

Huser, Chair
Jager
Welter

HSB 176

TRANSPORTATION
SUCCE
SF/HF

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON WELTER)

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

A BILL FOR

1 An Act relating to transportation, including regulation of school
2 buses and special trucks, vehicle titling and registration,
3 commercial driver's licenses, regulations on motor carriers,
4 regulations on motor vehicle manufacturers, distributors, and
5 dealers, size, weight, and load restrictions on vehicles,
6 driver education, and administrative procedures of the state
7 department of transportation, and providing for fees and
8 penalties.

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

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1 Section 321.1, subsection 32, unnumbered
2 paragraph 3, Code 1999, is amended to read as follows:
3 Notwithstanding the other provisions of this subsection any
4 vehicle covered thereby by this subsection, if it otherwise
5 qualifies, ~~may be registered as special mobile equipment, or~~
6 ~~operated or moved under the provisions of sections 321.57 to~~
7 ~~321.63, if the person in whose name such vehicle is to be~~
8 ~~registered or to whom a special plate or plates are to be~~
9 ~~issued elects to do so~~ as special mobile equipment and under
10 such circumstances the provisions of this subsection shall not
11 be applicable to such vehicle, nor shall such vehicle be
12 required to comply with the provisions of sections 321.384 to
13 ~~321.429~~ through 321.423, when such vehicle is moved during
14 daylight hours, provided however, the provisions of section
15 321.383 shall remain applicable to such vehicle.

16 Sec. 2. Section 321.1, subsection 69, paragraph c, Code
17 1999, is amended to read as follows:

18 c. Operated by a municipally or privately owned urban
19 transit company or a regional transit system as defined in
20 section 324A.1 for the transportation of children as part of
21 or in addition to their regularly scheduled service; or

22 Sec. 3. Section 321.1, subsection 76, Code 1999, is
23 amended to read as follows:

24 76. "Special truck" means a motor truck or truck tractor
25 not used for hire with a gross weight registration of six
26 through thirty-two tons used by a person engaged in farming to
27 transport commodities produced only by the owner, or to
28 transport commodities purchased by the owner for use in the
29 owner's own farming operation or occasional use for charitable
30 purposes. "Special truck" also means a motor truck or truck
31 tractor not used for hire with a gross weight registration of
32 six through thirty-two tons used by a person engaged in
33 farming who assists another person engaged in farming through
34 an exchange of services. A "special truck" does not include a
35 truck tractor operated more than seventy-five-hundred fifteen

1 thousand miles annually.

2 Sec. 4. Section 321.23, subsection 3, Code 1999, is
3 amended to read as follows:

4 3. In the event an applicant for registration of a foreign
5 vehicle for which a certificate of title has been issued is
6 able to furnish evidence of being the registered owner of the
7 vehicle to the county treasurer of the owner's residence,
8 although unable to surrender such certificate of title, the
9 county treasurer may issue a registration receipt and plates
10 upon receipt of the required registration fee but shall not
11 issue a certificate of title thereto. Upon surrender of the
12 certificate of title from the foreign state, the county
13 treasurer shall issue a certificate of title to the owner, or
14 person entitled thereto, of such vehicle as provided in this
15 chapter. The owner of a vehicle registered under this
16 subsection shall not be required to obtain a certificate of
17 title in this state and may transfer ownership of the vehicle
18 to a motor vehicle dealer licensed under chapter 322 if, at
19 the time of the transfer, the certificate of title is held by
20 a secured party and the dealer has forwarded to the secured
21 party the sum necessary to discharge the security interest
22 pursuant to section 321.48, subsection 1.

23 Sec. 5. Section 321.25, unnumbered paragraph 1, Code 1999,
24 is amended to read as follows:

25 A vehicle may be operated upon the highways of this state
26 without registration plates for a period of thirty forty-five
27 days after the date of delivery of the vehicle to the
28 purchaser from a dealer if a card bearing the words
29 "registration applied for" is attached on the rear of the
30 vehicle. The card shall have plainly stamped or stenciled the
31 registration number of the dealer from whom the vehicle was
32 purchased and the date of delivery of the vehicle. In
33 addition, a dealer licensed to sell new motor vehicles may
34 attach the card to a new motor vehicle delivered by the dealer
35 to the purchaser even if the vehicle was purchased from an

1 out-of-state dealer and the card shall bear the registration
2 number of the dealer that delivered the vehicle. A dealer
3 shall not issue a card to a person known to the dealer to be
4 in possession of registration plates which may be attached to
5 the vehicle. A dealer shall not issue a card unless an
6 application for registration and certificate of title has been
7 made by the purchaser and a receipt issued to the purchaser of
8 the vehicle showing the fee paid by the person making the
9 application. Dealers' records shall indicate the agency to
10 which the fee is sent and the date the fee is sent. The
11 dealer shall forward the application by the purchaser to the
12 county treasurer or state office within fifteen calendar days
13 from the date of delivery of the vehicle. However, if the
14 vehicle is subject to a security interest and has been offered
15 for sale pursuant to section 321.48, subsection 1, the dealer
16 shall forward the application by the purchaser to the county
17 treasurer or state office within ~~twenty-two~~ thirty calendar
18 days from the date of the delivery of the vehicle to the
19 purchaser.

20 Sec. 6. Section 321.42, Code 1999, is amended to read as
21 follows:

22 321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.

23 1. If a registration card, plate, or pair of plates is
24 lost or becomes illegible, the owner shall immediately apply
25 for replacement. The fee for a replacement registration card
26 shall be three dollars. The fee for a replacement plate or
27 pair of plates shall be five dollars. When the owner has
28 furnished information required by the department and paid the
29 proper fee, a duplicate, substitute, or new registration card,
30 plate, or pair of plates may be issued.

31 2. a. If a certificate of title is lost or destroyed, the
32 owner or lienholder shall apply for a certified copy of the
33 original certificate of title. The owner or lienholder of a
34 motor vehicle may also apply for a certified copy of the
35 original certificate of title as a replacement for the

1 original certificate of title upon surrender of the original
2 certificate of title with the application. The application
3 shall be made to the department or county treasurer who issued
4 the original certificate of title. The application shall be
5 signed by the owner or lienholder and accompanied by a fee of
6 ten dollars.

7 b. After five days, the department or county treasurer
8 shall issue a certified copy to the applicant at the
9 applicant's most recent address, however, the five-day waiting
10 period does not apply to an applicant who has surrendered the
11 original certificate of title to the department or county
12 treasurer. The certified copy shall be clearly marked
13 "duplicate" and shall be identical to the original, including
14 notation of liens or encumbrances. When a certified copy has
15 been issued, the previous certificate is void.

16 c. If a security interest noted on the face of an original
17 certificate of title was released by the lienholder on a
18 separate form pursuant to section 321.50, subsection 4, and
19 the signature of the lienholder, or the person executing the
20 release on behalf of the lienholder, is notarized, but the
21 lienholder has not delivered the original certificate to the
22 appropriate party as provided in section 321.50, subsection 4,
23 the owner may apply for and receive a replacement certificate
24 of title without the released security interest noted thereon.
25 The lienholder shall return the original certificate of title
26 to the department or to the treasurer of the county where the
27 title was issued.

28 d. A new purchaser or transferee is entitled to receive an
29 original title upon presenting the assigned duplicate copy to
30 the treasurer of the county where the new purchaser or
31 transferee resides. At the time of purchase, a purchaser may
32 require the seller to indemnify the purchaser and all future
33 purchasers of the vehicle against any loss which may be
34 suffered due to claims on the original certificate. A person
35 recovering an original certificate of title for which a

1 duplicate has been issued shall surrender the original
2 certificate to the county treasurer or the department.

3 3. If a county treasurer mails vehicle registration
4 documents which become lost or are damaged in transit through
5 the United States postal service, the person to whom the
6 documents were being sent may apply for reissuance without
7 cost. The application shall be made with the county treasurer
8 who originally issued the documents not less than twenty days
9 from the date the documents were placed with the United States
10 postal service. If the original documents are received after
11 reissuance of duplicates, the original documents shall be
12 surrendered to the county treasurer within five days of the
13 time they are received.

14 Sec. 7. Section 321.48, subsection 1, unnumbered paragraph
15 2, Code 1999, is amended to read as follows:

16 A dealer licensed pursuant to chapter 322 or chapter 322C
17 who has acquired a vehicle for resale which is subject to a
18 security interest as provided in section 321.50 and who has
19 forwarded to the secured party the sum necessary to discharge
20 the security interest may offer the vehicle for sale prior to
21 the receipt from the county treasurer of the certificate of
22 title for the vehicle with the lien discharged for a period of
23 not more than twenty thirty days from the date the vehicle was
24 acquired and the provisions of section 321.104, subsection 2
25 shall not apply.

