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FEB 24 2000

Place On Calendar

HOUSE FILE 2439
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2282)

Passed House, Date (P. 812) 3-16-00 Passed Senate, Date _____
Vote: Ayes 96 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to motor vehicle regulation and making penalties
2 applicable.

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

4
5 **HOUSE FILE 2439**

6 **H-8249**

7 Amend House File 2439 as follows:
8 1. Page 3, by inserting after line 18 the
9 3 following:
10 "Sec. ____ . Section 327F.39, Code 1999, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. 5A. HOURS OF SERVICE FOR DRIVERS.
13 The director shall adopt rules relating to the maximum
14 number of hours of service which can be provided by
15 persons providing transportation for railroad workers
16 to and from their places of employment or during the
17 course of their employment."
18 2. Title page, line 1, by inserting after the
19 words "relating to" the following: "transportation,
20 including hours of service for persons providing
21 transportation for railroad employees and".
22 3. By renumbering as necessary.

By BLODGETT of Cerro Gordo
T. TAYLOR of Linn

H-8249 FILED MARCH 7, 2000
adopted 3/16/00 (P. 812)

HF 2439

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1 Section 1. Section 321.20B, subsection 6, Code Supplement
2 1999, is amended to read as follows:

3 6. This section does not apply to a motor vehicle driven
4 upon a highway in conformance with the provisions of this
5 chapter relating to manufacturers, transporters, or dealers,
6 or a motor vehicle identified in section 321.18, subsections 1
7 2 through 6, and subsection 8.

8 Sec. 2. Section 321.194, subsection 1, paragraph a,
9 subparagraph (1), Code 1999, is amended to read as follows:

10 (1) During the hours of 6 a.m. to 10 p.m. over the most
11 direct and accessible route between the following locations
12 for the purpose of attending duly scheduled courses of
13 instruction and duly scheduled extracurricular activities at
14 the designated locations:

15 (a) The licensee's residence and schools of enrollment and
16 between-schools.

17 b. Schools of enrollment for-the-purpose-of-attending-duly
18 scheduled-courses-of-instruction-and-extracurricular
19 activities-within-the-school-district.

20 (c) The licensee's residence or schools of enrollment and
21 off-campus locations within the school district of enrollment.

22 Sec. 3. Section 321.218, subsections 1, 3, and 4, Code
23 Supplement 1999, are amended to read as follows:

24 1. A person whose driver's license or operating privilege
25 has been denied, canceled, suspended, or revoked as provided
26 in this chapter or as provided in section 252J.8 or 261.126 or
27 section 901.5, subsection 10, and who operates a motor vehicle
28 upon the highways of this state while the license or privilege
29 is denied, canceled, suspended, or revoked, commits a simple
30 misdemeanor. In addition to any other penalties, the
31 punishment imposed for a violation of this subsection shall
32 include assessment of a fine of not less than two hundred
33 fifty dollars nor more than one thousand five hundred dollars.

34 3. The department, upon receiving the record of the
35 conviction of a person under this section upon a charge of

1 operating a motor vehicle while the license of the person is
2 suspended or revoked, shall, except for licenses suspended
3 under section 252J.8, 261.126, 321.210, subsection 1,
4 paragraph "c", section 321.210A, 321.210B, or 321.513, extend
5 the period of suspension or revocation for an additional like
6 period, and the department shall not issue a new driver's
7 license to the person during the additional period.

8 If the department receives a record of a conviction of a
9 person under this section but the person's driving record does
10 not indicate what the original grounds of suspension were, the
11 period of suspension under this subsection shall be for a
12 period not to exceed six months.

13 4. A person who operates a commercial motor vehicle upon
14 the highways of this state when disqualified from operating
15 the commercial motor vehicle under section 321.208 commits a
16 ~~serious~~ simple misdemeanor if a commercial driver's license is
17 required for the person to operate the commercial motor
18 vehicle.

19 Sec. 4. Section 321.302, Code 1999, is amended to read as
20 follows:

21 321.302 OVERTAKING ON THE RIGHT.

22 1. The Unless otherwise prohibited by law the driver of a
23 vehicle may overtake and pass upon the right of another
24 vehicle which is making or about to make a left turn on a
25 roadway with unobstructed pavement of sufficient width for two
26 or more lines of traffic moving in the same direction as the
27 vehicle being passed when such movement can be made in safety.

28 2. The driver of a vehicle may overtake and, allowing
29 sufficient clearance, pass another vehicle proceeding in the
30 same direction either upon the left or upon the right on a
31 roadway with unobstructed pavement of sufficient width for
32 four or more lines of moving traffic when such movement can be
33 made in safety.

34 3. No A person shall not drive off the pavement, or upon
35 the shoulder of the roadway, or upon the apron or roadway of

1 an intersecting highway in overtaking or passing on the right.

2 Sec. 5. Section 321.423, subsection 6, Code 1999, is
3 amended to read as follows:

4 6. AMBER FLASHING LIGHT. A farm tractor, farm tractor
5 with towed equipment, self-propelled implement of husbandry,
6 road construction or maintenance vehicle, road grader, or
7 other vehicle principally designed for use off the highway
8 which, when operated on a primary or secondary road, is
9 operated at a speed of ~~twenty-five~~ thirty-five miles an hour
10 or less, shall be equipped with and display an amber flashing
11 light visible from the rear at any time from sunset to
12 sunrise. If the amber flashing light is obstructed by the
13 towed equipment, the towed equipment shall also be equipped
14 with and display an amber flashing light as required under
15 this subsection. All vehicles specified in this subsection
16 which are manufactured for sale or sold in this state shall be
17 equipped with an amber flashing light in accordance with the
18 standards of the American society of agricultural engineers.

