R. § 387.39 for motor carriers of passengers~~ by the
18 department. The minimum limits of liability for each
19 interstate motor carrier for hire subject to federal minimum
20 limits of liability are those adopted under United States
21 Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and §
22 387.9 for motor carriers of property and in 49 C.F.R. § 387.27
23 and § 387.33 for motor carriers of passengers.

24 Sec. 24. NEW SECTION. 327B.7 RECIPROcity FOR EXEMPT COM-
25 MODITY BASE STATE REGISTRATION SYSTEM.

26 The department may enter into a reciprocity agreement on
27 behalf of this state with authorized representatives of other
28 states to become a member of an exempt commodity base state
29 registration system for the registration, insurance
30 verification, and fee collection for carriers hauling
31 commodities exempt from interstate commerce commission
32 authority.

33 Sec. 25. Section 805.3, Code 1995, is amended to read as
34 follows:

35 805.3 PROCEDURE.

1 Before the cited person is released, the person shall sign
2 the citation, either in a paper or electronic format, as a
3 written promise to appear in court at the time and place
4 specified. A copy of the citation shall be given to the
5 person.

6 Sec. 26. Section 805.5, Code 1995, is amended to read as
7 follows:

8 805.5 FAILURE TO APPEAR.

9 Any person who willfully fails to appear in court as
10 specified by the citation shall be guilty of a simple
11 misdemeanor. Where a defendant fails to make a required court
12 appearance, the court shall issue an arrest warrant for the
13 offense of failure to appear, and shall forward the warrant
14 and the original or electronically produced citation to the
15 clerk. The clerk shall enter a transfer to the issuing agency
16 on the docket, and shall return the warrant with the original
17 citation attached to the law enforcement agency which issued
18 the original or electronically produced citation for
19 enforcement of the warrant. Upon arrest of the defendant, the
20 warrant and the original or electronically produced citation
21 shall be returned to the court, and the offenses shall be
22 heard and disposed of simultaneously.

23 Sec. 27. Section 805.6, subsection 1, paragraph a,
24 unnumbered paragraph 3, Code 1995, is amended to read as
25 follows:

26 Notwithstanding other contrary requirements of this
27 section, a uniform citation and complaint may be originated
28 from a computerized device. The officer issuing the citation
29 through a computerized device shall obtain electronically the
30 signature of the person cited as provided in section 805.3 and
31 shall give two copies of the citation to the person cited and
32 shall provide a record of the citation to the court where the
33 person cited is to appear and to the law enforcement agency of
34 the officer by an electronic process which accurately
35 reproduces or forms a durable medium for accurately and

1 legibly reproducing an unaltered image or copy of the
2 citation.

3 Sec. 28. Section 321F.7, Code 1995, is repealed.

4 Sec. 29. EFFECTIVE DATE. Section 16 of this Act, amending
5 section 321.189, subsection 7, being deemed of immediate
6 importance, takes effect upon enactment.

7 EXPLANATION

8 Section 321.13 is amended to allow the department to retain
9 a record or document if it appears, or is later determined,
10 that the record or document is fictitious or unlawfully or
11 erroneously issued.

12 Section 321.34, subsection 2, and section 321.166, subsec-
13 tion 7, are amended to permit the issuance of one validation
14 sticker containing both the month and year of expiration for
15 use on registration plates instead of current law which pro-
16 vides for issuance of two stickers, one for the month and one
17 for the year.

18 The bill changes section 321.34, subsection 7, and section
19 321L.2, subsection 3, to eliminate the additional \$5 charge
20 for certain handicapped identification permits.

21 The bill also requires that the department of transporta-
22 tion not enter into any contract of at least \$500,000 for
23 license plates without following competitive bidding
24 procedures.

25 Section 321.47 allows the county treasurer to transfer
26 title to a motor vehicle if it has been ordered in a
27 dissolution decree. A person who has been granted title to a
28 motor vehicle must otherwise comply with other requirements
29 for transferring title.

30 Sections 321.89 and 321.90 require the acquisition of a
31 junking certificate for demolishing vehicles which have been
32 abandoned. Current law allows a demolisher to demolish,
33 wreck, or dismantle an abandoned vehicle purchased at an
34 auction without further titling of the vehicle. This bill
35 provides that the demolisher must apply for a junking

1 certificate within 15 days of purchase and can use the sales
2 receipt in lieu of a certificate of title. In addition, a
3 person who wishes to dispose of an abandoned motor vehicle, or
4 any person or governmental body upon whose property a motor
5 vehicle has been abandoned or a person who is the owner but
6 whose title is faulty, lost, or destroyed, may dispose of the
7 vehicle by obtaining a certificate of authority from the
8 police authority and then using the certificate in lieu of a
9 certificate of title in order to obtain a junking certificate.
10 Current law allows the person or governmental unit to transfer
11 the abandoned motor vehicle to a demolisher without obtaining
12 a junking certificate.

13 Section 321.126, subsection 6, is amended to allow county
14 treasurers to refund registration fees for vehicles sold or
15 junked.

16 Section 321.166, subsection 2, is amended to require per-
17 sonalized registration plates to display the county name.

18 Section 321.182 is amended to require an applicant for a
19 motor vehicle license to surrender all nonoperator's identi-
20 fication cards.

21 Section 321.189, subsection 7, exempts motorcycle operators
22 who obtain a permit prior to May 1, 1995, from the motorcycle
23 education requirement of the subsection. This portion of the
24 Act takes effect upon enactment.

25 Section 321.423 allows the chief of a fire department to
26 issue an authorization for a member of the fire department to
27 use a flashing blue light on the person's own vehicle rather
28 than requiring the director of transportation to do so. The
29 person must relinquish the authorization to the fire chief
30 when it expires or when circumstances change so that the
31 member no longer needs the authorization.

32 Amendments to sections 321.484 and 321F.6 and the repeal of
33 section 321F.7 eliminate the requirements for a lessor of a
34 motor vehicle to file a copy of a certificate evidencing
35 financial responsibility and a copy of the lease with the

1 department. Evidence of financial responsibility and the
2 lease must still be carried in the leased vehicle at all
3 times.

4 Amendments to section 327B.1 eliminate the filing fee for
5 motor carriers with interstate commerce commission authority
6 while retaining the filing fee for motor carriers exempt from
7 interstate commerce commission authority and authorize
8 collection of an annual \$1 fee per vehicle to issue the
9 registration.

10 Amendments to section 327B.6 allow the department to accept
11 insurance filings for regulated motor carriers from insurance
12 carriers authorized to do business in any state and accepted
13 by the interstate commerce commission, eliminate citing
14 obsolete references for filing forms, and make applicable only
15 to exempt carriers the revocation of registration when
16 insurance lapses. If interstate commerce commission-regulated
17 motor carriers' insurance lapses, the registration receipt is
18 no longer valid.

19 New section 327B.7 provides for reciprocity with other
20 states for an exempt commodity base state registration system.

21 The amendments to chapter 805 provide that a citation
22 produced electronically shall provide a means for obtaining
23 the cited person's signature.

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SENATE FILE 290

S-3146

1 Amend Senate File 290 as follows:

2 1. Page 12, by inserting after line 20 the
3 following:

4 "Sec. _____. Section 321.210A, subsection 3, Code
5 1995, is amended to read as follows:

6 3. Upon receipt of a report of a failure to pay
7 ~~the~~ fine, penalty, surcharge, or court costs from the
8 clerk of the district court, the department shall in
9 accordance with its rules, suspend the person's motor
10 vehicle license until the fine, penalty, surcharge, or
11 court costs are paid, unless the person proves to the
12 satisfaction of the department that the person cannot
13 pay the fine, penalty, surcharge, or court costs. A
14 suspension of a person's motor vehicle license under
15 this section shall not, by itself, render the person
16 ineligible for issuance of a temporary restricted
17 license under section 321.215, subsection 1.

18 Sec. _____. Section 321.215, subsection 2,
19 ~~un~~numbered paragraph 1, Code 1995, is amended to read
20 as follows:

21 Upon conviction and the suspension or revocation of
22 a person's motor vehicle license under section
23 321.209, subsection 5, 6, or 8; 321.210; ~~321-210A~~; or
24 ~~321.513~~; or upon the denial of issuance of a motor
25 vehicle license under section 321.560, based solely on
26 offenses enumerated in section 321.555, subsection 1,
27 paragraph "c", or section 321.555, subsection 2, and
28 upon the denial by the director of an application for
29 a temporary restricted license, a person may apply to
30 the district court having jurisdiction for the
31 residence of the person for a temporary restricted
32 permit to operate a motor vehicle for the limited
33 purpose or purposes specified in subsection 1. The
34 application may be granted only if all of the
35 following criteria are satisfied:

36 Sec. _____. Section 321.215, subsection 2, paragraph
37 d, ~~un~~numbered paragraph 1, Code 1995, is amended to
38 read as follows:

39 Proof of financial responsibility is established as
40 defined in chapter 321A. However, such proof is not
41 required if the motor vehicle license was suspended
42 under section ~~321-210A~~ or 321.513 or revoked under
43 section 321.209, subsection 8."

44 2. Page 13, by inserting after line 34 the
45 following:

46 "Sec. _____. Section 321.559, Code 1995, is amended
47 to read as follows:

48 321.559 FINDING OF COURT.

49 If the court finds that the defendant is not the
50 same person named in the abstract, or that the

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1 defendant is not an a habitual offender as provided in
2 this division, the proceeding shall be dismissed. If
3 the court finds that the defendant is an a habitual
4 offender, the court shall by appropriate judgment
5 direct that such person not operate a motor vehicle on
6 the highways of this state for the period specified in
7 section 321.560. In such case the defendant shall
8 surrender to the court all licenses or permits to
9 operate a motor vehicle upon the highways of this
10 state. The clerk of the court shall transmit a copy
11 of such judgment together with any licenses or permits
12 surrendered to the department of transportation.
13 However, the court shall provide that a person may
14 operate upon the highways of the state if the person
15 is granted a temporary restricted permit under section
16 321.215, subsection 2.

17 Sec. ____ . Section 321.560, Code 1995, is amended
18 to read as follows:

19 321.560 BARRED FOR SIX YEARS.

20 A license to operate a motor vehicle in this state
21 shall not be issued to any person declared to be an a
22 habitual offender under section 321.555, subsection 1
23 for a period of not less than two years nor more than
24 six years from the date of judgment as ordered by the
25 court. However, a temporary restricted permit may be
26 issued to a person declared to be a habitual offender
27 under section 321.555, subsection 1, paragraph "c",
28 pursuant to section 321.215, subsection 2. A license
29 to operate a motor vehicle in this state shall not be
30 issued to any person declared to be an a habitual
31 offender under section 321.555, subsection 2, for a
32 period of one year from the date of judgment.

33 Sec. ____ . Section 321.561, Code 1995, is amended
34 to read as follows:

35 321.561 PUNISHMENT FOR VIOLATION.

36 It shall be unlawful for any person convicted as an
37 a habitual offender to operate any motor vehicle in
38 this state during the period of time specified in
39 section 321.560 except for a habitual offender who has
40 been granted a temporary restricted permit pursuant to
41 section 321.215, subsection 2. This conviction shall
42 constitute an aggravated misdemeanor."

43 3. Page 14, by inserting after line 22 the
44 following:

45 "Sec. ____ . Section 321J.17, Code 1995, is amended
46 to read as follows:

47 321J.17 CIVIL PENALTY -- DISPOSITION --
48 REINSTATEMENT.

49 When the department revokes a person's motor
50 vehicle license or nonresident operating privilege

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1 under this chapter, the department shall assess the
 2 person a civil penalty of two hundred dollars. The
 3 money collected by the department under this section
 4 shall be transmitted to the treasurer of state who
 5 shall deposit one-half of the money in the separate
 6 fund established in section 912.14 and one-half of the
 7 money shall be deposited in the general fund of the
 8 state. A ~~temporary-restricted-license-shall-not-be~~
 9 ~~issued-or-a~~ motor vehicle license or nonresident
 10 operating privilege shall not be reinstated until the
 11 civil penalty has been paid."

12 4. By renumbering as necessary.

By JIM LIND
 MARY LUNDBY
 RICHARD F. DRAKE

WITHDRAWN

3-21-95 (P.762)

S-3146 FILED MARCH 20, 1995

SENATE FILE 290

S-3145

1 Amend Senate File 290 as follows:

2 1. Page 13, by inserting after line 12 the
 3 following:

4 "Sec. ____ . Section 321.463, Code 1995, is amended
 5 by adding the following new unnumbered paragraph after
 6 unnumbered paragraph 2:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
 8 provisions of this chapter to the contrary,
 9 indivisible loads operating under the permit
 10 requirements of sections 321E.7, 321E.8, and 321E.9
 11 shall be allowed a maximum of twenty thousand pounds
 12 per axle."

13 2. By renumbering as necessary.

By DON E. GETTINGS

S-3145 FILED MARCH 20, 1995

Adapted 3-21-95

(P.761)

SENATE FILE 290

S-3187

1 Amend Senate File 290 as follows:

2 1. Page 13, line 12, by inserting after the word
 3 "expiration" the following: "or upon a determination
 4 by the fire chief or the department that the
 5 authorization should be revoked".

By RICHARD F. DRAKE
 DON GETTINGS

S-3187 FILED MARCH 22, 1995

(P.860)

*Adopted
3/23/95*

SENATE FILE 290

S-3129

1 Amend Senate File 290 as follows:
2 1. Page 1, by inserting after line 7 the
3 following:
4 "Sec. ____ . Section 321.1, subsection 76, Code
5 1995, is amended to read as follows:
6 76. A-~~"special~~ "Special truck" means a motor truck
7 or truck tractor not used for hire with a gross weight
8 registration of six through thirty-two tons used by a
9 person engaged in farming to transport commodities
10 produced only by the owner, or to transport
11 commodities purchased by the owner for use in the
12 owner's own farming operation or occasional use for
13 charitable purposes. "Special truck" also means a
14 motor truck or truck tractor not used for hire with a
15 gross weight registration of six through thirty-two
16 tons used by a person engaged in farming who assists
17 another person engaged in farming through an exchange
18 of services. A "special truck" does not include a
19 truck tractor operated more than seventy-five hundred
20 miles annually."
21 2. By renumbering as necessary.

By ROD HALVORSON

S-3129 FILED MARCH 15, 1995

Adapted
3-21-95
(P.760)

Motion to R/c by Pruebe
3-21-95

Motion to R/c by Pruebe - Withdrawn
3-22-95

SENATE FILE 290

S-3157

1 Amend Senate File 290 as follows:

A 2 1. Page 12, by inserting after line 20 the
3 following:

4 "Sec. ____ . Section 321.319, Code 1995, is amended
5 to read as follows:

6 321.319 ENTERING INTERSECTIONS FROM DIFFERENT
7 HIGHWAYS.

8 When two vehicles enter an intersection from
9 different highways or public streets at approximately
10 the same time, the driver of the vehicle on the left
11 shall yield the right of way to the vehicle on the
12 right. The appropriate authorities, when determining
13 whether the driver on the left has violated this
14 section, shall consider, in addition to the direction
15 in which the vehicles were operating, any other
16 relevant factors, such as whether the vehicle on the
17 right was being operated within the speed limit and
18 whether the vehicle on the right was being operated
19 recklessly.

20 ~~The foregoing rule~~ This section is modified at
21 through highways and as otherwise as-hereinafter
22 stated in this chapter."

B 23 2. Page 12, by inserting after line 20 the
24 following:

25 "Sec. ____ . NEW SECTION. 321.253B METRIC SIGNS
26 RESTRICTED.

27 The department shall not place a sign relating to a
28 speed limit, distance, or measurement on a highway if
29 the sign establishes the speed limit, distance, or
30 measurement solely by using the metric system, unless
31 specifically required by federal law."

C 32 3. Page 12, by inserting after line 20 the
33 following:

34 "Sec. ____ . Section 321.266, subsections 2 and 3,
35 Code 1995, are amended to read as follows:

36 2. The driver of a vehicle involved in an accident
37 resulting in injury to or death of any person, or
38 total property damage to an apparent extent of five
39 hundred dollars ~~or more~~ shall ~~also, within seventy-two~~
40 ~~hours after the accident, forward a written~~ report of
41 the accident to ~~the department~~ a law enforcement
42 officer.

43 3. Every law enforcement officer who, in the
44 regular course of duty, investigates a motor vehicle
45 accident ~~of which report must be made~~ as required in
46 ~~subsections 1 to 3 of this section~~ and 2, either at
47 the time of and at the scene of the accident or
48 thereafter by interviewing participants or witnesses
49 shall, within twenty-four hours after completing ~~such~~
50 the investigation, forward a written report of such

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C 1 the accident to the department. The written report
2 shall include information regarding liability
3 insurance coverage of the drivers involved. A copy of
4 the report shall be given to the driver of each
5 vehicle involved in the accident. The law enforcement
6 officer shall not be liable for any false information
7 contained in the accident report.

8 Sec. ____ . Section 321.269, Code 1995, is amended
9 to read as follows:

10 321.269 ACCIDENT REPORT FORMS.

11 The department shall ~~prepare and upon request~~
12 ~~supply to provide~~ police departments, coroners,
13 sheriffs, and other suitable agencies or individuals,
14 forms for accident reports required hereunder, which
15 under section 321.266. The reports shall ~~call for~~
16 require sufficiently detailed information to disclose
17 ~~with reference to a traffic accident~~ the cause,
18 ~~condition then~~ the existing conditions, and the
19 persons and vehicles involved, and the existence of
20 liability insurance coverage of the drivers.

21 ~~Every required accident report shall be made on a~~
22 ~~form approved by the department if said form is~~
23 ~~available.~~

24 Sec. ____ . Section 321.271, Code 1995, is amended
25 to read as follows:

26 321.271 REPORTS CONFIDENTIAL -- WITHOUT PREJUDICE
27 -- EXCEPTIONS.