26 Sec. 8. Section 321.49, subsection 1, Code 1999, is
27 amended to read as follows:

28 1. Except as provided in section 321.52, if an application
29 for transfer of registration and certificate of title is not
30 submitted to the county treasurer of the residence of the
31 transferee within fifteen thirty days of the date of
32 assignment or transfer of title, or within twenty-two thirty
33 days of the date of delivery to the purchaser if the vehicle
34 is subject to a security interest and was offered for sale
35 pursuant to section 321.48, subsection 1, a penalty of ten

1 dollars shall accrue against the applicant, and no
2 registration card or certificate of title shall be issued to
3 the applicant for the vehicle until the penalty is paid.

4 Sec. 9. Section 321.50, subsection 4, unnumbered paragraph
5 3, Code 1999, is amended to read as follows:

6 ~~However, when~~ When a security interest is discharged ~~for a~~
7 ~~vehicle with a gross vehicle weight rating of sixteen thousand~~
8 ~~pounds or more~~, the lienholder shall note the cancellation of
9 a the security interest on the face of the title and may note
10 the cancellation of the security interest on a form prescribed
11 by the department and deliver a copy of the form in lieu of
12 the title to the department or to the treasurer of the county
13 in which the title was issued. The department or county
14 treasurer shall note the release of the security interest upon
15 the statewide computer system and the county's records. A
16 copy of the form, if used, shall be attached to the title by
17 the lienholder and shall be evidence of the release of the
18 security interest. The lienholder shall deliver the title to
19 the first lienholder, or if there is no such person, to the
20 person as designated by the owner, or if there is no such
21 person designated, to the owner.

22 Sec. 10. Section 321.166, subsections 1 and 4, Code 1999,
23 are amended to read as follows:

24 1. Registration plates shall be of metal and of a size not
25 to exceed six inches by twelve inches, except that the size of
26 plates issued for use on motorized bicycles, motorcycles,
27 motorcycle trailers, and trailers with an empty weight of two
28 thousand pounds or less, ~~and special mobile equipment~~ shall be
29 established by the department.

30 Trailers with empty weights of two thousand pounds or less
31 may, upon request, be licensed with regular-sized license
32 plates.

33 4. The registration plate number, except on motorized
34 bicycle, motorcycle, motorcycle trailer, and trailers with an
35 empty weight of two thousand pounds or less, ~~and special~~

1 ~~mobile-equipment-registration-plates~~, shall be of sufficient
2 size to be readable from a distance of one hundred feet during
3 daylight.

4 Sec. 11. Section 321.178, subsection 1, unnumbered
5 paragraphs 2 and 3, Code 1999, are amended to read as follows:

6 To be qualified as a classroom ~~or-laboratory~~ driver
7 education instructor, a person shall have satisfied the
8 educational requirements for a teaching license at the
9 elementary or secondary level and hold a valid license to
10 teach driver education in the public schools of this state.

11 Every public school district in Iowa shall offer or make
12 available to all students residing in the school district or
13 Iowa students attending a nonpublic school in the district an
14 approved course in driver education. The courses may be
15 offered at sites other than at the public school, including
16 nonpublic school facilities within the public school
17 districts. An approved course offered during the summer
18 months, on Saturdays, after regular school hours during the
19 regular terms or partly in one term or summer vacation period
20 and partly in the succeeding term or summer vacation period,
21 as the case may be, shall satisfy the requirements of this
22 section to the same extent as an approved course offered
23 during the regular school hours of the school term. A
24 student who successfully completes and obtains certification
25 in an approved course in driver education or an approved
26 course in motorcycle education may, upon proof of such fact,
27 be excused from any field test which the student would
28 otherwise be required to take in demonstrating the student's
29 ability to operate a motor vehicle. A student shall not be
30 excused from any field test if a parent, guardian, or
31 instructor requests that a test be administered. Street or
32 highway driving instruction may be provided by a person
33 qualified as a classroom driver education instructor or a
34 person certified by the department of transportation and
35 authorized by the board of educational examiners. A final

1 field test prior to a student's completion of an approved
 2 course shall be administered by a person qualified as a
 3 classroom driver education instructor. The department of
 4 transportation shall adopt rules pursuant to chapter 17A to
 5 provide for certification of persons qualified to provide
 6 street or highway driving instruction ~~and-for-administering~~
 7 ~~requested-field-tests.~~ The board of educational examiners
 8 shall adopt rules pursuant to chapter 17A to provide for
 9 authorization of persons certified by the department of
 10 transportation to provide street or highway driving
 11 instruction.

12 Sec. 12. Section 321.189, subsection 2, paragraphs b and
 13 c, Code 1999, are amended to read as follows:

14 b. A commercial driver's license shall include the
 15 licensee's address as required under federal regulations ~~and~~
 16 ~~the-licensee's-social-security-number,~~ and the words
 17 "commercial driver's license" or "CDL" shall appear
 18 prominently on the face of the license. If the applicant is a
 19 nonresident, the license must conspicuously display the word
 20 "nonresident".

21 c. The department shall advise an applicant that the
 22 applicant for a driver's license ~~other-than-a-commercial~~
 23 ~~driver's-license~~ may request a number other than a social
 24 security number as the driver's license number.

25 Sec. 13. Section 321.449, unnumbered paragraphs 2 and 4,
 26 Code 1999, are amended to read as follows:

27 Rules adopted under this section concerning driver
 28 qualifications, hours of service, and recordkeeping
 29 requirements do not apply to the operators of public utility
 30 trucks, trucks hauling gravel, construction trucks and
 31 equipment, trucks moving implements of husbandry, and special
 32 trucks, other than a truck tractor, operating intrastate.

33 Trucks Except as otherwise provided in this section, trucks
 34 for hire on construction projects are not exempt from this
 35 section.

1 Notwithstanding other provisions of this section, rules
2 adopted under this section for drivers of commercial vehicles
3 shall not apply to a driver of a commercial vehicle who is
4 engaged exclusively in intrastate commerce, when the
5 commercial vehicle's gross vehicle weight rating is 26,000
6 pounds or less, unless the vehicle is used to transport
7 hazardous materials requiring a placard or if the vehicle is
8 designed to transport more than fifteen passengers, including
9 the driver. For the purpose of complying with the hours of
10 service recordkeeping requirements under 49 C.F.R. §
11 395.1(e)(5), a driver's report of daily beginning and ending
12 on-duty time submitted to the motor carrier at the end of each
13 work week shall be considered acceptable motor carrier time
14 records. In addition, rules adopted under this section shall
15 not apply to a driver for a farm operation as defined in
16 section 352.2, or for an agricultural interest when the
17 commercial vehicle is operated between the farm as defined in
18 section 352.2 and another farm, between the farm and a market
19 for farm products, or between the farm and an agribusiness
20 location. A driver or a driver-salesperson for a private
21 carrier, who is not for hire and who is engaged exclusively in
22 intrastate commerce, may drive twelve hours, be on duty
23 sixteen hours in a twenty-four hour period and be on duty
24 seventy hours in seven consecutive days or eighty hours in
25 eight consecutive days. For-hire drivers who are engaged
26 exclusively in intrastate commerce and who operate trucks and
27 truck-tractors exclusively for the movement of construction
28 materials and equipment to and from construction projects may
29 also drive twelve hours, be on duty sixteen hours in a twenty-
30 four-hour period, and be on duty seventy hours in seven
31 consecutive days or eighty hours in eight consecutive days. A
32 driver-salesperson means as defined in 49 C.F.R. § 395.2,
33 adopted as of a specific date by the department by rule.
34 Sec. 14. Section 321.453, Code 1999, is amended to read as
35 follows:

1 321.453 EXCEPTIONS.

2 The provisions of this chapter governing size, weight, and
3 load, and the permit requirements of chapter 321E do not apply
4 to fire apparatus; road maintenance equipment owned by or
5 under lease to, or used in the performance of a contract with
6 any state or local authority; implements of husbandry
7 temporarily moved upon a highway; implements of husbandry
8 moved from farm site to farm site or between the retail seller
9 and a farm purchaser; implements of husbandry moved between
10 any site and the site of an agricultural exposition or a fair
11 administered pursuant to chapter 173 or 174; indivisible
12 implements of husbandry temporarily moved between the place of
13 manufacture and a retail seller or a farm purchaser;
14 implements of husbandry received and moved by a retail seller
15 of implements of husbandry in exchange for a purchased
16 implement; or implements of husbandry moved for repairs,
17 except on any part of the interstate highway system. A
18 vehicle, carrying an implement of husbandry, which is exempted
19 from the permit requirements under this section shall be
20 equipped with an amber flashing light under section 321.423,
21 shall be equipped with warning flags on that portion of the
22 vehicle which protrudes into oncoming traffic, and shall only
23 operate from thirty minutes prior to sunrise to thirty minutes
24 following sunset. The one hundred-mile distance restriction
25 contained in the definition of implement of husbandry in
26 section 321.1 does not apply to this section.

27 Sec. 15. Section 321E.8, subsection 2, Code 1999, is
28 amended to read as follows:

29 2. Vehicles with indivisible loads having an overall width
30 not to exceed twelve feet five inches or mobile homes,
31 including appurtenances, having an overall width not to exceed
32 twelve feet five inches and an overall length not to exceed
33 one hundred twenty feet zero inches may be moved on highways
34 specified by the permitting authority for unlimited distances
35 if the height of the vehicle and load does not exceed fourteen

1 fifteen feet zero five inches and the total gross weight of
2 the vehicle does not exceed one hundred thirty-six thousand
3 pounds. The vehicle owner or operator shall verify with the
4 permitting authority prior to movement of the load that
5 highway conditions have not changed so as to prohibit movement
6 of the vehicle. Any cost to repair damage to highways or
7 highway structures shall be borne by the owner or operator of
8 the vehicle causing the damage. Permitted vehicles under this
9 subsection shall not be allowed to travel on any portion of
10 the interstate highway system.

11 Sec. 16. Section 321E.12, Code 1999, is amended to read as
12 follows:

13 321E.12 REGISTRATION MUST BE CONSISTENT.

14 Any A vehicle traveling under permit shall be properly
15 registered for the gross weight of the vehicle and load. Any
16 A person owning special mobile equipment ~~registered-and-in~~
17 ~~compliance-with-section-321-217~~, may use a transport vehicle
18 registered for the gross weight of the transport without a
19 load. Vehicles, while being used for the transportation of
20 buildings, except mobile homes and factory-built structures,
21 may be registered for the combined gross weight of the vehicle
22 and load on a single-trip basis. The fee is five cents per
23 ton exceeding the weight registered under section 321.122 per
24 mile of travel. Fees shall not be prorated for fractions of
25 miles. This provision does not exempt these vehicles from any
26 other provision of this chapter.

27 Sec. 17. Section 322.5, Code 1999, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. A manufacturer, distributor, or dealer
30 may, upon receipt of a temporary permit approved by the
31 department, display new ambulances, new fire vehicles, and new
32 rescue vehicles for educational purposes only at vehicle shows
33 and vehicle exhibitions conducted for the express purpose of
34 educating fire and rescue personnel in new technology and
35 techniques for fire-fighting and rescue efforts. Application

1 for temporary permits shall be made upon forms provided by the
2 department and shall be accompanied by a ten dollar permit
3 fee. Permits shall be issued for a single show or exhibition,
4 not to exceed five consecutive days.

5 Sec. 18. Section 322.14, Code 1999, is amended by striking
6 the section and inserting in lieu thereof the following:

7 322.14 PENALTIES.

8 1. A person who violates any of the provisions of this
9 chapter for which a penalty is not specifically provided is
10 guilty of a simple misdemeanor punishable by a fine of not
11 less than two hundred fifty dollars nor more than one thousand
12 five hundred dollars or by imprisonment not to exceed thirty
13 days.

14 2. Notwithstanding subsection 1, if a provision of chapter
15 537 is applicable to a retail installment contract and a
16 violation of that provision is subject to a penalty under
17 chapter 537, that penalty shall apply in lieu of a penalty
18 provided in this chapter.

19 Sec. 19. NEW SECTION. 322.21 REMAINING BALANCE ON TRADE
20 VEHICLE.

21 The extension of credit by a retail seller to a retail
22 buyer, pursuant to a retail installment contract, of the
23 amount actually paid or to be paid by the retail seller to
24 discharge a purchase money security interest, as defined in
25 section 554.9107, on a motor vehicle traded in by the retail
26 buyer shall not subject the retail seller to the provisions of
27 chapter 536 or 536A.

28 Sec. 20. DRIVER'S EDUCATION CURRICULUM -- STUDY. The
29 legislative council is requested to establish an interim study
30 committee consisting of members of both political parties from
31 throughout the state. The study may include but is not
32 limited to driver's education curriculum, certification of
33 persons by the department of transportation to provide street
34 and highway driving instruction, costs to students and to
35 schools, privatizing driver's education, expansion of behind-

1 the-wheel training, and effects on insurance rates. The
2 committee may consult with the department of transportation,
3 department of education, board of educational examiners,
4 parents, educators, insurance executives, and other persons
5 with expertise or information relevant to the study of
6 driver's education. The committee is directed to submit its
7 findings, together with any recommendations, in a report to
8 the general assembly which convenes in January 2000.

9 Sec. 21. Sections 309.42, 309.56, and 321.21, Code 1999,
10 are repealed.

11 EXPLANATION

12 This bill amends Code section 321.1 to revise three
13 definitions applicable to Code chapter 321, regulating motor
14 vehicles and providing for rules of the road. First, a
15 provision in the definition of an implement of husbandry is
16 amended to provide that an implement of husbandry that is
17 operated as special mobile equipment does not have to be
18 registered as special mobile equipment. The change is
19 necessary because the bill repeals Code section 321.21,
20 providing for registration of special mobile equipment.

21 Second, the definition of a school bus is modified to
22 exclude vehicles which are operated by a regional transit
23 system, as defined in Code section 324A.1, for the
24 transportation of children as part of or in addition to their
25 regularly scheduled service. Currently, the definition of
26 school bus excludes such vehicles operated by a municipally or
27 privately owned urban transit company for the same purpose.

28 The definition of a special truck in Code section 321.1 is
29 also revised to provide that a special truck does not include
30 a truck tractor operated more than 15,000 miles per year.
31 Currently, special trucks are defined as certain motor trucks
32 and truck tractors used by persons engaged in farming to
33 transport commodities produced or used by the owner or to
34 assist another person engaged in farming. Special trucks
35 currently do not include truck tractors operated more than

1 7,500 miles per year. The owner of a special truck may
 2 register the vehicle as a special truck and pay a registration
 3 fee which is less than the registration fee for other trucks
 4 of similar size and weight. Additionally, special trucks are
 5 not subject to rules concerning periodic inspections adopted
 6 by the state department of transportation.

7 The bill amends Code section 321.23, relating to
 8 certificates of title for specially constructed and foreign
 9 vehicles. The bill provides that the owner of a foreign
 10 vehicle who has registered the vehicle in this state may
 11 transfer the vehicle to a licensed motor vehicle dealer
 12 without obtaining a certificate of title in this state if the
 13 foreign certificate of title is held by a secured party and
 14 the motor vehicle dealer has paid the appropriate sum to
 15 discharge the security interest.

16 Code section 321.25 is amended to provide that the period
 17 of time for which a vehicle may be operated with a
 18 "registration applied for" card pending issuance of
 19 registration plates shall be 45 days after the delivery of the
 20 vehicle to the purchaser from a dealer rather than the current
 21 30 days. The section is also amended by extending the period
 22 of time from 22 to 30 days in which a dealer has to apply, on
 23 behalf of the purchaser of a traded-in vehicle, for a new
 24 certificate of title to the vehicle when the trade-in
 25 customer's security interest on the vehicle has been paid by
 26 the dealer.

27 The bill also amends Code section 321.42, relating to lost
 28 or damaged certificates of title, registration cards, and
 29 registration plates, to provide that a replacement certificate
 30 of title may be issued without the released security interest
 31 noted on the replacement if the security interest was released
 32 by the lienholder pursuant to a notarized signature on a
 33 separate form, but the lienholder has not delivered the
 34 original certificate to the appropriate party.

35 Code section 321.48 is amended to extend the period of time

1 during which a vehicle dealer can offer a used vehicle for
2 sale if a security interest on the vehicle has been paid but
3 the certificate of title with the lien discharge noted thereon
4 has not yet been received, from 20 to 30 days.

5 The bill amends Code section 321.49 to provide that the
6 purchaser of a motor vehicle must apply for transfer of
7 registration and certificate of title within 30, rather than
8 the current 15, days of the assignment or transfer of title,
9 or within 30, rather than the current 22, days of delivery to
10 the purchaser if the vehicle is subject to a security interest
11 which was paid by the dealer.