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EXPLANATION

20 This bill makes several technical corrections in Code
21 provisions relating to motor vehicles. Code section 321.20B,
22 relating to motor vehicle financial liability coverage, is
23 amended to make the section applicable to nonresidents.

24 Code section 321.194, relating to minors' school driver's
25 licenses, is amended to provide that the driver's license
26 entitles the licensee to operate a motor vehicle for the
27 purpose of attending duly scheduled courses of instruction and
28 duly scheduled extracurricular activities at the licensee's
29 schools of enrollment and at off-campus locations within the
30 licensee's school district of enrollment. Currently, the
31 license entitles the licensee to operate a motor vehicle to
32 attend duly scheduled courses of instruction and
33 extracurricular activities within the school district at the
34 licensee's schools of enrollment.

35 The bill amends Code section 321.218, relating to penalties

1 for operating a motor vehicle without a valid driver's
2 license, to provide that operating while a person's driver's
3 license is suspended, revoked, denied, or barred for
4 defaulting on certain student loans is a simple misdemeanor.
5 In addition to any other penalties, a fine of at least \$250
6 but not more than \$1,500 shall be assessed for a violation of
7 this provision. Code section 321.218 is also amended to
8 provide that a person who operates a commercial motor vehicle
9 when disqualified for certain offenses commits a simple rather
10 than a serious misdemeanor.

11 Code section 321.302, relating to passing another motor
12 vehicle on the right, is amended to allow a vehicle to pass a
13 vehicle making a left turn only on a roadway with unobstructed
14 pavement wide enough for two or more lines of traffic going in
15 the same direction as the vehicle being passed and to prohibit
16 a person from driving on the apron or roadway of an
17 intersecting highway when passing on the right. A violation
18 of this provision is a simple misdemeanor.

19 The bill amends a provision in Code section 321.423,
20 relating to amber flashing lights used on certain slow-moving
21 vehicles, to use 35 miles an hour rather than 25 miles an hour
22 in referring to the speed at which such vehicles may travel.
23 This change is necessary to agree with the Code changes made
24 in previous years relating to the speed at which certain slow-
25 moving vehicles may travel.

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HOUSE FILE 2439

H-8362

- 1 Amend House File 2439 as follows:
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- 3 following:
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- 6 NEW SUBSECTION. 5A. HOURS OF SERVICE FOR DRIVERS.
- 7 The director shall adopt rules relating to the maximum
- 8 number of hours of service which can be provided by
- 9 persons providing transportation for railroad workers
- 10 to and from their places of employment or during the
- 11 course of their employment."
- 12 2. Title page, line 1, by inserting after the
- 13 words "relating to" the following: "transportation,
- 14 including hours of service for persons providing
- 15 transportation for railroad employees and".
- 16 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-8362 FILED MARCH 15, 2000

0/0 3/16/00 (p. 812)

5-2, 00 Just now

HOUSE FILE **2439**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2282)

(As Amended and Passed by the House, March 16, 2000)

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

A BILL FOR

1 An Act relating to transportation, including hours of service for
2 persons providing transportation for railroad employees and
3 motor vehicle regulation and making penalties applicable.

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

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House Amendments _____

HF 2439

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SENATE FILE 2439
FISCAL NOTE

A fiscal note for Senate File 2439 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 2439 creates a job training income tax withholding credit mechanism to finance a portion of the training costs of students enrolled in the Accelerated Career Education (ACE) Program. The Program provides job-specific training to individuals through an agreement between a community college, an employer, and a potential employee. The Program costs would be paid by student tuition, employer contributions, and diversion from the State General Fund of withholding taxes paid by present employees of the employer. The diversion is equal to 10.0% of the annual wage paid to a person in the type of position for which a graduate would be qualified. The total amount of tax withholding to be diverted in a fiscal year is capped at \$3.0 million for FY 2001 and \$6.0 million for FY 2002 and beyond.

The Bill creates an Accelerated Career Education Grant Fund. Moneys in the Fund are to be used by the College Aid Commission to provide up to \$2,000 in tuition assistance for qualified students enrolled at a community college as a participant in the ACE Program. The Bill does not provide financing for the Fund.

The Bill reduces the \$10.0 million annual cap on withholding tax receipts to the Department of Economic Development's Workforce Development Fund to \$9.0 million. This change would increase annual General Fund withholding tax receipts by \$0.8 million in FY 2001 and \$1.0 million in FY 2002 and beyond.

FISCAL IMPACT

The estimated General Fund cost of Senate File 2439 over the five-year period beginning in FY 2001 would be \$22.2 million. The cost by fiscal year is projected to be:

<u>Year</u>	<u>General Fund Income Tax Withholding</u>
FY 2001	\$ -2.2 million
FY 2002	-5.0 million
FY 2003	-5.0 million
FY 2004	-5.0 million
FY 2005	-5.0 million
	<u>\$-22.2 million</u>

In addition to the above fiscal impact, Senate File 2428 (FY 2001 Economic Development Appropriations Bill) provides a FY 2001 General Fund appropriation of \$250,000 for the ACE Grant Fund.

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SOURCE

Legislative Fiscal Bureau

(LSB 5394SV, JWR)

FILED APRIL 3, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR