

Jensen
Drake
McCoy

SSB 1143
Transportation
Succeeded By
CS/HF 203

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON DRAKE)

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

A BILL FOR

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

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

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1 Section 1⁷² Section 321.1, subsection 32, unnumbered
2 paragraph 3, Code 1999, is amended to read as follows:

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

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

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

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

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

1 thousand miles annually.

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

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

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

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

h the card to a new motor vehicle delivered by the dealer
e purchaser even if the vehicle was purchased from an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Sec. 14. Section 321.453, Code 1999, is amended to read as
35 follows:

1 321.453 EXCEPTIONS.

2 The provisions of this chapter governing size, weight, and
3 load, and the permit requirements of chapter 321E do not apply
4 to fire apparatus₇; road maintenance equipment owned by or₁
5 under lease to, or used in the performance of a contract with
6 any state or local authority₇; implements of husbandry
7 temporarily moved upon a highway₇; implements of husbandry
8 moved from farm site to farm site or between the retail seller
9 and a farm purchaser₇; implements of husbandry moved between
10 any site and the site of an agricultural exposition or a fair
11 administered pursuant to chapter 173 or 174₇; indivisible
12 implements of husbandry temporarily moved between the place of
13 manufacture and a retail seller or a farm purchaser₇;
14 implements of husbandry received and moved by a retail seller
15 of implements of husbandry in exchange for a purchased
16 implement₇; or implements of husbandry moved for repairs,
17 except on any part of the interstate highway system. A
18 vehicle, carrying an implement of husbandry, which is exempted
19 from the permit requirements under this section shall be
20 equipped with an amber flashing light under section 321.423,
21 shall be equipped with warning flags on that portion of the
22 vehicle which protrudes into oncoming traffic, and shall only
23 operate from thirty minutes prior to sunrise to thirty minutes
24 following sunset. The one hundred-mile distance restriction
25 contained in the definition of implement of husbandry in
26 section 321.1 does not apply to this section.

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

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

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

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

13 321E.12 REGISTRATION MUST BE CONSISTENT.

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

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

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

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

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

7 322.14 PENALTIES.

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

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

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

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

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

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

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

11

EXPLANATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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FILED FEB 23 1999

SENATE FILE 203
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1143)

Passed Senate, Date ^(p. 541) 3/10/99 Passed House, Date ^(p. 809) 3/23/99
Vote: Ayes 48 Nays 1 Vote: Ayes 93 Nays 0
Approved April 7, 1999

A BILL FOR

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

SF 203

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

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

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

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

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

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

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

1 thousand miles annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 321.453 EXCEPTIONS.

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

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

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

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

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

13 321E.12 REGISTRATION MUST BE CONSISTENT.

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

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

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

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

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

7 322.14 PENALTIES.

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

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

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

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

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

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

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

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

- 14 1. Section 1, amending section 321.1, subsection 32.
- 15 2. Section 10, amending section 321.166.
- 16 3. Section 13, amending section 321.449.
- 17 4. Section 16, amending section 321E.12.
- 18 5. Section 21, repealing sections 309.42, 309.56, and
19 321.1.

20 EXPLANATION

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

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

1 privately owned urban transit company for the same purpose.

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

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

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

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

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

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

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

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

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

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

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

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

33 The bill amends Code section 321E.8 by increasing the
34 length and height limitations for vehicles carrying an
35 indivisible load pursuant to one category of an excessive size

1 and weight permit. The length limitation is increased from
2 100 to 120 feet. The height limitation is increased from 14
3 feet to 15 feet five inches.

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

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

31 The bill adds Code section 322.21, providing that when a
32 vehicle which is traded in to a dealer on the purchase of
33 another vehicle is worth less than the amount owed on the
34 trade-in, the amount necessary to pay off the security
35 interest on the trade-in may be included in the amount of the

1 retail installment contract for the vehicle purchased without
2 subjecting the dealer to Code chapter 536 or 536A, regulating
3 loans.

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

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

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

22 The bill may contain a state mandate as defined in Code
23 section 25B.3.

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**SENATE FILE 203
FISCAL NOTE**

A fiscal note for Senate File 203 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 203 makes numerous transportation-related changes to the Code of Iowa which include:

1. Repeals the registration requirements for vehicles classified as special mobile equipment.
2. Excludes vehicles operated by regional transit systems from the definition of a school bus. Requires regional transit systems to provide school transportation services in accordance with Department of Transportation (DOT) and Department of Education rules.
3. Increases the number of miles a vehicle classified as a special truck may operate from 7,500 miles to 15,000 miles annually.
4. Allows the owner of a foreign vehicle who has registered the vehicle in this State to transfer ownership of the vehicle without obtaining a certificate of title if the foreign certificate of title is held by a secured party and the dealer has paid the necessary amount to discharge the security interest.
5. Extends the amount of time that a "registration applied for" card can remain on a vehicle from 30 to 45 days.
6. Extends the number of days from 22 to 30 that a vehicle dealer has to apply, on behalf of the purchaser of a trade-in vehicle, for a new title when the trade-in customer's security interest on the vehicle has been paid by the dealer.
7. Allows for a replacement certificate of title to be issued without the released security interest noted on the replacement title if the security interest was released by the lienholder.
8. Extends the period of time, from 20 to 30 days, that a vehicle dealer can offer a used vehicle for sale if a security interest on the vehicle has been paid but the title with the noted lien discharge has not yet been received.
9. Provides that a purchaser of a vehicle must apply for transfer of registration and title within 30 days, rather than the current 15 days, of the assignment of transfer of title, or within 30 days, rather than the current 22 days, of delivery of the vehicle to the purchaser if the vehicle is subject to a security interest.

