

HSB 146

TRANSPORTATION

Succeeded

SF/...

Chair: Johnson

Drees

May

Raymond

Kelley

SENATE/HOUSE FILE

BY (PROPOSED DEPARTMENT OF TRANSPORTATION BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to implements of husbandry and restrictions on
2 the movement of such implements, and other vehicles, upon the
3 highways of this state.

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

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

200002
24/72

1 Section 1. Section 321.1, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 28A. "Grain cart" means a vehicle with a
4 nonsteerable single or tandem axle designed to move grain.

5 Sec. 2. Section 321.1, subsection 32, Code 1999, is
6 amended to read as follows:

7 32. "Implement of husbandry" means every a vehicle which
8 is or special mobile equipment manufactured, designed, or
9 reconstructed for agricultural purposes and, except for
10 incidental uses, exclusively used,--except-as-herein-otherwise
11 provided,--by-the-owner-thereof in the conduct of the-owner's
12 agricultural operations. Implements "Implements of husbandry
13 shall-also-include: husbandry" includes all-terrain vehicles
14 operated in compliance with section 321.234A and vehicles used
15 exclusively for the mixing and dispensing of nutrients to
16 bovine animals at a feedlot, or for the application of organic
17 or inorganic plant food materials, organic agricultural
18 limestone, or agricultural chemicals. To be considered an
19 implement of husbandry, a self-propelled implement of
20 husbandry must be operated at speeds of thirty miles per hour
21 or less. "Reconstructed" as used in this subsection means
22 materially altered from the original construction by the
23 removal, addition, or substitution of essential parts, new or
24 used.

25 a.--Portable-livestock-loading-chutes-without-regard-to
26 whether-such-chutes-are-used-by-the-owner-in-the-conduct-of
27 the-owner's-agricultural-operations,--provided-that-such-chutes
28 are-not-used-as-a-vehicle-on-the-highway-for-the-purpose-of
29 transporting-property.

30 b.--Any-vehicle-which-is-principally-designed-for
31 agricultural-purposes-and-which-is-moved-during-daylight-hours
32 for-a-distance-not-to-exceed-one-hundred-miles-by-a-person-in
33 any-of-the-following-ways:

34 (1)--From-a-place-at-which-the-vehicles-are-manufactured,
35 fabricated, repaired, or sold to a farm site or a retail

1 seller-or-from-a-retail-seller-to-a-farm-site.

2 (2)--To-a-place-at-which-the-vehicles-are-manufactured,

3 fabricated, repaired, or sold from a farm site or a retail

4 seller or to a retail seller from a farm site.

5 (3)--From-a-place-where-the-vehicles-are-housed,

6 maintained, or stored to a farm site, retail seller, place of

7 repair, or marketplace.

8 (4)--From-a-farm-site, retail-seller, place-of-repair, or

9 marketplace to a place where the vehicles are housed,

10 maintained, or stored.

11 (5)--From-one-farm-site-to-another-farm-site.

12 (6)--From-a-farm-site-to-market-or-from-a-market-to-a-farm

13 site.

14 For-the-purpose-of-this-subsection-and-sections-321.383-and

15 321.453, "farm-site" means a place or location at which

16 vehicles principally designed for agricultural purposes are

17 used or intended to be used in agricultural operations or for

18 the purpose of exhibiting, demonstrating, testing, or

19 experimenting with the vehicles.

20 c.--Any-semitrailer-converted-to-a-full-trailer-by-the-use

21 of-a-dolly-used-by-the-owner-in-the-conduct-of-the-owner's

22 agricultural operations to transport agricultural products

23 being towed by a farm tractor provided the vehicle is operated

24 in compliance with the following requirements:

25 (1)--The-towing-unit-is-equipped-with-a-braking-device

26 which can control the movement of and stop the vehicles.--When

27 the-semitrailer-is-being-towed-at-a-speed-of-twenty-miles-per

28 hour, the-braking-device-shall-be-adequate-to-stop-the

29 vehicles-within-fifty-feet-from-the-point-the-brakes-are

30 applied.--The-semitrailer-shall-be-equipped-with-brakes-upon

31 all-wheels.

32 (2)--The-towing-vehicle-shall-be-equipped-with-a-rear-view

33 mirror-to-permit-the-operator-a-view-of-the-highway-for-a

34 distance-of-at-least-two-hundred-feet-to-the-rear.

35 (3)--The-semitrailer-shall-be-equipped-with-a-turn-signal

1 device-which-operates-in-conjunction-with-or-separately-from
2 the-rear-taillight-and-shall-be-plainly-visible-from-a
3 distance-of-one-hundred-feet.

4 (4)--The-semitrailer-shall-be-equipped-with-two-flashing
5 amber-lights-one-on-each-side-of-the-rear-of-the-vehicle-and
6 be-plainly-visible-for-a-distance-of-five-hundred-feet-in
7 normal-sunlight-or-at-night.

8 (5)--The-semitrailer-shall-be-operated-in-compliance-with
9 sections-321.123-and-321.463.

10 d.--All-terrain-vehicles.

11 e.--(1)--Portable-tanks, nurse-tanks, trailers, and bulk
12 spreaders-which-are-not-self-propelled-and-which-have-gross
13 weights-of-not-more-than-twelve-tons-and-are-used-for-the
14 transportation-of-fertilizer-and-chemicals-used-for-farm-crop
15 production.

16 (2)--Other-types-of-equipment-than-those-listed-in
17 subparagraph-(1)-which-are-used-primarily-for-the-application
18 of-fertilizers-and-chemicals-in-farm-fields-or-for-farm
19 storage.

20 f.--Self-propelled-machinery-operated-at-speeds-of-less
21 than-thirty-miles-per-hour-or-machinery-towed-by-a-motor
22 vehicle-or-farm-tractor.--The-machinery-must-be-specifically
23 designed-for, or-especially-adapted-to-be-capable-of,
24 incidental-over-the-road-and-primary-off-road-usage.--In
25 addition, the-machinery-must-be-used-exclusively-for-the
26 mixing-and-dispensing-of-nutrients-to-bovine-animals-fed-at-a
27 feedlot, or-the-application-of-organic-or-inorganic-plant-food
28 materials, agricultural-limestone, or-agricultural-chemicals.
29 However, the-machinery-shall-not-be-specifically-designed-or
30 intended-for-the-transportation-of-such-nutrients, plant-food
31 materials, agricultural-limestone, or-agricultural-chemicals.

32 Notwithstanding-the-other-provisions-of-this-subsection-any
33 A vehicle covered thereby under this subsection, if it
34 otherwise qualifies, may be registered as special mobile
35 equipment, or operated or moved under the provisions of

1 sections 321.57 ~~to~~ through 321.63, if the person in whose name
 2 such vehicle is to be registered or to whom a special plate or
 3 plates are to be issued elects to do so and under such
 4 circumstances ~~the provisions of~~ this subsection shall not be
 5 applicable to such vehicle, ~~nor shall~~ and such vehicle shall
 6 not be required to comply with ~~the provisions of~~ sections
 7 321.384 ~~to 321.429~~ through 321.423, when such vehicle is moved
 8 during daylight hours, ~~provided;~~ however, the provisions of
 9 section 321.383 shall remain applicable to such vehicle.

10 Sec. 3. Section 321.383, subsection 1, Code 1999, is
 11 amended to read as follows:

12 1. This chapter with respect to equipment on vehicles does
 13 not apply to implements of husbandry, road machinery, or bulk
 14 spreaders and other fertilizer and chemical equipment defined
 15 as special mobile equipment, ~~road rollers, or farm tractors~~
 16 except as made applicable in this section. However, the
 17 movement of implements of husbandry ~~between the retail seller~~
 18 ~~and a farm purchaser or from farm site to farm site or the~~
 19 ~~movement of indivisible implements of husbandry between the~~
 20 ~~place of manufacture and a retail seller or farm purchaser~~
 21 under section 321.453 on a roadway is subject to safety rules
 22 adopted by the department. The safety rules shall prohibit
 23 the movement of any power unit towing more than one implement
 24 of husbandry from the manufacturer to the retail seller, from
 25 the retail seller to the farm purchaser, or from the
 26 manufacturer to the farm purchaser.

27 Sec. 4. Section 321.453, Code 1999, is amended to read as
 28 follows:

29 321.453 EXCEPTIONS.

30 The provisions of this chapter governing size, weight, and
 31 load, and the permit requirements of chapter 321E do not apply
 32 to fire apparatus, ; road maintenance equipment owned by or
 33 under lease to any state or local authority, ; or to implements
 34 of husbandry temporarily moved or moving upon a highway,
 35 ~~implements of husbandry moved from farm site to farm site or~~

1 ~~between the retail seller and a farm purchaser, implements of~~
2 ~~husbandry moved between any site and the site of an~~
3 ~~agricultural exposition or a fair administered pursuant to~~
4 ~~chapter 173 or 174, indivisible implements of husbandry~~
5 ~~temporarily moved between the place of manufacture and a~~
6 ~~retail seller or a farm purchaser, implements of husbandry~~
7 ~~received and moved by a retail seller of implements of~~
8 ~~husbandry in exchange for a purchased implement, or implements~~
9 ~~of husbandry moved for repairs, except on any part of the~~
10 ~~interstate highway system~~ except for those implements of
11 husbandry moved or moving on any portion of the interstate and
12 except as provided in sections 321.463, 321.471, and 321.474.
13 A vehicle, carrying an implement of husbandry, which is
14 exempted from the permit requirements under this section shall
15 be equipped with an amber flashing light under section
16 ~~321.423,~~ visible from the rear. If the amber flashing light
17 is obstructed by the loaded implement, the loaded implement
18 shall also be equipped with and display an amber flashing
19 light. The vehicle shall also be equipped with warning flags
20 on that portion of the vehicle which protrudes into oncoming
21 traffic, and shall only operate from thirty minutes prior to
22 sunrise to thirty minutes following sunset. ~~The one hundred-~~
23 ~~mile distance restriction contained in the definition of~~
24 ~~implement of husbandry in section 321.1 does not apply to this~~
25 ~~section.~~

26 Sec. 5. NEW SECTION. 321.453A GRAIN CARTS AND TANK
27 WAGONS -- DISTRIBUTION OF AXLE INFORMATION.

28 Literature distributed by a manufacturer or retail seller
29 of a grain cart or tank wagon which pertains to the grain cart
30 or tank wagon shall indicate the axle configuration and loaded
31 axle weight capabilities of the cart or wagon.

