

Sexton

SSB. 3030.1

Drake
McCoy

Transportation

SENATE FILE _____ ^{Referred By} (SF) HF 2147
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 motor vehicles, including motor vehicle
2 enforcement, titling, and registration, the renewal of certain
3 licenses related to selling vehicles, and motor carrier
4 regulation, making penalties applicable, and providing
5 effective dates.

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

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DIVISION I

MOTOR VEHICLE REGISTRATION AND TITLING, DEALER

LICENSING, AND MOTOR VEHICLE AND MOTOR CARRIER ENFORCEMENT

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

NEW SUBSECTION. 83A. "Towing or recovery vehicle" means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles.

Sec. 2. Section 321.20A, subsection 1, Code 1999, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the proportional registration provisions of chapter 326, may make application to the department for a certificate of title. The application for certificate of title shall be made within fifteen thirty days of purchase or transfer and accompanied by a ten dollar title fee and appropriate use tax.

Sec. 3. Section 321.25, unnumbered paragraph 1, Code Supplement 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 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

1 registration and certificate of title has been made by the
 2 purchaser and a receipt issued to the purchaser of the vehicle
 3 showing the fee paid by the person making the application.
 4 Dealers' records shall indicate the agency to which the fee is
 5 sent and the date the fee is sent. The dealer shall forward
 6 the application by the purchaser to the county treasurer or
 7 state office within fifteen thirty calendar days from the date
 8 of delivery of the vehicle. However, if the vehicle is
 9 subject to a security interest and has been offered for sale
 10 pursuant to section 321.48, subsection 1, the dealer shall
 11 forward the application by the purchaser to the county
 12 treasurer or state office within thirty calendar days from the
 13 date of the delivery of the vehicle to the purchaser.

14 Sec. 4. Section 321.30, subsection 13, unnumbered
 15 paragraph 2, Code Supplement 1999, is amended to read as
 16 follows:

17 The department or the county treasurer shall also refuse
 18 registration of a vehicle if the applicant for registration of
 19 the vehicle has failed to pay the required registration fees
 20 of any vehicle owned or previously owned when the registration
 21 fee was required to be paid by the applicant, and for which
 22 vehicle the registration was suspended or revoked under
 23 section 321.101, subsection 4 1, paragraph "d", or section
 24 321.101A, until the fees are paid together with any accrued
 25 penalties.

26 Sec. 5. Section 321.30, Code Supplement 1999, is amended
 27 by adding the following new subsection:

28 NEW SUBSECTION. 14. The department or the county
 29 treasurer shall refuse registration of a vehicle if the
 30 applicant is under the age of eighteen years, unless the
 31 applicant has an Iowa driver's license or the application is
 32 being made by more than one applicant and one of the
 33 applicants is at least eighteen years of age.

34 Sec. 6. Section 321.46, subsection 1, Code Supplement
 35 1999, is amended to read as follows:

1 1. The transferee shall within fifteen thirty calendar
2 days after purchase or transfer apply for and obtain from the
3 county treasurer of the person's residence, or if a
4 nonresident, the county treasurer of the county where the
5 primary users of the vehicle are located or the county where
6 all other vehicles owned by the nonresident are registered, a
7 new registration and a new certificate of title for the
8 vehicle except as provided in section 321.25 or 321.48. The
9 transferee shall present with the application the certificate
10 of title endorsed and assigned by the previous owner and shall
11 indicate the name of the county in which the vehicle was last
12 registered and the registration expiration date. The
13 transferee shall be required to list a driver's license
14 number.

15 Sec. 7. Section 321.50, subsection 4, unnumbered paragraph
16 2, Code Supplement 1999, is amended to read as follows:

17 ~~If a title is presented for transfer, and the~~ If a lien has
18 been released by the lienholder but has not been sent to the
19 county of record for clearance of the lien, the any county of
20 transfer may note the release on the face of the title and
21 shall notify the county of record that the lien has been
22 released as of the specified date, and shall make entry upon
23 the computer system, ~~and shall proceed to transfer the title.~~
24 Notification to the county of record shall be made by an
25 automated statewide system, or by sending a photocopy of the
26 released title to the county of record.