-2-

10. Provides that a security interest in a vehicle of any weight be discharged by noting the cancellation of the security interest on the face of the title and on a separate form. Currently, only security interests in vehicles with a gross weight of 16,000 pounds or more may be discharged in this manner.
11. Eliminates the requirement that laboratory driver education instructors be licensed teachers. Requires laboratory driver education teachers to be certified by the Board of Educational Examiners in addition to the DOT. Also requires the final drive test to students be administered by a licensed driver education teacher.
12. Eliminates the requirement that the social security number appear on the face of a commercial driver's license.
13. Makes technical changes to the graduated driver's licensing requirements.
14. Prohibits the use of light-restricting devices on front and rear lights of vehicles.
15. Allows for-hire driver's of intrastate commerce vehicles hauling construction materials to and from construction sites to have the same operating requirements as a not-for-hire carrier who is engaged exclusively in intrastate commerce.
16. Exempts trucks used in the performance of a government contract from size, weight, and load requirements.
17. Provides that a person who has had an administrative license revocation rescinded under Section 321J.13 shall not have the registration suspended on their vehicle if the appropriate proof of financial responsibility is provided.
18. Increases the length and height limits for vehicles carrying indivisible loads.
19. Requires the DOT to grant a hearing to rescind a driver's license revocation if new evidence is presented that provides grounds for rescission of the revocation.
20. Allows motor vehicle dealers to apply for a temporary permit to display ambulances and fire and rescue vehicles for educational purposes.
21. Reduces the penalty for violations of Chapter 322, Code of Iowa, which regulates motor vehicle manufacturers, distributors, and dealers, from a serious to a simple misdemeanor.
22. Provides that when a vehicle which is traded in to a dealer on the purchase of another vehicle is worth less than the amount owed on the trade-in, the amount necessary to pay off the security interest on the trade-in may be included in the amount of the retail installment contract.
23. Requests the Legislative Council to establish an interim study committee

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on driver's education curriculum.

24. Repeals Code of Iowa provisions requiring the DOT to review local county plans and contracts for road, bridge, and culvert construction on secondary roads.

ASSUMPTIONS

1. Under current law, a fine of \$10 is imposed on individuals and motor vehicle dealers for not submitting an application for transfer of certificate of title to the county treasurer within 15 days of the date of assignment or transfer of title, or within 30 days of the date of delivery to the purchaser if the vehicle is subject to a security interest. In FY 1998, there were an estimated 60,000 titles that were subject to the \$10 penalty which resulted in approximately \$600,000 in fines being paid to the Road Use Tax Fund.
2. Section 8 of SF 203 increases the number of days individuals and dealers will have in order to submit application for the transfer of title without a \$10 penalty being assessed. This will decrease the number of individuals and dealers that are being assessed a penalty and decrease the amount of revenue from the fines to the Road Use Tax Fund. However, it is uncertain how many certificates of title will be issued without penalty.

FISCAL IMPACT

The fiscal impact of SF 203 cannot be determined. However, as an example, if SF 203 results in a 50.0% reduction in the number of titles being assessed a penalty, the Road Use Tax Fund would receive approximately \$300,000 less in revenue from fines.

Other provisions of SF 203 are not expected to have a significant fiscal impact on State or local revenues.

SOURCE

Department of Transportation

(LSB 2644sv, DLR)

FILED MARCH 23, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 203

S-3057

1 Amend the amendment, S-3044, to Senate File 203 as
2 follows:

3 1. Page 1, by striking lines 6 through 17 and
4 inserting the following:

5 "1. For purposes of this section, the following".

6 2. Page 1, line 25, by striking the figure "4."
7 and inserting the following: "2."

8 3. Page 1, line 29, by inserting after the figure
9 "321.255." the following: "An ordinance adopted
10 pursuant to this section may limit the use of an
11 engine brake in any of the following ways:

12 a. Limit the use of an engine brake to situations
13 when such use is necessary due to the slope of the
14 highway or in an emergency that requires such use to
15 avoid imminent danger to a person or property.

16 b. Limit the use of an unmuffled engine brake to
17 emergency situations when such use is necessary to
18 avoid imminent danger to a person or property."

19 4. Page 1, by striking lines 30 through 42.

20 5. By renumbering as necessary.

By RICHARD F. DRAKE

ANDY McKEAN

JOHN W. JENSEN

S-3057 FILED MARCH 10, 1999

ADOPTED

(P. 541)

SENATE FILE 203

S-3044

1 Amend Senate File 203 as follows:

2 1. Page 8, by inserting after line 24 the
3 following:

4 "Sec. ____ . NEW SECTION. 321.431A ENGINE
5 COMPRESSION BRAKES -- LIMITATION ON USE.

6 1. A person operating a motor vehicle on the
7 highways of this state shall not use an engine brake
8 except when such use is necessary due to the slope of
9 the highway or in an emergency situation that requires
10 the use of engine brakes to avoid imminent danger to a
11 person or to property.

12 2. A person operating a motor vehicle on the
13 highways of this state shall not use an unmuffled
14 engine brake unless the person is in an emergency
15 situation that requires the use of an engine brake to
16 avoid imminent danger to a person or to property.

17 3. For purposes of this section, the following
18 definitions shall apply:

19 a. "Engine brake" means a device that retards the
20 forward motion of a motor vehicle by the use of the
21 compression of the engine of the motor vehicle.

22 b. "Unmuffled engine brake" means an engine brake
23 that is not equipped with a muffler in good working
24 order pursuant to section 321.436.

25 4. A city or county may adopt an ordinance to
26 limit the use of engine brakes on roadways within
27 their respective jurisdiction if the city or county
28 places signs indicating such limitation in accordance
29 with sections 321.254 and 321.255.

30 5. A violation of subsection 1 or 2 is punishable
31 as a scheduled violation under section 805.8,
32 subsection 2, paragraph "z".

33 2. Page 12, by inserting after line 27 the
34 following:

35 "Sec. ____ . Section 805.8, subsection 2, paragraph
36 z, Code 1999, is amended to read as follows:

37 z. For violations of section 321.431A, subsection
38 1 or 2, relating to the use of engine brakes; section
39 321.460 prohibiting spilling loads on the highway; and
40 of section 321.208A prohibiting operation in violation
41 of an out-of-service order, the scheduled fine is one
42 hundred dollars."

43 3. Title page, line 6, by inserting after the
44 word "education," the following: "regulation of the
45 use of engine brakes,".

46 4. By renumbering as necessary.

By ANDY MCKEAN

S-3044 FILED MARCH 4, 1999

lost
3/10/99 (p. 541)

SENATE FILE 203

3042

1 Amend Senate File 203 as follows:

2 1. Page 8, by inserting after line 24 the
3 following:

4 "Sec. _____. NEW SECTION. 321.404A LIGHT-
5 RESTRICTING DEVICES PROHIBITED.

6 1. A person shall not operate a motor vehicle,
7 motorcycle, or motorized bicycle on the highways of
8 this state if it is equipped with a device that
9 restricts the light output of a head lamp required
10 under section 321.385 or 321.386, a rear lamp required
11 under section 321.387, a signal lamp or signal device
12 required under section 321.404, or a directional
13 signal device as described in section 321.317.

14 2. A person who violates this section shall be
15 subject to a scheduled fine under section 805.8,
16 subsection 2, paragraph "d".

17 2. Page 12, by inserting after line 27 the
18 following:

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

21 d. For improper equipment under section 321.404A
22 or section 321.438, subsection 2, the scheduled fine
23 is fifteen dollars."

24 3. Title page, line 6, by inserting after the
25 word "education," the following: "equipment on
26 vehicles,".

27 4. By renumbering as necessary.

By KEN VEENSTRA

S-3042 FILED MARCH 3, 1999

ADOPTED (P. 488)

SENATE FILE 203

S-3043

1 Amend Senate File 203 as follows:

2 1. Page 10, by inserting after line 26 the
3 following:

4 "Sec. _____. Section 321.463, subsection 5,
5 paragraph c, unnumbered paragraph 1 and the title of
6 the table following that unnumbered paragraph, Code
7 1999, are amended to read as follows:

8 The maximum gross weight allowed to be carried on a
9 grain, livestock, or construction vehicle on
10 noninterstate highways is as follows:

11 NONINTERSTATE HIGHWAYS

12 MAXIMUM GROSS WEIGHT TABLE

13 GRAIN, LIVESTOCK, OR CONSTRUCTION VEHICLE".

14 2. By renumbering as necessary.

By MERLIN E. BARTZ

3043 FILED MARCH 3, 1999

JUST (P. 489)

SENATE FILE 203

3040

1 Amend Senate File 203 as follows:

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

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

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

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

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

3040

S-3040

Page 2

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

By RICHARD F. DRAKE
JOHN W. JENSEN
MATT McCOY

S-3040 FILED MARCH 3, 1999

ADOPTED (p.487)

SENATE FILE 203

S-3041

- 1 Amend Senate File 203 as follows:
- 2 1. Page 8, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 321.377 REGIONAL TRANSIT
- 5 SYSTEM TRANSPORTATION.
- 6 A vehicle operated by a regional transit system as
- 7 defined in section 324A.1 may only provide school
- 8 transportation services pursuant to rules adopted by
- 9 the state department of transportation in consultation
- 10 with the department of education."
- 11 2. Title page, line 6, by inserting after the
- 12 word "education," the following: "transportation of
- 13 students,".
- 14 3. By renumbering as necessary.

By JOHN P. KIBBIE
RICHARD F. DRAKE

S-3041 FILED MARCH 3, 1999

ADOPTED (p.487)

SENATE FILE 203

3037

- 1 Amend Senate File 203 as follows:
2 1. Page 12, by inserting after line 27 the
3 following:
4 "Sec. _____. Section 327F.39, Code 1999, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 5A. HOURS OF SERVICE FOR DRIVERS.
7 The director shall adopt rules relating to the maximum
8 number of hours of service which can be provided by
9 persons providing transportation for railroad workers
10 to and from their places of employment or during the
11 course of their employment."
12 2. Title page, line 6, by inserting after the
13 word "education," the following: "hours of service
14 for persons providing transportation for railroad
15 employees,".
16 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3037 FILED MARCH 3, 1999

LOST
(P.487)

SENATE FILE 203

S-3038

- 1 Amend Senate File 203 as follows:
2 1. Page 8, by inserting after line 24 the
3 following:
4 "Sec. _____. NEW SECTION. 321.377 REGIONAL TRANSIT
5 SYSTEM TRANSPORTATION.
6 A vehicle operated by a regional transit system as
7 defined in section 324A.1 may only provide school
8 transportation services pursuant to rules adopted by
9 the department of education in consultation with the
10 state department of transportation."
11 2. Title page, line 6, by inserting after the
12 word "education," the following: "transportation of
13 students,".
14 3. By renumbering as necessary.

By RICHARD F. DRAKE

S-3038 FILED MARCH 3, 1999

DEFERRED

Out of order
3/10/99
(P. 541)

SENATE FILE 203

S-3036

1 Amend Senate File 203 as follows:

2 1. Page 10, by striking lines 27 and 28 and
3 inserting the following:

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

6 2. Page 11, by inserting after line 10 the
7 following:

8 "3. Vehicles with indivisible loads, including
9 mobile homes and factory-built structures, having an
10 overall width not to exceed sixteen feet zero inches
11 and an overall length not to exceed one hundred twenty
12 feet zero inches may be moved under an annual or all-
13 systems permit and must have a route specified by the
14 issuing authority prior to the movement. However,
15 vehicles with indivisible loads, including mobile
16 homes and factory-built structures, with an overall
17 width not exceeding fourteen feet six inches may
18 exceed fifty miles under an annual and all-systems
19 permit when prior approval for trip routing is
20 obtained from the issuing authority. The A vehicle
21 and load being moved according to this paragraph shall
22 not exceed the fifteen feet five inches in height as
23 prescribed in section 321.456 and shall not exceed the
24 total gross weight as prescribed in section 321.463."
25 3. By renumbering as necessary.

By MATT McCOY

S-3036 FILED MARCH 3, 1999

ADOPTED

*adopted 3-3-99
(p. 487)*

SENATE FILE 203

S-3026

1 Amend Senate File 203 as follows:

2 1. Page 13, by inserting after line 16 the
3 following:

4 " ____ . Section 15, amending section 321E.8."

5 2. By renumbering as necessary.