32 Sec. 6. Section 321.463, subsection 4, Code 1999, is
33 amended to read as follows:

34 4. ~~Machinery defined in section 321.17, subsection 32,~~
35 paragraph "f", "a". Self-propelled implements of husbandry

1 used exclusively for the mixing and dispensing of nutrients to
 2 bovine animals fed at a feedlot, or for the application of
 3 organic or inorganic plant food materials, agricultural
 4 limestone, or agricultural chemicals, shall be operated in
 5 compliance with this section. However, machinery used
 6 exclusively for mixing and dispensing nutrients to bovine
 7 animals at feedlots is not required to comply with this
 8 section until July 1, 1999.

9 b. Effective January 1, 2000, grain carts and tank wagons
 10 shall also be operated in compliance with this section.

11 However, the weight on any single or tandem axle of a grain
 12 cart or tank wagon may exceed the maximum weight otherwise
 13 allowed under this chapter by ten percent if the gross weight
 14 on any particular group of axles on the vehicle does not
 15 exceed the gross weight allowed under this chapter for that
 16 group of axles. If the vehicle exceeds the ten percent
 17 tolerance allowed for any single or tandem axle under this
 18 paragraph, the fine to be assessed for the axle shall be
 19 computed on the difference between the actual weight and the
 20 ten percent tolerance weight allowed for the axle under this
 21 chapter.

22 Sec. 7. Section 321.471, Code 1999, is amended to read as
 23 follows:

24 321.471 LOCAL AUTHORITIES MAY RESTRICT.

25 1. Local authorities with respect to a highway under their
 26 jurisdiction may by ordinance or resolution prohibit the
 27 operation of vehicles upon the highway or impose restrictions
 28 as to the weight of vehicles to be operated upon the highway,
 29 ~~except-implements-of-husbandry-as-defined-in-section-321-1,~~
 30 ~~subsection-32-and-implements-of-husbandry-loaded-on-hauling~~
 31 ~~units-for-transporting-the-implements-to-locations-for~~
 32 ~~purposes-of-repair,~~ for a total period of not to exceed ninety
 33 days in any one calendar year, whenever the highway by reason
 34 of deterioration, rain, snow, or other climatic conditions
 35 will be seriously damaged or destroyed unless the use of

1 vehicles on the highway is prohibited or the permissible
2 weights reduced. The ordinance or resolution shall not apply
3 to implements of husbandry as defined in section 321.1,
4 implements of husbandry loaded on hauling units for
5 transporting the implements to locations for repair, or fire
6 apparatus and road maintenance equipment owned by or under
7 lease to a state or local authority.

8 A person who violates the provisions of the ordinance or
9 resolution shall, upon conviction or a plea of guilty, be
10 subject to a fine determined by dividing the difference
11 between the actual weight and the maximum weight established
12 by the ordinance or resolution by one hundred, and multiplying
13 the quotient by two dollars. Local authorities may issue
14 special permits, during periods the restrictions are in
15 effect, to permit limited operation of vehicles upon specified
16 routes with loads in excess of any restrictions imposed under
17 this subsection, but not in excess of load restrictions
18 imposed by any other provision of this chapter, and the
19 authorities shall issue the permits upon a showing that there
20 is a need to move to market farm produce of the type subject
21 to rapid spoilage or loss of value or to move to any farm
22 feeds or fuel for home heating purposes.

23 2. a. Upon a finding that a bridge or culvert does not
24 meet established standards set forth by state and federal
25 authorities, local authorities may by ordinance or resolution
26 impose limitations for an indefinite period of time on the
27 weight of vehicles upon bridges or culverts located on
28 highways under their sole jurisdiction. The limitations shall
29 be effective when signs giving notice of the limitations are
30 erected. The ordinance or resolution shall not apply to
31 ~~implements of husbandry as defined in section 321.1,~~
32 ~~subsection 32 or to~~ implements of husbandry loaded on hauling
33 units for transporting the implements to locations for
34 purposes of repair or to fire apparatus or road maintenance
35 equipment owned by or under lease to any state or local

1 authority.

2 b. A person who violates the ordinance or resolution
3 shall, upon conviction or a guilty plea, be subject to a fine
4 determined by dividing the difference between the actual
5 weight of the vehicle and the maximum weight allowed by the
6 ordinance or resolution by one hundred and multiplying the
7 quotient by two dollars. Local authorities may issue or
8 approve special permits allowing the operation over a bridge
9 or culvert of vehicles with weights in excess of restrictions
10 imposed under the ordinance or resolution, but not in excess
11 of load restrictions imposed by any other provision of this
12 chapter. The local authority shall issue such a permit for
13 not to exceed four weeks upon a showing of agricultural
14 hardship. The operator of a vehicle which is the subject of a
15 permit issued under this paragraph shall carry the permit
16 while operating the vehicle and shall show the permit to any
17 peace officer upon request.

18 Sec. 8. Section 321.474, unnumbered paragraph 1, Code
19 1999, is amended to read as follows:

20 The department shall have authority, as granted to local
21 authorities, to determine by resolution and to impose
22 restrictions as to the weight of vehicles, except farm
23 tractors as defined in section 321.17-subsection-24 and fire
24 apparatus and road maintenance equipment owned by or under
25 lease to any state or local authority, operated upon any
26 highway under the jurisdiction of the department ~~and the~~ for a
27 definite period of time not to exceed twelve months. The
28 restrictions shall be effective when signs giving notice of
29 the restrictions and the expiration date of the restrictions
30 are erected upon the affected highway or portion of any
31 highway ~~affected-by-the-resolution. Resolutions-imposing~~
32 ~~restrictions-under-section-321.473-shall-be-for-a-definite~~
33 ~~period-of-time-not-to-exceed-twelve-months.--The-expiration~~
34 ~~date-of-the-resolution-shall-appear-on-all-signs-posted-as~~
35 ~~required-by-this-section-~~

1 Upon a finding that a bridge or culvert does not meet
2 established standards set forth by state and federal
3 authorities, the department may impose, by resolution,
4 restrictions for an indefinite period of time on the weight of
5 vehicles operated upon bridges or culverts located on highways
6 under its jurisdiction. The restrictions shall be effective
7 when signs giving notice of the restrictions are erected.

8 Sec. 9. Section 321.474, unnumbered paragraph 3, Code
9 1999, is amended to read as follows:

10 Any person who violates a provision-of-the restriction
11 imposed by resolution pursuant to this section, upon
12 conviction or a plea of guilty, is subject to a fine
13 determined by dividing the difference between the actual
14 weight of the vehicle and the maximum weight established-by
15 the-resolution allowed by the restriction by one hundred, and
16 multiplying the quotient by two dollars. The department may
17 issue special permits, during periods the restrictions are in
18 effect, to permit limited operation of vehicles upon specified
19 routes with loads in excess of any restrictions imposed under
20 this section, but not in excess of load restrictions imposed
21 by this chapter. The department shall issue special permits
22 in accordance with the foregoing to trucks moving farm
23 produce, which decays or loses its value if not speedily put
24 to its intended use, to market upon a showing to the
25 department that there is a requirement for trucking the
26 produce, or to trucks moving any farm feeds or fuel necessary
27 for home heating purposes. The department shall issue such a
28 permit for not to exceed four weeks upon a showing of
29 agricultural hardship. The operator of a vehicle which is the
30 subject of a permit issued under this paragraph shall carry
31 the permit while operating the vehicle and shall show the
32 permit to any peace officer upon request.

33 EXPLANATION

34 This bill amends Code section 321.1 to redefine an
35 implement of husbandry as a vehicle or special mobile

1 equipment manufactured, designed, or reconstructed for
 2 agricultural purposes and, except for incidental uses,
 3 exclusively used in the conduct of agricultural operations. A
 4 self-propelled implement of husbandry is to be operated at
 5 speeds of 30 miles per hour or less. Currently, the
 6 definition is limited to a vehicle used by the owner of the
 7 vehicle in the owner's agricultural operations and includes
 8 certain other agricultural vehicles. The bill also makes
 9 several Code changes corresponding to the revised definition.
 10 Code section 321.1 is also amended to define the term "grain
 11 cart".

12 Code section 321.453, providing exceptions to the size,
 13 weight, and load restrictions for vehicles on highways and to
 14 the permit requirements for vehicles of excessive size and
 15 weight, is amended to require implements of husbandry moved or
 16 moving on the interstate to comply with the restrictions and
 17 permit requirements. Implements of husbandry are also
 18 required to comply with legal axle weight restrictions when
 19 operated on public roadways and weight embargoes imposed by
 20 local authorities on a bridge or culvert within their
 21 jurisdiction or by the state department of transportation on a
 22 bridge or culvert within its jurisdiction. The provision
 23 requiring certain vehicles carrying implements of husbandry to
 24 be equipped with an amber flashing light is revised to specify
 25 that the light must be visible from the rear and to require
 26 that, if the light is obstructed by the loaded implement, the
 27 loaded implement shall also display an amber flashing light.

28 The bill creates new Code section 321.453A requiring
 29 manufacturers and retail sellers of grain carts and tank
 30 wagons to include information about the axle configuration and
 31 loaded axle weight capabilities of a grain cart or tank wagon
 32 in any literature distributed by the manufacturer or seller
 33 pertaining to the grain cart or tank wagon.

34 The bill also amends Code section 321.463, relating to
 35 legal vehicle axle weights, by requiring grain carts, as

1 defined by the bill, and tank wagons to comply with the axle
2 weight requirements on or after January 1, 2000. The bill
3 allows the weight on any one axle of a grain cart or tank
4 wagon to exceed the maximum weight restrictions by 10 percent
5 if the gross weight on any particular group of axles on the
6 vehicle does not exceed the gross weight requirements for that
7 group of axles. If the vehicle exceeds the 10 percent
8 tolerance, the fine assessed for the axle shall be computed on
9 the difference between the actual weight and the 10 percent
10 tolerance weight allowed for the axle.