27 Sec. 8. Section 321.52, subsection 2, Code 1999, is
28 amended to read as follows:

29 2. The purchaser or transferee of a motor vehicle for
30 which a certificate of title is issued which is sold for scrap
31 or junk shall surrender the certificate of title, properly
32 endorsed and signed by the previous owner, to the county
33 treasurer of the county of residence of the transferee, and
34 shall apply for a junking certificate from the county
35 treasurer, within fifteen thirty days after assignment of the

1 certificate of title. The county treasurer shall issue to
 2 such person without fee a junking certificate. A junking
 3 certificate shall authorize the holder to possess, transport
 4 or transfer by endorsement the ownership of the junked
 5 vehicle. A certificate of title shall not again be issued for
 6 the vehicle subsequent to the issuance of a junking
 7 certificate except as provided in subsection 3. The county
 8 treasurer shall cancel the record of the vehicle. The junking
 9 certificate shall be printed on the registration receipt form
 10 and shall be imprinted with the words "junking certificate",
 11 as prescribed by the department. A space for transfer by
 12 endorsement shall be on the reverse side of the junking
 13 certificate. A separate form for the notation of the transfer
 14 of component parts shall be attached to the junking
 15 certificate when the certificate is issued.

16 Sec. 9. Section 321.52, subsection 4, paragraphs a and c,
 17 Code 1999, are amended to read as follows:

18 a. A vehicle rebuilder or a person engaged in the business
 19 of buying, selling, or exchanging vehicles of a type required
 20 to be registered in this state, upon acquisition of a wrecked
 21 or salvage vehicle, shall surrender the certificate of title
 22 or manufacturer's or importer's statement of origin properly
 23 assigned, together with an application for a salvage
 24 certificate of title to the county treasurer of the county of
 25 residence of the purchaser or transferee within ~~fifteen~~ thirty
 26 days after the date of assignment of the certificate of title
 27 for the wrecked or salvage motor vehicle. This subsection
 28 applies only to vehicles with a fair market value of five
 29 hundred dollars or more, based on the value before the vehicle
 30 became wrecked or salvage. Upon payment of a fee of two
 31 dollars, the county treasurer shall issue a salvage
 32 certificate of title which shall bear the word "SALVAGE"
 33 stamped or printed on the face of the title in a manner
 34 prescribed by the department. A salvage certificate of title
 35 may be assigned to an educational institution, a new motor

1 vehicle dealer licensed under chapter 322, a person engaged in
2 the business of purchasing bodies, parts of bodies, frames or
3 component parts of vehicles for sale as scrap metal, a salvage
4 pool, or an authorized vehicle recycler licensed under chapter
5 321H. An authorized vehicle recycler licensed under chapter
6 321H or a new motor vehicle dealer licensed under chapter 322
7 may assign a salvage certificate of title to any person. A
8 vehicle on which ownership has transferred to an insurer of
9 the vehicle, as a result of a settlement with the owner of the
10 vehicle arising out of damage to, or unrecovered theft of the
11 vehicle, shall be deemed to be a wrecked or salvage vehicle
12 and the insurer shall comply with this subsection to obtain a
13 salvage certificate of title within ~~fifteen~~ thirty days after
14 the date of assignment of the certificate of title of the
15 vehicle.

16 c. A salvage theft examination shall be made by a peace
17 officer who has been specially certified and recertified when
18 required by the Iowa law enforcement academy to do salvage
19 theft examinations. The Iowa law enforcement academy shall
20 determine standards for training and certification, conduct
21 training, and may approve alternative training programs which
22 satisfy the academy's standards for training and
23 certification. The owner of the salvage vehicle shall make
24 the vehicle available for examination at a time and location
25 designated by the peace officer doing the examination. The
26 owner may obtain a permit to drive the vehicle to and from the
27 examination location by submitting a repair affidavit to the
28 agency performing the examination stating that the vehicle is
29 reasonably safe for operation and listing the repairs which
30 have been made to the vehicle. The owner must be present for
31 the examination and have available for inspection the salvage
32 title, bills of sale for all essential parts changed, and the
33 repair affidavit. The examination shall be for the purposes
34 of determining whether the vehicle or repair components have
35 been stolen. The examination is not a safety inspection and a

1 signed salvage theft examination certificate shall not be
 2 construed by any court of law to be a certification that the
 3 vehicle is safe to be operated. There shall be no cause of
 4 action against the peace officer or the agency conducting the
 5 examination or the county treasurer for failure to discover or
 6 note safety defects. If the vehicle passes the theft
 7 examination, the peace officer shall indicate that the vehicle
 8 passed examination on the salvage theft examination
 9 certificate. The permit and salvage theft examination
 10 certificate shall be on controlled forms prescribed and
 11 furnished by the department. The owner shall pay a fee of
 12 thirty seventy-five dollars upon completion of the
 13 examination. The agency performing the examinations shall
 14 retain twenty sixty-five dollars of the fee and shall pay five
 15 dollars of the fee to the department and five dollars of the
 16 fee to the treasurer of state for deposit in the general fund
 17 of the state. Moneys deposited to the general fund under this
 18 paragraph are subject to the requirements of section 8.60 and
 19 shall be used by the Iowa law enforcement academy to provide
 20 for the special training, certification, and recertification
 21 of officers as required by this subsection.