12 The bill also amends Code section 321.50 to provide that a
13 security interest in a vehicle of any weight may be discharged
14 by noting the cancellation of the security interest on the
15 face of the title and on a separate form which is to be
16 delivered to the department or to the appropriate county
17 treasurer. Currently, only security interests in vehicles
18 with a gross vehicle weight rating of 16,000 pounds or more
19 may be discharged in this manner.

20 Code section 321.178 is amended to eliminate the
21 requirement that laboratory driver education instructors be
22 licensed teachers. The bill also modifies the requirements
23 for street and highway driving instructors who are not
24 licensed teachers to provide that, in addition to the current
25 requirement that such instructors be certified by the
26 department of transportation, the instructors be authorized by
27 the board of educational examiners. Final field tests prior
28 to students' completion of the driver education course are to
29 be administered by a licensed classroom driver education
30 instructor.

31 The bill eliminates the requirement in Code section 321.189
32 that the social security number of a commercial driver's
33 licensee appear on the face of the commercial driver's
34 license. A person applying for a commercial driver's license
35 must still provide the person's social security number on the

1 application, as required by federal regulations. The bill
2 gives commercial driver's licensees the option currently
3 available to other driver's licensees of requesting a number
4 other than the driver's social security number as the driver's
5 license number.

6 The bill also amends Code section 321.449, relating to
7 motor carrier safety rules, to provide that a for-hire driver
8 of a commercial vehicle who is engaged exclusively in
9 intrastate commerce and who operates trucks and truck-tractors
10 exclusively for the movement of construction materials and
11 equipment to and from construction projects shall have the
12 same restrictions on the length of time the driver may drive
13 and be on duty as a driver for a private carrier who is not
14 for hire and who is engaged exclusively in intrastate
15 commerce.

16 Code section 321.453, providing exceptions to the size,
17 weight, and load requirements for vehicles in Code chapter 321
18 and to the permit requirements in Code chapter 321E, is
19 amended to except road maintenance equipment used in the
20 performance of a contract with a state or local authority from
21 the requirements. Currently, road maintenance equipment owned
22 by or under lease to a state or local authority is excepted
23 from the requirements.

24 The bill amends Code section 321E.8 by increasing the
25 length and height limitations for vehicles carrying an
26 indivisible load pursuant to one category of an excessive size
27 and weight permit. The length limitation is increased from
28 100 to 120 feet. The height limitation is increased from 14
29 feet to 15 feet five inches.

30 The bill also amends Code section 322.5 to allow a motor
31 vehicle manufacturer, distributor, or dealer to display
32 ambulances, new fire vehicles, and new rescue vehicles,
33 pursuant to a temporary permit, for educational purposes at
34 vehicle shows and exhibitions conducted to educate fire and
35 rescue personnel in new technology and techniques. The

1 temporary permits are available upon application to the state
2 department of transportation and payment of a \$10 permit fee.
3 Code section 322.14, providing penalties for violations of
4 Code chapter 322 regulating motor vehicle manufacturers,
5 distributors, and dealers, is amended to provide that
6 violations for which a penalty is not specifically provided
7 are simple misdemeanors punishable by a fine of not less than
8 \$250 nor more than \$1,500 or by imprisonment not to exceed 30
9 days. The bill subjects manufacturers and distributors who
10 terminate or fail to renew a contract with a motor vehicle
11 dealer without reasonable cause or because the dealer did not
12 sell, assign, or transfer a retail installment contract to a
13 person or class of persons designated by the manufacturer or
14 distributor to the same penalty provisions as persons
15 violating other provisions of Code chapter 322. Currently,
16 persons violating a provision of Code chapter 322 for which a
17 specific penalty is not provided, except for manufacturers and
18 distributors who terminate or fail to renew a contract with a
19 dealer without reasonable cause, are guilty of serious
20 misdemeanors, punishable by a fine of not less than \$250 nor
21 more than \$1,500 or by imprisonment not to exceed one year.
22 The bill adds Code section 322.21, providing that when a
23 vehicle which is traded in to a dealer on the purchase of
24 another vehicle is worth less than the amount owed on the
25 trade-in, the amount necessary to pay off the security
26 interest on the trade-in may be included in the amount of the
27 retail installment contract for the vehicle purchased without
28 subjecting the dealer to Code chapter 536 or 536A, regulating
29 loans.
30 The bill also repeals Code sections 309.42 and 309.56,
31 requiring that the state department of transportation review
32 local county plans and contracts for road, bridge, and culvert
33 construction on secondary roads.
34 Code section 321.21, providing for registration of vehicles
35 classified as special mobile equipment, is repealed by the

1 bill. Special mobile equipment is defined by Code section
 2 321.1 as every vehicle not designed or used primarily for the
 3 transportation of persons or property and incidentally
 4 operated or moved on the highways. The bill also makes
 5 corresponding changes in Code sections 321.166 and 321E.12.

6 The bill requests the legislative council to establish an
 7 interim study committee on driver's education curriculum.

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MAR 2 1999

Place On Calendar

*Substituted by SF 203
3-11-99
p. 640*

HOUSE FILE

441

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 176)

WITHDRAWN

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to transportation, including regulation of school
2 buses and special trucks, vehicle titling and registration,
3 commercial driver's licenses, regulations on motor carriers,
4 regulations on motor vehicle manufacturers, distributors, and
5 dealers, size, weight, and load restrictions on vehicles,
6 driver education, and administrative procedures of the state
7 department of transportation, and providing for fees and
8 penalties and an effective date.

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

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HF 441

1 Section 1. Section 321.1, subsection 32, unnumbered
2 paragraph 3, Code 1999, is amended to read as follows:

3 Notwithstanding the other provisions of this subsection any
4 vehicle covered thereby by this subsection, if it otherwise
5 qualifies, ~~may be registered as special mobile equipment, or~~
6 ~~operated or moved under the provisions of sections 321.57 to~~
7 ~~321.63, if the person in whose name such vehicle is to be~~
8 ~~registered or to whom a special plate or plates are to be~~
9 ~~issued elects to do so~~ as special mobile equipment and under
10 such circumstances the provisions of this subsection shall not
11 be applicable to such vehicle, nor shall such vehicle be
12 required to comply with the provisions of sections 321.384 to
13 ~~321.429~~ through 321.423, when such vehicle is moved during
14 daylight hours, provided however, the provisions of section
15 321.383 shall remain applicable to such vehicle.

16 Sec. 2. Section 321.1, subsection 69, paragraph c, Code
17 1999, is amended to read as follows:

18 c. Operated by a municipally or privately owned urban
19 transit company or a regional transit system as defined in
20 section 324A.1 for the transportation of children as part of
21 or in addition to their regularly scheduled service; or

22 Sec. 3. Section 321.1, subsection 76, Code 1999, is
23 amended to read as follows:

24 76. "Special truck" means a motor truck or truck tractor
25 not used for hire with a gross weight registration of six
26 through thirty-two tons used by a person engaged in farming to
27 transport commodities produced only by the owner, or to
28 transport commodities purchased by the owner for use in the
29 owner's own farming operation or occasional use for charitable
30 purposes. "Special truck" also means a motor truck or truck
31 tractor not used for hire with a gross weight registration of
32 six through thirty-two tons used by a person engaged in
33 farming who assists another person engaged in farming through
34 an exchange of services. A "special truck" does not include a
35 truck tractor operated more than ~~seventy-five-hundred~~ fifteen

1 thousand miles annually.

2 Sec. 4. Section 321.23, subsection 3, Code 1999, is
3 amended to read as follows:

4 3. In the event an applicant for registration of a foreign
5 vehicle for which a certificate of title has been issued is
6 able to furnish evidence of being the registered owner of the
7 vehicle to the county treasurer of the owner's residence,
8 although unable to surrender such certificate of title, the
9 county treasurer may issue a registration receipt and plates
10 upon receipt of the required registration fee but shall not
11 issue a certificate of title thereto. Upon surrender of the
12 certificate of title from the foreign state, the county
13 treasurer shall issue a certificate of title to the owner, or
14 person entitled thereto, of such vehicle as provided in this
15 chapter. The owner of a vehicle registered under this
16 subsection shall not be required to obtain a certificate of
17 title in this state and may transfer ownership of the vehicle
18 to a motor vehicle dealer licensed under chapter 322 if, at
19 the time of the transfer, the certificate of title is held by
20 a secured party and the dealer has forwarded to the secured
21 party the sum necessary to discharge the security interest
22 pursuant to section 321.48, subsection 1.