11 Code section 321.471, allowing local authorities to
12 prohibit, or impose weight restrictions on, the operation of
13 vehicles upon highways, bridges, and culverts within their
14 jurisdictions, is amended to provide that implements of
15 husbandry, except implements of husbandry loaded on hauling
16 units to transport the implements for repair, must comply with
17 the restrictions on bridges and culverts. The bill adds
18 language providing that the limitations imposed by local
19 authorities are effective when signs giving notice of the
20 limitations are erected. The bill also adds language
21 providing that the limitations on highways and bridges and
22 culverts do not apply to fire apparatus and road maintenance
23 equipment owned by, or under lease to, any state or local
24 authority. Similarly, Code section 321.474, allowing the
25 state department of transportation to impose weight
26 restrictions for a definite period of 12 months or less on the
27 operation of vehicles upon highways within its jurisdiction,
28 is amended to allow such restrictions to be placed on bridges
29 and culverts within the department's jurisdiction for an
30 indefinite period of time. The restrictions imposed are
31 effective when signs giving notice of the restrictions are
32 erected. The bill adds provisions to both Code sections
33 321.471 and 321.474 which direct the local authority or the
34 state department of transportation imposing the restriction to
35 issue a special permit for passage over the restricted bridge

1 or culvert upon a showing of agricultural hardship. The
2 operator of a vehicle which is the subject of a permit must
3 carry the permit while operating the vehicle and show the
4 permit to a peace officer upon request.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

MAR 11 1999

REPRINTED

Place On Calendar

HOUSE FILE 651
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 146)

Passed House, ^(p. 720) Date 3-17-99 Passed Senate, ^(p. 1014) Date 4/8/99
Vote: Ayes 89 Nays 5 Vote: Ayes 46 Nays 1
Approved May 10, 1999

A BILL FOR

1 An Act relating to implements of husbandry and restrictions on
2 the movement of such implements, and other vehicles, upon the
3 highways of this state and making penalties applicable.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 651

1 Section 1. Section 321.1, Code 1999, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 24A. "Fence-line feeder" means a vehicle
4 used exclusively for the mixing and dispensing of nutrients to
5 bovine animals at a feedlot.

6 NEW SUBSECTION. 28A. "Grain cart" means a vehicle with a
7 nonsteerable single or tandem axle designed to move grain.

8 Sec. 2. Section 321.1, subsection 32, Code 1999, is
9 amended to read as follows:

10 32. "Implement of husbandry" means every a vehicle which
11 is or special mobile equipment manufactured, designed, or
12 reconstructed for agricultural purposes and, except for
13 incidental uses, exclusively used, -except-as-herein-otherwise
14 provided, -by-the-owner-thereof in the conduct of the-owner's
15 agricultural operations. Implements "Implements of husbandry
16 shall-also-include: husbandry" includes all-terrain vehicles
17 operated in compliance with section 321.234A, fence-line
18 feeders, and vehicles used exclusively for the application of
19 organic or inorganic plant food materials, organic
20 agricultural limestone, or agricultural chemicals. To be
21 considered an implement of husbandry, a self-propelled
22 implement of husbandry must be operated at speeds of thirty-
23 five miles per hour or less. "Reconstructed" as used in this
24 subsection means materially altered from the original
25 construction by the removal, addition, or substitution of
26 essential parts, new or used.

27 a. --Portable-livestock-loading-chutes-without-regard-to
28 whether-such-chutes-are-used-by-the-owner-in-the-conduct-of
29 the-owner's-agricultural-operations, -provided-that-such-chutes
30 are-not-used-as-a-vehicle-on-the-highway-for-the-purpose-of
31 transporting-property.

32 b. --Any-vehicle-which-is-principally-designed-for
33 agricultural-purposes-and-which-is-moved-during-daylight-hours
34 for-a-distance-not-to-exceed-one-hundred-miles-by-a-person-in
35 any-of-the-following-ways:

1 (1)--From a place at which the vehicles are manufactured,
2 fabricated, repaired, or sold to a farm site or a retail
3 seller or from a retail seller to a farm site.

4 (2)--To a place at which the vehicles are manufactured,
5 fabricated, repaired, or sold from a farm site or a retail
6 seller or to a retail seller from a farm site.

7 (3)--From a place where the vehicles are housed,
8 maintained, or stored to a farm site, retail seller, place of
9 repair, or marketplace.

10 (4)--From a farm site, retail seller, place of repair, or
11 marketplace to a place where the vehicles are housed,
12 maintained, or stored.

13 (5)--From one farm site to another farm site.

14 (6)--From a farm site to market or from a market to a farm
15 site.

16 For the purpose of this subsection and sections 321.383 and
17 321.453, "farm site" means a place or location at which
18 vehicles principally designed for agricultural purposes are
19 used or intended to be used in agricultural operations or for
20 the purpose of exhibiting, demonstrating, testing, or
21 experimenting with the vehicles.

22 c.--Any semitrailer converted to a full trailer by the use
23 of a dolly used by the owner in the conduct of the owner's
24 agricultural operations to transport agricultural products
25 being towed by a farm tractor provided the vehicle is operated
26 in compliance with the following requirements:

27 (1)--The towing unit is equipped with a braking device
28 which can control the movement of and stop the vehicles.--When
29 the semitrailer is being towed at a speed of twenty miles per
30 hour, the braking device shall be adequate to stop the
31 vehicles within fifty feet from the point the brakes are
32 applied.--The semitrailer shall be equipped with brakes upon
33 all wheels.

34 (2)--The towing vehicle shall be equipped with a rear view
35 mirror to permit the operator a view of the highway for a

1 distance-of-at-least-two-hundred-feet-to-the-rear:

2 (3)--The-semitrailer-shall-be-equipped-with-a-turn-signal
3 device-which-operates-in-conjunction-with-or-separately-from
4 the-rear-taillight-and-shall-be-plainly-visible-from-a
5 distance-of-one-hundred-feet:

6 (4)--The-semitrailer-shall-be-equipped-with-two-flashing
7 amber-lights-one-on-each-side-of-the-rear-of-the-vehicle-and
8 be-plainly-visible-for-a-distance-of-five-hundred-feet-in
9 normal-sunlight-or-at-night:

10 (5)--The-semitrailer-shall-be-operated-in-compliance-with
11 sections-321.123-and-321.463:

12 d.--All-terrain-vehicles:

13 e.--(1)--Portable-tanks, nurse-tanks, trailers, and bulk
14 spreaders-which-are-not-self-propelled-and-which-have-gross
15 weights-of-not-more-than-twelve-tons-and-are-used-for-the
16 transportation-of-fertilizer-and-chemicals-used-for-farm-crop
17 production:

18 (2)--Other-types-of-equipment-than-those-listed-in
19 subparagraph-(1)-which-are-used-primarily-for-the-application
20 of-fertilizers-and-chemicals-in-farm-fields-or-for-farm
21 storage:

22 f.--Self-propelled-machinery-operated-at-speeds-of-less
23 than-thirty-miles-per-hour-or-machinery-towed-by-a-motor
24 vehicle-or-farm-tractor.--The-machinery-must-be-specifically
25 designed-for, or-especially-adapted-to-be-capable-of,
26 incidental-over-the-road-and-primary-off-road-usage.--In
27 addition, the-machinery-must-be-used-exclusively-for-the
28 mixing-and-dispensing-of-nutrients-to-bovine-animals-fed-at-a
29 feedlot, or-the-application-of-organic-or-inorganic-plant-food
30 materials, agricultural-limestone, or-agricultural-chemicals:
31 However, the-machinery-shall-not-be-specifically-designed-or
32 intended-for-the-transportation-of-such-nutrients, plant-food
33 materials, agricultural-limestone, or-agricultural-chemicals:

34 Notwithstanding-the-other-provisions-of-this-subsection-any
35 A vehicle covered thereby under this subsection, if it

1 otherwise qualifies, may be registered as special mobile
2 equipment, or operated or moved under the provisions of
3 sections 321.57 ~~to~~ through 321.63, if the person in whose name
4 such vehicle is to be registered or to whom a special plate or
5 plates are to be issued elects to do so and under such
6 circumstances ~~the provisions of~~ this subsection shall not be
7 applicable to such vehicle, ~~nor shall~~ and such vehicle shall
8 not be required to comply with ~~the provisions of~~ sections
9 321.384 ~~to-321-429~~ through 321.423, when such vehicle is moved
10 during daylight hours, ~~provided~~; however, the provisions of
11 section 321.383 shall remain applicable to such vehicle.

12 Sec. 3. Section 321.1, Code 1999, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 54A. "Product identification number" or
15 the acronym PIN mean the numerical or alphabetical
16 designations affixed to a fence-line feeder, grain cart, or
17 tank wagon, pursuant to rules adopted by the department, as a
18 means of identifying the vehicle or the year of manufacture.

19 NEW SUBSECTION. 80A. "Tank wagon" means a vehicle
20 designed to carry liquid animal or human excrement.

21 Sec. 4. Section 321.234A, Code 1999, is amended to read as
22 follows:

23 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG
24 REQUIRED.

25 All-terrain vehicles shall be operated on a highway only
26 between sunrise and sunset and only when the operation on the
27 highway is incidental to the vehicle's use for agricultural
28 purposes. A person operating an all-terrain vehicle on a
29 highway shall have a valid driver's license and the vehicle
30 shall be operated at speeds of ~~less than thirty~~ thirty-five
31 miles per hour or less. When operated on a highway, an all-
32 terrain vehicle shall have a bicycle safety flag which extends
33 not less than five feet above the ground attached to the rear
34 of the vehicle. The bicycle safety flag shall be triangular
35 in shape with an area of not less than thirty square inches,

1 be Day-Glo in color, and shall be in lieu of the reflective
2 equipment required by section 321.383.

3 Sec. 5. Section 321.383, Code 1999, is amended to read as
4 follows:

5 321.383 EXCEPTIONS -- SLOW VEHICLES IDENTIFIED.

6 1. This chapter with respect to equipment on vehicles does
7 not apply to implements of husbandry, road machinery, or bulk
8 spreaders and other fertilizer and chemical equipment defined
9 as special mobile equipment, ~~road-rollers, or farm tractors~~
10 except as made applicable in this section. However, the
11 movement of implements of husbandry ~~between the retail seller~~
12 ~~and a farm purchaser or from farm site to farm site or the~~
13 ~~movement of indivisible implements of husbandry between the~~
14 ~~place of manufacture and a retail seller or farm purchaser~~
15 under section 321-453 on a roadway is subject to safety rules
16 adopted by the department. The safety rules shall prohibit
17 the movement of any power unit towing more than one implement
18 of husbandry from the manufacturer to the retail seller, from
19 the retail seller to the farm purchaser, or from the
20 manufacturer to the farm purchaser.

21 2. When operated on a highway in this state at a speed of
22 ~~thirty~~ thirty-five miles per hour or less, every farm tractor,
23 or tractor with towed equipment, self-propelled implement of
24 husbandry, road construction or maintenance vehicle, road
25 grader, horse-drawn vehicle, or any other vehicle principally
26 designed for use off the highway and any such tractor,
27 implement, vehicle, or grader when manufactured for sale or
28 sold at retail after December 31, 1971, shall be identified
29 with a reflective device in accordance with the standards of
30 the American society of agricultural engineers; however, this
31 provision shall not apply to such vehicles when traveling in
32 any escorted parade. The reflective device shall be visible
33 from the rear. A vehicle other than those specified in this
34 section shall not display a reflective device. On vehicles
35 operating at speeds above thirty thirty-five miles per hour,

1 the reflective device shall be removed or hidden from view.