22 The state department of transportation shall adopt rules in
 23 accordance with chapter 17A to carry out this section.

24 Sec. 10. Section 321.58, Code 1999, is amended to read as
 25 follows:

26 321.58 APPLICATION.

27 All dealers, transporters, new motor vehicle wholesalers
 28 licensed under chapter 322, and mobile home dealers licensed
 29 under chapter 322B, upon payment of a fee of seventy dollars
 30 for two years, one hundred forty dollars for four years, or
 31 two hundred ten dollars for six years, may make application to
 32 the department upon the appropriate form for a certificate
 33 containing a general distinguishing number and for one or more
 34 special plates as appropriate to various types of vehicles
 35 subject to registration. The applicant shall also submit

1 proof of the applicant's status as a bona fide transporter,
2 new motor vehicle wholesaler licensed under chapter 322,
3 mobile home dealer licensed under chapter 322B, or dealer, as
4 reasonably required by the department. Dealers in new
5 vehicles shall furnish satisfactory evidence of a valid
6 franchise with the manufacturer of the vehicles authorizing
7 the dealership. ~~A-dealer-licensed-as-a-wholesaler-for-a-new~~
8 ~~motor-vehicle-model-pursuant-to-chapter-322,-shall-furnish~~
9 ~~satisfactory-evidence-of-valid-written-authorization-from-the~~
10 ~~manufacturer-of-the-new-motor-vehicle-of-the-dealer's-status~~
11 ~~as-a-wholesaler-of-the-new-motor-vehicle-model-~~

12 Sec. 11. Section 321.89, subsection 4, unnumbered
13 paragraph 1, Code 1999, is amended to read as follows:

14 If an abandoned vehicle has not been reclaimed as provided
15 for in subsection 3, the police authority or private entity
16 shall make a determination as to whether or not the vehicle
17 shall be sold for use upon the highways. If the vehicle is
18 not sold for use upon the highways, it shall be sold for junk,
19 or demolished and sold as scrap. The police authority or
20 private entity shall sell the vehicle at public auction.
21 Notwithstanding any other provision of this section, a police
22 authority or private entity, which has taken into possession
23 any abandoned vehicle which lacks an engine, two or more
24 wheels, another part which renders the vehicle totally
25 inoperable, or which has a fair market value of less than five
26 hundred dollars as determined by the police authority or
27 private entity, may dispose of the vehicle to a demolisher for
28 junk without public auction after complying with the
29 notification procedures in subsection 3. The purchaser of the
30 vehicle takes title free and clear of all liens and claims of
31 ownership, shall receive a sales receipt from the police
32 authority or private entity, and is entitled to register the
33 vehicle and receive a certificate of title if sold for use
34 upon the highways. If the vehicle is sold or disposed of to a
35 demolisher for junk, the demolisher shall make application for

1 a junking certificate to the county treasurer within fifteen
2 thirty days of purchase and shall surrender the sales receipt
3 in lieu of the certificate of title.

4 Sec. 12. Section 321.101, Code Supplement 1999, is amended
5 to read as follows:

6 321.101 SUSPENSION OR REVOCATION OF REGISTRATION OR
7 CANCELLATION OF CERTIFICATE OF TITLE BY DEPARTMENT.

8 1. The department is hereby authorized to suspend or
9 revoke the registration of a vehicle, registration card,
10 registration plate, or any nonresident or other permit in any
11 of the following events:

12 ~~1-~~ a. When the department is satisfied that such
13 registration card, plate, or permit was fraudulently or
14 erroneously issued.

15 ~~2-~~ b. When the department determines that a registered
16 vehicle is mechanically unfit or unsafe to be operated or
17 moved upon the highways.

18 ~~3-~~ c. When a registered vehicle has been dismantled or
19 wrecked.

20 ~~4-~~ d. When the department determines that the required fee
21 has not been paid and the ~~same~~ fee is not paid upon reasonable
22 notice and demand.

23 ~~5-~~ e. When a registration card, registration plate, or
24 permit is knowingly displayed upon a vehicle other than the
25 one for which issued.

26 ~~6-~~ f. When the department determines that the owner has
27 committed any offense under this chapter involving the
28 registration card, plate, or permit to be suspended or
29 revoked.

30 ~~7-~~ g. When the department is so authorized under any other
31 provision of law.

32 h. If a commercial motor vehicle has been assigned to be
33 operated by a commercial motor carrier whose ability to
34 operate has been terminated or denied by a federal agency.