By MATT McCOY

adopted 3.3.99 (p. 488)

S-3026 FILED MARCH 1, 1999

SENATE FILE 203

-3030

1 Amend Senate File 203 as follows:

2 1. Page 10, by inserting after line 26 the
3 following:

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

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

11 2. Page 11, by inserting after line 26 the
12 following:

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

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

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

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

32 (2) That the chemical test was otherwise
33 inadmissible or invalid.

34 c. Such a holding by the court in the criminal
35 action is binding on the department, and the
36 department shall rescind the revocation."

37 3. Page 13, by inserting after line 16 the
38 following:

39 "____. Section 100, amending section 321A.17."

40 4. Page 13, by inserting after line 17 the
41 following:

42 "____. Section 200, amending section 321J.13."

43 5. Title page, line 6, by inserting after the
44 word "education," the following: "recision of a
45 driver's license revocation,".

46 6. By renumbering as necessary.

By JEFF LAMBERTI

S-3030 FILED MARCH 2, 1999

Adopted 3-3-99
(p. 487)

SENATE FILE 203

S-3029

- 1 Amend Senate File 203 as follows:
- 2 1. Page 10, by inserting after line 26 the
- 3 following:
- 4 "Sec. ____ . Section 321.457, subsection 2,
- 5 paragraph d, Code 1999, is amended to read as follows:
- 6 d. A combination of three vehicles coupled
- 7 together one of which is a motor vehicle, unladen or
- 8 with load, other than a truck tractor, shall not have
- 9 an overall length, inclusive of front and rear
- 10 bumpers, in excess of ~~sixty~~ seventy feet."
- 11 2. By renumbering as necessary.

By MERLIN E. BARTZ

S-3029 FILED MARCH 2, 1999

(P.487)

W/D
3/3/99

SENATE FILE 203

S-3027

- 1 Amend Senate File 203 as follows:
- 2 1. By striking page 1, line 22, through page 2,
- 3 line 1.
- 4 2. Title page, line 2, by striking the words "and
- 5 special trucks".
- 6 3. By renumbering as necessary.

By MIKE SEXTON

S-3027 FILED MARCH 2, 1999

Withdrawn 3-3-96 (p.486)

SENATE FILE 203

S-3028

- 1 Amend Senate File 203 as follows:
- 2 1. Page 10, by inserting after line 26 the
- 3 following:
- 4 "Sec. ____ . Section 321.457, subsection 2,
- 5 paragraph d, Code 1999, is amended to read as follows:
- 6 d. A combination of three vehicles coupled
- 7 together one of which is a motor vehicle, unladen or
- 8 with load, other than a truck tractor, shall not have
- 9 an overall length, inclusive of front and rear
- 10 bumpers, in excess of ~~sixty~~ seventy-five feet."
- 11 2. By renumbering as necessary.

By MERLIN E. BARTZ

S-3028 FILED MARCH 2, 1999

Withdrawn
3/3/99
(p.487)

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

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

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

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

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

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

1 thousand miles annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Sec. 12. Section 321.180B, subsection 2, unnumbered
13 paragraph 1, Code 1999, is amended to read as follows:

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

1 person issued an intermediate license must limit the number of
2 passengers in the motor vehicle when the intermediate licensee
3 is operating the motor vehicle to the number of passenger
4 safety belts.

5 Sec. 13. Section 321.180B, subsection 4, Code 1999, is
6 amended to read as follows:

7 4. FULL DRIVER'S LICENSE. A full driver's license may be
8 issued to a person seventeen years of age who possesses an
9 intermediate license issued under subsection 2 or a comparable
10 intermediate license issued by another state for a minimum of
11 twelve months, and who presents an affidavit signed by a
12 parent or guardian on a form to be provided by the department
13 that the intermediate licensee has accumulated a total of ten
14 hours of street or highway driving of which two hours were
15 conducted after sunset and before sunrise. The street or
16 highway driving was with the licensee's parent, guardian,
17 instructor, a person certified by the department, or a person
18 at least twenty-five years of age who had written permission
19 from a parent or guardian to accompany the licensee, whose
20 driving privileges have not been suspended, revoked, or barred
21 under this chapter or chapter 321J during, and who has been
22 accident and conviction free continuously for, the twelve-
23 month period immediately preceding the application for a full
24 driver's license, and who has paid the required fee.

25 Sec. 14. Section 321.189, subsection 2, paragraphs b and
26 c, Code 1999, are amended to read as follows:

27 b. A commercial driver's license shall include the
28 licensee's address as required under federal regulations and
29 ~~the licensee's social security number,~~ and the words
30 "commercial driver's license" or "CDL" shall appear
31 prominently on the face of the license. If the applicant is a
32 nonresident, the license must conspicuously display the word
33 "nonresident".

34 c. The department shall advise an applicant that the
35 applicant for a driver's license ~~other than a commercial~~

1 driver's license may request a number other than a social
2 security number as the driver's license number.

3 Sec. 15. NEW SECTION. 321.377 REGIONAL TRANSIT SYSTEM
4 TRANSPORTATION.

5 A vehicle operated by a regional transit system as defined
6 in section 324A.1 may only provide school transportation
7 services pursuant to rules adopted by the state department of
8 transportation in consultation with the department of
9 education.

10 Sec. 16. NEW SECTION. 321.404A LIGHT-RESTRICTING DEVICES
11 PROHIBITED.

12 1. A person shall not operate a motor vehicle, motorcycle,
13 or motorized bicycle on the highways of this state if it is
14 equipped with a device that restricts the light output of a
15 head lamp required under section 321.385 or 321.386, a rear
16 lamp required under section 321.387, a signal lamp or signal
17 device required under section 321.404, or a directional signal
18 device as described in section 321.317.

19 2. A person who violates this section shall be subject to
20 a scheduled fine under section 805.8, subsection 2, paragraph
21 "d".

22 Sec. 17. Section 321.449, unnumbered paragraphs 2 and 4,
23 Code 1999, are amended to read as follows:

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

33 Notwithstanding other provisions of this section, rules
34 adopted under this section for drivers of commercial vehicles
35 shall not apply to a driver of a commercial vehicle who is

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

31 Sec. 18. Section 321.453, Code 1999, is amended to read as
32 follows:

33 321.453 EXCEPTIONS.