2 3. Garbage collection vehicles, when operated on the
3 streets or highways of this state at speeds of thirty thirty-
4 five miles per hour or less, may display a reflective device
5 that complies with the standards of the American society of
6 agricultural engineers. At speeds in excess of thirty thirty-
7 five miles per hour the device shall not be visible.

8 Any person who violates any provision of this section shall
9 be fined as provided in section 805.8, subsection 2, paragraph
10 "d".

11 Sec. 6. Section 321.453, Code 1999, is amended to read as
12 follows:

13 321.453 EXCEPTIONS.

14 The provisions of this chapter governing size, weight, and
15 load, and the permit requirements of chapter 321E do not apply
16 to fire apparatus~~;~~ road maintenance equipment owned by or
17 under lease to any state or local authority~~;~~ or to implements
18 of husbandry temporarily moved or moving upon a highway,
19 ~~implements-of-husbandry-moved-from-farm-site-to-farm-site-or~~
20 ~~between-the-retail-seller-and-a-farm-purchaser~~;~~implements-of~~
21 ~~husbandry-moved-between-any-site-and-the-site-of-an~~
22 ~~agricultural-exposition-or-a-fair-administered-pursuant-to~~
23 ~~chapter-173-or-174~~;~~indivisible-implements-of-husbandry~~
24 ~~temporarily-moved-between-the-place-of-manufacture-and-a~~
25 ~~retail-seller-or-a-farm-purchaser~~;~~implements-of-husbandry~~
26 ~~received-and-moved-by-a-retail-seller-of-implements-of~~
27 ~~husbandry-in-exchange-for-a-purchased-implement~~;~~or-implements~~
28 ~~of-husbandry-moved-for-repairs~~;~~except-on-any-part-of-the~~
29 ~~interstate-highway-system~~ except for those implements of
30 husbandry moved or moving on any portion of the interstate and
31 except as provided in sections 321.463, 321.471, and 321.474.

32 A vehicle, carrying an implement of husbandry, which is
33 exempted from the permit requirements under this section shall
34 be equipped with an amber flashing light under-section
35 321-423~~;~~ visible from the rear. If the amber flashing light

1 is obstructed by the loaded implement, the loaded implement
2 shall also be equipped with and display an amber flashing
3 light. The vehicle shall also be equipped with warning flags
4 on that portion of the vehicle which protrudes into oncoming
5 traffic, and shall only operate from thirty minutes prior to
6 sunrise to thirty minutes following sunset. ~~The one-hundred-~~
7 ~~mile-distance-restriction-contained-in-the-definition-of~~
8 ~~implement-of-husbandry-in-section-321.1-does-not-apply-to-this~~
9 ~~section-~~

10 Sec. 7. Section 321.463, subsection 4, Code 1999, is
11 amended by striking the subsection and inserting in lieu
12 thereof the following:

13 4. a. Self-propelled implements of husbandry used
14 exclusively for the application of organic or inorganic plant
15 food materials, agricultural limestone, or agricultural
16 chemicals shall be operated in compliance with this section.

17 b. Fence-line feeders, grain carts, and tank wagons
18 manufactured on or after July 1, 2001, shall be operated in
19 compliance with this section. The year of manufacture of the
20 fence-line feeder, grain cart, or tank wagon shall be
21 permanently made a part of the identification plate on the
22 vehicle. An attempt to fraudulently alter or deface the year
23 of manufacture or other product information number on a fence-
24 line feeder, grain cart, or tank wagon is a violation of
25 section 321.92. Commencing July 1, 2005, all fence-line
26 feeders, grain carts, and tank wagons shall be operated in
27 compliance with this section. However, the weight on any
28 single axle or any particular group of axles or the overall
29 gross weight of the vehicle may exceed the maximum weight
30 otherwise allowed by this chapter by twenty percent. If the
31 vehicle exceeds the twenty percent tolerance allowed by this
32 paragraph, the fine to be assessed for the violation shall be
33 computed on the difference between the actual weight and the
34 tolerance weight allowed under this chapter.

35 Sec. 8. Section 321.471, Code 1999, is amended to read as

1 follows:

2 321.471 LOCAL AUTHORITIES MAY RESTRICT.

3 1. Local authorities with respect to a highway under their
4 jurisdiction may by ordinance or resolution prohibit the
5 operation of vehicles upon the highway or impose restrictions
6 as to the weight of vehicles to be operated upon the highway,
7 ~~except implements of husbandry as defined in section 321.1,~~
8 ~~subsection 32 and implements of husbandry loaded on hauling~~
9 ~~units for transporting the implements to locations for~~
10 ~~purposes of repair,~~ for a total period of not to exceed ninety
11 days in any one calendar year, whenever the highway by reason
12 of deterioration, rain, snow, or other climatic conditions
13 will be seriously damaged or destroyed unless the use of
14 vehicles on the highway is prohibited or the permissible
15 weights reduced. The ordinance or resolution shall not apply
16 to implements of husbandry as defined in section 321.1,
17 implements of husbandry loaded on hauling units for
18 transporting the implements to locations for repair, or fire
19 apparatus and road maintenance equipment owned by or under
20 lease to a state or local authority.

21 A person who violates the provisions of the ordinance or
22 resolution shall, upon conviction or a plea of guilty, be
23 subject to a fine determined by dividing the difference
24 between the actual weight and the maximum weight established
25 by the ordinance or resolution by one hundred, and multiplying
26 the quotient by two dollars. Local authorities may issue
27 special permits, during periods the restrictions are in
28 effect, to permit limited operation of vehicles upon specified
29 routes with loads in excess of any restrictions imposed under
30 this subsection, but not in excess of load restrictions
31 imposed by any other provision of this chapter, and the
32 authorities shall issue the permits upon a showing that there
33 is a need to move to market farm produce of the type subject
34 to rapid spoilage or loss of value or to move to any farm
35 feeds or fuel for home heating purposes.

1 2. a. Upon a finding that a bridge or culvert does not
2 meet established standards set forth by state and federal
3 authorities, local authorities may by ordinance or resolution
4 impose limitations for an indefinite period of time on the
5 weight of vehicles upon bridges or culverts located on
6 highways under their sole jurisdiction. The limitations shall
7 be effective when signs giving notice of the limitations are
8 erected. The ordinance or resolution shall not apply to
9 ~~implements of husbandry as defined in section 321.17~~
10 ~~subsection 32 or to~~ implements of husbandry loaded on hauling
11 units for transporting the implements to locations for
12 purposes of repair or to fire apparatus or road maintenance
13 equipment owned by or under lease to any state or local
14 authority.

15 b. A person who violates the ordinance or resolution
16 shall, upon conviction or a guilty plea, be subject to a fine
17 determined by dividing the difference between the actual
18 weight of the vehicle and the maximum weight allowed by the
19 ordinance or resolution by one hundred and multiplying the
20 quotient by two dollars. Local authorities may issue or
21 approve special permits allowing the operation over a bridge
22 or culvert of vehicles with weights in excess of restrictions
23 imposed under the ordinance or resolution, but not in excess
24 of load restrictions imposed by any other provision of this
25 chapter. The local authority shall issue such a permit for
26 not to exceed eight weeks upon a showing of agricultural
27 hardship. The operator of a vehicle which is the subject of a
28 permit issued under this paragraph shall carry the permit
29 while operating the vehicle and shall show the permit to any
30 peace officer upon request.

31 Sec. 9. Section 321.474, unnumbered paragraph 1, Code
32 1999, is amended to read as follows:

33 The department shall have authority, as granted to local
34 authorities, to determine by resolution and to impose
35 restrictions as to the weight of vehicles, except farm

1 tractors implements of husbandry as defined in section 321.1,
2 ~~subsection-24~~ implements of husbandry loaded on hauling units
3 for transporting the implements to locations for repair, and
4 fire apparatus and road maintenance equipment owned by or
5 under lease to any state or local authority, operated upon any
6 highway under the jurisdiction of the department ~~and-the~~ for a
7 definite period of time not to exceed twelve months. The
8 restrictions shall be effective when signs giving notice of
9 the restrictions and the expiration date of the restrictions
10 are erected upon the affected highway or portion of any
11 highway ~~affected-by-the-resolution. Resolutions-imposing~~
12 ~~restrictions-under-section-321.473-shall-be-for-a-definite~~
13 ~~period-of-time-not-to-exceed-twelve-months.--The-expiration~~
14 ~~date-of-the-resolution-shall-appear-on-all-signs-posted-as~~
15 ~~required-by-this-section.~~

16 Upon a finding that a bridge or culvert does not meet
17 established standards set forth by state and federal
18 authorities, the department may impose, by resolution,
19 restrictions for an indefinite period of time on the weight of
20 vehicles operated upon bridges or culverts located on highways
21 under its jurisdiction. The restrictions shall be effective
22 when signs giving notice of the restrictions are erected. The
23 restrictions shall not apply to implements of husbandry loaded
24 on hauling units for transporting the implements to locations
25 for purposes of repair or to fire apparatus or road
26 maintenance equipment owned by or under lease to any state or
27 local authority.

28 Sec. 10. Section 321.474, unnumbered paragraph 3, Code
29 1999, is amended to read as follows:

30 Any person who violates a ~~provision-of-the~~ restriction
31 imposed by resolution pursuant to this section, upon
32 conviction or a plea of guilty, is subject to a fine
33 determined by dividing the difference between the actual
34 weight of the vehicle and the maximum weight ~~established-by~~
35 ~~the-resolution~~ allowed by the restriction by one hundred, and

1 multiplying the quotient by two dollars. The department may
2 issue special permits, during periods the restrictions are in
3 effect, to permit limited operation of vehicles upon specified
4 routes with loads in excess of any restrictions imposed under
5 this section, but not in excess of load restrictions imposed
6 by this chapter. The department shall issue a special permit
7 for not to exceed eight weeks upon a showing of agricultural
8 hardship. The department shall issue special permits in
9 accordance-with-the-foregoing to trucks moving farm produce,
10 which decays or loses its value if not speedily put to its
11 intended use, to market upon a showing to the department that
12 there is a requirement for trucking the produce, or to trucks
13 moving any farm feeds or fuel necessary for home heating
14 purposes. The operator of a vehicle which is the subject of a
15 permit issued under this paragraph shall carry the permit
16 while operating the vehicle and shall show the permit to any
17 peace officer upon request.

18 Sec. 11. Section 714.8, subsection 11, Code 1999, is
19 amended to read as follows:

20 11. Removes, defaces, covers, alters, or destroys any
21 component part number as defined in section 321.1, subsection
22 ~~14~~, or vehicle identification number as defined in section
23 321.1, ~~subsection-9~~, or product identification number as
24 defined in section 321.1, for the purpose of concealing or
25 misrepresenting the identity or year of manufacture of the
26 component part or vehicle.