35 ~~8-~~ 2. The department shall cancel a certificate of title

1 that appears to have been improperly issued or fraudulently
2 obtained or in the case of a mobile home or manufactured
3 housing, if taxes were owing under chapter 435 at the time the
4 certificate was issued and have not been paid. However,
5 before the certificate to a mobile home or manufactured
6 housing where for which taxes were owing can be canceled,
7 notice and opportunity to pay the taxes must be given to the
8 person to whom the certificate was issued. Upon cancellation
9 of any certificate of title the department shall notify the
10 county treasurer who issued it, who shall enter the
11 cancellation upon the records. The department shall also
12 notify the person to whom the certificate of title was issued,
13 as well as any lienholders appearing thereon on the
14 certificate of title, of the cancellation and shall demand the
15 surrender of the certificate of title, but the cancellation
16 shall not affect the validity of any lien noted thereon on the
17 certificate of title.

18 ~~9.---If-a-commercial-motor-vehicle-has-been-assigned-to-be~~
19 ~~operated-by-a-commercial-motor-carrier-whose-ability-to~~
20 ~~operate-has-been-terminated-or-denied-by-a-federal-agency.~~

21 ~~10-~~ 3. Notice of suspension or revocation of the
22 registration of a vehicle, registration card, registration
23 plate, or any nonresident or other permit under the terms of
24 this section shall be by personal delivery of said the notice
25 to the person to be so notified or by certified mail addressed
26 to such the person at the person's address as shown on the
27 registration record. ~~No A~~ return acknowledgment ~~shall-be is~~
28 not necessary to prove such latter service.

29 If a vehicle, for which the registration has been suspended
30 or revoked pursuant to subsection ~~4-of-this-section~~ 1,
31 paragraph "d", or section 321.101A, is transferred to a bona
32 fide purchaser for value without actual knowledge of such
33 suspension or revocation then the vehicle shall be deemed to
34 be registered and the provisions of sections 321.28 and
35 321.30, subsections 4 and 5, shall not be applicable to such

1 vehicle for the failure of the previous owner to pay the
2 required fees.

3 Sec. 13. NEW SECTION. 321.101A REVOCATION OF
4 REGISTRATION BY COUNTY TREASURER.

5 The county treasurer may revoke the registration and
6 registration plates of a vehicle if the registration fees are
7 paid by check and the check is not honored by the payer's
8 financial institution upon reasonable notice and demand. The
9 owner of the vehicle or person in possession of the
10 registration and registration plates for the vehicle shall
11 immediately return the revoked registration and registration
12 plates to the appropriate county treasurer's office.

13 Sec. 14. Section 321.123, subsection 2, Code Supplement
14 1999, is amended by striking the subsection.

15 Sec. 15. Section 321.454, Code 1999, is amended to read as
16 follows:

17 321.454 WIDTH OF VEHICLES.

18 The total outside width of any a vehicle or the load on the
19 vehicle shall not exceed ~~eight-feet-except-that-a-motor-home,~~
20 ~~commercial-motor-vehicle,~~ ~~motor-truck-or-trailer-hauling-grain~~
21 ~~or-livestock,~~ ~~travel-trailer,~~ ~~fifth-wheel-travel-trailer,~~ ~~or~~
22 ~~bus-having-a-total-outside-width-not-exceeding~~ eight feet six
23 inches, exclusive of safety equipment, ~~is-exempt-from-the~~
24 ~~permit-requirements-of-chapter-321E-and-may-be-operated-on-the~~
25 ~~public-highways-of-the-state.~~ However, if hay, straw, or
26 stover is moved on any an implement of husbandry and the total
27 width of load of the implement of husbandry exceeds eight feet
28 in-width six inches, the implement of husbandry is not subject
29 to the permit requirements of chapter 321E. If hay, straw, or
30 stover is moved on any other vehicle subject to registration,
31 the moves are subject to the permit requirements for
32 transporting loads exceeding eight feet six inches in width as
33 required under chapter 321E.

34 Sec. 16. Section 321.457, subsection 2, paragraph f, Code
35 1999, is amended to read as follows:

1 f. A trailer or semitrailer, laden or unladen, shall not
2 have an overall length in excess of fifty-three feet when
3 operating in a truck tractor-semitrailer combination exclusive
4 of retractable extensions used to support the load. However,
5 when a trailer or semitrailer is used exclusively for the
6 transportation of passenger vehicles, light delivery trucks,
7 panel delivery trucks, pickup trucks, recreational vehicle
8 chassis, or boats, the load carried on the trailer or
9 semitrailer may extend up to three feet beyond the front
10 bumper and up to four feet beyond the rear bumper of the
11 trailer or semitrailer. A lowboy semitrailer, laden, or
12 unladen, which is designed and exclusively used for the
13 transportation of construction equipment shall not have an
14 overall length in excess of fifty-seven feet when used in a
15 truck tractor-semitrailer combination.