23 Sec. 5. Section 321.25, unnumbered paragraph 1, Code 1999,
24 is amended to read as follows:

25 A vehicle may be operated upon the highways of this state
26 without registration plates for a period of thirty forty-five
27 days after the date of delivery of the vehicle to the
28 purchaser from a dealer if a card bearing the words
29 "registration applied for" is attached on the rear of the
30 vehicle. The card shall have plainly stamped or stenciled the
31 registration number of the dealer from whom the vehicle was
32 purchased and the date of delivery of the vehicle. In
33 addition, a dealer licensed to sell new motor vehicles may
34 attach the card to a new motor vehicle delivered by the dealer
35 to the purchaser even if the vehicle was purchased from an

1 out-of-state dealer and the card shall bear the registration
2 number of the dealer that delivered the vehicle. A dealer
3 shall not issue a card to a person known to the dealer to be
4 in possession of registration plates which may be attached to
5 the vehicle. A dealer shall not issue a card unless an
6 application for registration and certificate of title has been
7 made by the purchaser and a receipt issued to the purchaser of
8 the vehicle showing the fee paid by the person making the
9 application. Dealers' records shall indicate the agency to
10 which the fee is sent and the date the fee is sent. The
11 dealer shall forward the application by the purchaser to the
12 county treasurer or state office within fifteen calendar days
13 from the date of delivery of the vehicle. However, if the
14 vehicle is subject to a security interest and has been offered
15 for sale pursuant to section 321.48, subsection 1, the dealer
16 shall forward the application by the purchaser to the county
17 treasurer or state office within ~~twenty-two~~ thirty calendar
18 days from the date of the delivery of the vehicle to the
19 purchaser.

20 Sec. 6. Section 321.42, Code 1999, is amended to read as
21 follows:

22 321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.

23 1. If a registration card, plate, or pair of plates is
24 lost or becomes illegible, the owner shall immediately apply
25 for replacement. The fee for a replacement registration card
26 shall be three dollars. The fee for a replacement plate or
27 pair of plates shall be five dollars. When the owner has
28 furnished information required by the department and paid the
29 proper fee, a duplicate, substitute, or new registration card,
30 plate, or pair of plates may be issued.

31 2. a. If a certificate of title is lost or destroyed, the
32 owner or lienholder shall apply for a certified copy of the
33 original certificate of title. The owner or lienholder of a
34 motor vehicle may also apply for a certified copy of the
35 original certificate of title as a replacement for the

1 original certificate of title upon surrender of the original
2 certificate of title with the application. The application
3 shall be made to the department or county treasurer who issued
4 the original certificate of title. The application shall be
5 signed by the owner or lienholder and accompanied by a fee of
6 ten dollars.

7 b. After five days, the department or county treasurer
8 shall issue a certified copy to the applicant at the
9 applicant's most recent address, however, the five-day waiting
10 period does not apply to an applicant who has surrendered the
11 original certificate of title to the department or county
12 treasurer. The certified copy shall be clearly marked
13 "duplicate" and shall be identical to the original, including
14 notation of liens or encumbrances. When a certified copy has
15 been issued, the previous certificate is void.

16 c. If a security interest noted on the face of an original
17 certificate of title was released by the lienholder on a
18 separate form pursuant to section 321.50, subsection 4, and
19 the signature of the lienholder, or the person executing the
20 release on behalf of the lienholder, is notarized, but the
21 lienholder has not delivered the original certificate to the
22 appropriate party as provided in section 321.50, subsection 4,
23 the owner may apply for and receive a replacement certificate
24 of title without the released security interest noted thereon.
25 The lienholder shall return the original certificate of title
26 to the department or to the treasurer of the county where the
27 title was issued.

28 d. A new purchaser or transferee is entitled to receive an
29 original title upon presenting the assigned duplicate copy to
30 the treasurer of the county where the new purchaser or
31 transferee resides. At the time of purchase, a purchaser may
32 require the seller to indemnify the purchaser and all future
33 purchasers of the vehicle against any loss which may be
34 suffered due to claims on the original certificate. A person
35 recovering an original certificate of title for which a

1 duplicate has been issued shall surrender the original
2 certificate to the county treasurer or the department.

3 3. If a county treasurer mails vehicle registration
4 documents which become lost or are damaged in transit through
5 the United States postal service, the person to whom the
6 documents were being sent may apply for reissuance without
7 cost. The application shall be made with the county treasurer
8 who originally issued the documents not less than twenty days
9 from the date the documents were placed with the United States
10 postal service. If the original documents are received after
11 reissuance of duplicates, the original documents shall be
12 surrendered to the county treasurer within five days of the
13 time they are received.

14 Sec. 7. Section 321.48, subsection 1, unnumbered paragraph
15 2, Code 1999, is amended to read as follows:

16 A dealer licensed pursuant to chapter 322 or chapter 322C
17 who has acquired a vehicle for resale which is subject to a
18 security interest as provided in section 321.50 and who has
19 forwarded to the secured party the sum necessary to discharge
20 the security interest may offer the vehicle for sale prior to
21 the receipt from the county treasurer of the certificate of
22 title for the vehicle with the lien discharged for a period of
23 not more than twenty thirty days from the date the vehicle was
24 acquired and the provisions of section 321.104, subsection 2
25 shall not apply.

26 Sec. 8. Section 321.49, subsection 1, Code 1999, is
27 amended to read as follows:

28 1. Except as provided in section 321.52, if an application
29 for transfer of registration and certificate of title is not
30 submitted to the county treasurer of the residence of the
31 transferee within fifteen thirty days of the date of
32 assignment or transfer of title, or within twenty-two thirty
33 days of the date of delivery to the purchaser if the vehicle
34 is subject to a security interest and was offered for sale
35 pursuant to section 321.48, subsection 1, a penalty of ten

1 dollars shall accrue against the applicant, and no
2 registration card or certificate of title shall be issued to
3 the applicant for the vehicle until the penalty is paid.

4 Sec. 9. Section 321.50, subsection 4, unnumbered paragraph
5 3, Code 1999, is amended to read as follows:

6 ~~However, when~~ When a security interest is discharged ~~for a~~
7 ~~vehicle with a gross vehicle weight rating of sixteen thousand~~
8 ~~pounds or more~~, the lienholder shall note the cancellation of
9 a the security interest on the face of the title and may note
10 the cancellation of the security interest on a form prescribed
11 by the department and deliver a copy of the form in lieu of
12 the title to the department or to the treasurer of the county
13 in which the title was issued. The department or county
14 treasurer shall note the release of the security interest upon
15 the statewide computer system and the county's records. A
16 copy of the form, if used, shall be attached to the title by
17 the lienholder and shall be evidence of the release of the
18 security interest. The lienholder shall deliver the title to
19 the first lienholder, or if there is no such person, to the
20 person as designated by the owner, or if there is no such
21 person designated, to the owner.

22 Sec. 10. Section 321.166, subsections 1 and 4, Code 1999,
23 are amended to read as follows:

24 1. Registration plates shall be of metal and of a size not
25 to exceed six inches by twelve inches, except that the size of
26 plates issued for use on motorized bicycles, motorcycles,
27 motorcycle trailers, and trailers with an empty weight of two
28 thousand pounds or ~~less, and special mobile equipment~~ shall be
29 established by the department.

30 Trailers with empty weights of two thousand pounds or less
31 may, upon request, be licensed with regular-sized license
32 plates.

33 4. The registration plate number, except on motorized
34 bicycle, motorcycle, motorcycle trailer, and trailers with an
35 empty weight of two thousand pounds or ~~less, and special~~

1 ~~mobile-equipment-registration-plates~~, shall be of sufficient
2 size to be readable from a distance of one hundred feet during
3 daylight.

4 Sec. 11. Section 321.178, subsection 1, unnumbered
5 paragraphs 2 and 3, Code 1999, are amended to read as follows:

6 To be qualified as a classroom ~~or-laboratory~~ driver
7 education instructor, a person shall have satisfied the
8 educational requirements for a teaching license at the
9 elementary or secondary level and hold a valid license to
10 teach driver education in the public schools of this state.