28 ~~All accident reports filed by a driver of a vehicle~~
29 ~~involved in an accident as required under section~~
30 ~~321.266 shall be in writing. The report~~ Accident
31 reports filed by a law enforcement officer under
32 section 321.266 shall be without prejudice to the
33 ~~individual so reporting~~ driver of a vehicle and shall
34 be for the confidential use of the department, except
35 that upon the request of any person involved in the
36 accident, the person's insurance company or its agent,
37 ~~or the attorney for such the person, or the attorney~~
38 general, the department shall disclose the identity
39 and address of the person involved in the accident.
40 The department, upon written request ~~of the person~~
41 ~~making the report, and payment of a four dollar fee,~~
42 shall provide the person with a copy of that person's
43 the report to any party to an accident, the party's
44 insurance company or its agent, the party's attorney,
45 or the attorney general. The written report filed
46 with the department shall not be admissible in or used
47 in evidence in any civil or criminal case arising out
48 of the facts on which the report is based.

49 ~~All written reports filed by a law enforcement~~
50 ~~officer as required under section 321.266 shall be~~

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1 ~~made available to any party to an accident, the~~
2 ~~party's insurance company or its agent, the party's~~
3 ~~attorney, or the attorney general, on written request~~
4 ~~to the department and the payment of a fee of four~~
5 ~~dollars for each copy. If a copy of an investigating~~
6 ~~officer's report of a motor vehicle accident filed~~
7 ~~with the department is retained by the law enforcement~~
8 ~~agency of the officer who filed the report, a copy~~
9 ~~shall be made available to any party to the accident,~~
10 ~~the party's insurance company or its agent, the~~
11 ~~party's attorney, or the attorney general, on written~~
12 ~~request and the payment of a fee. The attorney~~
13 ~~general shall not be required by the department or the~~
14 ~~law enforcement agency to pay a fee for a copy of a~~
15 ~~report filed by a law enforcement or investigating~~
16 ~~officer.~~

17 Sec. ____ . Section 321.273, Code 1995, is amended
18 to read as follows:

19 321.273 CITY MAY REQUIRE REPORTS.

20 Any An incorporated city or other municipality may
21 by ordinance require that the driver of a vehicle
22 ~~involved in~~ law enforcement officer reporting an
23 accident shall to also file the accident report with a
24 designated city department ~~a report of such accident~~
25 ~~or a copy of any report herein required to be filed~~
26 ~~with the department.~~ All such reports shall be for
27 the confidential use of the city department and
28 subject to the provisions of section 321.271."

29 4. By striking page 13, line 35 through page 14,
30 line 13.

C

31 5. Page 18, by striking line 3 and inserting the
32 following:

33 "Sec. ____ . Sections 321.268 and 321F.7, Code 1995,
34 are repealed."

35 6. By renumbering as necessary.

By MERLIN E. BARTZ

S-3157 FILED MARCH 21, 1995

DIV. A-WITHDRAWN, DIV. B-ADOPTED, DIV. C-ADOPTED, DIV. D-ADOPTED

SENATE FILE 290

*Motion to R/C 3-28-95 (cc) by Bartz
Motion to R/C Prevailed
Div. C - Withdrawn 3/23/95*

S-3156

1 Amend Senate File 290 as follows:

2 1. Page 11, lines 10 through 12, by striking the
3 words "and personalized registration plates issued
4 under section 321.34, subsection 5," and inserting the
5 following: ", including any plate issued pursuant to
6 section 321.34,".

7 2. Page 18, by inserting after line 6 the
8 following:

9 "Sec. ____ . APPLICABILITY DATE. Section 13 of this
10 Act, amending section 321.166, subsection 2, applies
11 only to new registration plates issued to owners on or
12 after January 1, 1996."

13 3. Title page, line 10, by striking the words "an
14 effective date" and inserting the following:
15 "effective and applicability dates".

By ANDY MCKEAN

S-3156 FILED MARCH 21, 1995
WITHDRAWN

SENATE FILE 290

S-3158

1 Amend Senate File 290 as follows:
 2 1. By striking page 11, line 34, through page 12,
 3 line 20, and inserting the following:
 4 "Sec. 100. Section 321.189, subsection 7,
 5 paragraphs a and b, Code 1995, are amended to read as
 6 follows:
 7 a. An operator who has been issued a class M
 8 license prior to ~~July 17, 1994~~ May 1, 1997.
 9 b. An operator who is renewing the operator's
 10 class M license issued prior to ~~July 17, 1994~~ May 1,
 11 1997."
 12 2. Page 18, by inserting after 3 the following:
 13 "Sec. 101. 1994 Iowa Acts, chapter 1102, section
 14 4, as amended by 1994 Iowa Acts, chapter 1199, section
 15 52, is amended to read as follows:
 16 SEC. 4. EFFECTIVE DATE. The provisions of this
 17 Act which amend section 321.189, take effect May 1,
 18 ~~1995~~ 1997."
 19 3. Page 18, by inserting after line 6 the follow-
 20 ing:
 21 "Sec. ____ . EFFECTIVE DATE AND APPLICABILITY.
 22 Sections ~~100~~ and 101 of this Act, being deemed of
 23 immediate importance, take effect upon enactment and
 24 apply retroactively to May 1, 1995, in order to delay
 25 the effective date of the amendments to section
 26 321.189, subsection 7, Code 1993, to May 1, 1997."

By JACK RIFE

S-3158 FILED MARCH 21, 1995

ADOPTED

(P.761)

SENATE FILE 290

S-3160

1 Amend Senate File 290 as follows:
 2 1. Page 11, lines 10 through 12, by striking the
 3 words "and personalized registration plates issued
 4 under section 321.34, subsection 5," and inserting the
 5 following: ", including any plate issued pursuant to
 6 section 321.34,".
 7 2. Page 18, by inserting after line 6 the
 8 following:
 9 "Sec. ____ . APPLICABILITY DATE. Section 13 of this
 10 Act, amending section 321.166, subsection 2, applies
 11 only to new registration plates issued to owners on or
 12 after January 1, 1997."
 13 3. Title page, line 10, by striking the words "an
 14 effective date" and inserting the following:
 15 "effective and applicability dates".

By ANDY McKEAN
 RICHARD F. DRAKE
 DON GETTINGS

S-3160 FILED MARCH 21, 1995

ADOPTED

(P.762)

SENATE FILE 290

S-3164

1 Amend Senate File 290 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 1000. Section 285.8, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 9. Administer and distribute
7 moneys credited to the Iowa education transportation
8 enhancement fund established pursuant to section
9 285.8A.
10 Sec. 2. NEW SECTION. 285.8A IOWA EDUCATION
11 TRANSPORTATION ENHANCEMENT FUND.
12 1. An Iowa education transportation enhancement
13 fund is created in the office of the treasurer of
14 state. The fund consists of all revenues and all
15 other moneys lawfully credited or transferred to the
16 fund. The department shall certify monthly the
17 portions of the fund that are distributed as provided
18 by this section.
19 2. The department shall establish a procedure for
20 the distribution of moneys in the fund to local school
21 boards to be used for the purpose of providing
22 transportation for pupils.
23 3. The auditor of state or a certified public
24 accountant firm appointed by the auditor of state
25 shall conduct annual audits of all accounts and
26 transactions of the fund.
27 4. Notwithstanding section 12C.7, interest or
28 earnings on investments or time deposits of the moneys
29 in the Iowa education transportation enhancement fund
30 or any of its accounts shall be credited to the Iowa
31 education transportation enhancement fund.
32 5. Section 8.33 does not apply to moneys
33 appropriated under this section."
34 2. Page 4, by inserting after line 26 the
35 following:
36 "Sec. 1010. Section 321.34, Code 1995, is amended
37 by adding the following new subsection:
38 NEW SUBSECTION. 18. EDUCATION PLATES.
39 a. Upon application and payment of the proper
40 fees, the director may issue education plates to the
41 owner of a motor vehicle subject to registration under
42 section 321.109, subsection 1, light delivery truck,
43 panel delivery truck, pickup, motor home, multipurpose
44 vehicle, or travel trailer.
45 b. Education plates shall be designed by the
46 department in cooperation with the department of
47 education which design shall include on the plate a
48 depiction of a school building and a flag and the name
49 of the county where the vehicle is registered.
50 c. The special school transportation fee for

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1 letter number designated education plates is thirty-
2 five dollars. The fee for personalized education
3 plates is twenty-five dollars which shall be paid in
4 addition to the special school transportation fee of
5 thirty-five dollars. The fees collected by the
6 director under this subsection shall be paid monthly
7 to the treasurer of state and credited to the road use
8 tax fund. Notwithstanding section 423.24, and prior
9 to the crediting of revenues to the road use tax fund
10 under section 423.24, subsection 1, paragraph "d", the
11 treasurer of state shall credit monthly from those
12 revenues to the Iowa education transportation
13 enhancement fund created pursuant to section 285.8A,
14 the amount of the special school transportation fees
15 collected in the previous month for the education
16 plates.

17 d. Upon receipt of the special registration
18 plates, the applicant shall surrender the current
19 registration receipt and plates to the county
20 treasurer. The county treasurer shall validate the
21 special registration plates in the same manner as
22 regular registration plates are validated under this
23 section. The annual special school transportation fee
24 for letter number designated plates is ten dollars,
25 which shall be paid in addition to the regular annual
26 registration fee. The annual fee for personalized
27 education plates is five dollars, which shall be paid
28 in addition to the annual special school
29 transportation fee and the regular annual registration
30 fee. The annual special school transportation fee
31 shall be credited as provided under paragraph "c".

32 3. Page 18, by inserting after line 6 the
33 following:

34 "Sec. 30. EFFECTIVE DATE. Sections 1000 and 1010
35 take effect on January 1, 1996."

36 4. By renumbering as necessary.

By BRAD BANKS

S-3164 FILED MARCH 21, 1995

(P. 860) *adopted*
3/23/95

**SENATE FILE 290
FISCAL NOTE**

A fiscal note for **Senate File 290** 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 290 makes several changes relating to motor vehicle laws including establishing an Iowa Education Transportation Enhancement Fund and special education plates, eliminating fees for the acquisition of handicapped parking plates and hanging devices, changing the requirement of having two stickers on a license plate to one sticker that displays both the month and the year, expanding the use of farm vehicles registered as "special trucks", and changing the effective date for the Department of Education to implement the motorcycle rider education course from May 1, 1995, to May 1, 1997.

Assumptions:

1. The sale of special education transportation plates will be similar to the first year sale of natural resources plates (45,000). Ten percent (4,500) are estimated to be personalized, which will generate \$1,575,000 in revenue to the Education Transportation Enhancement Fund the first year and \$450,000 each succeeding year. The section of the Bill that addresses special education transportation plates takes effect January 1, 1996.

The 4,500 personalized plates will generate \$112,500 to the Road Use Tax Fund the first year and \$22,500 each succeeding year. The first year production of the 45,000 plates will cost the Road Use Tax Fund \$121,500 (45,000 plates @ \$2.70).

2. The Department of Transportation (DOT) issues approximately 900 handicapped registration plates annually at a fee of \$5.00 and 30,000 Handicapped hanging devices annually at a fee of \$1.00. The elimination of the fees will result in a reduction of \$34,500 annually to the Road Use Tax Fund.
3. There are 3.0 million registered vehicles in Iowa. The current cost to issue two separate registration stickers is 14 cents per vehicle or \$420,000 annually. The cost to issue a single sticker per vehicle which displays both the month and year is 8 cents or \$240,000 annually. This represents a cost savings of \$180,000 annually to the Road Use Tax Fund.

Fiscal Effect:

The following provides the fiscal estimates of the sections in SF 290 that have a fiscal impact. The sections not listed below have little or no fiscal impact.

-2-

1. Sections 1, 2, and 9 (Education Plates)

Education Transportation Enhancement Fund

First Year Revenue: 45,000 plates @ \$35 = \$1,575,000

Second and Subsequent Year Revenue: 45,000 plates @ \$10 = \$450,000

Road Use Tax Fund

First Year Cost: \$9,000 (\$112,500 Revenue - \$121,500 Expense)

Second and Subsequent Year Revenue Increase: \$22,500

2. Sections 8 and 26 (Handicapped Parking)

Elimination of the handicapped parking fee will result in an annual loss to the Road Use Tax Fund of \$34,500.

3. Sections 7 and 18 (Registration Plate Stickers)

Issuing a single sticker for registration plates will result in an annual savings to the Road Use Tax Fund of \$180,000.

4. Section 4 (Special Truck Definition)

There is not sufficient data available to determine the fiscal effect of this Section.

Source: Department of Transportation

(LSB 1195sv, DLR)

FILED APRIL 5, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 285.8, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. Administer and distribute moneys
4 credited to the Iowa education transportation enhancement fund
5 established pursuant to section 285.8A.

6 Sec. 2. NEW SECTION. 285.8A IOWA EDUCATION
7 TRANSPORTATION ENHANCEMENT FUND.

8 1. An Iowa education transportation enhancement fund is
9 created in the office of the treasurer of state. The fund
10 consists of all revenues and all other moneys lawfully
11 credited or transferred to the fund. The department shall
12 certify monthly the portions of the fund that are distributed
13 as provided by this section.

14 2. The department shall establish a procedure for the
15 distribution of moneys in the fund to local school boards to
16 be used for the purpose of providing transportation for
17 pupils.

18 3. The auditor of state or a certified public accountant
19 firm appointed by the auditor of state shall conduct annual
20 audits of all accounts and transactions of the fund.

21 4. Notwithstanding section 12C.7, interest or earnings on
22 investments or time deposits of the moneys in the Iowa
23 education transportation enhancement fund or any of its
24 accounts shall be credited to the Iowa education
25 transportation enhancement fund.

26 5. Section 8.33 does not apply to moneys appropriated
27 under this section.

28 Sec. 3. Section 321.1, subsection 11, paragraph d,
29 subparagraph (1), Code 1995, is amended to read as follows:

30 (1) The combination of vehicles has a gross combination
31 weight rating of twenty-six thousand one or more pounds
32 provided the towed vehicle ~~has a gross vehicle~~ or vehicles
33 have a gross weight rating or gross combination weight rating
34 of ten thousand one or more pounds.

35 Sec. 4. Section 321.1, subsection 76, Code 1995, is

1 amended to read as follows:

2 76. A-"special" "Special truck" means a motor truck or
3 truck tractor not used for hire with a gross weight
4 registration of six through thirty-two tons used by a person
5 engaged in farming to transport commodities produced only by
6 the owner, or to transport commodities purchased by the owner
7 for use in the owner's own farming operation or occasional use
8 for charitable purposes. "Special truck" also means a motor
9 truck or truck tractor not used for hire with a gross weight
10 registration of six through thirty-two tons used by a person
11 engaged in farming who assists another person engaged in
12 farming through an exchange of services. A "special truck"
13 does not include a truck tractor operated more than seventy-
14 five hundred miles annually.

15 Sec. 5. Section 321.13, Code 1995, is amended to read as
16 follows:

17 321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

18 The department shall examine and determine the genuineness,
19 regularity, and legality of every application lawfully made to
20 the department, and may ~~in all cases make investigation as may~~
21 ~~be deemed necessary~~ investigate or require additional
22 information, ~~and shall~~. The department may reject any such
23 application if not satisfied of the genuineness, regularity,
24 or legality thereof of the application or the truth of any
25 statement ~~contained therein~~ made within the application, or
26 for any other reason, when authorized by law. The department
27 may retain possession of any record or document until the
28 investigation of the application is completed if it appears
29 that the record or document is fictitious or unlawfully or
30 erroneously issued and shall not return the record or document
31 if it is determined to be fictitious or unlawfully or
32 erroneously issued.

33 Sec. 6. Section 321.19, subsection 1, unnumbered paragraph
34 2, Code 1995, is amended to read as follows:

35 The department shall furnish, on application, free of

1 charge, distinguishing plates for vehicles thus exempted,
2 which plates except plates on Iowa highway safety patrol
3 vehicles shall bear the word "official" and the department
4 shall keep a separate record. Registration plates issued for
5 Iowa highway safety patrol vehicles, except unmarked patrol
6 vehicles, shall bear two red stars on a yellow background, one
7 before and one following the registration number on the plate,
8 which registration number shall be the officer's badge number.
9 Registration plates issued for a county sheriff's patrol
10 vehicles shall display one seven-pointed gold star on-a-green
11 background followed by the letter "S" and the call number of
12 the vehicle. However, the director of general services or the
13 director of transportation may order the issuance of regular
14 registration plates for any exempted vehicle used by peace
15 officers in the enforcement of the law, persons enforcing
16 chapter 124 and other laws relating to controlled substances,
17 persons in the department of justice and the department of
18 inspections and appeals who are regularly assigned to conduct
19 investigations which cannot reasonably be conducted with a
20 vehicle displaying "official" state registration plates, and
21 persons in the lottery division of the department of revenue
22 and finance whose regularly assigned duties relating to
23 security or the carrying of lottery tickets cannot reasonably
24 be conducted with a vehicle displaying "official" registration
25 plates. For purposes of sale of exempted vehicles, the
26 exempted governmental body, upon the sale of the exempted
27 vehicle, may issue for in-transit purposes a pasteboard card
28 bearing the words "Vehicle in Transit", the name of the
29 official body from which the vehicle was purchased, together
30 with the date of the purchase plainly marked in at least one-
31 inch letters, and other information required by the
32 department. The in-transit card is valid for use only within
33 forty-eight hours after the purchase date as indicated on the
34 bill of sale which shall be carried by the driver.