16 Sec. 17. Section 321.463, subsection 10, Code Supplement
17 1999, is amended to read as follows:

18 10. a. A person who operates a vehicle in violation of
19 ~~the-provisions-of~~ this section, and an owner, or any other
20 person, employing or otherwise directing the operator of a
21 vehicle, who requires or knowingly permits the operation of a
22 vehicle in violation of ~~the-provisions-of~~ this section shall
23 be fined according to the following schedule:

24	AXLE, TANDEM AXLE,	
25	AND GROUP OF AXLES	
26	WEIGHT VIOLATIONS	
27	<u>Pounds Overloaded</u>	<u>Amount of Fine</u>
28	Up to and including	\$10-plus-one-half-cent
29	1,000 pounds	per-pound <u>\$15</u>
30	Over 1,000 pounds <u>up to and</u>	\$15-plus-one-half-cent
31	including 2,000 pounds	per-pound <u>\$25</u>
32	Over 2,000 pounds <u>up to and</u>	\$80-plus-three-cents
33	including 3,000 pounds	per-pound <u>\$170</u>
34	Over 3,000 pounds <u>up to and</u>	\$100-plus-four-cents
35	including 4,000 pounds	per-pound <u>\$260</u>

1	Over 4,000 pounds <u>up to and</u>	<u>\$150-plus-five-cents</u>
2	<u>including 5,000 pounds</u>	<u>per-pound \$400</u>
3	Over 5,000 pounds <u>up to and</u>	<u>\$200-plus-seven-cents</u>
4	<u>including 6,000 pounds</u>	<u>per-pound \$620</u>
5	Over 6,000 pounds <u>up to and</u>	<u>\$200-plus-ten-cents</u>
6	<u>including 7,000 pounds</u>	<u>per-pound \$900</u>
7	<u>Over 7,000 pounds up to and</u>	<u>\$1,000</u>
8	<u>including 8,000 pounds</u>	
9	<u>Over 8,000 pounds up to and</u>	<u>\$1,100</u>
10	<u>including 9,000 pounds</u>	
11	<u>Over 9,000 pounds up to and</u>	<u>\$1,200</u>
12	<u>including 10,000 pounds</u>	
13	<u>Over 10,000 pounds up to and</u>	<u>\$1,300</u>
14	<u>including 11,000 pounds</u>	
15	<u>Over 11,000 pounds up to and</u>	<u>\$1,400</u>
16	<u>including 12,000 pounds</u>	
17	<u>Over 12,000 pounds up to and</u>	<u>\$1,500</u>
18	<u>including 13,000 pounds</u>	
19	<u>Over 13,000 pounds up to and</u>	<u>\$1,600</u>
20	<u>including 14,000 pounds</u>	
21	<u>Over 14,000 pounds up to and</u>	<u>\$1,700</u>
22	<u>including 15,000 pounds</u>	
23	<u>Over 15,000 pounds up to and</u>	<u>\$1,800</u>
24	<u>including 16,000 pounds</u>	
25	<u>Over 16,000 pounds up to and</u>	<u>\$1,900</u>
26	<u>including 17,000 pounds</u>	
27	<u>Over 17,000 pounds up to and</u>	<u>\$2,000</u>
28	<u>including 18,000 pounds</u>	
29	<u>Over 18,000 pounds up to and</u>	<u>\$2,100</u>
30	<u>including 19,000 pounds</u>	
31	<u>Over 19,000 pounds up to and</u>	<u>\$2,200</u>
32	<u>including 20,000 pounds</u>	
33	<u>Over 20,000 pounds</u>	<u>\$2,200 plus ten cents per</u>
34		<u>pound in excess of 20,000</u>
35		<u>pounds</u>

1 b. Fines for gross weight violations for vehicles or
2 combinations of vehicles shall be assessed at one-half of the
3 fine rate schedule for axle, tandem axle, and groups of axles
4 weight violations.

5 c. Except as otherwise provided, the amount of the fine to
6 be assessed shall be computed on the difference between the
7 actual weight and the maximum legal weight specified in this
8 section ~~by applying the appropriate rate in the preceding~~
9 ~~schedule for the total amount of overload.~~

10 d. The schedule of fines may be assessed in addition to
11 any other penalties provided for in this chapter.

12 Sec. 18. Section 321F.4, subsection 2, Code 1999, is
13 amended to read as follows:

14 2. A license is valid for two years, four years, or six
15 years and expires on the last day of the last month of the
16 two-year, four-year, or six-year period, as applicable. A
17 licensee shall have the month of expiration and the month
18 after the month of expiration to renew the license. A person
19 who fails to renew a license by the end of this time period
20 and desires to hold a license shall file a new license
21 application and pay the required fee.