34 The provisions of this chapter governing size, weight, and
35 load, and the permit requirements of chapter 321E do not apply

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

24 Sec. 19. Section 321A.17, Code 1999, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 8. This section does not apply to an
27 individual whose administrative license revocation has been
28 rescinded under section 321J.13, and who is otherwise under no
29 obligation to furnish proof of financial responsibility.

30 Sec. 20. Section 321E.8, subsections 2 and 3, Code 1999,
31 are amended to read as follows:

32 2. Vehicles with indivisible loads having an overall width
33 not to exceed twelve feet five inches or mobile homes,
34 including appurtenances, having an overall width not to exceed
35 twelve feet five inches and an overall length not to exceed

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

14 3. Vehicles with indivisible loads, including mobile homes
15 and factory-built structures, having an overall width not to
16 exceed sixteen feet zero inches and an overall length not to
17 exceed one hundred twenty feet zero inches may be moved under
18 an annual or all-systems permit and must have a route
19 specified by the issuing authority prior to the movement.
20 However, vehicles with indivisible loads, including mobile
21 homes and factory-built structures, with an overall width not
22 exceeding fourteen feet six inches may exceed fifty miles
23 under an annual and all-systems permit when prior approval for
24 trip routing is obtained from the issuing authority. The A
25 vehicle and load being moved according to this paragraph shall
26 not exceed the fifteen feet five inches in height as
27 prescribed-in-section-321-456 and shall not exceed the total
28 gross weight as prescribed in section 321.465.

29 Sec. 21. Section 321E.12, Code 1999, is amended to read as
30 follows:

31 321E.12 REGISTRATION MUST BE CONSISTENT.

32 Any A vehicle traveling under permit shall be properly
33 registered for the gross weight of the vehicle and load. Any
34 A person owning special mobile equipment registered-and-in
35 compliance-with-section-321-217 may use a transport vehicle

1 registered for the gross weight of the transport without a
2 load. Vehicles, while being used for the transportation of
3 buildings, except mobile homes and factory-built structures,
4 may be registered for the combined gross weight of the vehicle
5 and load on a single-trip basis. The fee is five cents per
6 ton exceeding the weight registered under section 321.122 per
7 mile of travel. Fees shall not be prorated for fractions of
8 miles. This provision does not exempt these vehicles from any
9 other provision of this chapter.

10 Sec. 22. Section 321J.13, Code 1999, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 6. a. The department shall grant a
13 request for a hearing to rescind the revocation if the person
14 whose motor vehicle license or operating privilege has been or
15 is being revoked under section 321J.9 or 321J.12 submits a
16 petition containing information relating to the discovery of
17 new evidence that provides grounds for rescision of the
18 revocation.

19 b. The person shall prevail at the hearing if, in the
20 criminal action on the charge of violation of section 321J.2
21 or 321J.2A resulting from the same circumstances that resulted
22 in the administrative revocation being challenged, the court
23 held one of the following:

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

28 (2) That the chemical test was otherwise inadmissible or
29 invalid.

30 c. Such a holding by the court in the criminal action is
31 binding on the department, and the department shall rescind
32 the revocation.

33 Sec. 23. Section 322.5, Code 1999, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 5. A manufacturer, distributor, or dealer

1 may, upon receipt of a temporary permit approved by the
2 department, display new ambulances, new fire vehicles, and new
3 rescue vehicles for educational purposes only at vehicle shows
4 and vehicle exhibitions conducted for the express purpose of
5 educating fire and rescue personnel in new technology and
6 techniques for fire-fighting and rescue efforts. Application
7 for temporary permits shall be made upon forms provided by the
8 department and shall be accompanied by a ten dollar permit
9 fee. Permits shall be issued for a single show or exhibition,
10 not to exceed five consecutive days.

11 Sec. 24. Section 322.14, Code 1999, is amended by striking
12 the section and inserting in lieu thereof the following:

13 322.14 PENALTIES.

14 1. A person who violates any of the provisions of this
15 chapter for which a penalty is not specifically provided is
16 guilty of a simple misdemeanor punishable by a fine of not
17 less than two hundred fifty dollars nor more than one thousand
18 five hundred dollars or by imprisonment not to exceed thirty
19 days.

20 2. Notwithstanding subsection 1, if a provision of chapter
21 537 is applicable to a retail installment contract and a
22 violation of that provision is subject to a penalty under
23 chapter 537, that penalty shall apply in lieu of a penalty
24 provided in this chapter.

25 Sec. 25. NEW SECTION. 322.21 REMAINING BALANCE ON TRADE
26 VEHICLE.

27 The extension of credit by a retail seller to a retail
28 buyer, pursuant to a retail installment contract, of the
29 amount actually paid or to be paid by the retail seller to
30 discharge a purchase money security interest, as defined in
31 section 554.9107, on a motor vehicle traded in by the retail
32 buyer shall not subject the retail seller to the provisions of
33 chapter 536 or 536A.

34 Sec. 26. Section 805.8, subsection 2, paragraph d, Code,
35 1999, is amended to read as follows:

1 d. For improper equipment under section 321.404A or
2 section 321.438, subsection 2, the scheduled fine is fifteen
3 dollars.

4 Sec. 27. DRIVER'S EDUCATION CURRICULUM -- STUDY. The
5 legislative council is requested to establish an interim study
6 committee consisting of members of both political parties from
7 throughout the state. The study may include but is not
8 limited to driver's education curriculum, certification of
9 persons by the department of transportation to provide street
10 and highway driving instruction, costs to students and to
11 schools, privatizing driver's education, expansion of behind-
12 the-wheel training, and effects on insurance rates. The
13 committee may consult with the department of transportation,
14 department of education, board of educational examiners,
15 parents, educators, insurance executives, and other persons
16 with expertise or information relevant to the study of
17 driver's education. The committee is directed to submit its
18 findings, together with any recommendations, in a report to
19 the general assembly which convenes in January 2000.