35 Sec. 7. Section 321.34, subsection 2, Code 1995, is

1 amended to read as follows:

2 2. VALIDATION STICKERS. In lieu of issuing new
3 registration plates each registration year for a vehicle
4 renewing registration, the department may reassign the
5 registration plates previously issued to the vehicle and may
6 adopt and prescribe an annual validation stickers sticker
7 indicating payment of registration fees. The department shall
8 issue two one validation stickers sticker for each set of
9 registration plates. ~~One~~ The sticker shall specify the month
10 and year of expiration of the registration period plates. ~~The~~
11 ~~second-sticker-shall-specify-the-month-of-expiration-of-the~~
12 ~~registration-period-and-need-not-be-reissued-annually.--The~~
13 ~~month-of-registration-shall-not-be-required-on-registration~~
14 ~~plates-or-validation-stickers-issued-for-vehicles-registered~~
15 ~~under-chapter-326.~~ The stickers sticker shall be displayed
16 only on the rear registration plate, except that the stickers
17 sticker shall be displayed on the front registration plate of
18 a truck-tractor.

19 The state department of transportation shall promulgate
20 adopt rules to provide for the placement of the motor vehicle
21 registration validation ~~stickers-on-all-registration-plates~~
22 ~~issued-for-the-motor-vehicle-when-such-validation-stickers-are~~
23 ~~issued-in-lieu-of-issuing-new-registration-plates-under-the~~
24 ~~provisions-of-this-section~~ sticker.

25 Sec. 8. Section 321.34, subsection 7, Code 1995, is
26 amended to read as follows:

27 7. HANDICAPPED PLATES. The owner of a motor vehicle
28 subject to registration pursuant to section 321.109,
29 subsection 1, light delivery truck, panel delivery truck, or
30 pickup, who is a handicapped person, or who is the parent or
31 guardian of a child who resides with the parent or guardian
32 owner and who is a handicapped person, as defined in section
33 321L.1, may, upon written application to the department, order
34 handicapped registration plates designed by the department
35 bearing the international symbol of accessibility. The

1 handicapped registration plates shall only be issued if the
2 application is accompanied with a statement from a physician
3 licensed under chapter 148, 149, 150, or 150A, or a
4 chiropractor licensed under chapter 151, written on the
5 physician's or chiropractor's stationery, stating the nature
6 of the applicant's or the applicant's child's handicap and
7 such additional information as required by rules adopted by
8 the department, including proof of residency of a child who is
9 a handicapped person. If the application is approved by the
10 department the handicapped registration plates shall be issued
11 to the applicant in exchange for the previous registration
12 plates issued to the person. ~~The fee for the handicapped~~
13 ~~plates is five dollars which is in addition to the regular~~
14 ~~annual registration fee.~~ The department shall validate the
15 handicapped plates in the same manner as regular registration
16 plates are validated under this section at the regular annual
17 registration fee. However, the handicapped plates shall not
18 be renewed without the applicant furnishing evidence to the
19 department that the owner of the motor vehicle or the owner's
20 child is still a handicapped person as defined in section
21 321L.1, unless the applicant has previously provided
22 satisfactory evidence to the department that the owner of the
23 vehicle or the owner's child is permanently handicapped in
24 which case the furnishing of additional evidence shall not be
25 required for renewal. However, an owner who has a child who
26 is a handicapped person shall provide satisfactory evidence to
27 the department that the handicapped child continues to reside
28 with the owner. The handicapped registration plates shall be
29 surrendered in exchange for regular registration plates when
30 the owner of the motor vehicle or the owner's child no longer
31 qualifies as a handicapped person as defined in section 321L.1
32 or when the owner's child who is a handicapped person no
33 longer resides with the owner.

34 Sec. 9. Section 321.34, Code 1995, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 18. EDUCATION PLATES.

2 a. Upon application and payment of the proper fees, the
3 director may issue education plates to the owner of a motor
4 vehicle subject to registration under section 321.109,
5 subsection 1, light delivery truck, panel delivery truck,
6 pickup, motor home, multipurpose vehicle, or travel trailer.

7 b. Education plates shall be designed by the department in
8 cooperation with the department of education which design
9 shall include on the plate a depiction of a school building
10 and a flag and the name of the county where the vehicle is
11 registered.

12 c. The special school transportation fee for letter number
13 designated education plates is thirty-five dollars. The fee
14 for personalized education plates is twenty-five dollars which
15 shall be paid in addition to the special school transportation
16 fee of thirty-five dollars. The fees collected by the
17 director under this subsection shall be paid monthly to the
18 treasurer of state and credited to the road use tax fund.
19 Notwithstanding section 423.24, and prior to the crediting of
20 revenues to the road use tax fund under section 423.24,
21 subsection 1, paragraph "d", the treasurer of state shall
22 credit monthly from those revenues to the Iowa education
23 transportation enhancement fund created pursuant to section
24 285.8A, the amount of the special school transportation fees
25 collected in the previous month for the education plates.

26 d. Upon receipt of the special registration plates, the
27 applicant shall surrender the current registration receipt and
28 plates to the county treasurer. The county treasurer shall
29 validate the special registration plates in the same manner as
30 regular registration plates are validated under this section.
31 The annual special school transportation fee for letter number
32 designated plates is ten dollars, which shall be paid in
33 addition to the regular annual registration fee. The annual
34 fee for personalized education plates is five dollars, which
35 shall be paid in addition to the annual special school

1 transportation fee and the regular annual registration fee.
2 The annual special school transportation fee shall be credited
3 as provided under paragraph "c".

4 Sec. 10. Section 321.35, Code 1995, is amended to read as
5 follows:

6 321.35 PLATES -- REFLECTIVE MATERIAL -- BID PROCEDURES.

7 All motor vehicle registration plates shall be treated with
8 a reflective material according to specifications prescribed
9 proposed by the director and approved by the commission.

10 The department shall not enter into any contract requiring
11 an expenditure of at least five hundred thousand dollars for
12 the manufacture of motor vehicle registration plates to be
13 reissued to owners under this chapter unless competitive
14 bidding procedures as provided in chapter 18 are followed.

15 Sec. 11. Section 321.47, unnumbered paragraph 1, Code
16 1995, is amended to read as follows:

17 ~~In-the-event-of-the-transfer-of~~ If ownership of a vehicle
18 is transferred by operation of law as upon inheritance, devise
19 or bequest, dissolution decree, order in bankruptcy,
20 insolvency, replevin, foreclosure or execution sale, abandoned
21 vehicle sale, or when the engine of a motor vehicle is
22 replaced by another engine, or a vehicle is sold or
23 transferred to satisfy an artisan's lien as provided in
24 chapter 577, a landlord's lien as provided in chapter 570, a
25 storage lien as provided in chapter 579, a judgment in an
26 action for abandonment of a mobile home as provided in chapter
27 555B, or repossession is had upon default in performance of
28 the terms of a security agreement, the county treasurer in the
29 transferee's county of residence, upon the surrender of the
30 prior certificate of title or the manufacturer's or importer's
31 certificate, or when that is not possible, upon presentation
32 of satisfactory proof to the county treasurer of ownership and
33 right of possession to the vehicle and upon payment of a fee
34 of ten dollars and the presentation of an application for
35 registration and certificate of title, may issue to the

1 applicant a registration card for the vehicle and a
2 certificate of title to ~~it~~ the vehicle. A person entitled to
3 ownership of a vehicle under a decree of dissolution shall
4 surrender a certified copy of the dissolution and upon
5 fulfilling the other requirements of this chapter is entitled
6 to a certificate of title and registration receipt issued in
7 the person's name.

8 PARAGRAPH DIVIDED. The persons entitled under the laws of
9 descent and distribution of an intestate's property to the
10 possession and ownership of a vehicle owned in whole or in
11 part by a decedent, upon filing an affidavit stating the name
12 and date of death of the decedent, the right to possession and
13 ownership of the persons filing the affidavit, and that there
14 has been no administration of the decedent's estate, which
15 instrument shall also contain an agreement to indemnify
16 creditors of the decedent who would be entitled to levy
17 execution upon the motor vehicle to the extent of the value of
18 the motor vehicle, are entitled upon fulfilling the other
19 requirements of this chapter, to the issuance of a
20 registration card for the interest of the decedent in the
21 vehicle and a certificate of title to it. If a decedent dies
22 testate, and either the will is not probated or is admitted to
23 probate without administration, the persons entitled to the
24 possession and ownership of a vehicle owned in whole or in
25 part by the decedent may file an affidavit, and upon
26 fulfilling the other requirements of this chapter, are
27 entitled to the issuance of a registration card for the
28 interest of the decedent in the vehicle and a certificate of
29 title to the vehicle. The affidavit shall contain the same
30 information and indemnity agreement as is required in cases of
31 intestacy pursuant to this section. No requirement of chapter
32 450 or 451 shall be considered satisfied by the filing of the
33 affidavit provided for in this section. If, from the records
34 in the office of the county treasurer, there appear to be any
35 liens on the vehicle, the certificate of title shall contain a

1 statement of the liens unless the application is accompanied
2 by proper evidence of their satisfaction or extinction.
3 Evidence of extinction may consist of, but is not limited to,
4 an affidavit of the applicant stating that a security interest
5 was foreclosed as provided in ~~Uniform-Commercial-Code~~, chapter
6 554, article 9, part 5.

7 Sec. 12. Section 321.89, subsection 4, unnumbered
8 paragraph 1, Code 1995, is amended to read as follows:

9 If an abandoned vehicle has not been reclaimed as provided
10 for in subsection 3, the police authority shall make a
11 determination as to whether or not the vehicle shall be sold
12 for use upon the highways. If the vehicle is not sold for use
13 upon the highways, it shall be sold for junk, or demolished
14 and sold as scrap. The police authority shall sell the
15 vehicle at public auction. Notwithstanding any other
16 provision of this section, any police authority, which has
17 taken into possession any abandoned vehicle which lacks an
18 engine or two or more wheels or another part which renders the
19 vehicle totally inoperable may dispose of the vehicle to a
20 demolisher for junk after complying with the notification
21 procedures enumerated in subsection 3 and without public
22 auction. The purchaser of the vehicle takes title free and
23 clear of all liens and claims of ownership, shall receive a
24 sales receipt from the police authority, and is entitled to
25 register the vehicle and receive a certificate of title if
26 sold for use upon the highways. ~~However, if~~ If the vehicle is
27 sold or disposed of to a demolisher for junk, the ~~sales~~
28 ~~receipt-by-itself-is-sufficient-title-only-for-purposes-of~~
29 ~~transferring-the-vehicle-to-the-demolisher-for-demolition,~~
30 ~~wrecking,-or-dismantling-and,-when-so-transferred,-no-further~~
31 ~~titling-of-the-vehicle-is-permitted~~ demolisher shall make
32 application for a junking certificate to the county treasurer
33 within fifteen days of purchase and shall surrender the sales
34 receipt in lieu of the certificate of title.

35 PARAGRAPH DIVIDED. From the proceeds of the sale of an

1 abandoned vehicle the police authority shall reimburse itself
2 for the expenses of the auction, the costs of towing,
3 preserving, and storing which resulted from placing the
4 abandoned vehicle in custody, all notice and publication costs
5 incurred pursuant to subsection 3, the cost of inspection, and
6 any other costs incurred except costs of bookkeeping and other
7 administrative costs. Any remainder from the proceeds of a
8 sale shall be held for the owner of the vehicle or entitled
9 lienholder for ninety days, and shall then be deposited in the
10 road use tax fund. The costs to police authorities of
11 auction, towing, preserving, storage, and all notice and
12 publication costs, and all other costs which result from
13 placing abandoned vehicles in custody, whenever the proceeds
14 from a sale of the abandoned vehicles are insufficient to meet
15 these expenses and costs, shall be paid from the road use tax
16 fund.

17 Sec. 13. Section 321.90, subsection 2, paragraphs d, e,
18 and f, Code 1995, are amended to read as follows:

19 d. If the abandoned motor vehicle is not reclaimed in
20 accordance with section 321.89, subsection 3, or no lienholder
21 objects to the disposal in the case of an owner-applicant, the
22 police authority shall give the applicant a certificate of
23 authority ~~to dispose of~~ allowing the applicant to obtain a
24 junking certificate for the motor vehicle to any demolisher
25 for demolition, wrecking, or dismantling. The demolisher
26 applicant shall make application for a junking certificate to
27 the county treasurer within fifteen days of purchase and
28 surrender the certificate of authority in lieu of the
29 certificate of title. The demolisher shall accept ~~such the~~
30 junking certificate in lieu of the certificate of title to the
31 motor vehicle.

32 e. Notwithstanding any other provisions of this section
33 and sections 321.89 and 321.91, any person, firm, corporation,
34 or unit of government upon whose property or in whose
35 possession is found any abandoned motor vehicle, or any person

1 being the owner of a motor vehicle whose title certificate is
2 faulty, lost, or destroyed, may dispose of such motor vehicle
3 to a demolisher for junk without a title and without the
4 notification procedures of section 321.89, subsection 3, if
5 the motor vehicle lacks an engine or two or more wheels or
6 other structural part which renders the vehicle totally
7 inoperable. The police authority shall give the applicant a
8 certificate of authority. The owner shall apply to the county
9 treasurer for a junking certificate within fifteen days of
10 purchase and shall surrender the certificate of authority in
11 lieu of the certificate of title.

12 f. The owner of an abandoned motor vehicle and all
13 lienholders shall no longer have any right, title, claim, or
14 interest in or to such the motor vehicle; and no court in any
15 case in law or equity shall recognize any right, title, claim,
16 or interest of any such owner and or lienholders after the
17 disposal of such the motor vehicle to a demolisher.

18 Sec. 14. Section 321.90, subsection 3, Code 1995, is
19 amended to read as follows:

20 3. DUTIES OF DEMOLISHERS.

21 a. Any demolisher who purchases or otherwise acquires an
22 abandoned motor vehicle for junk under the provisions of this
23 section shall junk, scrap, wreck, dismantle, or demolish such
24 motor vehicle. ~~However, if the vehicle is acquired under the~~
25 ~~provisions of subsection 2, paragraph "e", the demolisher~~
26 ~~shall apply to the police authority of the jurisdiction from~~
27 ~~which the vehicle was acquired for a certificate of authority~~
28 ~~to demolish the vehicle. In making the application the~~
29 ~~demolisher shall describe the motor vehicle as required by~~
30 ~~subsection 2, paragraph "b". The police authority shall issue~~
31 ~~the certificate of authority upon complying with subsection 2,~~
32 ~~paragraph "c", but shall be excused from following the~~
33 ~~notification procedures as required therein. No further~~
34 ~~titling of the motor vehicle shall be permitted. After the~~
35 ~~motor vehicle has been demolished, processed, or changed so~~

1 that-it-physically-is-no-longer-a-motor-vehicle,-the
2 demolisher-shall-surrender-the-auction-sales-receipt-or
3 certificate-of-authority-to-dispose-of-or-demolish-a-motor
4 vehicle-to-the-department-for-cancellation.--The-department
5 shall-issue-such-forms-and-rules-governing-the-surrender-of
6 auction-sales-receipts,-certificates-of-title,-and
7 certificates-of-authority-to-dispose-of-or-demolish-motor
8 vehicles,-and-the-cancellation-and-surrender-of-the
9 registrations-and-certificates-of-title-for-such-motor
10 vehicles-as-are-appropriate: A demolisher shall not junk,
11 scrap, wreck, dismantle, or demolish a vehicle until the
12 demolisher has obtained the junking certificate issued for the
13 vehicle.

14 b. A demolisher shall keep an accurate and complete record
15 of all motor vehicles purchased or received by the demolisher
16 in the course of the demolisher's business. These records
17 shall contain the name and address of the person from whom
18 each such motor vehicle was purchased or received and the date
19 when such the purchases or receipts occurred. Such The
20 records shall be open for inspection by any police authority
21 at any time during normal business hours. Any record required
22 by this section shall be kept by the demolisher for at least
23 one year after the transaction to which it applies.

24 Sec. 15. Section 321.123, subsection 1, unnumbered para-
25 graph 1, Code 1995, is amended to read as follows:

26 Travel trailers and fifth-wheel travel trailers, except
27 those in manufacturer's or dealer's stock, an annual fee of
28 twenty cents per square foot of floor space computed on the
29 exterior overall measurements, but excluding three feet
30 occupied by any trailer hitch as provided by and certified to
31 by the owner, to the nearest whole dollar, which amount shall
32 not be prorated or refunded; except the annual fee for travel
33 trailers of any type, when registered in Iowa for the first
34 time or when removed from a manufacturer's or dealer's stock,
35 shall be prorated on a monthly basis. ~~The registrant of a~~

1 ~~travel-trailer-of-any-type-shall-be-issued-a-"travel-trailer"~~
2 ~~plate.~~ It is further provided the annual fee thus computed
3 shall be limited to seventy-five percent of the full fee after
4 the vehicle is more than six model years old.

5 Sec. 16. Section 321.126, subsection 6, unnumbered
6 paragraph 1, Code 1995, is amended to read as follows:

7 If a vehicle is sold or junked, the owner in whose name the
8 vehicle was registered may make claim to the county treasurer
9 or department for a refund of the sold or junked vehicle's
10 registration fee. Also if the owner of a vehicle receives a
11 vehicle registration fee credit under section 321.46,
12 subsection 3, and the credit allowed exceeds the amount of the
13 registration fee for the vehicle acquired, the owner may claim
14 a refund for the balance of the credit. The refund is subject
15 to the following limitations:

16 Sec. 17. Section 321.166, subsection 2, Code 1995, is
17 amended to read as follows:

18 2. Every registration plate or pair of plates shall
19 display a registration plate number which shall consist of
20 alphabetical or numerical characters or a combination thereof
21 and the name of this state, which may be abbreviated. Every
22 registration plate issued by the county treasurer, including
23 any plate issued pursuant to section 321.34, shall display the
24 name of the county except plates issued for truck-tractors,
25 motorcycles, motorized-bicycles, travel-trailers, semitrailers
26 and-trailers special trucks. ~~The-year-of-expiration-or-the~~
27 ~~date-of-expiration-shall-be-displayed-on-vehicle-registration~~
28 ~~plates, except plates issued under section 321.19.~~ Special
29 truck registration plates shall display the word "special".