22 Sec. 19. Section 321H.4, subsection 2, unnumbered
23 paragraph 1, Code 1999, is amended to read as follows:

24 Application for a license as an authorized vehicle recycler
25 shall be made to the department on forms provided by the
26 department. The application shall be accompanied by a fee of
27 seventy dollars for a two-year license, one hundred forty
28 dollars for a four-year license, or two hundred ten dollars
29 for a six-year license. The license shall be approved or
30 disapproved within thirty days after application for the
31 license. A license is valid for two years, four years, or six
32 years and expires on the last day of the last month of the
33 two-year, four-year, or six-year period, as applicable. A
34 licensee shall have the month of expiration and the month
35 after the month of expiration to renew the license. A person

1 who fails to renew a license by the end of this time period
2 and desires to hold a license shall file a new license
3 application and pay the required fee. A separate license
4 shall be obtained for each county in which an applicant
5 conducts operations.

6 Sec. 20. Section 322.7, subsection 4, Code 1999, is
7 amended to read as follows:

8 4. The motor vehicle dealer license provided for in this
9 chapter shall be renewed upon application in the form and
10 content prescribed by the department and upon payment of the
11 required fee. A licensee shall have the month of expiration
12 and the month after the month of expiration to renew the
13 license. A person who fails to renew a license by the end of
14 this time period and desires to hold a license shall file a
15 new license application and pay the required fee.

16 Sec. 21. Section 322.29, unnumbered paragraphs 1 and 4,
17 Code 1999, are amended to read as follows:

18 Application for license shall be made to the department by
19 a manufacturer, distributor, or wholesaler, in a form and
20 containing information as the department requires and shall be
21 accompanied by the required license fee. ~~licenses~~ The license
22 shall be granted or refused within thirty days after
23 application, and shall expire, unless sooner revoked or
24 suspended, on December 31 of the calendar year for which ~~they~~
25 are it is granted. A licensee shall have the month of
26 December of the calendar year for which the license was
27 granted and the following month of January to renew the
28 license. A person who fails to renew a license by the end of
29 this time period and desires to hold a license shall file a
30 new license application and pay the required fee.

31 A Upon payment of the license fee as provided in this
32 section, a person who rebuilds new completed motor vehicles by
33 fabricating, altering, adding, or replacing essential parts,
34 components, or equipment for the purpose of building an
35 ambulance, rescue vehicle, or fire vehicle, or towing or

1 recovery vehicle as defined in chapter 321 may be issued a
2 license as a wholesaler of new motor vehicles of the make and
3 model rebuilt without written authorization from the
4 manufacturer.

5 Sec. 22. Section 322B.4, Code 1999, is amended to read as
6 follows:

7 322B.4 LICENSE APPLICATION AND FEES.

8 Upon application and payment of a thirty-five dollar fee, a
9 person may be licensed as a manufacturer or distributor of
10 mobile homes. The application shall be in the form and shall
11 contain information as the department prescribes. The license
12 shall be granted or refused within thirty days after
13 application. The license expires, unless sooner revoked or
14 suspended by the department, on December 31 of the calendar
15 year for which the license was granted. A licensee shall have
16 the month of December of the calendar year for which the
17 license was granted and the following month of January to
18 renew the license. A person who fails to renew a license by
19 the end of this time period and desires to hold a license
20 shall file a new license application and pay the required fee.

21 Sec. 23. Section 322C.2, subsection 12, Code 1999, is
22 amended to read as follows:

23 12. "Travel trailer" means a vehicle without motive power
24 used or so manufactured or constructed as to permit its being
25 used as a conveyance upon the public streets and highways and
26 designed to permit the vehicle to be used as a place of human
27 habitation by one or more persons. The vehicle may be up to
28 eight feet six inches in width and its overall length shall
29 not exceed forty feet.

30 Sec. 24. Section 322C.4, subsection 2, Code 1999, is
31 amended to read as follows:

32 2. The license shall be granted or refused within thirty
33 days after application. A license is valid for a two-year,
34 four-year, or six-year period and expires, unless revoked or
35 suspended by the department, on the last day of the last month

1 of the two-year, four-year, or six-year period, as applicable.
 2 A licensee shall have the month of expiration and the month
 3 after the month of expiration to renew the license. A person
 4 who fails to renew a license by the end of this time period
 5 and desires to hold a license shall file a new license
 6 application and pay the required fee. A separate license
 7 shall be obtained for each county in which an applicant does
 8 business as a travel trailer dealer.

9 Sec. 25. Section 322C.9, subsection 1, Code 1999, is
 10 amended to read as follows:

11 1. Upon application and payment of a thirty-five-dollar
 12 fee, a person may be licensed as a manufacturer or distributor
 13 of travel trailers. The application shall be in the form and
 14 shall contain information as the department prescribes. The
 15 license shall be granted or refused within thirty days after
 16 application. The license expires, unless sooner revoked or
 17 suspended by the department, on December 31 of the calendar
 18 year for which the license was granted. A licensee shall have
 19 the month of December of the calendar year for which the
 20 license was granted and the following month of January to
 21 renew the license. A person who fails to renew a license by
 22 the end of this time period and desires to hold a license
 23 shall file a new license application and pay the required fee.