20 Sec. 28. Sections 309.42, 309.56, and 321.21, Code 1999,
21 are repealed.

22 Sec. 29. EFFECTIVE DATE. The following sections of this
23 Act, being deemed of immediate importance, take effect upon
24 enactment:

- 25 1. Section 1, amending section 321.1, subsection 32.
- 26 2. Section 10, amending section 321.166.
- 27 3. Section 17, amending section 321.449.
- 28 4. Section 19, amending section 321A.17.
- 29 5. Section 20, amending section 321E.8.
- 30 6. Section 21, amending section 321E.12.
- 31 7. Section 22, amending section 321J.13.
- 32 8. Section 28, repealing sections 309.42, 309.56, and
33 321.1.

34
35

SENATE FILE 203

H-1105

1 Amend Senate File 203, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 9 the
4 following:

5 "Sec. _____. Section 321J.3, subsection 1, paragraph
6 c, Code 1999, is amended to read as follows:

7 c. The court may prescribe the length of time for
8 the evaluation and treatment or it may request that
9 the community college or licensed substance abuse
10 agency conducting the course for drinking drivers
11 which the person is ordered to attend or the treatment
12 program to which the person is committed immediately
13 report to the court when the person has received
14 maximum benefit from the course for drinking drivers
15 or treatment program or has recovered from the
16 person's addiction, dependency, or tendency to
17 chronically abuse alcohol or drugs."

18 2. Page 14, by inserting after line 32 the
19 following:

20 "Sec. _____. Section 321J.17, subsection 2,
21 unnumbered paragraph 2, Code 1999, is amended to read
22 as follows:

23 The court or department may request that the
24 community college or licensed substance abuse agency
25 conducting the course for drinking drivers which the
26 person is ordered to attend immediately report to the
27 court or department that the person has successfully
28 completed the course for drinking drivers. The court
29 or department may request that the treatment program
30 which the person attends periodically report on the
31 defendant's attendance and participation in the
32 program, as well as the status of treatment or
33 rehabilitation.

34 Sec. _____. Section 321J.22, subsections 2, 4, and
35 5, Code 1999, are amended to read as follows:

36 2. a. The course provided according to this
37 section shall be offered on a regular basis at each
38 community college as defined in section 260C.2.
39 Enrollment in the courses course is not limited to
40 persons ordered to enroll, attend, and successfully
41 complete the a course required for drinking drivers
42 under sections section 321J.2 and or section 321J.17,
43 subsection 2.

44 b. The A course required-by offered pursuant to
45 this section subsection shall be taught by the
46 community colleges under the department of education
47 and shall be approved by the department. The
48 department of education shall establish reasonable
49 fees to defray the expense of obtaining classroom
50 space, instructor salaries, and class materials.

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1 2A. a. The course provided according to this
2 section may also be offered by a substance abuse
3 agency licensed pursuant to chapter 125. Enrollment
4 in the course is not limited to persons ordered to
5 enroll, attend, and successfully complete a course for
6 drinking drivers under section 321J.2 or section
7 321J.17, subsection 2.

8 b. A course offered pursuant to this subsection
9 shall be taught by qualified staff of the licensed
10 substance abuse agency who are trained in the state-
11 approved curriculum. The division of substance abuse
12 of the department of public health may establish
13 reasonable fees to defray the expenses associated with
14 offering the course.

15 2B. A person shall not be denied enrollment in a
16 course by-reason-of for drinking drivers that is
17 required by a court solely due to the person's
18 indigency.

19 4. a. The department of education shall prepare a
20 list of the locations of the courses taught under this
21 section subsection 2, the dates and times taught, the
22 procedure for enrollment, and the schedule of course
23 fees. The list shall be kept current and a copy of
24 the list shall be sent to each court having
25 jurisdiction over offenses provided in this chapter.

26 5. b. The department of education shall maintain
27 enrollment, attendance, and successful and
28 nonsuccessful unsuccessful completion data on the
29 persons enrolled in a course offered pursuant to
30 subsection 2 who were ordered to enroll, attend, and
31 successfully complete a course for drinking drivers.
32 This data shall be forwarded to the court.

33 5. a. A licensed substance abuse agency offering
34 a course pursuant to subsection 2A shall provide
35 information about the course to each court having
36 jurisdiction over offenses provided in this chapter
37 which is located in the area served by the agency.
38 The information shall include the locations, dates,
39 and times for the course, the procedure for
40 enrollment, and the schedule of course fees.

41 b. A licensed substance abuse agency offering a
42 course pursuant to subsection 2A shall maintain
43 attendance, successful and unsuccessful completion
44 data on persons enrolled in a course offered pursuant
45 to subsection 2A who were ordered to enroll, attend,
46 and successfully complete a course for drinking
47 drivers. This data shall be forwarded to the
48 appropriate court."

49 3. Title page, line 7, by inserting after the
50 word "vehicles," the following: "courses for drinking

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-2-

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Page 3

1 drivers,".

2 4. By renumbering as necessary.

By RICHARDSON of Warren

H-1105 FILED MARCH 17, 1999

Withdrawn 3/23/99 (P.808)

SENATE FILE 203

H-1139

1 Amend Senate File 203, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 29 the

4 following:

5 "(3) That there was insufficient evidence to

6 support the charge."

7 2. Page 16, by inserting after line 33 the

8 following:

9 "Sec. ____ . APPLICABILITY. Section 22 of this Act

10 is applicable to a revocation of a person's motor

11 vehicle license or operating privilege under section

12 321J.9 or 321J.12 based upon an act or acts which

13 occurred on or after July 1, 1998."

14 3. By renumbering as necessary.

By WISE of Lee

H-1139 FILED MARCH 19, 1999

Withdrawn 3/23/93 (P.808)

SENATE FILE 203

H-1140

1 Amend Senate File 203, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 29 the

4 following:

5 "(3) That there was insufficient evidence to

6 support the charge."

7 2. Page 16, by inserting after line 33 the

8 following:

9 "Sec. ____ . APPLICABILITY. Section 22 of this Act

10 is applicable to a revocation of a person's motor

11 vehicle license or operating privilege under section

12 321J.9 or 321J.12 based upon an act or acts which

13 occurred on or after July 1, 1997."