11 Every public school district in Iowa shall offer or make
12 available to all students residing in the school district or
13 Iowa students attending a nonpublic school in the district an
14 approved course in driver education. The courses may be
15 offered at sites other than at the public school, including
16 nonpublic school facilities within the public school
17 districts. An approved course offered during the summer
18 months, on Saturdays, after regular school hours during the
19 regular terms or partly in one term or summer vacation period
20 and partly in the succeeding term or summer vacation period,
21 as the case may be, shall satisfy the requirements of this
22 section to the same extent as an approved course offered
23 during the regular school hours of the school term. A
24 student who successfully completes and obtains certification
25 in an approved course in driver education or an approved
26 course in motorcycle education may, upon proof of such fact,
27 be excused from any field test which the student would
28 otherwise be required to take in demonstrating the student's
29 ability to operate a motor vehicle. A student shall not be
30 excused from any field test if a parent, guardian, or
31 instructor requests that a test be administered. Street or
32 highway driving instruction may be provided by a person
33 qualified as a classroom driver education instructor or a
34 person certified by the department of transportation and
35 authorized by the board of educational examiners. A final

1 field test prior to a student's completion of an approved
2 course shall be administered by a person qualified as a
3 classroom driver education instructor. The department of
4 transportation shall adopt rules pursuant to chapter 17A to
5 provide for certification of persons qualified to provide
6 street or highway driving instruction ~~and-for-administering~~
7 ~~requested-field-tests.~~ The board of educational examiners
8 shall adopt rules pursuant to chapter 17A to provide for
9 authorization of persons certified by the department of
10 transportation to provide street or highway driving
11 instruction.

12 Sec. 12. Section 321.189, subsection. 2, paragraphs b and
13 c, Code 1999, are amended to read as follows:

14 b. A commercial driver's license shall include the
15 licensee's address as required under federal regulations ~~and~~
16 ~~the-licensee's-social-security-number,~~ and the words
17 "commercial driver's license" or "CDL" shall appear
18 prominently on the face of the license. If the applicant is a
19 nonresident, the license must conspicuously display the word
20 "nonresident".

21 c. The department shall advise an applicant that the
22 applicant for a driver's license ~~other-than-a-commercial~~
23 ~~driver's-license~~ may request a number other than a social
24 security number as the driver's license number.

25 Sec. 13. Section 321.449, unnumbered paragraphs 2 and 4,
26 Code 1999, are amended to read as follows:

27 Rules adopted under this section concerning driver
28 qualifications, hours of service, and recordkeeping
29 requirements do not apply to the operators of public utility
30 trucks, trucks hauling gravel, construction trucks and
31 equipment, trucks moving implements of husbandry, and special
32 trucks, other than a truck tractor, operating intrastate.
33 ~~Trucks~~ Except as otherwise provided in this section, trucks
34 for hire on construction projects are not exempt from this
35 section.

1 Notwithstanding other provisions of this section, rules
2 adopted under this section for drivers of commercial vehicles
3 shall not apply to a driver of a commercial vehicle who is
4 engaged exclusively in intrastate commerce, when the
5 commercial vehicle's gross vehicle weight rating is 26,000
6 pounds or less, unless the vehicle is used to transport
7 hazardous materials requiring a placard or if the vehicle is
8 designed to transport more than fifteen passengers, including
9 the driver. For the purpose of complying with the hours of
10 service recordkeeping requirements under 49 C.F.R. §
11 395.1(e)(5), a driver's report of daily beginning and ending
12 on-duty time submitted to the motor carrier at the end of each
13 work week shall be considered acceptable motor carrier time
14 records. In addition, rules adopted under this section shall
15 not apply to a driver for a farm operation as defined in
16 section 352.2, or for an agricultural interest when the
17 commercial vehicle is operated between the farm as defined in
18 section 352.2 and another farm, between the farm and a market
19 for farm products, or between the farm and an agribusiness
20 location. A driver or a driver-salesperson for a private
21 carrier, who is not for hire and who is engaged exclusively in
22 intrastate commerce, may drive twelve hours, be on duty
23 sixteen hours in a twenty-four hour period and be on duty
24 seventy hours in seven consecutive days or eighty hours in
25 eight consecutive days. For-hire drivers who are engaged
26 exclusively in intrastate commerce and who operate trucks and
27 truck-tractors exclusively for the movement of construction
28 materials and equipment to and from construction projects may
29 also drive twelve hours, be on duty sixteen hours in a twenty-
30 four-hour period, and be on duty seventy hours in seven
31 consecutive days or eighty hours in eight consecutive days. A
32 driver-salesperson means as defined in 49 C.F.R. § 395.2,
33 adopted as of a specific date by the department by rule.
34 Sec. 14. Section 321.453, Code 1999, is amended to read as
35 follows:

1 321.453 EXCEPTIONS.

2 The provisions of this chapter governing size, weight, and
3 load, and the permit requirements of chapter 321E do not apply
4 to fire apparatus₇; road maintenance equipment owned by or₂
5 under lease to, or used in the performance of a contract with
6 any state or local authority₇; implements of husbandry
7 temporarily moved upon a highway₇; implements of husbandry
8 moved from farm site to farm site or between the retail seller
9 and a farm purchaser₇; implements of husbandry moved between
10 any site and the site of an agricultural exposition or a fair
11 administered pursuant to chapter 173 or 174₇; indivisible
12 implements of husbandry temporarily moved between the place of
13 manufacture and a retail seller or a farm purchaser₇;
14 implements of husbandry received and moved by a retail seller
15 of implements of husbandry in exchange for a purchased
16 implement₇; or implements of husbandry moved for repairs,
17 except on any part of the interstate highway system. A
18 vehicle, carrying an implement of husbandry, which is exempted
19 from the permit requirements under this section shall be
20 equipped with an amber flashing light under section 321.423,
21 shall be equipped with warning flags on that portion of the
22 vehicle which protrudes into oncoming traffic, and shall only
23 operate from thirty minutes prior to sunrise to thirty minutes
24 following sunset. The one hundred-mile distance restriction
25 contained in the definition of implement of husbandry in
26 section 321.1 does not apply to this section.

27 Sec. 15. Section 321E.8, subsection 2, Code 1999, is
28 amended to read as follows:

29 2. Vehicles with indivisible loads having an overall width
30 not to exceed twelve feet five inches or mobile homes,
31 including appurtenances, having an overall width not to exceed
32 twelve feet five inches and an overall length not to exceed
33 one hundred twenty feet zero inches may be moved on highways
34 specified by the permitting authority for unlimited distances
35 if the height of the vehicle and load does not exceed fourteen

1 fifteen feet ~~zero~~ five inches and the total gross weight of
2 the vehicle does not exceed one hundred thirty-six thousand
3 pounds. The vehicle owner or operator shall verify with the
4 permitting authority prior to movement of the load that
5 highway conditions have not changed so as to prohibit movement
6 of the vehicle. Any cost to repair damage to highways or
7 highway structures shall be borne by the owner or operator of
8 the vehicle causing the damage. Permitted vehicles under this
9 subsection shall not be allowed to travel on any portion of
10 the interstate highway system.

11 Sec. 16. Section 321E.12, Code 1999, is amended to read as
12 follows:

13 321E.12 REGISTRATION MUST BE CONSISTENT.

14 Any A vehicle traveling under permit shall be properly
15 registered for the gross weight of the vehicle and load. Any
16 A person owning special mobile equipment ~~registered-and-in~~
17 ~~compliance-with-section-321-21~~, may use a transport vehicle
18 registered for the gross weight of the transport without a
19 load. Vehicles, while being used for the transportation of
20 buildings, except mobile homes and factory-built structures,
21 may be registered for the combined gross weight of the vehicle
22 and load on a single-trip basis. The fee is five cents per
23 ton exceeding the weight registered under section 321.122 per
24 mile of travel. Fees shall not be prorated for fractions of
25 miles. This provision does not exempt these vehicles from any
26 other provision of this chapter.

27 Sec. 17. Section 322.5, Code 1999, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. A manufacturer, distributor, or dealer
30 may, upon receipt of a temporary permit approved by the
31 department, display new ambulances, new fire vehicles, and new
32 rescue vehicles for educational purposes only at vehicle shows
33 and vehicle exhibitions conducted for the express purpose of
34 educating fire and rescue personnel in new technology and
35 techniques for fire-fighting and rescue efforts. Application

1 for temporary permits shall be made upon forms provided by the
2 department and shall be accompanied by a ten dollar permit
3 fee. Permits shall be issued for a single show or exhibition,
4 not to exceed five consecutive days.

5 Sec. 18. Section 322.14, Code 1999, is amended by striking
6 the section and inserting in lieu thereof the following:

7 322.14 PENALTIES.

8 1. A person who violates any of the provisions of this
9 chapter for which a penalty is not specifically provided is
10 guilty of a simple misdemeanor punishable by a fine of not
11 less than two hundred fifty dollars nor more than one thousand
12 five hundred dollars or by imprisonment not to exceed thirty
13 days.

14 2. Notwithstanding subsection 1, if a provision of chapter
15 537 is applicable to a retail installment contract and a
16 violation of that provision is subject to a penalty under
17 chapter 537, that penalty shall apply in lieu of a penalty
18 provided in this chapter.