24 Sec. 26. Section 325A.3, Code 1999, is amended by adding
 25 the following new subsection:

26 NEW SUBSECTION. 5. A motor carrier shall keep a permit or
 27 certificate issued to the motor carrier under this section, or
 28 a copy of such permit or certificate, in the vehicle being
 29 operated by the motor carrier and shall show the permit or
 30 certificate, or copy thereof, to any peace officer upon
 31 request.

32 Sec. 27. EFFECTIVE DATE. The amendment to section
 33 321.457, subsection 2, in this division of this Act, being
 34 deemed of immediate importance, takes effect upon enactment.

DIVISION II

MOTOR CARRIER AUTHORITY

1
2 Sec. 28. Section 325A.2, subsection 2, Code 1999, is
3 amended to read as follows:

4 2. A local authority, as defined in section 321.1, shall
5 not impose any regulations, including special registration or
6 inspection requirements, upon the operation of motor carriers
7 that are more restrictive than any of the provisions of this
8 chapter, or section 321.449 or 321.450.

9 Sec. 29. Section 325A.3, subsection 2, paragraph g, Code
10 1999, is amended by striking the paragraph.

11 Sec. 30. Section 325A.3, Code 1999, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 6. The department may deny issuance of a
14 permit or certificate if the department determines that
15 evidence exists showing that the motor carrier cannot comply
16 with the requirements of this chapter or the rules adopted
17 pursuant to this chapter, including safety regulations and
18 financial fitness and insurance requirements.

19 Sec. 31. Section 325A.13, subsection 1, Code 1999, is
20 amended to read as follows:

21 1. It is unlawful for a charter carrier to transport
22 passengers by motor vehicle for hire from any ~~point-or~~ place
23 in this state to another place in this state irrespective of
24 the route or highway traversed, without first having obtained
25 a charter passenger certificate from the department ~~a~~
26 ~~certificate-declaring-that-public-convenience-and-necessity~~
27 ~~require-the-operation.~~

28 Sec. 32. Section 325A.13, subsection 2, paragraphs a and
29 f, Code 1999, are amended to read as follows:

30 a. It is unlawful for a regular-route motor carrier of
31 passengers to transport passengers for hire upon the highways
32 of this state in intrastate commerce without first having
33 obtained from the department a regular-route passenger
34 certificate. The department shall issue a regular-route
35 passenger certificate ~~without-hearing~~, if the department finds

1 that the applicant is fit, willing, and able.

2 f. A regular-route motor carrier of passengers shall not
3 operate as a charter carrier in this state unless it possesses
4 a charter passenger certificate of convenience and necessity
5 ~~to engage in the business of a charter carrier.~~

6 Sec. 33. Section 325A.13, subsection 2, Code 1999, is
7 amended by adding the following new paragraph after paragraph
8 f:

9 NEW PARAGRAPH. ff. A charter carrier shall not operate as
10 a regular-route passenger carrier in this state unless it
11 possesses a regular-route passenger certificate.

12 Sec. 34. Section 325A.16, Code 1999, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 325A.16 HEARINGS.

16 A person whose application for a permit or certificate
17 under this chapter has been denied, or whose permit or
18 certificate has been suspended, may contest the decision under
19 chapter 17A and in accordance with rules adopted by the
20 department. The request for a hearing shall be in writing to
21 the director of the division of motor carrier services, state
22 department of transportation, at its office in the capital
23 city's metropolitan area.

24 Sec. 35. Section 325A.21, Code 1999, is amended to read as
25 follows:

26 325A.21 TRANSFERABILITY OF REGULAR ROUTE CERTIFICATE.

27 ~~1. A certificate of convenience and necessity shall not be~~
28 ~~sold, transferred, leased, or assigned and a contract or~~
29 ~~agreement with reference to or affecting a certificate shall~~
30 ~~not be entered into without the written approval of the~~
31 ~~department. The department may request the department of~~
32 ~~inspections and appeals to hold a hearing regarding the~~
33 ~~transfer of the certificate. The state department of~~
34 ~~transportation shall approve the sale, transfer, lease, or~~
35 ~~assignment upon a finding by the department of inspections and~~