30 Sec. 18. Section 321.166, subsection 7, Code 1995, is
31 amended to read as follows:

32 7. The year and month of expiration of registration, which
33 may be abbreviated, shall be displayed on vehicle registration
34 plates issued by the county treasurer. A distinctive emblem
35 or validation sticker may be prescribed by the department to

1 designate the year and month of expiration which shall be
2 attached to the embossed area on the plate located at the
3 lower corners of the registration plate. The year and month
4 of expiration shall not be required to be displayed on plates
5 issued under section 321.19.

6 Sec. 19. Section 321.182, subsection 2, Code 1995, is
7 amended to read as follows:

8 2. Surrender all other motor vehicle licenses and
9 nonoperator's identification cards.

10 Sec. 20. Section 321.189, subsection 7, paragraphs a and
11 b, Code 1995, are amended to read as follows:

12 a. An operator who has been issued a class M license prior
13 to ~~July 17 1994~~ May 1, 1997.

14 b. An operator who is renewing the operator's class M
15 license issued prior to ~~July 17 1994~~ May 1, 1997.

16 Sec. 21. NEW SECTION. 321.253B METRIC SIGNS RESTRICTED.

17 The department shall not place a sign relating to a speed
18 limit, distance, or measurement on a highway if the sign
19 establishes the speed limit, distance, or measurement solely
20 by using the metric system, unless specifically required by
21 federal law.

22 Sec. 22. Section 321.423, subsections 3 and 4, Code 1995,
23 are amended to read as follows:

24 3. BLUE LIGHT. A blue light shall not be used on any
25 vehicle except for the following:

26 a. A vehicle owned or exclusively operated by a fire
27 department; ~~or.~~

28 b. A vehicle authorized by the ~~director when:~~ chief of the
29 fire department if

30 ~~(1)--The~~ the vehicle is owned by a member of a the fire
31 department;

32 ~~(2)--The,~~ the request for authorization is made by the
33 member on forms provided by the department;

34 ~~(3)--Necessity,~~ necessity for authorization is
35 demonstrated in the request.

1 ~~(4)--The chief of the fire department certifies that the~~
2 ~~member is in good standing with the fire department and~~
3 ~~recommends that the authorization be granted.~~

4 4. EXPIRATION OF AUTHORITY. The authorization shall
5 expire at midnight on the thirty-first day of December five
6 years from the year in which it was issued, or when the
7 vehicle is no longer owned by the member, or when the member
8 has ceased to be an active member of the fire department or of
9 an ambulance, rescue, or first responder service or when the
10 member has used the blue or white light beyond the scope of
11 its authorized use. A person issued an authorization under
12 subsection 3, paragraph "b", shall return the authorization to
13 the fire chief upon expiration or upon a determination by the
14 fire chief or the department that the authorization should be
15 revoked.

16 Sec. 23. Section 321.463, Code 1995, is amended by adding
17 the following new unnumbered paragraph after unnumbered
18 paragraph 2:

19 NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions
20 of this chapter to the contrary, indivisible loads operating
21 under the permit requirements of sections 321E.7, 321E.8, and
22 321E.9 shall be allowed a maximum of twenty thousand pounds
23 per axle.

24 Sec. 24. Section 321.484, unnumbered paragraph 2, Code
25 1995, is amended to read as follows:

26 The owner of a vehicle shall not be held responsible for a
27 violation of a provision regulating the stopping, standing, or
28 parking of a vehicle, whether the provision is contained in
29 this chapter, or chapter 321L, or an ordinance or other
30 regulation or rule, if the owner establishes that at the time
31 of the violation the vehicle was in the custody of an
32 identified person other than the owner pursuant to a lease as
33 defined in chapter 321F. The furnishing to the clerk of the
34 district court where the charge is pending of a copy of the
35 certificate-of-responsibility lease prescribed by section

1 321F.6 that was in effect for the vehicle at the time of the
2 alleged violation shall be prima facie evidence that the
3 vehicle was in the custody of an identified person other than
4 the owner within the meaning of this paragraph, and the charge
5 against the owner shall be dismissed. The clerk of the
6 district court then shall cause a uniform citation and
7 complaint to be issued against the lessee of the vehicle, and
8 the citation shall be served upon the defendant by ordinary
9 mail directed to the defendant at the address shown in the
10 certificate of responsibility.

11 Sec. 25. Section 321F.6, Code 1995, is amended by striking
12 the section and inserting in lieu thereof the following:

13 321F.6 FINANCIAL RESPONSIBILITY -- LEASE.

14 The lessee shall carry in the vehicle being leased,
15 evidence of financial responsibility as required by this
16 chapter and a copy of the lease, setting forth the name and
17 address of the lessee, period of the lease, and other
18 information as the director may require. The lease shall be
19 shown to any peace officer upon request.

20 Sec. 26. Section 321L.2, subsection 3, Code 1995, is
21 amended to read as follows:

22 3. Each handicapped identification device shall be
23 acquired by ~~the department and sold at a cost not to exceed~~
24 ~~five dollars,~~ to handicapped persons upon application on forms
25 prescribed by the department. Before delivering a handicapped
26 identification device to a handicapped person the department
27 shall permanently affix to the device a unique number which
28 may be used by the department to identify the individual to
29 whom the device is issued. A temporary handicapped
30 identification hanging device shall have the expiration date
31 permanently affixed to the device. Expiration dates and
32 identification numbers affixed to handicapped identification
33 hanging devices shall be of sufficient size to be readable
34 from outside the vehicle.

35 A handicapped person who owns a motor vehicle for which the

1 handicapped person has been issued radio operator registration
2 plates under section 321.34, subsection 3, or registration
3 plates as a seriously disabled veteran under section 321.105
4 may apply to the department for a handicapped identification
5 sticker to be affixed to the plates. The handicapped
6 identification stickers shall bear the international symbol of
7 accessibility. The handicapped identification stickers shall
8 be acquired by ~~the department and sold at a cost not to exceed~~
9 ~~five dollars~~, to eligible handicapped persons upon application
10 on forms prescribed by the department.

11 Sec. 27. Section 327B.1, Code 1995, is amended to read as
12 follows:

13 327B.1 AUTHORITY SECURED AND REGISTERED.

14 It is unlawful for a carrier to perform an interstate
15 transportation service for compensation upon the highways of
16 this state without first registering the authority obtained
17 from the interstate commerce commission or evidence that such
18 authority is not required with the state department of
19 transportation.

20 The department shall participate in the single state
21 insurance registration program for regulated motor carriers as
22 provided in 49 U.S.C. § 11506 and interstate commerce
23 commission regulations.

24 Registration for carriers transporting commodities exempt
25 from interstate commerce commission regulation shall be
26 granted without hearing upon application and payment of a
27 twenty-five-dollar filing fee and an annual one-dollar fee per
28 vehicle. Each amendment of supplemental authority shall
29 require a ten-dollar filing fee.

30 ~~The department shall participate in the single state~~
31 ~~insurance registration system for motor carriers as provided~~
32 ~~in 49 U.S.C. § 11506.~~

33 The state department of transportation may execute
34 reciprocity agreements with authorized representatives of any
35 state exempting nonresidents from payment of fees as set forth

1 in this chapter. The state department of transportation shall
2 adopt rules pursuant to chapter 17A for the identification of
3 vehicles operated under reciprocity agreements.

4 Fees may be subject to reduction or proration pursuant to
5 sections 326.5 and 326.32.

6 Sec. 28. Section 327B.6, unnumbered paragraph 1, Code
7 1995, is amended to read as follows:

8 Registration under section 327B.1 shall not be granted
9 until the exempt carrier has filed with the state department
10 of transportation evidence of insurance or surety bond issued
11 by an insurance carrier or bonding company authorized to do
12 business in this state and in the a form prescribed in-49
13 ~~C.F.R. § 387.15 for motor carriers of property and in 49~~
14 ~~C.F.R. § 387.39 for motor carriers of passengers~~ by the
15 department. The minimum limits of liability for each
16 interstate motor carrier for hire subject to federal minimum
17 limits of liability are those adopted under United States
18 Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and §
19 387.9 for motor carriers of property and in 49 C.F.R. § 387.27
20 and § 387.33 for motor carriers of passengers.

21 Sec. 29. NEW SECTION. 327B.7 RECIPROCITY FOR EXEMPT COM-
22 MODIFY BASE STATE REGISTRATION SYSTEM.

23 The department may enter into a reciprocity agreement on
24 behalf of this state with authorized representatives of other
25 states to become a member of an exempt commodity base state
26 registration system for the registration, insurance
27 verification, and fee collection for carriers hauling
28 commodities exempt from interstate commerce commission
29 authority.

30 Sec. 30. Section 805.3, Code 1995, is amended to read as
31 follows:

32 805.3 PROCEDURE.

33 Before the cited person is released, the person shall sign
34 the citation, either in a paper or electronic format, as a
35 written promise to appear in court at the time and place

1 specified. A copy of the citation shall be given to the
2 person.

3 Sec. 31. Section 805.5, Code 1995, is amended to read as
4 follows:

5 805.5 FAILURE TO APPEAR.

6 Any person who willfully fails to appear in court as
7 specified by the citation shall be guilty of a simple
8 misdemeanor. Where a defendant fails to make a required court
9 appearance, the court shall issue an arrest warrant for the
10 offense of failure to appear, and shall forward the warrant
11 and the original or electronically produced citation to the
12 clerk. The clerk shall enter a transfer to the issuing agency
13 on the docket, and shall return the warrant with the original
14 citation attached to the law enforcement agency which issued
15 the original or electronically produced citation for
16 enforcement of the warrant. Upon arrest of the defendant, the
17 warrant and the original or electronically produced citation
18 shall be returned to the court, and the offenses shall be
19 heard and disposed of simultaneously.

20 Sec. 32. Section 805.6, subsection 1, paragraph a,
21 unnumbered paragraph 3, Code 1995, is amended to read as
22 follows:

23 Notwithstanding other contrary requirements of this
24 section, a uniform citation and complaint may be originated
25 from a computerized device. The officer issuing the citation
26 through a computerized device shall obtain electronically the
27 signature of the person cited as provided in section 805.3 and
28 shall give two copies of the citation to the person cited and
29 shall provide a record of the citation to the court where the
30 person cited is to appear and to the law enforcement agency of
31 the officer by an electronic process which accurately
32 reproduces or forms a durable medium for accurately and
33 legibly reproducing an unaltered image or copy of the
34 citation.

35 Sec. 33. 1994 Iowa Acts, chapter 1102, section 4, as

1 amended by 1994 Iowa Acts, chapter 1199, section 52, is
2 amended to read as follows:

3 SEC. 4. EFFECTIVE DATE. The provisions of this Act which
4 amend section 321.189, take effect May 1, 1995 1997.

5 Sec. 34. Sections 321.268 and 321F.7, Code 1995, are
6 repealed.

7 Sec. 35. EFFECTIVE DATE. Section 16 of this Act, amending
8 section 321.189, subsection 7, being deemed of immediate
9 importance, takes effect upon enactment.

10 Sec. 36. EFFECTIVE DATE. Sections 1 and 9 take effect on
11 January 1, 1996.

12 Sec. 37. APPLICABILITY DATE. Section 17 of this Act,
13 amending section 321.166, subsection 2, applies only to new
14 registration plates issued to owners on or after January 1,
15 1997.

16 Sec. 38. EFFECTIVE DATE AND APPLICABILITY. Sections 20
17 and 33 of this Act, being deemed of immediate importance, take
18 effect upon enactment and apply retroactively to May 1, 1995,
19 in order to delay the effective date of the amendments to
20 section 321.189, subsection 7, Code 1993, to May 1, 1997.

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SENATE FILE 290

H-3640

1 Amend Senate File 290, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 27.

4 2. By striking page 1, line 35 through page 2,
5 line 14.

6 3. Page 3, by inserting after line 34 the
7 following:

8 "Sec. ____ . NEW SECTION. 321.20A CERTIFICATE OF
9 TITLE -- COMMERCIAL MOTOR VEHICLES.

10 1. Notwithstanding other provisions of this
11 chapter, the owner of a commercial motor vehicle with
12 a gross vehicle weight rating of twenty-six thousand
13 one pounds or more, subject to the proportional
14 registration provisions of chapter 326, may make
15 application to the department for a certificate of
16 title. The application for certificate of title shall
17 be made within fifteen days of purchase or transfer
18 and accompanied by a ten dollar title fee and
19 appropriate use tax.

20 2. A commercial motor vehicle issued a certificate
21 of title under this section shall not be subject to
22 registration fees until the commercial motor vehicle
23 is driven upon the highways. The registration fee due
24 shall be prorated for the remaining unexpired months
25 of the registration year. Ownership of a commercial
26 motor vehicle issued a certificate of title under this
27 section shall not be transferred until registration
28 fees have been paid to the department.

29 3. The certificate of title provision for
30 commercial motor vehicles with a gross vehicle weight
31 rating of twenty-six thousand one pounds or more shall
32 apply to owners with fleets of more than fifty
33 commercial motor vehicles based in Iowa under the
34 proportional registration provisions of chapter 326.
35 The original certificate of title shall be delivered
36 to the owner if no security interest or encumbrance
37 appear on the certificate, otherwise the certificate
38 of title shall be delivered by the department to the
39 person holding the first security interest or
40 encumbrance as shown on the certificate of title."

41 4. Page 4, by inserting after line 24 the
42 following:

43 "Sec. ____ . Section 321.34, subsection 4, Code
44 1995, is amended to read as follows:

45 4. MULTIYEAR PLATES. In lieu of issuing annual
46 registration plates for trailers and semitrailers, the
47 department may issue a multiyear registration plates
48 plate for a three-year period or a ~~six-year-period~~
49 permanent registration plate for trailers and
50 semitrailers licensed under chapter 326 upon payment

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1 of the appropriate registration fee. Payment of fees
2 to the department for a permanent registration plate
3 may be made at five-year intervals. Fees from three-
4 year and ~~six-year~~ five-year payments shall not be
5 reduced or prorated."

6 5. By striking page 5, line 34 through page 7,
7 line 3.

8 6. Page 7, by inserting after line 14 the
9 following:

10 "Sec. ____ . Section 321.40, Code 1995, is amended
11 by adding the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. The county treasurer may
13 refuse to renew the registration of a motor vehicle of
14 a person when notified that the person has abandoned a
15 motor vehicle and that the proceeds of the sale of the
16 abandoned vehicle were insufficient to pay the costs
17 of disposal. A county treasurer may renew the
18 registration of a motor vehicle when notified by the
19 police authority, in accordance with section 321.89,
20 that all of the expenses related to the abandonment of
21 the motor vehicle have been paid."

22 7. Page 9, by inserting after line 6 the
23 following:

24 "Sec. ____ . Section 321.52A, Code 1995, is amended
25 to read as follows:

26 321.52A CERTIFICATE OF TITLE SURCHARGE.

27 In addition to the fee required for the issuance of
28 a certificate of title under section 321.20, 321.20A,
29 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or
30 321.52, a surcharge of five dollars shall be required.
31 Of each surcharge collected under those sections, the
32 county treasurer shall remit five dollars to the
33 office of treasurer of state for deposit in the
34 general fund of the state."

35 8. Page 10, by inserting after line 16 the
36 following:

37 "Sec. ____ . Section 321.89, subsection 4, Code
38 1995, is amended by adding the following new
39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. A police authority may
41 notify the county treasurer of the county of residence
42 of the owner or owners of the abandoned vehicle of the
43 amount of the unpaid disposal expenses. Notification
44 shall be made by the end of the month following the
45 month of disposal of the abandoned motor vehicle. All
46 costs incurred by the police authority and costs which
47 are paid from the road use tax fund under this
48 subsection are an obligation of the last registered
49 owner or owners, jointly and severally. The police
50 authority shall immediately notify the county

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1 treasurer if the owner or owners pay the disposal
2 expenses."

3 9. Page 12, by inserting after line 23 the
4 following:

5 "Sec. _____. Section 321.105, unnumbered paragraph
6 4, Code 1995, is amended to read as follows:

7 In addition to the payment of an annual
8 registration fee for each trailer and semitrailer to
9 be issued an ~~Iowa~~ annual registration plate, an
10 additional registration fee may be paid for a period
11 of two or ~~five~~ four subsequent registration years.

12 Sec. _____. Section 321.122, subsection 2, Code
13 1995, is amended to read as follows:

14 2. a. For semitrailers the annual registration
15 fee is ten dollars which shall not be reduced or
16 prorated under chapter 326. ~~However, if the~~
17 ~~registration fee is paid for a six-year period, the~~
18 ~~total fee is fifty dollars which shall not be reduced~~
19 ~~or prorated under chapter 326.~~

20 b. For trailers and semitrailers licensed under
21 chapter 326, the annual registration fee for the
22 permanent registration plate shall be ten dollars
23 which shall not be reduced or prorated under chapter
24 326. The registration fees for a permanent
25 registration plate may be remitted to the department
26 at five-year intervals."

27 10. Page 13, by striking lines 16 through 29.