19 Sec. 19. NEW SECTION. 322.21 REMAINING BALANCE ON TRADE
20 VEHICLE.

21 The extension of credit by a retail seller to a retail
22 buyer, pursuant to a retail installment contract, of the
23 amount actually paid or to be paid by the retail seller to
24 discharge a purchase money security interest, as defined in
25 section 554.9107, on a motor vehicle traded in by the retail
26 buyer shall not subject the retail seller to the provisions of
27 chapter 536 or 536A.

28 Sec. 20. DRIVER'S EDUCATION CURRICULUM -- STUDY. The
29 legislative council is requested to establish an interim study
30 committee consisting of members of both political parties from
31 throughout the state. The study may include but is not
32 limited to driver's education curriculum, certification of
33 persons by the department of transportation to provide street
34 and highway driving instruction, costs to students and to
35 schools, privatizing driver's education, expansion of behind-

1 the-wheel training, and effects on insurance rates. The
2 committee may consult with the department of transportation,
3 department of education, board of educational examiners,
4 parents, educators, insurance executives, and other persons
5 with expertise or information relevant to the study of
6 driver's education. The committee is directed to submit its
7 findings, together with any recommendations, in a report to
8 the general assembly which convenes in January 2000.

9 Sec. 21. Sections 309.42, 309.56, and 321.21, Code 1999,
10 are repealed.

11 Sec. 22. EFFECTIVE DATE. The following sections of this
12 Act, being deemed of immediate importance, take effect upon
13 enactment:

14 1. Section 1, amending section 321.1, subsection 32.

15 2. Section 10, amending section 321.166.

16 3. Section 13, amending section 321.449.

17 4. Section 16, amending section 321E.12.

18 5. Section 21, repealing sections 309.42, 309.56, and
19 321.21.

20 EXPLANATION

21 This bill amends Code section 321.1 to revise three
22 definitions applicable to Code chapter 321, regulating motor
23 vehicles and providing for rules of the road. First, a
24 provision in the definition of an implement of husbandry is
25 amended to provide that an implement of husbandry that is
26 operated as special mobile equipment does not have to be
27 registered as special mobile equipment. The change is
28 necessary because the bill repeals Code section 321.21,
29 providing for registration of special mobile equipment. These
30 changes take effect upon enactment of the bill.

31 Second, the definition of a school bus is modified to
32 exclude vehicles which are operated by a regional transit
33 system, as defined in Code section 324A.1, for the
34 transportation of children as part of or in addition to their
35 regularly scheduled service. Currently, the definition of

1 school bus excludes such vehicles operated by a municipally or
2 privately owned urban transit company for the same purpose.

3 The definition of a special truck in Code section 321.1 is
4 also revised to provide that a special truck does not include
5 a truck tractor operated more than 15,000 miles per year.
6 Currently, special trucks are defined as certain motor trucks
7 and truck tractors used by persons engaged in farming to
8 transport commodities produced or used by the owner or to
9 assist another person engaged in farming. Special trucks
10 currently do not include truck tractors operated more than
11 7,500 miles per year. The owner of a special truck may
12 register the vehicle as a special truck and pay a registration
13 fee which is less than the registration fee for other trucks
14 of similar size and weight. Additionally, special trucks are
15 not subject to rules concerning periodic inspections adopted
16 by the state department of transportation.

17 The bill amends Code section 321.23, relating to
18 certificates of title for specially constructed and foreign
19 vehicles. The bill provides that the owner of a foreign
20 vehicle who has registered the vehicle in this state may
21 transfer the vehicle to a licensed motor vehicle dealer
22 without obtaining a certificate of title in this state if the
23 foreign certificate of title is held by a secured party and
24 the motor vehicle dealer has paid the appropriate sum to
25 discharge the security interest.

26 Code section 321.25 is amended to provide that the period
27 of time for which a vehicle may be operated with a
28 "registration applied for" card pending issuance of
29 registration plates shall be 45 days after the delivery of the
30 vehicle to the purchaser from a dealer rather than the current
31 30 days. The section is also amended by extending the period
32 of time from 22 to 30 days in which a dealer has to apply, on
33 behalf of the purchaser of a traded-in vehicle, for a new
34 certificate of title to the vehicle when the trade-in
35 customer's security interest on the vehicle has been paid by

1 the dealer.

2 The bill also amends Code section 321.42, relating to lost
3 or damaged certificates of title, registration cards, and
4 registration plates, to provide that a replacement certificate
5 of title may be issued without the released security interest
6 noted on the replacement if the security interest was released
7 by the lienholder pursuant to a notarized signature on a
8 separate form, but the lienholder has not delivered the
9 original certificate to the appropriate party.

10 Code section 321.48 is amended to extend the period of time
11 during which a vehicle dealer can offer a used vehicle for
12 sale if a security interest on the vehicle has been paid but
13 the certificate of title with the lien discharge noted thereon
14 has not yet been received, from 20 to 30 days.

15 The bill amends Code section 321.49 to provide that the
16 purchaser of a motor vehicle must apply for transfer of
17 registration and certificate of title within 30, rather than
18 the current 15, days of the assignment or transfer of title,
19 or within 30, rather than the current 22, days of delivery to
20 the purchaser if the vehicle is subject to a security interest
21 which was paid by the dealer.

22 The bill also amends Code section 321.50 to provide that a
23 security interest in a vehicle of any weight may be discharged
24 by noting the cancellation of the security interest on the
25 face of the title and on a separate form which is to be
26 delivered to the department or to the appropriate county
27 treasurer. Currently, only security interests in vehicles
28 with a gross vehicle weight rating of 16,000 pounds or more
29 may be discharged in this manner.

30 Code section 321.178 is amended to eliminate the
31 requirement that laboratory driver education instructors be
32 licensed teachers. The bill also modifies the requirements
33 for street and highway driving instructors who are not
34 licensed teachers to provide that, in addition to the current
35 requirement that such instructors be certified by the

1 department of transportation, the instructors be authorized by
2 the board of educational examiners. Final field tests prior
3 to students' completion of the driver education course are to
4 be administered by a licensed classroom driver education
5 instructor.

6 The bill eliminates the requirement in Code section 321.189
7 that the social security number of a commercial driver's
8 licensee appear on the face of the commercial driver's
9 license. A person applying for a commercial driver's license
10 must still provide the person's social security number on the
11 application, as required by federal regulations. The bill
12 gives commercial driver's licensees the option currently
13 available to other driver's licensees of requesting a number
14 other than the driver's social security number as the driver's
15 license number.

16 The bill also amends Code section 321.449, relating to
17 motor carrier safety rules, to provide that a for-hire driver
18 of a commercial vehicle who is engaged exclusively in
19 intrastate commerce and who operates trucks and truck-tractors
20 exclusively for the movement of construction materials and
21 equipment to and from construction projects shall have the
22 same restrictions on the length of time the driver may drive
23 and be on duty as a driver for a private carrier who is not
24 for hire and who is engaged exclusively in intrastate
25 commerce. The amendment takes effect upon enactment of the
26 bill.

27 Code section 321.453, providing exceptions to the size,
28 weight, and load requirements for vehicles in Code chapter 321
29 and to the permit requirements in Code chapter 321E, is
30 amended to except road maintenance equipment used in the
31 performance of a contract with a state or local authority from
32 the requirements. Currently, road maintenance equipment owned
33 by or under lease to a state or local authority is excepted
34 from the requirements.

35 The bill amends Code section 321E.8 by increasing the

1 length and height limitations for vehicles carrying an
2 indivisible load pursuant to one category of an excessive size
3 and weight permit. The length limitation is increased from
4 100 to 120 feet. The height limitation is increased from 14
5 feet to 15 feet five inches.

6 The bill also amends Code section 322.5 to allow a motor
7 vehicle manufacturer, distributor, or dealer to display
8 ambulances, new fire vehicles, and new rescue vehicles,
9 pursuant to a temporary permit, for educational purposes at
10 vehicle shows and exhibitions conducted to educate fire and
11 rescue personnel in new technology and techniques. The
12 temporary permits are available upon application to the state
13 department of transportation and payment of a \$10 permit fee.

14 Code section 322.14, providing penalties for violations of
15 Code chapter 322 regulating motor vehicle manufacturers,
16 distributors, and dealers, is amended to provide that
17 violations for which a penalty is not specifically provided
18 are simple misdemeanors punishable by a fine of not less than
19 \$250 nor more than \$1,500 or by imprisonment not to exceed 30
20 days. The bill subjects manufacturers and distributors who
21 terminate or fail to renew a contract with a motor vehicle
22 dealer without reasonable cause or because the dealer did not
23 sell, assign, or transfer a retail installment contract to a
24 person or class of persons designated by the manufacturer or
25 distributor to the same penalty provisions as persons
26 violating other provisions of Code chapter 322. Currently,
27 persons violating a provision of Code chapter 322 for which a
28 specific penalty is not provided, except for manufacturers and
29 distributors who terminate or fail to renew a contract with a
30 dealer without reasonable cause, are guilty of serious
31 misdemeanors, punishable by a fine of not less than \$250 nor
32 more than \$1,500 or by imprisonment not to exceed one year.