By WISE of Lee

H-1140 FILED MARCH 19, 1999

Withdrawn 3/23/99 (P.808)

AN ACT

RELATING TO TRANSPORTATION, INCLUDING REGULATION OF SCHOOL BUSES AND SPECIAL TRUCKS, VEHICLE TITLING AND REGISTRATION, COMMERCIAL DRIVER'S LICENSES, REGULATIONS ON MOTOR CARRIERS, REGULATIONS ON MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SIZE, WEIGHT, AND LOAD RESTRICTIONS ON VEHICLES, DRIVER EDUCATION, TRANSPORTATION OF STUDENTS, EQUIPMENT ON VEHICLES, RECISION OF A DRIVER'S LICENSE REVOCATION, AND ADMINISTRATIVE PROCEDURES OF THE STATE DEPARTMENT OF TRANSPORTATION, AND PROVIDING FOR FEES AND PENALTIES AND AN EFFECTIVE DATE.

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

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

Notwithstanding the other provisions of this subsection any vehicle covered thereby by 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 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~~ as special mobile equipment and under such circumstances the provisions of this subsection shall not be applicable to such vehicle, nor shall such vehicle 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. 2. Section 321.1, subsection 69, paragraph c, Code 1999, is amended to read as follows:

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

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

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

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

3. In the event an applicant for registration of a foreign vehicle for which a certificate of title has been issued is able to furnish evidence of being the registered owner of the vehicle to the county treasurer of the owner's residence, although unable to surrender such certificate of title, the county treasurer may issue a registration receipt and plates upon receipt of the required registration fee but shall not issue a certificate of title thereto. Upon surrender of the certificate of title from the foreign state, the county treasurer shall issue a certificate of title to the owner, or person entitled thereto, of such vehicle as provided in this chapter. The owner of a vehicle registered under this subsection shall not be required to obtain a certificate of

title in this state and may transfer ownership of the vehicle to a motor vehicle dealer licensed under chapter 322 if, at the time of the transfer, the certificate of title is held by a secured party and the dealer has forwarded to the secured party the sum necessary to discharge the security interest pursuant to section 321.48, subsection 1.

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

A vehicle may be operated upon the highways of this state without registration plates for a period of thirty forty-five days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor vehicle delivered by the dealer to the purchaser even if the vehicle was purchased from an out-of-state dealer and the card shall bear the registration number of the dealer that delivered the vehicle. A dealer shall not issue a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within fifteen calendar days from the date of delivery of the vehicle. However, if the vehicle is subject to a security interest and has been offered for sale pursuant to section 321.48, subsection 1, the dealer shall forward the application by the purchaser to the county treasurer or state office within twenty-two thirty calendar

days from the date of the delivery of the vehicle to the purchaser.

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

321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.

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

2. a. If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a certified copy of the original certificate of title. The owner or lienholder of a motor vehicle may also apply for a certified copy of the original certificate of title as a replacement for the original certificate of title upon surrender of the original certificate of title with the application. The application shall be made to the department or county treasurer who issued the original certificate of title. The application shall be signed by the owner or lienholder and accompanied by a fee of ten dollars.

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

c. If a security interest noted on the face of an original certificate of title was released by the lienholder on a separate form pursuant to section 321.50, subsection 4, and

the signature of the lienholder, or the person executing the release on behalf of the lienholder, is notarized, but the lienholder has not delivered the original certificate to the appropriate party as provided in section 321.50, subsection 4, the owner may apply for and receive a replacement certificate of title without the released security interest noted thereon. The lienholder shall return the original certificate of title to the department or to the treasurer of the county where the title was issued.

d. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned duplicate copy to the treasurer of the county where the new purchaser or transferee resides. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a duplicate has been issued shall surrender the original certificate to the county treasurer or the department.

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

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

A dealer licensed pursuant to chapter 322 or chapter 322C who has acquired a vehicle for resale which is subject to a security interest as provided in section 321.50 and who has forwarded to the secured party the sum necessary to discharge

the security interest may offer the vehicle for sale prior to the receipt from the county treasurer of the certificate of title for the vehicle with the lien discharged for a period of not more than twenty thirty days from the date the vehicle was acquired and the provisions of section 321.104, subsection 2 shall not apply.

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

1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within fifteen thirty days of the date of assignment or transfer of title, or within twenty-two thirty days of the date of delivery to the purchaser if the vehicle is subject to a security interest and was offered for sale pursuant to section 321.48, subsection 1, a penalty of ten dollars shall accrue against the applicant, and no registration card or certificate of title shall be issued to the applicant for the vehicle until the penalty is paid.

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

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

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

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

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

4. The registration plate number, except on motorized bicycle, motorcycle, motorcycle trailer, and trailers with an empty weight of two thousand pounds or less~~and special mobile equipment registration plates~~, shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

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

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

Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period, and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered

during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. Street or highway driving instruction may be provided by a person qualified as a classroom driver education instructor or a person certified by the department of transportation and authorized by the board of educational examiners. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor. The department of transportation shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction ~~and for administering requested field tests. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department of transportation to provide street or highway driving instruction.~~

Sec. 12. Section 321.180B, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, instructor,

a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and conviction free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

Sec. 13. Section 321.180B, subsection 4, Code 1999, is amended to read as follows:

4. FULL DRIVER'S LICENSE. A full driver's license may be issued to a person seventeen years of age who possesses an intermediate license issued under subsection 2 or a comparable intermediate license issued by another state for a minimum of twelve months, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the intermediate licensee has accumulated a total of ten hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the licensee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the licensee, whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and conviction free continuously for, the twelve-month period immediately preceding the application for a full driver's license, and who has paid the required fee.

Sec. 14. Section 321.189, subsection 2, paragraphs b and c, Code 1999, are amended to read as follows:

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

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

Sec. 15. NEW SECTION. 321.377 REGIONAL TRANSIT SYSTEM TRANSPORTATION.

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

Sec. 16. NEW SECTION. 321.404A LIGHT-RESTRICTING DEVICES PROHIBITED.