28 11. Page 14, by inserting after line 21 the
29 following:

30 "Sec. _____. Section 321.372, subsection 1,
31 unnumbered paragraph 1, Code 1995, is amended to read
32 as follows:

33 The driver of a school bus used to transport
34 children to and from a public or private school shall,
35 when stopping to receive or discharge pupils, turn on
36 flashing warning lamps at a distance of not less than
37 three hundred feet nor more than five hundred feet
38 from the point where the pupils are to be received or
39 discharged from the bus if the speed limit at that
40 point is forty-five miles per hour or greater and
41 shall turn on flashing warning lamps at a distance of
42 not less than one hundred fifty feet from the point
43 where the pupils are to be received or discharged from
44 the bus if the speed limit at that point is less than
45 forty-five miles per hour. At the point of receiving
46 or discharging pupils the driver of the bus shall
47 bring the bus to a stop, turn off the amber flashing
48 warning lamps, turn on the red flashing warning lamps,
49 and extend the stop arm. After receiving or
50 discharging pupils, the bus driver shall turn off all

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1 flashing warning lamps, retract the stop arm and
 2 proceed on the route. Except to the extent that
 3 reduced visibility is caused by fog, snow or other
 4 weather conditions, a school bus shall not stop to
 5 receive or discharge pupils unless there is at least
 6 three hundred feet of unobstructed vision in each
 7 direction. However, the driver of a school bus is not
 8 required to use flashing warning lamps and the stop
 9 arm when receiving or discharging pupils at a
 10 designated loading and unloading zone at a school
 11 attendance center or at extracurricular or educational
 12 activity locations where students exiting the bus do
 13 not have to cross the street or highway."

14 12. Page 16, by inserting after line 10 the fol-
 15 lowing:

16 "Sec. _____. Section 321E.11, unnumbered paragraph
 17 1, Code 1995, is amended to read as follows:

18 Movements by permit in accordance with this chapter
 19 shall be permitted only during the hours from sunrise
 20 to sunset unless the issuing authority determines that
 21 the movement can be better accomplished at another
 22 period of time because of traffic volume conditions or
 23 the vehicle subject to the permit has an overall
 24 length not to exceed one hundred feet, an overall
 25 width not to exceed eleven feet, and an overall height
 26 not to exceed fourteen feet, four inches, and the
 27 permit requires the vehicle to operate only on the
 28 those highways designated highway-system by the
 29 department. Additional safety lighting and escorts
 30 may be required for movement at night."

31 13. Page 20, by striking line 5 and inserting the
 32 following:

33 "Sec. _____. Section 321F.7, Code 1995, is".

34 14. Page 20, by striking lines 7 through 15.

35 15. Title page, line 5, by inserting after the
 36 word "lights," the following: "flashing warning lamps
 37 on a school bus,".

38 16. By renumbering as necessary.

Adopted 4-11-95 (P.1444) By COMMITTEE ON TRANSPORTATION
 WELTER of Jones, Chairperson
 H-3640 FILED MARCH 30, 1995

SENATE FILE 290

H-3671

1 Amend the amendment, H-3640, to Senate File 290, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, line 3, by striking the word "may" and
 5 inserting the following: "shall, at the option of the
 6 registrant,".

7 2. Page 2, line 3, by inserting after the word
 8 "intervals" the following: "or on an annual basis".

9 3. Page 3, line 25, by striking the word "may"
 10 and inserting the following: "shall, at the option of
 11 the registrant,".

12 4. Page 3, line 26, by inserting after the word
 13 "intervals" the following: "or on an annual basis".

By WELTER of Jones

H-3671 FILED MARCH 31, 1995

*Adopted (P. 1445)
 4-11-95*

SENATE FILE 290

H-3684

1 Amend the amendment, H-3640, to Senate File 290, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 2, by striking lines 8 through 21.
- 5 2. By striking page 2, line 35 through page 3,
 6 line 2.
- 7 3. By renumbering as necessary.

By WARNSTADT of Woodbury
 WELTER of Jones

H-3684 FILED APRIL 3, 1995

adopted 4-11-95
(P. 1445)

SENATE FILE 290

H-3685

1 Amend Senate File 290 as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 14, line 13, by striking the figure
 4 "1997" and inserting the following: "1996".
- 5 2. Page 14, line 15, by striking the figure
 6 "1997" and inserting the following: "1996".
- 7 3. Page 20, line 4, by striking the figure "1997"
 8 and inserting the following: "1996".
- 9 4. Page 20, line 20, by striking the figure
 10 "1997" and inserting the following: "1996".

By MYERS of Johnson
 WELTER of Jones

H-3685 FILED APRIL 3, 1995

Withdrawn 4-11-95
(P. 1446)

SENATE FILE 290

H-3702

1 Amend Senate File 290, as amended, passed, and
 2 reprinted by the Senate as follows:

- 3 1. Page 2, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . Section 321.18, subsection 7, Code
 6 1995, is amended to read as follows:
 7 7. Any school bus in this state used exclusively
 8 for the transportation of pupils to and from school or
 9 a school function or for the purposes provided in
 10 section 285.1, subsection 1, and section 285.10,
 11 subsection 9, or used exclusively for the
 12 transportation of children enrolled in a federal head
 13 start program. Upon application the department shall,
 14 without charge, issue a registration certificate and
 15 shall also issue registration plates which shall have
 16 imprinted thereon the words "Private School Bus" and a
 17 distinguishing number assigned to the applicant. Such
 18 plates shall be attached to the front and rear of each
 19 bus exempt from registration under this subsection."
 20 2. By renumbering as necessary.

By HARPER of Black Hawk

H-3702 FILED APRIL 3, 1995

adopted
4-11-95
(P. 1446)

SENATE FILE 290

H-3760

- 1 Amend Senate File 290, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 20, by inserting after line 20 the
- 4 following:
- 5 "Sec. ____ . EFFECTIVE DATE. Sections 7, 16, and 18
- 6 of this Act take effect on January 1, 1997."
- 7 2. By renumbering as necessary.

By WELTER of Jones

H-3760 FILED APRIL 5, 1995

adopted
4-11-95
(P. 1446)

SENATE FILE 290

H-3839

- 1 Amend the amendment, H-3640, to Senate File 290, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 4 and 5.
- 5 2. By renumbering as necessary.

By MUNDIE of Webster

H-3839 FILED APRIL 10, 1995

With draw
4-11-95
(P. 1444)

HOUSE AMENDMENT TO
SENATE FILE 290

S-3391

1 Amend Senate File 290, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 27.
4 2. By striking page 1, line 35 through page 2,
5 line 14.
6 3. Page 2, by inserting after line 32 the
7 following:
8 "Sec. ____ . Section 321.18, subsection 7, Code
9 1995, is amended to read as follows:
10 7. Any school bus in this state used exclusively
11 for the transportation of pupils to and from school or
12 a school function or for the purposes provided in
13 section 285.1, subsection 1, and section 285.10,
14 subsection 9, or used exclusively for the
15 transportation of children enrolled in a federal head
16 start program. Upon application the department shall,
17 without charge, issue a registration certificate and
18 shall also issue registration plates which shall have
19 imprinted thereon the words "Private School Bus" and a
20 distinguishing number assigned to the applicant. Such
21 plates shall be attached to the front and rear of each
22 bus exempt from registration under this subsection."
23 4. Page 3, by inserting after line 34 the
24 following:
25 "Sec. ____ . NEW SECTION. 321.20A CERTIFICATE OF
26 TITLE -- COMMERCIAL MOTOR VEHICLES.
27 1. Notwithstanding other provisions of this
28 chapter, the owner of a commercial motor vehicle with
29 a gross vehicle weight rating of twenty-six thousand
30 one pounds or more, subject to the proportional
31 registration provisions of chapter 326, may make
32 application to the department for a certificate of
33 title. The application for certificate of title shall
34 be made within fifteen days of purchase or transfer
35 and accompanied by a ten dollar title fee and
36 appropriate use tax.
37 2. A commercial motor vehicle issued a certificate
38 of title under this section shall not be subject to
39 registration fees until the commercial motor vehicle
40 is driven upon the highways. The registration fee due
41 shall be prorated for the remaining unexpired months
42 of the registration year. Ownership of a commercial
43 motor vehicle issued a certificate of title under this
44 section shall not be transferred until registration
45 fees have been paid to the department.
46 3. The certificate of title provision for
47 commercial motor vehicles with a gross vehicle weight
48 rating of twenty-six thousand one pounds or more shall
49 apply to owners with fleets of more than fifty
50 commercial motor vehicles based in Iowa under the

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Page 2

1 proportional registration provisions of chapter 326.
2 The original certificate of title shall be delivered
3 to the owner if no security interest or encumbrance
4 appear on the certificate, otherwise the certificate
5 of title shall be delivered by the department to the
6 person holding the first security interest or
7 encumbrance as shown on the certificate of title."

8 5. Page 4, by inserting after line 24 the
9 following:

10 "Sec. _____. Section 321.34, subsection 4, Code
11 1995, is amended to read as follows:

12 4. MULTIYEAR PLATES. In lieu of issuing annual
13 registration plates for trailers and semitrailers, the
14 department may issue a multiyear registration plates
15 plate for a three-year period or a ~~six-year-period~~
16 permanent registration plate for trailers and
17 semitrailers licensed under chapter 326 upon payment
18 of the appropriate registration fee. Payment of fees
19 to the department for a permanent registration plate
20 shall, at the option of the registrant, be made at
21 five-year intervals or on an annual basis. Fees from
22 three-year and ~~six-year~~ five-year payments shall not
23 be reduced or prorated."

24 6. By striking page 5, line 34 through page 7,
25 line 3.

26 7. Page 9, by inserting after line 6 the
27 following:

28 "Sec. _____. Section 321.52A, Code 1995, is amended
29 to read as follows:

30 321.52A CERTIFICATE OF TITLE SURCHARGE.

31 In addition to the fee required for the issuance of
32 a certificate of title under section 321.20, 321.20A,
33 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or
34 321.52, a surcharge of five dollars shall be required.
35 Of each surcharge collected under those sections, the
36 county treasurer shall remit five dollars to the
37 office of treasurer of state for deposit in the
38 general fund of the state."

39 8. Page 12, by inserting after line 23 the
40 following:

41 "Sec. _____. Section 321.105, unnumbered paragraph
42 4, Code 1995, is amended to read as follows:

43 In addition to the payment of an annual
44 registration fee for each trailer and semitrailer to
45 be issued an ~~Iowa~~ annual registration plate, an
46 additional registration fee may be paid for a period
47 of two or ~~five~~ four subsequent registration years.

48 Sec. _____. Section 321.122, subsection 2, Code
49 1995, is amended to read as follows:

50 2. a. For semitrailers the annual registration

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1 fee is ten dollars which shall not be reduced or
2 prorated under chapter 326. However, ~~if the~~
3 ~~registration fee is paid for a six-year period, the~~
4 ~~total fee is fifty dollars which shall not be reduced~~
5 ~~or prorated under chapter 326.~~

6 b. For trailers and semitrailers licensed under
7 chapter 326, the annual registration fee for the
8 permanent registration plate shall be ten dollars
9 which shall not be reduced or prorated under chapter
10 326. The registration fees for a permanent
11 registration plate shall, at the option of the
12 registrant, be remitted to the department at five-year
13 intervals or on an annual basis."

14 9. Page 13, by striking lines 16 through 29.

15 10. Page 14, by inserting after line 21 the
16 following:

17 "Sec. ____ . Section 321.372, subsection 1,
18 unnumbered paragraph 1, Code 1995, is amended to read
19 as follows:

20 The driver of a school bus used to transport
21 children to and from a public or private school shall,
22 when stopping to receive or discharge pupils, turn on
23 flashing warning lamps at a distance of not less than
24 three hundred feet nor more than five hundred feet
25 from the point where the pupils are to be received or
26 discharged from the bus if the speed limit at that
27 point is forty-five miles per hour or greater and
28 shall turn on flashing warning lamps at a distance of
29 not less than one hundred fifty feet from the point
30 where the pupils are to be received or discharged from
31 the bus if the speed limit at that point is less than
32 forty-five miles per hour. At the point of receiving
33 or discharging pupils the driver of the bus shall
34 bring the bus to a stop, turn off the amber flashing
35 warning lamps, turn on the red flashing warning lamps,
36 and extend the stop arm. After receiving or
37 discharging pupils, the bus driver shall turn off all
38 flashing warning lamps, retract the stop arm and
39 proceed on the route. Except to the extent that
40 reduced visibility is caused by fog, snow or other
41 weather conditions, a school bus shall not stop to
42 receive or discharge pupils unless there is at least
43 three hundred feet of unobstructed vision in each
44 direction. However, the driver of a school bus is not
45 required to use flashing warning lamps and the stop
46 arm when receiving or discharging pupils at a
47 designated loading and unloading zone at a school
48 attendance center or at extracurricular or educational
49 activity locations where students exiting the bus do
50 not have to cross the street or highway."

S-3391

-3-

S-3391

Page 4

- 1 11. Page 16, by inserting after line 10 the fol-
- 2 lowing:
- 3 "Sec. ____ . Section 321E.11, unnumbered paragraph
- 4 1, Code 1995, is amended to read as follows:
- 5 Movements by permit in accordance with this chapter
- 6 shall be permitted only during the hours from sunrise
- 7 to sunset unless the issuing authority determines that
- 8 the movement can be better accomplished at another
- 9 period of time because of traffic volume conditions or
- 10 the vehicle subject to the permit has an overall
- 11 length not to exceed one hundred feet, an overall
- 12 width not to exceed eleven feet, and an overall height
- 13 not to exceed fourteen feet, four inches, and the
- 14 permit requires the vehicle to operate only on the
- 15 those highways designated highway-system by the
- 16 department. Additional safety lighting and escorts
- 17 may be required for movement at night."
- 18 12. Page 20, by striking line 5 and inserting the
- 19 following:
- 20 "Sec. ____ . Section 321F.7, Code 1995, is".
- 21 13. Page 20, by striking lines 7 through 15.
- 22 14. Page 20, by inserting after line 20 the
- 23 following:
- 24 "Sec. ____ . EFFECTIVE DATE. Sections 7, 16, and 18
- 25 of this Act take effect on January 1, 1997."
- 26 15. Title page, line 5, by inserting after the
- 27 word "lights," the following: "flashing warning lamps
- 28 on a school bus,".
- 29 16. By renumbering, relettering, or redesignating
- 30 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3391 FILED APRIL 11, 1995

*Senate concurred in as amended
4/18/95 (p. 1272)*

SENATE FILE 290

S-3395

- 1 Amend the amendment, S-3391, to Senate File 290, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 4 and 5.
- 5 2. By renumbering as necessary.

By ROD HALVORSON

S-3395 FILED APRIL 12, 1995

Adopted 4/18/95 (p. 1272)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 290
H-3978

- 1 Amend the amendment, S-3391, to Senate File 290, as
- 2 amended; passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 4 and 5.
- 5 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3978 FILED APRIL 19, 1995

House concurred 4/20/95 (p. 1740)

Gettings. ch
Fraise
Drake

SSB. 150

Transportation
Succeeded By

SENATE/HOUSE FILE SF/HE 290

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 motor vehicle and highway regulation by the
2 state department of transportation concerning retention of
3 records and documents, registration plates and stickers,
4 dissolution decree transfers of motor vehicle titles, junking
5 certificates for abandoned vehicles, flashing blue lights,
6 motorcycle license requirements, leased motor vehicles, proof
7 of financial responsibility, charges for handicapped
8 identification devices, single state registration for motor
9 carriers, commodity base state registration, other technical
10 changes, and providing an effective date.

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

12
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24

1 Section 1.2 Section 321.1, subsection 11, paragraph d,
2 subparagraph (1), Code 1995, is amended to read as follows:

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

8 Sec. 2. Section 321.13, Code 1995, is amended to read as
9 follows:

10 321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

11 The department shall examine and determine the genuineness,
12 regularity, and legality of every application lawfully made to
13 the department, and may ~~in all cases make investigation as may~~
14 ~~be deemed necessary~~ investigate or require additional
15 information, ~~and shall~~. The department may reject any such
16 application if not satisfied of the genuineness, regularity,
17 or legality thereof of the application or the truth of any
18 statement ~~contained therein~~ made within the application, or
19 for any other reason, when authorized by law. The department
20 may retain possession of any record or document until the
21 investigation of the application is completed if it appears
22 that the record or document is fictitious or unlawfully or
23 erroneously issued and shall not return the record or document
24 if it is determined to be fictitious or unlawfully or
25 erroneously issued.

26 Sec. 3. Section 321.19, subsection 1, unnumbered paragraph
27 2, Code 1995, is amended to read as follows:

28 The department shall furnish, on application, free of
29 charge, distinguishing plates for vehicles thus exempted,
30 which plates except plates on Iowa highway safety patrol
31 vehicles shall bear the word "official" and the department
32 shall keep a separate record. Registration plates issued for
33 Iowa highway safety patrol vehicles, except unmarked patrol
34 vehicles, shall bear two red stars on a yellow background, one
35 before and one following the registration number on the plate,

1 which registration number shall be the officer's badge number.
2 Registration plates issued for a county sheriff's patrol
3 vehicles shall display one seven-pointed gold star on-a-green
4 background followed by the letter "S" and the call number of
5 the vehicle. However, the director of general services or the
6 director of transportation may order the issuance of regular
7 registration plates for any exempted vehicle used by peace
8 officers in the enforcement of the law, persons enforcing
9 chapter 124 and other laws relating to controlled substances,
10 persons in the department of justice who are regularly
11 assigned to conduct investigations which cannot reasonably be
12 conducted with a vehicle displaying "official" state
13 registration plates, and persons in the lottery division of
14 the department of revenue and finance whose regularly assigned
15 duties relating to security or the carrying of lottery tickets
16 cannot reasonably be conducted with a vehicle displaying
17 "official" registration plates. For purposes of sale of
18 exempted vehicles, the exempted governmental body, upon the
19 sale of the exempted vehicle, may issue for in-transit
20 purposes a pasteboard card bearing the words "Vehicle in
21 Transit", the name of the official body from which the vehicle
22 was purchased, together with the date of the purchase plainly
23 marked in at least one-inch letters, and other information
24 required by the department. The in-transit card is valid for
25 use only within forty-eight hours after the purchase date as
26 indicated on the bill of sale which shall be carried by the
27 driver.