27 Sec. 12. REGULATION OF TRACKED VEHICLES. After
28 consultation with manufacturers of tracked vehicles designed
29 for agricultural uses, the state department of transportation
30 shall adopt rules determining how weight limits apply to
31 tracked vehicles when operated on the highways of this state.

32 EXPLANATION

33 This bill amends Code section 321.1 to redefine an
34 implement of husbandry as a vehicle or special mobile
35 equipment manufactured, designed, or reconstructed for

1 agricultural purposes and, except for incidental uses,
2 exclusively used in the conduct of agricultural operations. A
3 self-propelled implement of husbandry is to be operated at
4 speeds of 35 miles per hour or less to be considered an
5 implement of husbandry. Currently, the definition is limited
6 to a vehicle designed for agricultural purposes and used by
7 the owner of the vehicle in the owner's agricultural
8 operations and includes certain other agricultural vehicles.
9 The bill also makes several Code changes corresponding to the
10 revised definition. Code section 321.1 is also amended to
11 define the terms "fence-line feeder", "grain cart", "product
12 identification number", and "tank wagon".

13 The bill amends Code section 321.234A, relating to the
14 incidental use of all-terrain vehicles used for agricultural
15 purposes on highways; and Code section 321.383, relating to
16 the identification of slow-moving vehicles, to provide that
17 such vehicles shall be operated at speeds of 35 miles per hour
18 or less rather than 30.

19 Code section 321.453, providing exceptions to the size,
20 weight, and load restrictions for vehicles on highways and to
21 the permit requirements for vehicles of excessive size and
22 weight, is amended to require implements of husbandry moved or
23 moving on the interstate to comply with the restrictions and
24 permit requirements. The bill requires certain implements of
25 husbandry to comply with legal axle weight restrictions when
26 operated on public roadways by certain dates, as provided by
27 Code section 321.463, as amended. The bill also requires all
28 implements of husbandry to comply with weight embargoes
29 imposed by local authorities and the state department of
30 transportation on bridges and culverts within their respective
31 jurisdictions. The provision requiring certain vehicles
32 carrying implements of husbandry to be equipped with an amber
33 flashing light is revised to specify that the light must be
34 visible from the rear and to require that, if the light is
35 obstructed by the loaded implement, the loaded implement shall

1 also display an amber flashing light.

2 The bill also amends Code section 321.463, relating to
3 legal vehicle axle weights, by requiring fence-line feeders,
4 grain carts, and tank wagons, as defined by the bill, which
5 are manufactured on or after July 1, 2001, to comply with the
6 axle weight requirements. All fence-line feeders, grain
7 carts, and tank wagons shall comply with the axle weight
8 requirements beginning July 1, 2005. The year of manufacture
9 of the vehicle is to be permanently made a part of the
10 identification plate on the vehicle. Fraudulently altering or
11 defacing the year of manufacture or other product information
12 number is a violation of Code section 321.92. Code section
13 321.92 prohibits a person from fraudulently altering or
14 defacing a distinguishing number or identification mark of a
15 vehicle. A violation is punishable as a class "D" felony by
16 imprisonment for up to five years and a fine of at least \$500
17 but no more than \$7,500.

18 The bill allows the weight on any one axle or on a group of
19 axles, or the overall gross weight of a fence-line feeder,
20 grain cart, or tank wagon to exceed the maximum weight
21 restrictions by 20 percent. If the vehicle exceeds the 20
22 percent tolerance, the fine assessed for the violation shall
23 be computed on the difference between the actual weight and
24 the 20 percent tolerance weight allowed.

25 Code section 321.471, allowing local authorities to
26 prohibit, or impose weight restrictions on, the operation of
27 vehicles upon highways, bridges, and culverts within their
28 jurisdictions, is amended to provide that implements of
29 husbandry, except implements of husbandry loaded on hauling
30 units to transport the implements for repair, must comply with
31 the restrictions on bridges and culverts. The bill adds
32 language providing that the limitations imposed by local
33 authorities are effective when signs giving notice of the
34 limitations are erected. The bill also adds language
35 providing that the limitations on highways and bridges and

1 culverts do not apply to fire apparatus and road maintenance
2 equipment owned by, or under lease to, any state or local
3 authority. Similarly, Code section 321.474, allowing the
4 state department of transportation to impose weight
5 restrictions for a definite period of 12 months or less on the
6 operation of vehicles upon highways within its jurisdiction,
7 is amended to allow such restrictions to be placed on bridges
8 and culverts within the department's jurisdiction for an
9 indefinite period of time. The restrictions imposed are
10 effective when signs giving notice of the restrictions are
11 erected. Code section 321.474 is also amended to provide an
12 exception to restrictions imposed by the department on
13 highways for implements of husbandry in general and for
14 implements being transported for repair. The bill adds
15 provisions to both Code sections 321.471 and 321.474 which
16 direct the local authority or the state department of
17 transportation imposing the restriction to issue a special
18 permit for passage over the restricted bridge or culvert for
19 up to eight weeks upon a showing of agricultural hardship.
20 The operator of a vehicle which is the subject of a permit
21 must carry the permit while operating the vehicle and show the
22 permit to a peace officer upon request.

23 The bill also provides that the department shall adopt
24 rules determining how weight limits apply to tracked vehicles
25 designed for agricultural uses after consulting with
26 manufacturers of such vehicles. Code section 714.8, relating
27 to fraudulent practices, is also amended to provide that
28 removing, defacing, covering, altering, or destroying a
29 product information number on a fence-line feeder, grain cart,
30 or tank wagon, for the purpose of concealing or
31 misrepresenting the identity or year of manufacture of the
32 vehicle is a fraudulent practice. Fraudulent practices are
33 punishable, in varying degrees, ranging from a simple
34 misdemeanor to a class "C" felony, depending on the amount of
35 money or value of property involved.

HOUSE FILE 651

H-1088

1 Amend House File 651 as follows:

- 2 1. Page 7, line 34, by inserting after the word
 3 "chapter." the following: "However, if a vehicle
 4 exceeds the overall gross weight allowed for the
 5 vehicle by twenty percent and exceeds the allowed
 6 weight on a single axle or a particular group of axles
 7 by twenty percent, a fine shall only be assessed
 8 pursuant to this paragraph for the overall gross
 9 weight violation."
 10 2. By renumbering as necessary.

By THOMAS of Clayton

H-1088 FILED MARCH 16, 1999

withdrawn 3-17-99 (P.719)

HOUSE FILE 651

H-1095

1 Amend House File 651 as follows:

- 2 1. Page 11, by striking lines 27 through 31 and
 3 inserting the following:
 4 "Sec. ____ . IMPLEMENTS OF HUSBANDRY STUDY. The
 5 state department of transportation shall, in
 6 consultation with manufacturers and distributors of
 7 implements of husbandry, agricultural associations,
 8 and the Iowa state association of counties, study
 9 tracked vehicles, the use of flotation tires, and the
 10 fine and legal axle weight schedules applicable to
 11 grain carts, tank wagons, and fence-line feeders
 12 operated on public roadways. The department shall
 13 report its findings and recommendations to the general
 14 assembly by January 1, 2000."
 15 2. By renumbering as necessary.

By JOHNSON of Osceola

RAYHONS of Hancock

WELTER of Jones

DREES of Carroll

MAY of Worth

H-1095 FILED MARCH 16, 1999

*adopted 3-17-99
(P.720)*

HOUSE FILE 651

H-1096

1 Amend House File 651 as follows:

- 2 1. Page 4, line 15, by striking the words "mean
 3 the" and inserting the following: "means a group of
 4 unique".
 5 2. Page 4, by striking lines 16 and 17 and
 6 inserting the following: "designations assigned to a
 7 complete fence-line feeder, grain cart, or tank wagon
 8 by the manufacturer or by the department and affixed
 9 to the vehicle, pursuant to rules adopted by the
 10 department, as a".
 11 3. Page 7, line 23, by striking the word
 12 "information" and inserting the following:
 13 "identification".
 14 4. By renumbering as necessary.

By JOHNSON of Osceola

H-1096 FILED MARCH 16, 1999

adopted 3-17-99 (P.719)



S. ...
S-3/22/99 Do Pass

HOUSE FILE 651
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 146)

(As Amended and Passed by the House, March 17, 1999)

Passed House, Date _____ Passed Senate, Date 4/8/99
Vote: Ayes _____ Nays _____ Vote: Ayes 46 Nays 1
Approved May 10, 1999

A BILL FOR

1 An Act relating to implements of husbandry and restrictions on
2 the movement of such implements, and other vehicles, upon the
3 highways of this state and making penalties applicable.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

House Amendments _____

1 Section 1. Section 321.1, Code 1999, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 24A. "Fence-line feeder" means a vehicle
4 used exclusively for the mixing and dispensing of nutrients to
5 bovine animals at a feedlot.

6 NEW SUBSECTION. 28A. "Grain cart" means a vehicle with a
7 nonsteerable single or tandem axle designed to move grain.

8 Sec. 2. Section 321.1, subsection 32, Code 1999, is
9 amended to read as follows:

10 32. "Implement of husbandry" means ~~every~~ a vehicle which
11 is or special mobile equipment manufactured, designed, or
12 reconstructed for agricultural purposes and, except for
13 incidental uses, exclusively used, -except-as-herein-otherwise
14 provided, -by-the-owner-thereof in the conduct of the-owner's
15 agricultural operations. Implements "Implements of husbandry
16 shall-also-include: husbandry" includes all-terrain vehicles
17 operated in compliance with section 321.234A, fence-line
18 feeders, and vehicles used exclusively for the application of
19 organic or inorganic plant food materials, organic
20 agricultural limestone, or agricultural chemicals. To be
21 considered an implement of husbandry, a self-propelled
22 implement of husbandry must be operated at speeds of thirty-
23 five miles per hour or less. "Reconstructed" as used in this
24 subsection means materially altered from the original
25 construction by the removal, addition, or substitution of
26 essential parts, new or used.

27 ~~a.--Portable-livestock-loading-chutes-without-regard-to~~
28 ~~whether-such-chutes-are-used-by-the-owner-in-the-conduct-of~~
29 ~~the-owner's-agricultural-operations, -provided-that-such-chutes~~
30 ~~are-not-used-as-a-vehicle-on-the-highway-for-the-purpose-of~~
31 ~~transporting-property.~~

32 ~~b.--Any-vehicle-which-is-principally-designed-for~~
33 ~~agricultural-purposes-and-which-is-moved-during-daylight-hours~~
34 ~~for-a-distance-not-to-exceed-one-hundred-miles-by-a-person-in~~
35 ~~any-of-the-following-ways:~~

1 (1)--From a place at which the vehicles are manufactured,
2 fabricated, repaired, or sold to a farm site or a retail
3 seller or from a retail seller to a farm site.