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

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

Sec. 17. Section 321.449, unnumbered paragraphs 2 and 4, Code 1999, are amended to read as follows:

Rules adopted under this section concerning driver qualifications, hours of service, and recordkeeping

requirements do not apply to the operators of public utility trucks, trucks hauling gravel, construction trucks and equipment, trucks moving implements of husbandry, and special trucks, other than a truck tractor, operating intrastate. Trucks Except as otherwise provided in this section, trucks for hire on construction projects are not exempt from this section.

Notwithstanding other provisions of this section, rules adopted under this section for drivers of commercial vehicles shall not apply to a driver of a commercial vehicle who is engaged exclusively in intrastate commerce, when the commercial vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(5), a driver's report of daily beginning and ending on-duty time submitted to the motor carrier at the end of each work week shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. For-hire drivers who are engaged exclusively in intrastate commerce and who operate trucks and truck-tractors exclusively for the movement of construction materials and equipment to and from construction projects may also drive twelve hours, be on duty sixteen hours in a twenty-

four-hour period, and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A driver-salesperson means as defined in 49 C.F.R. § 395.2, adopted as of a specific date by the department by rule.

Sec. 18. 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 apparatus⁷; road maintenance equipment owned by or¹ under lease to, or used in the performance of a contract with any state or local authority⁷; implements of husbandry temporarily moved upon a highway⁷; implements of husbandry moved from farm site to farm site or between the retail seller and a farm purchaser⁷; implements of husbandry moved between any site and the site of an agricultural exposition or a fair administered pursuant to chapter 173 or 174⁷; indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser⁷; implements of husbandry received and moved by a retail seller of implements of husbandry in exchange for a purchased implement⁷ or implements of husbandry moved for repairs, except on any part of the interstate highway system. 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, shall 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. 19. Section 321A.17, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 8. This section does not apply to an individual whose administrative license revocation has been

rescinded under section 321J.13, and who is otherwise under no obligation to furnish proof of financial responsibility.

Sec. 20. Section 321E.8, subsections 2 and 3, Code 1999, are amended to read as follows:

2. Vehicles with indivisible loads having an overall width not to exceed twelve feet five inches or mobile homes, including appurtenances, having an overall width not to exceed twelve feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the permitting authority for unlimited distances if the height of the vehicle and load does not exceed fourteen fifteen feet zero five inches and the total gross weight of the vehicle does not exceed one hundred thirty-six thousand pounds. The vehicle owner or operator shall verify with the permitting authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system.

3. Vehicles with indivisible loads, including mobile homes and factory-built structures, having an overall width not to exceed sixteen feet zero inches and an overall length not to exceed one hundred twenty feet zero inches may be moved under an annual or all-systems permit and must have a route specified by the issuing authority prior to the movement. However, vehicles with indivisible loads, including mobile homes and factory-built structures, with an overall width not exceeding fourteen feet six inches may exceed fifty miles under an annual and all-systems permit when prior approval for trip routing is obtained from the issuing authority. ~~The A~~ vehicle and load being moved according to this paragraph shall not exceed the fifteen feet five inches in height as ~~prescribed in section 321.456~~ and shall not exceed the total gross weight as prescribed in section 321.463.

Sec. 21. Section 321E.12, Code 1999, is amended to read as follows:

321E.12 REGISTRATION MUST BE CONSISTENT.

Any A vehicle traveling under permit shall be properly registered for the gross weight of the vehicle and load. Any A person owning special mobile equipment ~~registered and in compliance with section 321.217~~ may use a transport vehicle registered for the gross weight of the transport without a load. Vehicles, while being used for the transportation of buildings, except mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. This provision does not exempt these vehicles from any other provision of this chapter.

Sec. 22. Section 321J.13, Code 1999, is amended by adding the following new subsection:

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

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

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

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

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

Sec. 23. Section 322.5, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A manufacturer, distributor, or dealer may, upon receipt of a temporary permit approved by the department, display new ambulances, new fire vehicles, and new rescue vehicles for educational purposes only at vehicle shows and vehicle exhibitions conducted for the express purpose of educating fire and rescue personnel in new technology and techniques for fire fighting and rescue efforts. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a single show or exhibition, not to exceed five consecutive days.

Sec. 24. Section 322.14, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

322.14 PENALTIES.

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

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

Sec. 25. **NEW SECTION.** 322.21 REMAINING BALANCE ON TRADE VEHICLE.

The extension of credit by a retail seller to a retail buyer, pursuant to a retail installment contract, of the amount actually paid or to be paid by the retail seller to discharge a purchase money security interest, as defined in

section 554.9107, on a motor vehicle traded in by the retail buyer shall not subject the retail seller to the provisions of chapter 536 or 536A.

Sec. 26. Section 805.8, subsection 2, paragraph d, Code 1999, is amended to read as follows:

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

Sec. 27. DRIVER'S EDUCATION CURRICULUM -- STUDY. The legislative council is requested to establish an interim study committee consisting of members of both political parties from throughout the state. The study may include but is not limited to driver's education curriculum, certification of persons by the department of transportation to provide street and highway driving instruction, costs to students and to schools, privatizing driver's education, expansion of behind-the-wheel training, and effects on insurance rates. The committee may consult with the department of transportation, department of education, board of educational examiners, parents, educators, insurance executives, and other persons with expertise or information relevant to the study of driver's education. The committee is directed to submit its findings, together with any recommendations, in a report to the general assembly which convenes in January 2000.

Sec. 28. Sections 309.42, 309.56, and 321.21, Code 1999, are repealed.

Sec. 29. EFFECTIVE DATE. The following sections of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 1, amending section 321.1, subsection 32.
2. Section 10, amending section 321.166.
3. Section 17, amending section 321.449.
4. Section 19, amending section 321A.17.
5. Section 20, amending section 321E.8.
6. Section 21, amending section 321E.12.
7. Section 22, amending section 321J.13.

8. Section 28, repealing sections 309.42, 309.56, and 321.1.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 203, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 7, 1999

THOMAS J. VILSACK
Governor