28 Sec. 4. Section 321.34, subsection 2, Code 1995, is
29 amended to read as follows:

30 2. VALIDATION STICKERS. In lieu of issuing new
31 registration plates each registration year for a vehicle
32 renewing registration, the department may reassign the
33 registration plates previously issued to the vehicle and may
34 adopt and prescribe an annual validation stickers sticker
35 indicating payment of registration fees. The department shall

1 issue ~~two~~ one validation ~~stickers~~ sticker for each set of
2 registration plates. ~~One~~ The sticker shall specify the month
3 and year of expiration of the registration period plates. ~~The~~
4 ~~second-sticker-shall-specify-the-month-of-expiration-of-the~~
5 ~~registration-period-and-need-not-be-reissued-annually.--The~~
6 ~~month-of-registration-shall-not-be-required-on-registration~~
7 ~~plates-or-validation-stickers-issued-for-vehicles-registered~~
8 ~~under-chapter-326.~~ The ~~stickers~~ sticker shall be displayed
9 only on the rear registration plate, except that the ~~stickers~~
10 sticker shall be displayed on the front registration plate of
11 a truck-tractor.

12 The state department of transportation shall ~~promulgate~~
13 adopt rules to provide for the placement of the motor vehicle
14 registration validation ~~stickers-on-all-registration-plates~~
15 ~~issued-for-the-motor-vehicle-when-such-validation-stickers-are~~
16 ~~issued-in-lieu-of-issuing-new-registration-plates-under-the~~
17 ~~provisions-of-this-section~~ sticker.

18 Sec. 5. Section 321.34, subsection 7, Code 1995, is
19 amended to read as follows:

20 7. HANDICAPPED PLATES. The owner of a motor vehicle
21 subject to registration pursuant to section 321.109,
22 subsection 1, light delivery truck, panel delivery truck, or
23 pickup, who is a handicapped person, or who is the parent or
24 guardian of a child who resides with the parent or guardian
25 owner and who is a handicapped person, as defined in section
26 321L.1, may, upon written application to the department, order
27 handicapped registration plates designed by the department
28 bearing the international symbol of accessibility. The
29 handicapped registration plates shall only be issued if the
30 application is accompanied with a statement from a physician
31 licensed under chapter 148, 149, 150, or 150A, or a
32 chiropractor licensed under chapter 151, written on the
33 physician's or chiropractor's stationery, stating the nature
34 of the applicant's or the applicant's child's handicap and
35 such additional information as required by rules adopted by

1 the department, including proof of residency of a child who is
2 a handicapped person. If the application is approved by the
3 department the handicapped registration plates shall be issued
4 to the applicant in exchange for the previous registration
5 plates issued to the person. ~~The fee for the handicapped~~
6 ~~plates is five dollars which is in addition to the regular~~
7 ~~annual registration fee.~~ The department shall validate the
8 handicapped plates in the same manner as regular registration
9 plates are validated under this section at the regular annual
10 registration fee. However, the handicapped plates shall not
11 be renewed without the applicant furnishing evidence to the
12 department that the owner of the motor vehicle or the owner's
13 child is still a handicapped person as defined in section
14 321L.1, unless the applicant has previously provided
15 satisfactory evidence to the department that the owner of the
16 vehicle or the owner's child is permanently handicapped in
17 which case the furnishing of additional evidence shall not be
18 required for renewal. However, an owner who has a child who
19 is a handicapped person shall provide satisfactory evidence to
20 the department that the handicapped child continues to reside
21 with the owner. The handicapped registration plates shall be
22 surrendered in exchange for regular registration plates when
23 the owner of the motor vehicle or the owner's child no longer
24 qualifies as a handicapped person as defined in section 321L.1
25 or when the owner's child who is a handicapped person no
26 longer resides with the owner.

27 Sec. 6. Section 321.47, unnumbered paragraph 1, Code 1995,
28 is amended to read as follows:

29 ~~In the event of the transfer of~~ If ownership of a vehicle
30 is transferred by operation of law as upon inheritance, devise
31 or bequest, dissolution decree, order in bankruptcy,
32 insolvency, replevin, foreclosure or execution sale, abandoned
33 vehicle sale, or when the engine of a motor vehicle is
34 replaced by another engine, or a vehicle is sold or
35 transferred to satisfy an artisan's lien as provided in

1 chapter 577, a landlord's lien as provided in chapter 570, a
2 storage lien as provided in chapter 579, a judgment in an
3 action for abandonment of a mobile home as provided in chapter
4 555B, or repossession is had upon default in performance of
5 the terms of a security agreement, the county treasurer in the
6 transferee's county of residence, upon the surrender of the
7 prior certificate of title or the manufacturer's or importer's
8 certificate, or when that is not possible, upon presentation
9 of satisfactory proof to the county treasurer of ownership and
10 right of possession to the vehicle and upon payment of a fee
11 of ten dollars and the presentation of an application for
12 registration and certificate of title, may issue to the
13 applicant a registration card for the vehicle and a
14 certificate of title to ~~it~~ the vehicle. A person entitled to
15 ownership of a vehicle under a decree of dissolution shall
16 surrender a certified copy of the dissolution and upon
17 fulfilling the other requirements of this chapter is entitled
18 to a certificate of title and registration receipt issued in
19 the person's name.

20 PARAGRAPH DIVIDED. The persons entitled under the laws of
21 descent and distribution of an intestate's property to the
22 possession and ownership of a vehicle owned in whole or in
23 part by a decedent, upon filing an affidavit stating the name
24 and date of death of the decedent, the right to possession and
25 ownership of the persons filing the affidavit, and that there
26 has been no administration of the decedent's estate, which
27 instrument shall also contain an agreement to indemnify
28 creditors of the decedent who would be entitled to levy
29 execution upon the motor vehicle to the extent of the value of
30 the motor vehicle, are entitled upon fulfilling the other
31 requirements of this chapter, to the issuance of a
32 registration card for the interest of the decedent in the
33 vehicle and a certificate of title to it. If a decedent dies
34 testate, and either the will is not probated or is admitted to
35 probate without administration, the persons entitled to the

1 possession and ownership of a vehicle owned in whole or in
2 part by the decedent may file an affidavit, and upon
3 fulfilling the other requirements of this chapter, are
4 entitled to the issuance of a registration card for the
5 interest of the decedent in the vehicle and a certificate of
6 title to the vehicle. The affidavit shall contain the same
7 information and indemnity agreement as is required in cases of
8 intestacy pursuant to this section. No requirement of chapter
9 450 or 451 shall be considered satisfied by the filing of the
10 affidavit provided for in this section. If, from the records
11 in the office of the county treasurer, there appear to be any
12 liens on the vehicle, the certificate of title shall contain a
13 statement of the liens unless the application is accompanied
14 by proper evidence of their satisfaction or extinction.
15 Evidence of extinction may consist of, but is not limited to,
16 an affidavit of the applicant stating that a security interest
17 was foreclosed as provided in ~~Uniform-Commercial-Code~~, chapter
18 554, article 9, part 5.

19 Sec. 7. Section 321.89, subsection 4, unnumbered paragraph
20 1, Code 1995, is amended to read as follows:

21 If an abandoned vehicle has not been reclaimed as provided
22 for in subsection 3, the police authority shall make a
23 determination as to whether or not the vehicle shall be sold
24 for use upon the highways. If the vehicle is not sold for use
25 upon the highways, it shall be sold for junk, or demolished
26 and sold as scrap. The police authority shall sell the
27 vehicle at public auction. Notwithstanding any other
28 provision of this section, any police authority, which has
29 taken into possession any abandoned vehicle which lacks an
30 engine or two or more wheels or another part which renders the
31 vehicle totally inoperable may dispose of the vehicle to a
32 demolisher for junk after complying with the notification
33 procedures enumerated in subsection 3 and without public
34 auction. The purchaser of the vehicle takes title free and
35 clear of all liens and claims of ownership, shall receive a

1 sales receipt from the police authority, and is entitled to
2 register the vehicle and receive a certificate of title if
3 sold for use upon the highways. However, ~~if~~ If the vehicle is
4 sold or disposed of to a demolisher for junk, the sales
5 ~~receipt-by-itself-is-sufficient-title-only-for-purposes-of~~
6 ~~transferring-the-vehicle-to-the-demolisher-for-demolition,~~
7 ~~wrecking,-or-dismantling-and,-when-so-transferred,-no-further~~
8 ~~titling-of-the-vehicle-is-permitted~~ demolisher shall make
9 application for a junking certificate to the county treasurer
10 within fifteen days of purchase and shall surrender the sales
11 receipt in lieu of the certificate of title.

12 PARAGRAPH DIVIDED. From the proceeds of the sale of an
13 abandoned vehicle the police authority shall reimburse itself
14 for the expenses of the auction, the costs of towing,
15 preserving, and storing which resulted from placing the
16 abandoned vehicle in custody, all notice and publication costs
17 incurred pursuant to subsection 3, the cost of inspection, and
18 any other costs incurred except costs of bookkeeping and other
19 administrative costs. Any remainder from the proceeds of a
20 sale shall be held for the owner of the vehicle or entitled
21 lienholder for ninety days, and shall then be deposited in the
22 road use tax fund. The costs to police authorities of
23 auction, towing, preserving, storage, and all notice and
24 publication costs, and all other costs which result from
25 placing abandoned vehicles in custody, whenever the proceeds
26 from a sale of the abandoned vehicles are insufficient to meet
27 these expenses and costs, shall be paid from the road use tax
28 fund.

29 Sec. 8. Section 321.90, subsection 2, paragraphs d, e, and
30 f, Code 1995, are amended to read as follows:

31 d. If the abandoned motor vehicle is not reclaimed in
32 accordance with section 321.89, subsection 3, or no lienholder
33 objects to the disposal in the case of an owner-applicant, the
34 police authority shall give the applicant a certificate of
35 authority ~~to-dispose-of~~ allowing the applicant to obtain a

1 junking certificate for the motor vehicle to any demolisher
2 for demolition, wrecking, or dismantling. The demolisher
3 applicant shall make application for a junking certificate to
4 the county treasurer within fifteen days of purchase and
5 surrender the certificate of authority in lieu of the
6 certificate of title. The demolisher shall accept such the
7 junking certificate in lieu of the certificate of title to the
8 motor vehicle.

9 e. Notwithstanding any other provisions of this section
10 and sections 321.89 and 321.91, any person, firm, corporation,
11 or unit of government upon whose property or in whose
12 possession is found any abandoned motor vehicle, or any person
13 being the owner of a motor vehicle whose title certificate is
14 faulty, lost, or destroyed, may dispose of such motor vehicle
15 to a demolisher for junk without a title and without the
16 notification procedures of section 321.89, subsection 3, if
17 the motor vehicle lacks an engine or two or more wheels or
18 other structural part which renders the vehicle totally
19 inoperable. The police authority shall give the applicant a
20 certificate of authority. The owner shall apply to the county
21 treasurer for a junking certificate within fifteen days of
22 purchase and shall surrender the certificate of authority in
23 lieu of the certificate of title.

24 f. The owner of an abandoned motor vehicle and all
25 lienholders shall no longer have any right, title, claim, or
26 interest in or to such the motor vehicle; and no court in any
27 case in law or equity shall recognize any right, title, claim,
28 or interest of any such owner and or lienholders after the
29 disposal of such the motor vehicle to a demolisher.

30 Sec. 9. Section 321.90, subsection 3, Code 1995, is
31 amended to read as follows:

32 3. DUTIES OF DEMOLISHERS.

33 a. Any demolisher who purchases or otherwise acquires an
34 abandoned motor vehicle for junk under the provisions of this
35 section shall junk, scrap, wreck, dismantle, or demolish such

1 motor vehicle. However, if the vehicle is acquired under the
2 provisions of subsection 2, paragraph "e", the demolisher
3 shall apply to the police authority of the jurisdiction from
4 which the vehicle was acquired for a certificate of authority
5 to demolish the vehicle. In making the application the
6 demolisher shall describe the motor vehicle as required by
7 subsection 2, paragraph "b". The police authority shall issue
8 the certificate of authority upon complying with subsection 2,
9 paragraph "e", but shall be excused from following the
10 notification procedures as required therein. No further
11 titling of the motor vehicle shall be permitted. After the
12 motor vehicle has been demolished, processed, or changed so
13 that it physically is no longer a motor vehicle, the
14 demolisher shall surrender the auction sales receipt or
15 certificate of authority to dispose of or demolish a motor
16 vehicle to the department for cancellation. The department
17 shall issue such forms and rules governing the surrender of
18 auction sales receipts, certificates of title, and
19 certificates of authority to dispose of or demolish motor
20 vehicles, and the cancellation and surrender of the
21 registrations and certificates of title for such motor
22 vehicles as are appropriate. A demolisher shall not junk,
23 scrap, wreck, dismantle, or demolish a vehicle until the
24 demolisher has obtained the junking certificate issued for the
25 vehicle.

26 b. A demolisher shall keep an accurate and complete record
27 of all motor vehicles purchased or received by the demolisher
28 in the course of the demolisher's business. These records
29 shall contain the name and address of the person from whom
30 each such motor vehicle was purchased or received and the date
31 when such the purchases or receipts occurred. Such The
32 records shall be open for inspection by any police authority
33 at any time during normal business hours. Any record required
34 by this section shall be kept by the demolisher for at least
35 one year after the transaction to which it applies.

1 Sec. 10. Section 321.123, subsection 1, unnumbered para-
2 graph 1, Code 1995, is amended to read as follows:

3 Travel trailers and fifth-wheel travel trailers, except
4 those in manufacturer's or dealer's stock, an annual fee of
5 twenty cents per square foot of floor space computed on the
6 exterior overall measurements, but excluding three feet
7 occupied by any trailer hitch as provided by and certified to
8 by the owner, to the nearest whole dollar, which amount shall
9 not be prorated or refunded; except the annual fee for travel
10 trailers of any type, when registered in Iowa for the first
11 time or when removed from a manufacturer's or dealer's stock,
12 shall be prorated on a monthly basis. ~~The registrant of a~~
13 ~~travel trailer of any type shall be issued a "travel trailer"~~
14 ~~plate.~~ It is further provided the annual fee thus computed
15 shall be limited to seventy-five percent of the full fee after
16 the vehicle is more than six model years old.

17 Sec. 11. Section 321.126, subsection 6, unnumbered
18 paragraph 1, Code 1995, is amended to read as follows:

19 If a vehicle is sold or junked, the owner in whose name the
20 vehicle was registered may make claim to the county treasurer
21 or department for a refund of the sold or junked vehicle's
22 registration fee. Also if the owner of a vehicle receives a
23 vehicle registration fee credit under section 321.46,
24 subsection 3, and the credit allowed exceeds the amount of the
25 registration fee for the vehicle acquired, the owner may claim
26 a refund for the balance of the credit. The refund is subject
27 to the following limitations:

28 Sec. 12. Section 321.166, subsection 2, Code 1995, is
29 amended to read as follows:

30 2. Every registration plate or pair of plates shall
31 display a registration plate number which shall consist of
32 alphabetical or numerical characters or a combination thereof
33 and the name of this state, which may be abbreviated. Every
34 registration plate issued by the county treasurer and
35 personalized registration plates issued under section 321.34,

1 subsection 5, shall display the name of the county except
2 plates issued for ~~truck-tractors, motorcycles, motorized~~
3 ~~bicycles, travel-trailers, semitrailers and trailers~~ special
4 trucks. ~~The year of expiration or the date of expiration~~
5 ~~shall be displayed on vehicle registration plates, except~~
6 ~~plates issued under section 321.19.~~ Special truck
7 registration plates shall display the word "special".

8 Sec. 13. Section 321.166, subsection 7, Code 1995, is
9 amended to read as follows:

10 7. The year and month of expiration of registration, which
11 may be abbreviated, shall be displayed on vehicle registration
12 plates issued by the county treasurer. A distinctive emblem
13 or validation sticker may be prescribed by the department to
14 designate the year and month of expiration ~~which shall be~~
15 ~~attached to the embossed area on the plate located at the~~
16 ~~lower corners of the registration plate.~~ The year and month
17 of expiration shall not be required to be displayed on plates
18 issued under section 321.19.

19 Sec. 14. Section 321.182, subsection 2, Code 1995, is
20 amended to read as follows:

21 2. Surrender all other motor vehicle licenses and
22 nonoperator's identification cards.

23 Sec. 15. Section 321.189, subsection 7, Code 1995, is
24 amended to read as follows:

25 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A person
26 applying for a driver's license valid for the operation of a
27 motorcycle shall be required to successfully complete a
28 motorcycle education course either approved and established by
29 the department of education or from a private or commercial
30 driver education school licensed by the department before the
31 class M license will be issued. A public school district
32 shall charge a student a fee which shall not exceed the actual
33 cost of instruction minus moneys received by the school
34 district under subsection 9.

35 The requirement that an applicant complete a motorcycle

1 education course prior to issuance of a driver's license under
2 this subsection does not apply to the following:

3 a. An operator who has been issued a class M license prior
4 to ~~July-17-1994~~ May 1, 1995.

5 b. An operator who is renewing the operator's class M
6 license issued prior to ~~July-17-1994~~ May 1, 1995.

7 c. An operator who has been issued a driver's license
8 which is valid for the operation of a motorcycle in another
9 state.

10 Sec. 16. Section 321.423, subsections 3 and 4, Code 1995,
11 are amended to read as follows:

12 3. BLUE LIGHT. A blue light shall not be used on any
13 vehicle except for the following:

14 a. A vehicle owned or exclusively operated by a fire
15 department, ~~or~~.

16 b. A vehicle authorized by the ~~director-when:~~ chief of the
17 fire department if

18 ~~{1}~~--The the vehicle is owned by a member of a the fire
19 department.