4 (2)--To a place at which the vehicles are manufactured,
5 fabricated, repaired, or sold from a farm site or a retail
6 seller or to a retail seller from a farm site.

7 (3)--From a place where the vehicles are housed,
8 maintained, or stored to a farm site, retail seller, place of
9 repair, or marketplace.

10 (4)--From a farm site, retail seller, place of repair, or
11 marketplace to a place where the vehicles are housed,
12 maintained, or stored.

13 (5)--From one farm site to another farm site.

14 (6)--From a farm site to market or from a market to a farm
15 site.

16 For the purpose of this subsection and sections 321.383 and
17 321.453, "farm site" means a place or location at which
18 vehicles principally designed for agricultural purposes are
19 used or intended to be used in agricultural operations or for
20 the purpose of exhibiting, demonstrating, testing, or
21 experimenting with the vehicles.

22 c.--Any semitrailer converted to a full trailer by the use
23 of a dolly used by the owner in the conduct of the owner's
24 agricultural operations to transport agricultural products
25 being towed by a farm tractor provided the vehicle is operated
26 in compliance with the following requirements:

27 (1)--The towing unit is equipped with a braking device
28 which can control the movement of and stop the vehicles.--When
29 the semitrailer is being towed at a speed of twenty miles per
30 hour, the braking device shall be adequate to stop the
31 vehicles within fifty feet from the point the brakes are
32 applied.--The semitrailer shall be equipped with brakes upon
33 all wheels.

34 (2)--The towing vehicle shall be equipped with a rear view
35 mirror to permit the operator a view of the highway for a

1 distance-of-at-least-two-hundred-feet-to-the-rear.

2 (3)--The-semitrailer-shall-be-equipped-with-a-turn-signal
3 device-which-operates-in-conjunction-with-or-separately-from
4 the-rear-tailight-and-shall-be-plainly-visible-from-a
5 distance-of-one-hundred-feet.

6 (4)--The-semitrailer-shall-be-equipped-with-two-flashing
7 amber-lights-one-on-each-side-of-the-rear-of-the-vehicle-and
8 be-plainly-visible-for-a-distance-of-five-hundred-feet-in
9 normal-sunlight-or-at-night.

10 (5)--The-semitrailer-shall-be-operated-in-compliance-with
11 sections-321.123-and-321.463.

12 d.--All-terrain-vehicles.

13 e.--(1)--Portable-tanks, nurse-tanks, trailers, and bulk
14 spreaders-which-are-not-self-propelled-and-which-have-gross
15 weights-of-not-more-than-twelve-tons-and-are-used-for-the
16 transportation-of-fertilizer-and-chemicals-used-for-farm-crop
17 production.

18 (2)--Other-types-of-equipment-than-those-listed-in
19 subparagraph-(1)-which-are-used-primarily-for-the-application
20 of-fertilizers-and-chemicals-in-farm-fields-or-for-farm
21 storage.

22 f.--Self-propelled-machinery-operated-at-speeds-of-less
23 than-thirty-miles-per-hour-or-machinery-towed-by-a-motor
24 vehicle-or-farm-tractor.--The-machinery-must-be-specifically
25 designed-for, or-especially-adapted-to-be-capable-of,
26 incidental-over-the-road-and-primary-off-road-usage.--In
27 addition, the-machinery-must-be-used-exclusively-for-the
28 mixing-and-dispensing-of-nutrients-to-bovine-animals-fed-at-a
29 feedlot, or-the-application-of-organic-or-inorganic-plant-food
30 materials, agricultural-limestone, or-agricultural-chemicals.
31 However, the-machinery-shall-not-be-specifically-designed-or
32 intended-for-the-transportation-of-such-nutrients, plant-food
33 materials, agricultural-limestone, or-agricultural-chemicals.

34 Notwithstanding-the-other-provisions-of-this-subsection-any
35 A vehicle covered thereby under this subsection, if it

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

12 Sec. 3. Section 321.1, Code 1999, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 54A. "Product identification number" or
15 the acronym PIN means a group of unique numerical or
16 alphabetical designations assigned to a complete fence-line
17 feeder, grain cart, or tank wagon by the manufacturer or by
18 the department and affixed to the vehicle, pursuant to rules
19 adopted by the department, as a means of identifying the
20 vehicle or the year of manufacture.

21 NEW SUBSECTION. 80A. "Tank wagon" means a vehicle
22 designed to carry liquid animal or human excrement.

23 Sec. 4. Section 321.234A, Code 1999, is amended to read as
24 follows:

25 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG
26 REQUIRED.

27 All-terrain vehicles shall be operated on a highway only
28 between sunrise and sunset and only when the operation on the
29 highway is incidental to the vehicle's use for agricultural
30 purposes. A person operating an all-terrain vehicle on a
31 highway shall have a valid driver's license and the vehicle
32 shall be operated at speeds of ~~less-than-thirty~~ thirty-five
33 miles per hour or less. When operated on a highway, an all-
34 terrain vehicle shall have a bicycle safety flag which extends
35 not less than five feet above the ground attached to the rear

1 of the vehicle. The bicycle safety flag shall be triangular
2 in shape with an area of not less than thirty square inches,
3 be Day-Glo in color, and shall be in lieu of the reflective
4 equipment required by section 321.383.

5 Sec. 5. Section 321.383, Code 1999, is amended to read as
6 follows:

7 321.383 EXCEPTIONS -- SLOW VEHICLES IDENTIFIED.

8 1. This chapter with respect to equipment on vehicles does
9 not apply to implements of husbandry, road machinery, or bulk
10 spreaders and other fertilizer and chemical equipment defined
11 as special mobile equipment, ~~road-rollers, or farm tractors~~
12 except as made applicable in this section. However, the
13 movement of implements of husbandry ~~between the retail seller~~
14 ~~and a farm purchaser or from farm site to farm site or the~~
15 ~~movement of indivisible implements of husbandry between the~~
16 ~~place of manufacture and a retail seller or farm purchaser~~
17 ~~under section 321.453~~ on a roadway is subject to safety rules
18 adopted by the department. The safety rules shall prohibit
19 the movement of any power unit towing more than one implement
20 of husbandry from the manufacturer to the retail seller, from
21 the retail seller to the farm purchaser, or from the
22 manufacturer to the farm purchaser.

23 2. When operated on a highway in this state at a speed of
24 thirty thirty-five miles per hour or less, every farm tractor,
25 or tractor with towed equipment, self-propelled implement of
26 husbandry, road construction or maintenance vehicle, road
27 grader, horse-drawn vehicle, or any other vehicle principally
28 designed for use off the highway and any such tractor,
29 implement, vehicle, or grader when manufactured for sale or
30 sold at retail after December 31, 1971, shall be identified
31 with a reflective device in accordance with the standards of
32 the American society of agricultural engineers; however, this
33 provision shall not apply to such vehicles when traveling in
34 any escorted parade. The reflective device shall be visible
35 from the rear. A vehicle other than those specified in this

1 section shall not display a reflective device. On vehicles
2 operating at speeds above thirty thirty-five miles per hour,
3 the reflective device shall be removed or hidden from view.

4 3. Garbage collection vehicles, when operated on the
5 streets or highways of this state at speeds of thirty thirty-
6 five miles per hour or less, may display a reflective device
7 that complies with the standards of the American society of
8 agricultural engineers. At speeds in excess of thirty thirty-
9 five miles per hour the device shall not be visible.

10 Any person who violates any provision of this section shall
11 be fined as provided in section 805.8, subsection 2, paragraph
12 "d".

13 Sec. 6. Section 321.453, Code 1999, is amended to read as
14 follows:

15 321.453 EXCEPTIONS.

16 The provisions of this chapter governing size, weight, and
17 load, and the permit requirements of chapter 321E do not apply
18 to fire apparatus~~;~~ road maintenance equipment owned by or
19 under lease to any state or local authority~~;~~ or to implements
20 of husbandry temporarily moved or moving upon a highway,
21 ~~implements-of-husbandry-moved-from-farm-site-to-farm-site-or~~
22 ~~between-the-retail-seller-and-a-farm-purchaser,~~ ~~implements-of~~
23 ~~husbandry-moved-between-any-site-and-the-site-of-an~~
24 ~~agricultural-exposition-or-a-fair-administered-pursuant-to~~
25 ~~chapter-173-or-174,~~ ~~indivisible-implements-of-husbandry~~
26 ~~temporarily-moved-between-the-place-of-manufacture-and-a~~
27 ~~retail-seller-or-a-farm-purchaser,~~ ~~implements-of-husbandry~~
28 ~~received-and-moved-by-a-retail-seller-of-implements-of~~
29 ~~husbandry-in-exchange-for-a-purchased-implement,~~ ~~or-implements~~
30 ~~of-husbandry-moved-for-repairs,~~ ~~except-on-any-part-of-the~~
31 interstate-highway-system except for those implements of
32 husbandry moved or moving on any portion of the interstate and
33 except as provided in sections 321.463, 321.471, and 321.474.

34 A vehicle, carrying an implement of husbandry, which is
35 exempted from the permit requirements under this section shall

1 be equipped with an amber flashing light under-section
2 321.423, visible from the rear. If the amber flashing light
3 is obstructed by the loaded implement, the loaded implement
4 shall also be equipped with and display an amber flashing
5 light. The vehicle shall also be equipped with warning flags
6 on that portion of the vehicle which protrudes into oncoming
7 traffic, and shall only operate from thirty minutes prior to
8 sunrise to thirty minutes following sunset. ~~The one-hundred-~~
9 ~~mile-distance-restriction-contained-in-the-definition-of~~
10 ~~implement-of-husbandry-in-section-321.1-does-not-apply-to-this~~
11 ~~section.~~

12 Sec. 7. Section 321.463, subsection 4, Code 1999, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 4. a. Self-propelled implements of husbandry used
16 exclusively for the application of organic or inorganic plant
17 food materials, agricultural limestone, or agricultural
18 chemicals shall be operated in compliance with this section.
19 b. Fence-line feeders, grain carts, and tank wagons
20 manufactured on or after July 1, 2001, shall be operated in
21 compliance with this section. The year of manufacture of the
22 fence-line feeder, grain cart, or tank wagon shall be
23 permanently made a part of the identification plate on the
24 vehicle. An attempt to fraudulently alter or deface the year
25 of manufacture or other product identification number on a
26 fence-line feeder, grain cart, or tank wagon is a violation of
27 section 321.92. Commencing July 1, 2005, all fence-line
28 feeders, grain carts, and tank wagons shall be operated in
29 compliance with this section. However, the weight on any
30 single axle or any particular group of axles or the overall
31 gross weight of the vehicle may exceed the maximum weight
32 otherwise allowed by this chapter by twenty percent. If the
33 vehicle exceeds the twenty percent tolerance allowed by this
34 paragraph, the fine to be assessed for the violation shall be
35 computed on the difference between the actual weight and the

1 tolerance weight allowed under this chapter.