33 The bill adds Code section 322.21, providing that when a
34 vehicle which is traded in to a dealer on the purchase of
35 another vehicle is worth less than the amount owed on the

1 trade-in, the amount necessary to pay off the security
2 interest on the trade-in may be included in the amount of the
3 retail installment contract for the vehicle purchased without
4 subjecting the dealer to Code chapter 536 or 536A, regulating
5 loans.

6 The bill also repeals Code sections 309.42 and 309.56,
7 requiring that the state department of transportation review
8 local county plans and contracts for road, bridge, and culvert
9 construction on secondary roads. The bill provides an
10 immediate effective date for these repeals.

11 Code section 321.21, providing for registration of vehicles
12 classified as special mobile equipment, is repealed by the
13 bill. Special mobile equipment is defined by Code section
14 321.1 as every vehicle not designed or used primarily for the
15 transportation of persons or property and incidentally
16 operated or moved on the highways. The bill also makes
17 corresponding changes in Code sections 321.166 and 321E.12.
18 The bill provides an immediate effective date for these
19 provisions as well as the amendment to Code section 321.1,
20 subsection 32, relating to registration of special mobile
21 equipment.

22 The bill requests the legislative council to establish an
23 interim study committee on driver's education curriculum.

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HOUSE FILE 441

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1 Amend House File 441 as follows:

2 1. Page 8, by inserting after line 11 the
3 following:

4 "Sec. ____ . Section 321.180B, subsection 2,
5 unnumbered paragraph 1, Code 1999, is amended to read
6 as follows:

7 The department may issue an intermediate driver's
8 license to a person sixteen or seventeen years of age
9 who possesses an instruction permit issued under
10 subsection 1 or a comparable instruction permit issued
11 by another state for a minimum of six months, and who
12 presents an affidavit signed by a parent or guardian
13 on a form to be provided by the department that the
14 permittee has accumulated a total of twenty hours of
15 street or highway driving of which two hours were
16 conducted after sunset and before sunrise and the
17 street or highway driving was with the permittee's
18 parent, guardian, instructor, a person certified by
19 the department, or a person at least twenty-five years
20 of age who had written permission from a parent or
21 guardian to accompany the permittee, and whose driving
22 privileges have not been suspended, revoked, or barred
23 under this chapter or chapter 321J during, and who has
24 been accident and conviction free continuously for,
25 the six-month period immediately preceding the
26 application for an intermediate license. An applicant
27 for an intermediate license must meet the requirements
28 of section 321.186, including satisfactory completion
29 of driver education as required in section 321.178,
30 and payment of the required license fee before an
31 intermediate license will be issued. A person issued
32 an intermediate license must limit the number of
33 passengers in the motor vehicle when the intermediate
34 licensee is operating the motor vehicle to the number
35 of passenger safety belts.

36 Sec. ____ . Section 321.180B, subsection 4, Code
37 1999, is amended to read as follows:

38 4. FULL DRIVER'S LICENSE. A full driver's license
39 may be issued to a person seventeen years of age who
40 possesses an intermediate license issued under
41 subsection 2 or a comparable intermediate license
42 issued by another state for a minimum of twelve
43 months, and who presents an affidavit signed by a
44 parent or guardian on a form to be provided by the
45 department that the intermediate licensee has
46 accumulated a total of ten hours of street or highway
47 driving of which two hours were conducted after sunset
48 and before sunrise and the street or highway driving
49 was with the licensee's parent, guardian, instructor,
50 a person certified by the department, or a person at

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1 least twenty-five years of age who had written
2 permission from a parent or guardian to accompany the
3 licensee, whose driving privileges have not been
4 suspended, revoked, or barred under this chapter or
5 chapter 321J during, and who has been accident and
6 conviction free continuously for, the twelve-month
7 period immediately preceding the application for a
8 full driver's license, and who has paid the required
9 fee."

10 2. Page 8, by inserting after line 24 the
11 following:

12 "Sec. ____ . NEW SECTION. 321.377 REGIONAL TRANSIT
13 SYSTEM TRANSPORTATION.

14 A vehicle operated by a regional transit system as
15 defined in section 324A.1 may only provide school
16 transportation services pursuant to rules adopted by
17 the state department of transportation in consultation
18 with the department of education.

19 Sec. ____ . NEW SECTION. 321.404A LIGHT -
20 RESTRICTING DEVICES PROHIBITED.

21 1. A person shall not operate a motor vehicle,
22 motorcycle, or motorized bicycle on the highways of
23 this state if it is equipped with a device that
24 restricts the light output of a head lamp required
25 under section 321.385 or 321.386, a rear lamp required
26 under section 321.387, a signal lamp or signal device
27 required under section 321.404, or a directional
28 signal device as described in section 321.317.

29 2. A person who violates this section shall be
30 subject to a scheduled fine under section 805.8,
31 subsection 2, paragraph "d".

32 3. Page 10, by inserting after line 26 the
33 following:

34 "Sec. 100. Section 321A.17, Code 1999, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 8. This section does not apply to
37 an individual whose administrative license revocation
38 has been rescinded under section 321J.13, and who is
39 otherwise under no obligation to furnish proof of
40 financial responsibility."

41 4. Page 10, by striking lines 27 and 28 and
42 inserting the following:

43 "Sec. ____ . Section 321E.8, subsections 2 and 3,
44 Code 1999, are amended to read as follows:"

45 5. Page 11, by inserting after line 10 the
46 following:

47 "3. Vehicles with indivisible loads, including
48 mobile homes and factory-built structures, having an
49 overall width not to exceed sixteen feet zero inches
50 and an overall length not to exceed one hundred twenty

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1 feet zero inches may be moved under an annual or all-
2 systems permit and must have a route specified by the
3 issuing authority prior to the movement. However,
4 vehicles with indivisible loads, including mobile
5 homes and factory-built structures, with an overall
6 width not exceeding fourteen feet six inches may
7 exceed fifty miles under an annual and all-systems
8 permit when prior approval for trip routing is
9 obtained from the issuing authority. The A vehicle
10 and load being moved according to this paragraph shall
11 not exceed the fifteen feet five inches in height as
12 prescribed in section 321.456 and shall not exceed the
13 total gross weight as prescribed in section 321.463."

14 6. Page 11, by inserting after line 26 the
15 following:

16 "Sec. 200. Section 321J.13, Code 1999, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 6. a. The department shall grant
19 a request for a hearing to rescind the revocation if
20 the person whose motor vehicle license or operating
21 privilege has been or is being revoked under section
22 321J.9 or 321J.12 submits a petition containing
23 information relating to the discovery of new evidence
24 that provides grounds for rescission of the revocation.

25 b. The person shall prevail at the hearing if, in
26 the criminal action on the charge of violation of
27 section 321J.2 or 321J.2A resulting from the same
28 circumstances that resulted in the administrative
29 revocation being challenged, the court held one of the
30 following:

31 (1) That the peace officer did not have reasonable
32 grounds to believe that a violation of section 321J.2
33 or 321J.2A had occurred to support a request for or to
34 administer a chemical test.

35 (2) That the chemical test was otherwise
36 inadmissible or invalid.

37 c. Such a holding by the court in the criminal
38 action is binding on the department, and the
39 department shall rescind the revocation."

40 7. Page 12, by inserting after line 27 the
41 following:

42 "Sec. _____. Section 805.8, subsection 2, paragraph
43 d, Code 1999, is amended to read as follows:

44 d. For improper equipment under section 321.404A
45 or section 321.438, subsection 2, the scheduled fine
46 is fifteen dollars."

47 8. Page 13, by inserting after line 16 the
48 following:

49 "_____. Section 100, amending section 321A.17.

50 _____. Section 15, amending section 321E.8."

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- 1 9. Page 13, by inserting after line 17 the
- 2 following:
- 3 "____. Section 200, amending section 321J.13."
- 4 10. Title page, line 6, by inserting after the
- 5 word "education," the following: "transportation of
- 6 students, equipment on vehicles, rescision of a
- 7 driver's license revocation,".
- 8 11. By renumbering and correcting internal
- 9 references as necessary.

By HUSER of Polk
WELTER of Jones

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Adopted
3-11-99
(p.640)