20 ~~{2}~~--The, the request for authorization is made by the
21 member on forms provided by the department.

22 ~~{3}~~--Necessity, and necessity for authorization is
23 demonstrated in the request.

24 ~~{4}~~--The-chief-of-the-fire-department-certifies-that-the
25 member-is-in-good-standing-with-the-fire-department-and
26 recommends-that-the-authorization-be-granted.

27 4. EXPIRATION OF AUTHORITY. The authorization shall
28 expire at midnight on the thirty-first day of December five
29 years from the year in which it was issued, or when the
30 vehicle is no longer owned by the member, or when the member
31 has ceased to be an active member of the fire department or of
32 an ambulance, rescue, or first responder service or when the
33 member has used the blue or white light beyond the scope of
34 its authorized use. A person issued an authorization under
35 subsection 3, paragraph "b", shall return the authorization to

1 the fire chief upon expiration.

2 Sec. 17. Section 321.484, unnumbered paragraph 2, Code
3 1995, is amended to read as follows:

4 The owner of a vehicle shall not be held responsible for a
5 violation of a provision regulating the stopping, standing, or
6 parking of a vehicle, whether the provision is contained in
7 this chapter, or chapter 321L, or an ordinance or other
8 regulation or rule, if the owner establishes that at the time
9 of the violation the vehicle was in the custody of an
10 identified person other than the owner pursuant to a lease as
11 defined in chapter 321F. The furnishing to the clerk of the
12 district court where the charge is pending of a copy of the
13 ~~certificate-of-responsibility~~ lease prescribed by section
14 321F.6 that was in effect for the vehicle at the time of the
15 alleged violation shall be prima facie evidence that the
16 vehicle was in the custody of an identified person other than
17 the owner within the meaning of this paragraph, and the charge
18 against the owner shall be dismissed. The clerk of the
19 district court then shall cause a uniform citation and
20 complaint to be issued against the lessee of the vehicle, and
21 the citation shall be served upon the defendant by ordinary
22 mail directed to the defendant at the address shown in the
23 certificate of responsibility.

24 Sec. 18. Section 321E.11, unnumbered paragraph 1, Code
25 1995, is amended to read as follows:

26 Movements by permit in accordance with this chapter shall
27 be permitted only during the hours from sunrise to sunset
28 unless the issuing authority determines that the movement can
29 be better accomplished at another period of time because of
30 traffic volume conditions or the vehicle subject to the permit
31 has an overall length not to exceed one hundred feet, an
32 overall width not to exceed eleven feet, and an overall height
33 not to exceed fourteen feet, four inches, and the permit
34 requires the vehicle to operate only on the those highways
35 designated highway-system by the department. Additional

1 safety lighting and escorts may be required for movement at
2 night.

3 Sec. 19. Section 321F.6, Code 1995, is amended by striking
4 the section and inserting in lieu thereof the following:

5 321F.6 FINANCIAL RESPONSIBILITY -- LEASE.

6 The lessee shall carry in the vehicle being leased,
7 evidence of financial responsibility as required by this
8 chapter and a copy of the lease, setting forth the name and
9 address of the lessee, period of the lease, and other
10 information as the director may require. The lease shall be
11 shown to any peace officer upon request.

12 Sec. 20. Section 321L.2, subsection 3, Code 1995, is
13 amended to read as follows:

14 3. Each handicapped identification device shall be
15 ~~acquired by the department and sold at a cost not to exceed~~
16 ~~five dollars~~, to handicapped persons upon application on forms
17 prescribed by the department. Before delivering a handicapped
18 identification device to a handicapped person the department
19 shall permanently affix to the device a unique number which
20 may be used by the department to identify the individual to
21 whom the device is issued. A temporary handicapped
22 identification hanging device shall have the expiration date
23 permanently affixed to the device. Expiration dates and
24 identification numbers affixed to handicapped identification
25 hanging devices shall be of sufficient size to be readable
26 from outside the vehicle.

27 A handicapped person who owns a motor vehicle for which the
28 handicapped person has been issued radio operator registration
29 plates under section 321.34, subsection 3, or registration
30 plates as a seriously disabled veteran under section 321.105
31 may apply to the department for a handicapped identification
32 sticker to be affixed to the plates. The handicapped
33 identification stickers shall bear the international symbol of
34 accessibility. The handicapped identification stickers shall
35 be acquired by ~~the department and sold at a cost not to exceed~~

1 ~~five-dollars~~ to eligible handicapped persons upon application
2 on forms prescribed by the department.

3 Sec. 21. Section 327B.1, Code 1995, is amended to read as
4 follows:

5 327B.1 AUTHORITY SECURED AND REGISTERED.

6 It is unlawful for a carrier to perform an interstate
7 transportation service for compensation upon the highways of
8 this state without first registering the authority obtained
9 from the interstate commerce commission or evidence that such
10 authority is not required with the state department of
11 transportation.

12 The department shall participate in the single state
13 insurance registration program for regulated motor carriers as
14 provided in 49 U.S.C. § 11506 and interstate commerce
15 commission regulations.

16 Registration for carriers transporting commodities exempt
17 from interstate commerce commission regulation shall be
18 granted without hearing upon application and payment of a
19 twenty-five-dollar filing fee and an annual one-dollar fee per
20 vehicle. Each amendment of supplemental authority shall
21 require a ten-dollar filing fee.

22 ~~The department shall participate in the single state~~
23 ~~insurance registration system for motor carriers as provided~~
24 ~~in 49 U.S.C. § 11506.~~

25 The state department of transportation may execute
26 reciprocity agreements with authorized representatives of any
27 state exempting nonresidents from payment of fees as set forth
28 in this chapter. The state department of transportation shall
29 adopt rules pursuant to chapter 17A for the identification of
30 vehicles operated under reciprocity agreements.

31 Fees may be subject to reduction or proration pursuant to
32 sections 326.5 and 326.32.

33 Sec. 22. Section 327B.6, unnumbered paragraph 1, Code
34 1995, is amended to read as follows:

35 Registration under section 327B.1 shall not be granted

1 until the exempt carrier has filed with the state department
2 of transportation evidence of insurance or surety bond issued
3 by an insurance carrier or bonding company authorized to do
4 business in this state and in the a form prescribed in-49
5 ~~C.F.R.-§-387.15-for-motor-carriers-of-property-and-in-49~~
6 ~~C.F.R.-§-387.39-for-motor-carriers-of-passengers~~ by the
7 department. The minimum limits of liability for each
8 interstate motor carrier for hire subject to federal minimum
9 limits of liability are those adopted under United States
10 Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and §
11 387.9 for motor carriers of property and in 49 C.F.R. § 387.27
12 and § 387.33 for motor carriers of passengers.

13 Sec. 23. NEW SECTION. 327B.7 RECIPROCITY FOR EXEMPT COM-
14 MODITY BASE STATE REGISTRATION SYSTEM.

15 The department may enter into a reciprocity agreement on
16 behalf of this state with authorized representatives of other
17 states to become a member of an exempt commodity base state
18 registration system for the registration, insurance
19 verification, and fee collection for carriers hauling
20 commodities exempt from interstate commerce commission
21 authority.

22 Sec. 24. Section 805.3, Code 1995, is amended to read as
23 follows:

24 805.3 PROCEDURE.

25 Before the cited person is released, the person shall sign
26 the citation, either in a paper or electronic format, as a
27 written promise to appear in court at the time and place
28 specified. A copy of the citation shall be given to the
29 person.

30 Sec. 25. Section 805.5, Code 1995, is amended to read as
31 follows:

32 805.5 FAILURE TO APPEAR.

33 Any person who willfully fails to appear in court as
34 specified by the citation shall be guilty of a simple
35 misdemeanor. Where a defendant fails to make a required court

1 appearance, the court shall issue an arrest warrant for the
2 offense of failure to appear, and shall forward the warrant
3 and the original or electronically produced citation to the
4 clerk. The clerk shall enter a transfer to the issuing agency
5 on the docket, and shall return the warrant with the original
6 citation attached to the law enforcement agency which issued
7 the original or electronically produced citation for
8 enforcement of the warrant. Upon arrest of the defendant, the
9 warrant and the original or electronically produced citation
10 shall be returned to the court, and the offenses shall be
11 heard and disposed of simultaneously.

12 Sec. 26. Section 805.6, subsection 1, paragraph a,
13 unnumbered paragraph 3, Code 1995, is amended to read as
14 follows:

15 Notwithstanding other contrary requirements of this
16 section, a uniform citation and complaint may be originated
17 from a computerized device. The officer issuing the citation
18 through a computerized device shall obtain electronically the
19 signature of the person cited as provided in section 805.3 and
20 shall give two copies of the citation to the person cited and
21 shall provide a record of the citation to the court where the
22 person cited is to appear and to the law enforcement agency of
23 the officer by an electronic process which accurately
24 reproduces or forms a durable medium for accurately and
25 legibly reproducing an unaltered image or copy of the
26 citation.

27 Sec. 27. Section 321F.7, Code 1995, is repealed.

28 Sec. 28. EFFECTIVE DATE. Section 15 of this Act, amending
29 section 321.189, subsection 7, being deemed of immediate
30 importance, takes effect upon enactment.

31 EXPLANATION

32 Section 321.13 is amended to allow the department to retain
33 a record or document if it appears, or is later determined,
34 that the record or document is fictitious or unlawfully or
35 erroneously issued.

1 Section 321.34, subsection 2, and section 321.166, subsec-
2 tion 7, are amended to permit the issuance of one validation
3 sticker containing both the month and year of expiration for
4 use on registration plates instead of current law which pro-
5 vides for issuance of two stickers, one for the month and one
6 for the year.

7 The bill changes section 321.34, subsection 7, and section
8 321L.2, subsection 3, to eliminate the additional \$5 charge
9 for certain handicapped identification permits.

10 Section 321.47 allows the county treasurer to transfer
11 title to a motor vehicle if it has been ordered in a
12 dissolution decree. A person who has been granted title to a
13 motor vehicle must otherwise comply with other requirements
14 for transferring title.

15 Sections 321.89 and 321.90 require the acquisition of a
16 junking certificate for demolishing vehicles which have been
17 abandoned. Current law allows a demolisher to demolish,
18 wreck, or dismantle an abandoned vehicle purchased at an
19 auction without further titling of the vehicle. This bill
20 provides that the demolisher must apply for a junking
21 certificate within 15 days of purchase and can use the sales
22 receipt in lieu of a certificate of title. In addition, a
23 person who wishes to dispose of an abandoned motor vehicle, or
24 any person or governmental body upon whose property a motor
25 vehicle has been abandoned or a person who is the owner but
26 whose title is faulty, lost, or destroyed, may dispose of the
27 vehicle by obtaining a certificate of authority from the
28 police authority and then using the certificate in lieu of a
29 certificate of title in order to obtain a junking certificate.
30 Current law allows the person or governmental unit to transfer
31 the abandoned motor vehicle to a demolisher without obtaining
32 a junking certificate.

33 Section 321.126, subsection 6, is amended to allow county
34 treasurers to refund registration fees for vehicles sold or
35 junked.

1 Section 321.166, subsection 2, is amended to require per-
2 sonalized registration plates to display the county name.

3 Section 321.182 is amended to require an applicant for a
4 motor vehicle license to surrender all nonoperator's identi-
5 fication cards.

6 Section 321.189, subsection 7, exempts motorcycle operators
7 who obtain a permit prior to May 1, 1995, from the motorcycle
8 education requirement of the subsection. This portion of the
9 Act takes effect upon enactment.

10 Section 321.423 allows the chief of a fire department to
11 issue an authorization for a member of the fire department to
12 use a flashing blue light on the person's own vehicle rather
13 than requiring the director of transportation to do so. The
14 person must relinquish the authorization to the fire chief
15 when it expires or when circumstances change so that the
16 member no longer needs the authorization.

17 Amendments to sections 321.484 and 321F.6 and the repeal of
18 section 321F.7 eliminate the requirements for a lessor of a
19 motor vehicle to file a copy of a certificate evidencing
20 financial responsibility and a copy of the lease with the
21 department. Evidence of financial responsibility and the
22 lease must still be carried in the leased vehicle at all
23 times.

24 Amendments to section 327B.1 eliminate the filing fee for
25 motor carriers with interstate commerce commission authority
26 while retaining the filing fee for motor carriers exempt from
27 interstate commerce commission authority and authorize
28 collection of an annual \$1 fee per vehicle to issue the
29 registration.

30 Amendments to section 327B.6 allow the department to accept
31 insurance filings for regulated motor carriers from insurance
32 carriers authorized to do business in any state and accepted
33 by the interstate commerce commission, eliminate citing
34 obsolete references for filing forms, and make applicable only
35 to exempt carriers the revocation of registration when

1 insurance lapses. If interstate commerce commission-regulated
2 motor carriers' insurance lapses, the registration receipt is
3 no longer valid.

4 New section 327B.7 provides for reciprocity with other
5 states for an exempt commodity base state registration system.

6 The amendments to chapter 805 provide that a citation
7 produced electronically shall provide a means for obtaining
8 the cited person's signature.

9 BACKGROUND STATEMENT

10 SUBMITTED BY THE AGENCY

11 The amendment to section 321.13 allows the department to
12 retain and hold fraudulent documents, such as fictitious im-
13 migration papers and birth certificates, which are not
14 property of the department until an investigation is
15 completed.

16 Sections 321.19, 321.34, subsections 2 and 7, 321.123, and
17 321.166, subsections 2 and 7, are amended pursuant to changes
18 proposed by an industry work group in preparation for a
19 vehicle registration plate reissue. The changes include
20 adding the county name on more registration plates and using
21 only one registration sticker per set of plates. The changes
22 will improve inventory control, cost, and efficiency.

23 The changes to sections 321.34, subsection 7, and 321L.2,
24 subsection 3, eliminate the additional fees associated with
25 handicapped parking permits and registration plates. The
26 federal American with Disabilities Act prohibits additional
27 costs for accommodating citizens with disabilities.

28 In an effort to reduce paperwork, the changes to section
29 321.47 allow the department to use a copy of a divorce decree
30 to transfer title to a vehicle.

31 The proposed amendments to sections 321.89 and 321.90 would
32 ensure that junked or demolished vehicles are removed from the
33 vehicle registration system.

34 Section 321.166, subsection 6, is amended to allow county
35 treasurers to refund registration fees for vehicles sold or

1 junked.

2 The amendment to section 321.423 places the authority to
3 issue permits for blue lights with the local fire chief,
4 reducing the department's paperwork.

5 The changes to sections 321.484 and 321F.6 and the repeal
6 of section 321F.7 reduce unnecessary paperwork by eliminating
7 the requirement for a lessor to file evidence of financial
8 responsibility and a copy of the lease. It does not eliminate
9 the requirement to carry evidence of financial responsibility
10 and a copy of the lease in the vehicle.

11 Amending sections 327B.1 and 327B.6 are technical
12 corrections necessary to comply with federal regulations. New
13 section 327B.7 allows for reciprocity with other states to
14 maintain an exempt commodity base state registration system.

15 The amendments to chapter 805 are technical corrections
16 concerning the use of electronically produced citations.

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SENATE FILE 290

AN ACT

RELATING TO MOTOR VEHICLE AND HIGHWAY REGULATION BY THE STATE DEPARTMENT OF TRANSPORTATION CONCERNING RETENTION OF RECORDS AND DOCUMENTS, REGISTRATION PLATES AND STICKERS, DISSOLUTION DECREE TRANSFERS OF MOTOR VEHICLE TITLES, JUNKING CERTIFICATES FOR ABANDONED VEHICLES, FLASHING BLUE LIGHTS, FLASHING WARNING LAMPS ON A SCHOOL BUS, MOTORCYCLE LICENSE REQUIREMENTS, LEASED MOTOR VEHICLES, PROOF OF FINANCIAL RESPONSIBILITY, CHARGES FOR HANDICAPPED IDENTIFICATION DEVICES, SINGLE STATE REGISTRATION FOR MOTOR CARRIERS, COMMODITY BASE STATE REGISTRATION, OTHER TECHNICAL CHANGES, AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

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

Section 1. Section 321.1, subsection 11, paragraph d, subparagraph (1), Code 1995, is amended to read as follows:

(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 or vehicles have a gross weight rating or gross combination weight rating of ten thousand one or more pounds.

Sec. 2. Section 321.1, subsection 76, Code 1995, is amended to read as follows:

76. A-~~special~~ "Special truck" means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-two tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in the owner's own farming operation or occasional use for charitable purposes. "Special truck" also means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-two tons used by a person

engaged in farming who assists another person engaged in farming through an exchange of services. A "special truck" does not include a truck tractor operated more than seventy-five hundred miles annually.

Sec. 3. Section 321.13, Code 1995, is amended to read as follows:

321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made to the department, and may ~~in all cases make investigation as may be deemed necessary~~ investigate or require additional information, ~~and shall~~. The department may reject any such application if not satisfied of the genuineness, regularity, or legality thereof of the application or the truth of any statement ~~contained therein made within the application~~, or for any other reason, when authorized by law. The department may retain possession of any record or document until the investigation of the application is completed if it appears that the record or document is fictitious or unlawfully or erroneously issued and shall not return the record or document if it is determined to be fictitious or unlawfully or erroneously issued.

Sec. 4. Section 321.18, subsection 7, Code 1995, is amended to read as follows:

7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in section 285.1, subsection 1, and section 285.10, subsection 9, or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department shall, without charge, issue a registration certificate and shall also issue registration plates which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such plates shall be attached to the front and rear of each bus exempt from registration under this subsection.

Sec. 5. Section 321.19, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official" and the department shall keep a separate record. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven-pointed gold star on a green background followed by the letter "S" and the call number of the vehicle. However, the director of general services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice and the department of inspections and appeals who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, and persons in the lottery division of the department of revenue and finance whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within

forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 6. NEW SECTION. 321.20A CERTIFICATE OF TITLE -- COMMERCIAL MOTOR VEHICLES.