2 Sec. 8. Section 321.471, Code 1999, is amended to read as
3 follows:

4 321.471 LOCAL AUTHORITIES MAY RESTRICT.

5 1. Local authorities with respect to a highway under their
6 jurisdiction may by ordinance or resolution prohibit the
7 operation of vehicles upon the highway or impose restrictions
8 as to the weight of vehicles to be operated upon the highway,
9 ~~except implements of husbandry as defined in section 321.1,~~
10 ~~subsection 32 and implements of husbandry loaded on hauling~~
11 ~~units for transporting the implements to locations for~~
12 ~~purposes of repair,~~ for a total period of not to exceed ninety
13 days in any one calendar year, whenever the highway by reason
14 of deterioration, rain, snow, or other climatic conditions
15 will be seriously damaged or destroyed unless the use of
16 vehicles on the highway is prohibited or the permissible
17 weights reduced. The ordinance or resolution shall not apply
18 to implements of husbandry as defined in section 321.1,
19 implements of husbandry loaded on hauling units for
20 transporting the implements to locations for repair, or fire
21 apparatus and road maintenance equipment owned by or under
22 lease to a state or local authority.

23 A person who violates the provisions of the ordinance or
24 resolution shall, upon conviction or a plea of guilty, be
25 subject to a fine determined by dividing the difference
26 between the actual weight and the maximum weight established
27 by the ordinance or resolution by one hundred, and multiplying
28 the quotient by two dollars. Local authorities may issue
29 special permits, during periods the restrictions are in
30 effect, to permit limited operation of vehicles upon specified
31 routes with loads in excess of any restrictions imposed under
32 this subsection, but not in excess of load restrictions
33 imposed by any other provision of this chapter, and the
34 authorities shall issue the permits upon a showing that there
35 is a need to move to market farm produce of the type subject

1 to rapid spoilage or loss of value or to move to any farm
2 feeds or fuel for home heating purposes.

3 2. a. Upon a finding that a bridge or culvert does not
4 meet established standards set forth by state and federal
5 authorities, local authorities may by ordinance or resolution
6 impose limitations for an indefinite period of time on the
7 weight of vehicles upon bridges or culverts located on
8 highways under their sole jurisdiction. The limitations shall
9 be effective when signs giving notice of the limitations are
10 erected. The ordinance or resolution shall not apply to
11 ~~implements-of-husbandry-as-defined-in-section-321-17~~
12 ~~subsection-32-or-to~~ implements of husbandry loaded on hauling
13 units for transporting the implements to locations for
14 purposes of repair or to fire apparatus or road maintenance
15 equipment owned by or under lease to any state or local
16 authority.

17 b. A person who violates the ordinance or resolution
18 shall, upon conviction or a guilty plea, be subject to a fine
19 determined by dividing the difference between the actual
20 weight of the vehicle and the maximum weight allowed by the
21 ordinance or resolution by one hundred and multiplying the
22 quotient by two dollars. Local authorities may issue or
23 approve special permits allowing the operation over a bridge
24 or culvert of vehicles with weights in excess of restrictions
25 imposed under the ordinance or resolution, but not in excess
26 of load restrictions imposed by any other provision of this
27 chapter. The local authority shall issue such a permit for
28 not to exceed eight weeks upon a showing of agricultural
29 hardship. The operator of a vehicle which is the subject of a
30 permit issued under this paragraph shall carry the permit
31 while operating the vehicle and shall show the permit to any
32 peace officer upon request.

33 Sec. 9. Section 321.474, unnumbered paragraph 1, Code
34 1999, is amended to read as follows:

35 The department shall have authority, as granted to local

1 authorities, to determine by resolution and to impose
2 restrictions as to the weight of vehicles, except farm
3 tractors implements of husbandry as defined in section 321.1,
4 subsection-24 implements of husbandry loaded on hauling units
5 for transporting the implements to locations for repair, and
6 fire apparatus and road maintenance equipment owned by or
7 under lease to any state or local authority, operated upon any
8 highway under the jurisdiction of the department ~~and the~~ for a
9 definite period of time not to exceed twelve months. The
10 restrictions shall be effective when signs giving notice of
11 the restrictions and the expiration date of the restrictions
12 are erected upon the affected highway or portion of any
13 highway ~~affected-by-the-resolution. Resolutions-imposing~~
14 ~~restrictions-under-section-321-473-shall-be-for-a-definite~~
15 ~~period-of-time-not-to-exceed-twelve-months.--The-expiration~~
16 ~~date-of-the-resolution-shall-appear-on-all-signs-posted-as~~
17 ~~required-by-this-section-~~

18 Upon a finding that a bridge or culvert does not meet
19 established standards set forth by state and federal
20 authorities, the department may impose, by resolution,
21 restrictions for an indefinite period of time on the weight of
22 vehicles operated upon bridges or culverts located on highways
23 under its jurisdiction. The restrictions shall be effective
24 when signs giving notice of the restrictions are erected. The
25 restrictions shall not apply to implements of husbandry loaded
26 on hauling units for transporting the implements to locations
27 for purposes of repair or to fire apparatus or road
28 maintenance equipment owned by or under lease to any state or
29 local authority.

30 Sec. 10. Section 321.474, unnumbered paragraph 3, Code
31 1999, is amended to read as follows:

32 Any person who violates a provision-of-the restriction
33 imposed by resolution pursuant to this section, upon
34 conviction or a plea of guilty, is subject to a fine
35 determined by dividing the difference between the actual

1 weight of the vehicle and the maximum weight established-by
2 the-resolution allowed by the restriction by one hundred, and
3 multiplying the quotient by two dollars. The department may
4 issue special permits, during periods the restrictions are in
5 effect, to permit limited operation of vehicles upon specified
6 routes with loads in excess of any restrictions imposed under
7 this section, but not in excess of load restrictions imposed
8 by this chapter. The department shall issue a special permit
9 for not to exceed eight weeks upon a showing of agricultural
10 hardship. The department shall issue special permits in
11 ~~accordance-with-the-foregoing~~ to trucks moving farm produce,
12 which decays or loses its value if not speedily put to its
13 intended use, to market upon a showing to the department that
14 there is a requirement for trucking the produce, or to trucks
15 moving any farm feeds or fuel necessary for home heating
16 purposes. The operator of a vehicle which is the subject of a
17 permit issued under this paragraph shall carry the permit
18 while operating the vehicle and shall show the permit to any
19 peace officer upon request.

20 Sec. 11. Section 714.8, subsection 11, Code 1999, is
21 amended to read as follows:

22 11. Removes, defaces, covers, alters, or destroys any
23 component part number as defined in section 321.1, ~~subsection~~
24 ~~14~~ or vehicle identification number as defined in section
25 321.1, ~~subsection-9~~ or product identification number as
26 defined in section 321.1, for the purpose of concealing or
27 misrepresenting the identity or year of manufacture of the
28 component part or vehicle.

29 Sec. 12. IMPLEMENTS OF HUSBANDRY STUDY. The state
30 department of transportation shall, in consultation with
31 manufacturers and distributors of implements of husbandry,
32 agricultural associations, and the Iowa state association of
33 counties, study tracked vehicles, the use of flotation tires,
34 and the fine and legal axle weight schedules applicable to
35 grain carts, tank wagons, and fence-line feeders operated on

1 public roadways. The department shall report its findings and
2 recommendations to the general assembly by January 1, 2000.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35



HOUSE FILE 651

S-3125

- 1 Amend House File 651, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by striking lines 27 through 29 and
- 4 inserting the following: "section 321.92. However,
- 5 the weight on any".

By EUGENE S. FRAISE

S-3125 FILED MARCH 23, 1999

Withdrawn 4/8/99 (P.1013)
HOUSE FILE 651

S-3126

- 1 Amend House File 651, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by striking lines 27 and 28 and
- 4 inserting the following: "section 321.92. Commencing
- 5 July 1, 2005, all tank wagons with a capacity of five
- 6 thousand gallons or more shall be operated in".

By EUGENE S. FRAISE

S-3126 FILED MARCH 23, 1999

Lost
4/8/99
(P.1013)



AN ACT

RELATING TO IMPLEMENTS OF HUSBANDRY AND RESTRICTIONS ON THE MOVEMENT OF SUCH IMPLEMENTS, AND OTHER VEHICLES, UPON THE HIGHWAYS OF THIS STATE AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 321.1, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 24A. "Fence-line feeder" means a vehicle used exclusively for the mixing and dispensing of nutrients to bovine animals at a feedlot.

NEW SUBSECTION. 28A. "Grain cart" means a vehicle with a nonsteerable single or tandem axle designed to move grain.

Sec. 2. Section 321.1, subsection 32, Code 1999, is amended to read as follows:

32. "Implement of husbandry" means every a vehicle which is or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used, except as herein otherwise provided, by the owner thereof in the conduct of the owner's agricultural operations. Implements "Implements of husbandry shall also include husbandry" includes all-terrain vehicles operated in compliance with section 321.234A, fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. "Reconstructed" as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.

a. ~~Portable livestock loading chutes without regard to whether such chutes are used by the owner in the conduct of the owner's agricultural operations, provided that such chutes are not used as a vehicle on the highway for the purpose of transporting property;~~

b. ~~Any vehicle which is principally designed for agricultural purposes and which is moved during daylight hours for a distance not to exceed one hundred miles by a person in any of the following ways:~~

(1) ~~From a place at which the vehicles are manufactured, fabricated, repaired, or sold to a farm site or a retail seller or from a retail seller to a farm site;~~

(2) ~~To a place at which the vehicles are manufactured, fabricated, repaired, or sold from a farm site or a retail seller or to a retail seller from a farm site;~~

(3) ~~From a place where the vehicles are housed, maintained, or stored to a farm site, retail seller, place of repair, or marketplace;~~

(4) ~~From a farm site, retail seller, place of repair, or marketplace to a place where the vehicles are housed, maintained, or stored;~~

(5) ~~From one farm site to another farm site;~~

(6) ~~From a farm site to market or from a market to a farm site;~~

~~For the purpose of this subsection and sections 321.303 and 321.453, "farm site" means a place or location at which vehicles principally designed for agricultural purposes are used or intended to be used in agricultural operations or for the purpose of exhibiting, demonstrating, testing, or experimenting with the vehicles.~~

c. ~~Any semitrailer converted to a full trailer by the use of a dolly used by the owner in the conduct of the owner's agricultural operations to transport agricultural products being towed by a farm tractor provided the vehicle is operated in compliance with the following requirements:~~

(1)--The towing unit is equipped with a braking device which can control the movement of and stop the vehicles.--When the semitrailer is being towed at a speed of twenty miles per hour, the braking device shall be adequate to stop the vehicles within fifty feet from the point the brakes are applied.--The semitrailer shall be equipped with brakes upon all wheels.

(2)--The towing vehicle shall be equipped with a rear view mirror to permit the operator a view of the highway for a distance of at least two hundred feet to the rear.

(3)--The semitrailer shall be equipped with a turn signal device which operates in conjunction with or separately from the rear taillight and shall be plainly visible from a distance of one hundred feet.

(4)--The semitrailer shall be equipped with two flashing amber lights one on each side of the rear of the vehicle and be plainly visible for a distance of five hundred feet in normal sunlight or at night.

(5)--The semitrailer shall be operated in compliance with sections 321.423 and 321.463.

d.--All terrain vehicles:

e.--(1)--Portable tanks, nurse tanks, trailers, and bulk spreaders which are not self-propelled and which have gross weights of not more than twelve tons and are used for the transportation of fertilizer and chemicals used for farm crop production.

(2)--Other types of equipment than those listed in subparagraph (1) which are used primarily for the application of fertilizers and chemicals in farm fields or for farm storage.

f.--Self-propelled machinery operated at speeds of less than thirty miles per hour or machinery towed by a motor vehicle or farm tractor.--The machinery must be specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage.--In

addition, the machinery must be used exclusively for the mixing and dispensing of nutrients to bovine animals fed at a feedlot, or the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals. However, the machinery shall not be specifically designed or intended for the transportation of such nutrients, plant food materials, agricultural limestone, or agricultural chemicals.

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

Sec. 3. Section 321.1, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 54A. "Product identification number" or the acronym PIN means a group of unique numerical or alphabetical designations assigned to a complete fence-line feeder, grain cart, or tank wagon by the manufacturer or by the department and affixed to the vehicle, pursuant to rules adopted by the department, as a means of identifying the vehicle or the year of manufacture.

NEW SUBSECTION. 80A. "Tank wagon" means a vehicle designed to carry liquid animal or human excrement.

Sec. 4. Section 321.234A, Code 1999, is amended to read as follows:

321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG REQUIRED.

All-terrain vehicles shall be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and the vehicle shall be operated at speeds of ~~less than thirty~~ thirty-five miles per hour or less. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, be Day-Glo in color, and shall be in lieu of the reflective equipment required by section 321.383.

Sec. 5. Section 321.383, Code 1999, is amended to read as follows:

321.383 EXCEPTIONS -- SLOW VEHICLES IDENTIFIED.

1. This chapter with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, or bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, ~~road rollers, or farm tractors~~ except as made applicable in this section. However, the movement of implements of husbandry ~~between the retail seller and a farm purchaser or from farm site to farm site or the movement of indivisible implements of husbandry between the place of manufacture and a retail seller or farm purchaser under section 321.453 on a roadway~~ is subject to safety rules adopted by the department. The safety rules shall prohibit the movement of any power unit towing more than one implement of husbandry from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

2. When operated on a highway in this state at a speed of thirty thirty-five miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road

grader, horse-drawn vehicle, or any other vehicle principally designed for use off the highway and any such tractor, implement, vehicle, or grader when manufactured for sale or sold at retail after December 31, 1971, shall be identified with a reflective device in accordance with the standards of the American society of agricultural engineers; however, this provision shall not apply to such vehicles when traveling in any escorted parade. The reflective device shall be visible from the rear. A vehicle other than those specified in this section shall not display a reflective device. On vehicles operating at speeds above thirty thirty-five miles per hour, the reflective device shall be removed or hidden from view.

3. Garbage collection vehicles, when operated on the streets or highways of this state at speeds of thirty thirty-five miles per hour or less, may display a reflective device that complies with the standards of the American society of agricultural engineers. At speeds in excess of thirty thirty-five miles per hour the device shall not be visible.

Any person who violates any provision of this section shall be fined as provided in section 805.8, subsection 2, paragraph "d".

Sec. 6. Section 321.453, Code 1999, is amended to read as follows:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus; road maintenance equipment owned by or under lease to any state or local authority; or to implements of husbandry temporarily moved or moving upon a highway, implements of husbandry moved from farm site to farm site or between the retail seller and a farm purchaser; implements of husbandry moved between any site and the site of an agricultural exposition or a fair administered pursuant to chapter 173 or 174; indivisible implements of husbandry temporarily moved between the place of manufacture and a

~~retail-seller-or-a-farm-purchaser, implements of husbandry received and moved by a retail-seller-of-implements-of husbandry-in-exchange-for-a-purchased-implement, or implements of husbandry-moved-for-repairs, except on any part of the interstate-highway-system except for those implements of husbandry moved or moving on any portion of the interstate and except as provided in sections 321.463, 321.471, and 321.474.~~

A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under-section 321.423, visible from the rear. If the amber flashing light is obstructed by the loaded implement, the loaded implement shall also be equipped with and display an amber flashing light. The vehicle shall also be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset. ~~The one-hundred-mile-distance-restriction-contained-in-the-definition-of implement-of-husbandry-in-section-321.1-does-not-apply-to-this section:~~

Sec. 7. Section 321.463, subsection 4, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Self-propelled implements of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall be operated in compliance with this section.

b. Fence-line feeders, grain carts, and tank wagons manufactured on or after July 1, 2001, shall be operated in compliance with this section. The year of manufacture of the fence-line feeder, grain cart, or tank wagon shall be permanently made a part of the identification plate on the vehicle. An attempt to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon is a violation of

section 321.92. Commencing July 1, 2005, all fence-line feeders, grain carts, and tank wagons shall be operated in compliance with this section. However, the weight on any single axle or any particular group of axles or the overall gross weight of the vehicle may exceed the maximum weight otherwise allowed by this chapter by twenty percent. If the vehicle exceeds the twenty percent tolerance allowed by this paragraph, the fine to be assessed for the violation shall be computed on the difference between the actual weight and the tolerance weight allowed under this chapter.

Sec. 8. Section 321.471, Code 1999, is amended to read as follows:

321.471 LOCAL AUTHORITIES MAY RESTRICT.

1. Local authorities with respect to a highway under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon the highway, ~~except implements of husbandry as defined in section 321.1, subsection 32 and implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair,~~ for a total period of not to exceed ninety days in any one calendar year, whenever the highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights reduced. The ordinance or resolution shall not apply to implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, or fire apparatus and road maintenance equipment owned by or under lease to a state or local authority.

A person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established

by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. Local authorities may issue special permits, during periods the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this subsection, but not in excess of load restrictions imposed by any other provision of this chapter, and the authorities shall issue the permits upon a showing that there is a need to move to market farm produce of the type subject to rapid spoilage or loss of value or to move to any farm feeds or fuel for home heating purposes.

2. a. Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, local authorities may by ordinance or resolution impose limitations for an indefinite period of time on the weight of vehicles upon bridges or culverts located on highways under their sole jurisdiction. The limitations shall be effective when signs giving notice of the limitations are erected. The ordinance or resolution shall not apply to ~~implements of husbandry as defined in section 321.17~~ implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by or under lease to any state or local authority.

b. A person who violates the ordinance or resolution shall, upon conviction or a guilty plea, be subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight allowed by the ordinance or resolution by one hundred and multiplying the quotient by two dollars. Local authorities may issue or approve special permits allowing the operation over a bridge or culvert of vehicles with weights in excess of restrictions imposed under the ordinance or resolution, but not in excess of load restrictions imposed by any other provision of this

chapter. The local authority shall issue such a permit for not to exceed eight weeks upon a showing of agricultural hardship. The operator of a vehicle which is the subject of a permit issued under this paragraph shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

Sec. 9. Section 321.474, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The department shall have authority, as granted to local authorities, to determine by resolution and to impose restrictions as to the weight of vehicles, except farm tractors implements of husbandry as defined in section 321.1, subsection-24 implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by or under lease to any state or local authority, operated upon any highway under the jurisdiction of the department and the for a definite period of time not to exceed twelve months. The restrictions shall be effective when signs giving notice of the restrictions and the expiration date of the restrictions are erected upon the affected highway or portion of any highway affected by the resolution. Resolutions imposing restrictions under section 321.473 shall be for a definite period of time not to exceed twelve months. The expiration date of the resolution shall appear on all signs posted as required by this section.

Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, the department may impose, by resolution, restrictions for an indefinite period of time on the weight of vehicles operated upon bridges or culverts located on highways under its jurisdiction. The restrictions shall be effective when signs giving notice of the restrictions are erected. The restrictions shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations

for purposes of repair or to fire apparatus or road maintenance equipment owned by or under lease to any state or local authority.

Sec. 10. Section 321.474, unnumbered paragraph 3, Code 1999, is amended to read as follows:

Any person who violates a ~~provision of the~~ restriction imposed by resolution pursuant to this section, upon conviction or a plea of guilty, is subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight established by the resolution allowed by the restriction by one hundred, and multiplying the quotient by two dollars. The department may issue special permits, during periods the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by this chapter. The department shall issue a special permit for not to exceed eight weeks upon a showing of agricultural hardship. The department shall issue special permits ~~in accordance with the foregoing~~ to trucks moving farm produce, which decays or loses its value if not speedily put to its intended use, to market upon a showing to the department that there is a requirement for trucking the produce, or to trucks moving any farm feeds or fuel necessary for home heating purposes. The operator of a vehicle which is the subject of a permit issued under this paragraph shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

Sec. 11. Section 714.8, subsection 11, Code 1999, is amended to read as follows:

11. Removes, defaces, covers, alters, or destroys any component part number as defined in section 321.1, ~~subsection 14,~~ or vehicle identification number as defined in section 321.1, ~~subsection 9,~~ or product identification number as defined in section 321.1, for the purpose of concealing or

misrepresenting the identity or year of manufacture of the component part or vehicle.

Sec. 12. IMPLEMENTS OF HUSBANDRY STUDY. The state department of transportation shall, in consultation with manufacturers and distributors of implements of husbandry, agricultural associations, and the Iowa state association of counties, study tracked vehicles, the use of flotation tires, and the fine and legal axle weight schedules applicable to grain carts, tank wagons, and fence-line feeders operated on public roadways. The department shall report its findings and recommendations to the general assembly by January 1, 2000.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 651, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 10, 1999

THOMAS J. VILSACK
Governor