1. Notwithstanding other provisions of this chapter, the owner of a commercial motor vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, subject to the proportional registration provisions of chapter 326, may make application to the department for a certificate of title. The application for certificate of title shall be made within fifteen days of purchase or transfer and accompanied by a ten dollar title fee and appropriate use tax.

2. A commercial motor vehicle issued a certificate of title under this section shall not be subject to registration fees until the commercial motor vehicle is driven upon the highways. The registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of a commercial motor vehicle issued a certificate of title under this section shall not be transferred until registration fees have been paid to the department.

3. The certificate of title provision for commercial motor vehicles with a gross vehicle weight rating of twenty-six thousand one pounds or more shall apply to owners with fleets of more than fifty commercial motor vehicles based in Iowa under the proportional registration provisions of chapter 326. The original certificate of title shall be delivered to the owner if no security interest or encumbrance appear on the certificate, otherwise the certificate of title shall be delivered by the department to the person holding the first security interest or encumbrance as shown on the certificate of title.

Sec. 7. Section 321.34, subsection 2, Code 1995, is amended to read as follows:

2. VALIDATION STICKERS. In lieu of issuing new registration plates each registration year for a vehicle

renewing registration, the department may reassign the registration plates previously issued to the vehicle and may adopt and prescribe an annual validation stickers sticker indicating payment of registration fees. The department shall issue two one validation stickers sticker for each set of registration plates. One The sticker shall specify the month and year of expiration of the registration period plates. The second-sticker-shall-specify-the-month-of-expiration-of-the registration-period-and-need-not-be-reissued-annually.--The month-of-registration-shall-not-be-required-on-registration plates-or-validation-stickers-issued-for-vehicles-registered under-chapter-326. The stickers sticker shall be displayed only on the rear registration plate, except that the stickers sticker shall be displayed on the front registration plate of a truck-tractor.

The state department of transportation shall promulgate adopt rules to provide for the placement of the motor vehicle registration validation stickers-on-all-registration-plates issued-for-the-motor-vehicle-when-such-validation-stickers-are issued-in-lieu-of-issuing-new-registration-plates-under-the provisions-of-this-section sticker.

Sec. 8. Section 321.34, subsection 4, Code 1995, is amended to read as follows:

4. MULTIYEAR PLATES. In lieu of issuing annual registration plates for trailers and semitrailers, the department may issue a multiyear registration plates plate for a three-year period or a six-year-period permanent registration plate for trailers and semitrailers licensed under chapter 326 upon payment of the appropriate registration fee. Payment of fees to the department for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from three-year and six-year five-year payments shall not be reduced or prorated.

Sec. 9. Section 321.34, subsection 7, Code 1995, is amended to read as follows:

7. HANDICAPPED PLATES. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck, or pickup, who is a handicapped person, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a handicapped person, as defined in section 321L.1, may, upon written application to the department, order handicapped registration plates designed by the department bearing the international symbol of accessibility. The handicapped registration plates shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, written on the physician's or chiropractor's stationery, stating the nature of the applicant's or the applicant's child's handicap and such additional information as required by rules adopted by the department, including proof of residency of a child who is a handicapped person. If the application is approved by the department the handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The-fee-for-the-handicapped plates-is-five-dollars-which-is-in-addition-to-the-regular annual-registration-fee. The department shall validate the handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle or the owner's child is still a handicapped person as defined in section 321L.1, unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle or the owner's child is permanently handicapped in which case the furnishing of additional evidence shall not be

required for renewal. However, an owner who has a child who is a handicapped person shall provide satisfactory evidence to the department that the handicapped child continues to reside with the owner. The handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle or the owner's child no longer qualifies as a handicapped person as defined in section 321L.1 or when the owner's child who is a handicapped person no longer resides with the owner.

Sec. 10. Section 321.35, Code 1995, is amended to read as follows:

321.35 PLATES -- REFLECTIVE MATERIAL -- BID PROCEDURES.

All motor vehicle registration plates shall be treated with a reflective material according to specifications prescribed proposed by the director and approved by the commission.

The department shall not enter into any contract requiring an expenditure of at least five hundred thousand dollars for the manufacture of motor vehicle registration plates to be reissued to owners under this chapter unless competitive bidding procedures as provided in chapter 18 are followed.

Sec. 11. Section 321.47, unnumbered paragraph 1, Code 1995, is amended to read as follows:

~~In the event of the transfer of~~ If ownership of a vehicle is transferred by operation of law as upon inheritance, devise or bequest, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold or transferred to satisfy an artisan's lien as provided in chapter 577, a landlord's lien as provided in chapter 570, a storage lien as provided in chapter 579, a judgment in an action for abandonment of a mobile home as provided in chapter 555B, or repossession is had upon default in performance of the terms of a security agreement, the county treasurer in the transferee's county of residence, upon the surrender of the

prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of ownership and right of possession to the vehicle and upon payment of a fee of ten dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for the vehicle and a certificate of title to ~~it~~ the vehicle. A person entitled to ownership of a vehicle under a decree of dissolution shall surrender a certified copy of the dissolution and upon fulfilling the other requirements of this chapter is entitled to a certificate of title and registration receipt issued in the person's name.

PARAGRAPH DIVIDED. The persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit, and upon fulfilling the other requirements of this chapter, are entitled to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall contain the same

information and indemnity agreement as is required in cases of intestacy pursuant to this section. No requirement of chapter 450 or 451 shall be considered satisfied by the filing of the affidavit provided for in this section. If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title shall contain a statement of the liens unless the application is accompanied by proper evidence of their satisfaction or extinction. Evidence of extinction may consist of, but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in ~~Uniform-Commercial-Code~~, chapter 554, article 9, part 5.

Sec. 12. Section 321.52A, Code 1995, is amended to read as follows:

321.52A CERTIFICATE OF TITLE SURCHARGE.

In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit in the general fund of the state.

Sec. 13. Section 321.89, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority shall sell the vehicle at public auction. Notwithstanding any other provision of this section, any police authority, which has taken into possession any abandoned vehicle which lacks an engine or two or more wheels or another part which renders the vehicle totally inoperable may dispose of the vehicle to a

demolisher for junk after complying with the notification procedures enumerated in subsection 3 and without public auction. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. ~~However, if~~ If the vehicle is sold or disposed of to a demolisher for junk, the sales receipt ~~by-itself-is-sufficient-title-only-for-purposes-of-transferring-the-vehicle-to-the-demolisher-for-demolition, wrecking, or dismantling and, when so transferred, no further titling-of-the-vehicle-is-permitted~~ demolisher shall make application for a junking certificate to the county treasurer within fifteen days of purchase and shall surrender the sales receipt in lieu of the certificate of title.

PARAGRAPH DIVIDED. From the proceeds of the sale of an abandoned vehicle the police authority shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund.

Sec. 14. Section 321.90, subsection 2, paragraphs d, e, and f, Code 1995, are amended to read as follows:

d. If the abandoned motor vehicle is not reclaimed in accordance with section 321.89, subsection 3, or no lienholder objects to the disposal in the case of an owner-applicant, the police authority shall give the applicant a certificate of authority ~~to dispose of~~ allowing the applicant to obtain a junking certificate for the motor vehicle to any demolisher for demolition, wrecking, or dismantling. The demolisher applicant shall make application for a junking certificate to the county treasurer within fifteen days of purchase and surrender the certificate of authority in lieu of the certificate of title. The demolisher shall accept such the junking certificate in lieu of the certificate of title to the motor vehicle.

e. Notwithstanding any other provisions of this section and sections 321.89 and 321.91, any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk without a title and without the notification procedures of section 321.89, subsection 3, if the motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The owner shall apply to the county treasurer for a junking certificate within fifteen days of purchase and shall surrender the certificate of authority in lieu of the certificate of title.

f. The owner of an abandoned motor vehicle and all lienholders shall no longer have any right, title, claim, or interest in or to such the motor vehicle; and no court in any case in law or equity shall recognize any right, title, claim, or interest of any such owner and or lienholders after the disposal of such the motor vehicle to a demolisher.

Sec. 15. Section 321.90, subsection 3, Code 1995, is amended to read as follows:

3. DUTIES OF DEMOLISHERS.

a. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this section shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. ~~However, if the vehicle is acquired under the provisions of subsection 2, paragraph "e", the demolisher shall apply to the police authority of the jurisdiction from which the vehicle was acquired for a certificate of authority to demolish the vehicle. In making the application the demolisher shall describe the motor vehicle as required by subsection 2, paragraph "b". The police authority shall issue the certificate of authority upon complying with subsection 2, paragraph "c", but shall be excused from following the notification procedures as required therein. No further titling of the motor vehicle shall be permitted. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the department for cancellation. The department shall issue such forms and rules governing the surrender of auction sales receipts, certificates of title, and certificates of authority to dispose of or demolish motor vehicles, and the cancellation and surrender of the registrations and certificates of title for such motor vehicles as are appropriate. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.~~

b. A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by the demolisher in the course of the demolisher's business. These records shall contain the name and address of the person from whom

each such motor vehicle was purchased or received and the date when such the purchases or receipts occurred. Such The records shall be open for inspection by any police authority at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

Sec. 16. Section 321.105, unnumbered paragraph 4, Code 1995, is amended to read as follows:

In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued an Iowa annual registration plate, an additional registration fee may be paid for a period of two or five ~~four~~ subsequent registration years.

Sec. 17. Section 321.122, subsection 2, Code 1995, is amended to read as follows:

2. a. For semitrailers the annual registration fee is ten dollars which shall not be reduced or prorated under chapter 326. ~~However, if the registration fee is paid for a six-year period, the total fee is fifty dollars which shall not be reduced or prorated under chapter 326.~~

b. For trailers and semitrailers licensed under chapter 326, the annual registration fee for the permanent registration plate shall be ten dollars which shall not be reduced or prorated under chapter 326. The registration fees for a permanent registration plate shall, at the option of the registrant, be remitted to the department at five-year intervals or on an annual basis.

Sec. 18. Section 321.123, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Travel trailers and fifth-wheel travel trailers, except those in manufacturer's or dealer's stock, an annual fee of twenty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar, which amount shall

not be prorated or refunded; except the annual fee for travel trailers of any type, when registered in Iowa for the first time or when removed from a manufacturer's or dealer's stock, shall be prorated on a monthly basis. ~~The registrant of a travel-trailer of any type shall be issued a "travel-trailer" plate.~~ It is further provided the annual fee thus computed shall be limited to seventy-five percent of the full fee after the vehicle is more than six model years old.

Sec. 19. Section 321.126, subsection 6, unnumbered paragraph 1, Code 1995, is amended to read as follows:

If a vehicle is sold or junked, the owner in whose name the vehicle was registered may make claim to the county treasurer or department for a refund of the sold or junked vehicle's registration fee. Also if the owner of a vehicle receives a vehicle registration fee credit under section 321.46, subsection 3, and the credit allowed exceeds the amount of the registration fee for the vehicle acquired, the owner may claim a refund for the balance of the credit. The refund is subject to the following limitations:

Sec. 20. Section 321.166, subsection 7, Code 1995, is amended to read as follows:

7. The year and month of expiration of registration, which may be abbreviated, shall be displayed on vehicle registration plates issued by the county treasurer. A distinctive emblem or validation sticker may be prescribed by the department to designate the year and month of expiration ~~which shall be attached to the embossed area on the plate located at the lower corners of the registration plate.~~ The year and month of expiration shall not be required to be displayed on plates issued under section 321.19.

Sec. 21. Section 321.182, subsection 2, Code 1995, is amended to read as follows:

2. Surrender all other motor vehicle licenses and nonoperator's identification cards.

Sec. 22. Section 321.189, subsection 7, paragraphs a and b, Code 1995, are amended to read as follows:

a. An operator who has been issued a class M license prior to ~~July 17, 1994~~ May 1, 1997.

b. An operator who is renewing the operator's class M license issued prior to ~~July 17, 1994~~ May 1, 1997.

Sec. 23. NEW SECTION. 321.253B METRIC SIGNS RESTRICTED.

The department shall not place a sign relating to a speed limit, distance, or measurement on a highway if the sign establishes the speed limit, distance, or measurement solely by using the metric system, unless specifically required by federal law.

Sec. 24. Section 321.372, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The driver of a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is forty-five miles per hour or greater and shall turn on flashing warning lamps at a distance of not less than one hundred fifty feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than forty-five miles per hour. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver

of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

Sec. 25. Section 321.423, subsections 3 and 4, Code 1995, are amended to read as follows:

3. BLUE LIGHT. A blue light shall not be used on any vehicle except for the following:

a. A vehicle owned or exclusively operated by a fire department; ~~or.~~

b. A vehicle authorized by the ~~director when:~~ chief of the fire department if

~~{1}--The~~ the vehicle is owned by a member of a the fire department;

~~{2}--The,~~ the request for authorization is made by the member on forms provided by the department;

~~{3}--Necessity,~~ and necessity for authorization is demonstrated in the request.

~~{4}--The chief of the fire department certifies that the member is in good standing with the fire department and recommends that the authorization be granted.~~

4. EXPIRATION OF AUTHORITY. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first responder service or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b", shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

Sec. 26. Section 321.463, Code 1995, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this chapter to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, and 321E.9 shall be allowed a maximum of twenty thousand pounds per axle.

Sec. 27. Section 321.484, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of the district court where the charge is pending of a copy of the certificate-of-responsibility lease prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the certificate of responsibility.

Sec. 28. Section 321E.11, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Movements by permit in accordance with this chapter shall be permitted only during the hours from sunrise to sunset unless the issuing authority determines that the movement can

be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on the those highways designated highway-system by the department. Additional safety lighting and escorts may be required for movement at night.

Sec. 29. Section 321F.6, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

321F.6 FINANCIAL RESPONSIBILITY -- LEASE.

The lessee shall carry in the vehicle being leased, evidence of financial responsibility as required by this chapter and a copy of the lease, setting forth the name and address of the lessee, period of the lease, and other information as the director may require. The lease shall be shown to any peace officer upon request.

Sec. 30. Section 321L.2, subsection 3, Code 1995, is amended to read as follows:

3. Each handicapped identification device shall be acquired by ~~the department and sold at a cost not to exceed five dollars,~~ to handicapped persons upon application on forms prescribed by the department. Before delivering a handicapped identification device to a handicapped person the department shall permanently affix to the device a unique number which may be used by the department to identify the individual to whom the device is issued. A temporary handicapped identification hanging device shall have the expiration date permanently affixed to the device. Expiration dates and identification numbers affixed to handicapped identification hanging devices shall be of sufficient size to be readable from outside the vehicle.

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration

plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by ~~the department and sold at a cost not to exceed five dollars,~~ to eligible handicapped persons upon application on forms prescribed by the department.

Sec. 31. Section 327B.1, Code 1995, is amended to read as follows:

327B.1 AUTHORITY SECURED AND REGISTERED.

It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the interstate commerce commission or evidence that such authority is not required with the state department of transportation.

The department shall participate in the single state insurance registration program for regulated motor carriers as provided in 49 U.S.C. § 11506 and interstate commerce commission regulations.

Registration for carriers transporting commodities exempt from interstate commerce commission regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle. Each amendment of supplemental authority shall require a ten-dollar filing fee.

~~The department shall participate in the single state insurance registration system for motor carriers as provided in 49 U.S.C. § 11506.~~

The state department of transportation may execute reciprocity agreements with authorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall

adopt rules pursuant to chapter 17A for the identification of vehicles operated under reciprocity agreements.

Fees may be subject to reduction or proration pursuant to sections 326.5 and 326.32.

Sec. 32. Section 327B.6, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Registration under section 327B.1 shall not be granted until the exempt carrier has filed with the state department of transportation evidence of insurance or surety bond issued by an insurance carrier or bonding company authorized to do business in this state and in the a form prescribed ~~in 49 C.F.R. § 387.15 for motor carriers of property and in 49 C.F.R. § 387.39 for motor carriers of passengers~~ by the department. The minimum limits of liability for each interstate motor carrier for hire subject to federal minimum limits of liability are those adopted under United States Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and § 387.9 for motor carriers of property and in 49 C.F.R. § 387.27 and § 387.33 for motor carriers of passengers.

Sec. 33. NEW SECTION. 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE REGISTRATION SYSTEM.

The department may enter into a reciprocity agreement on behalf of this state with authorized representatives of other states to become a member of an exempt commodity base state registration system for the registration, insurance verification, and fee collection for carriers hauling commodities exempt from interstate commerce commission authority.

Sec. 34. Section 805.3, Code 1995, is amended to read as follows:

805.3 PROCEDURE.

Before the cited person is released, the person shall sign the citation, either in a paper or electronic format, as a written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

Sec. 35. Section 805.5, Code 1995, is amended to read as follows:

805.5 FAILURE TO APPEAR.

Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original or electronically produced citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the original or electronically produced citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original or electronically produced citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously.

Sec. 36. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 3, Code 1995, is amended to read as follows:

Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation.

Sec. 37. 1994 Iowa Acts, chapter 1102, section 4, as amended by 1994 Iowa Acts, chapter 1199, section 52, is amended to read as follows:

SEC. 4. EFFECTIVE DATE. The provisions of this Act which amend section 321.189, take effect May 1, 1995 1997.

Sec. 38. Section 321F.7, Code 1995, is repealed.

Sec. 39. EFFECTIVE DATE AND APPLICABILITY. Sections 22 and 37 of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively to May 1, 1995, in order to delay the effective date of the amendments to section 321.189, subsection 7, Code 1993, to May 1, 1997.

Sec. 40. EFFECTIVE DATE. Sections 7, 19, and 20 of this Act take effect on January 1, 1997.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 290, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 29, 1995

TERRY E. BRANSTAD
Governor