~~1 appeals-that-there-has-been-continuous-service-under-the
2 certificate-for-at-least-ninety-days-prior-to-the-transfer,
3 that-the-transferee-is-fit, willing, and-able-to-perform-the
4 operations-authorized-by-the-certificate, and-that-the
5 transfer-is-consistent-with-the-public-interest.--Pending
6 determination-of-an-application-filed-with-the-department-for
7 approval-of-a-sale, transfer, lease, or-assignment, the
8 department-may-grant-temporary-approval-of-the-proposed
9 operation-upon-a-finding-of-good-cause.~~

10 2. A regular-route passenger certificate shall not be
11 sold, transferred, leased, or assigned without the approval of
12 the department. The department shall approve the sale,
13 transfer, lease, or assignment if the person obtaining or
14 seeking to obtain ownership or control of a certificate is
15 found to be fit, willing, and able to perform the service
16 proposed. In determining the fitness of the person seeking
17 transfer of the certificate, the department shall consider
18 only the person's compliance with safety, financial fitness,
19 and insurance requirements.

20 Sec. 36. Sections 325A.14, 325A.15, 325A.17, 325A.18,
21 325A.19, and 325A.20, Code 1999, are repealed.

22 DIVISION III

23 MOTOR VEHICLE REGISTRATION AND TITLING SYSTEM

24 Sec. 37. Section 321.20, subsection 1, Code Supplement
25 1999, is amended to read as follows:

26 1. The full legal name; social security number or, if the
27 owner does not have a social security number but has a
28 passport, the passport number; driver's license number,
29 whether the license was issued by this state, another state,
30 another country, or is an international driver's license; date
31 of birth; bona fide residence; and mailing address of the
32 owner and of the lessee if the vehicle is being leased. If
33 the owner or lessee is a firm, association, or corporation,
34 the application shall contain the business address and federal
35 employer identification number of the owner or lessee. Up to

1 three owners' names may be listed on the application.

2 Sec. 38. Section 321.20, Code Supplement 1999, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 6. If the vehicle is owned by a
5 nonresident but is subject to issuance of an Iowa certificate
6 of title or registration, the application shall also contain
7 the full legal name; social security number, or, if the
8 primary user does not have a social security number but has a
9 passport, the passport number; driver's license number,
10 whether the license was issued by this state, another state,
11 another country, or is an international driver's license; date
12 of birth; bona fide residence; and mailing address of the
13 primary user of the vehicle. If the primary user is a firm,
14 association, or corporation, the application shall contain the
15 business address and federal employer identification number of
16 the primary user. The primary user's name and address shall
17 not be printed on the registration receipt or the certificate
18 of title.

19 Sec. 39. Section 321.20, Code Supplement 1999, is amended
20 by adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. The department shall adopt rules
22 on the method for providing signatures for applications made
23 by electronic means.

24 Sec. 40. Section 321.24, unnumbered paragraphs 1, 3, and
25 6, Code Supplement 1999, are amended to read as follows:

26 Upon receipt of the application for title and payment of
27 the required fees for a motor vehicle, trailer, or
28 semitrailer, the county treasurer or the department shall,
29 when satisfied as to the application's genuineness and
30 regularity, and, in the case of a mobile home or manufactured
31 housing, that taxes are not owing under chapter 435, issue a
32 certificate of title and, except for a mobile home or
33 manufactured housing, a registration receipt, and shall file
34 the application, the manufacturer's or importer's certificate,
35 the certificate of title, or other evidence of ownership, as

1 prescribed by the department. The registration receipt shall
2 be delivered to the owner and shall contain upon its face the
3 date issued, the name and address of the owner, the
4 registration number assigned to the vehicle, ~~the title number~~
5 ~~assigned to the owner of the vehicle~~, the amount of the fee
6 paid, the amount of tax paid pursuant to section 423.7, the
7 type of fuel used, and a description of the vehicle as
8 determined by the department, and upon the reverse side a form
9 for notice of transfer of the vehicle. The name and address
10 of any lessee of the vehicle shall not be printed on the
11 registration receipt or certificate of title. Up to three
12 owners may be listed on the registration receipt and
13 certificate of title.

14 The certificate of title shall contain upon its face the
15 identical information required upon the face of the
16 registration receipt. In addition, the certificate of title
17 shall contain a statement of the owner's title, the title
18 number assigned to the owner or owners of the vehicle, the
19 amount of tax paid pursuant to section 423.7, the name and
20 address of the previous owner, and a statement of all security
21 interests and encumbrances as shown in the application, upon
22 the vehicle described, including the nature of the security
23 interest, date of notation, and name and address of the
24 secured party.

25 The certificate shall bear the seal of the county treasurer
26 or of the department, and the signature of the county
27 treasurer, the deputy county treasurer, or the department
28 director or deputy designee. ~~The certificate shall provide~~
29 ~~space for the signature of the owner,--The owner shall sign~~
30 ~~the certificate of title in the space provided with pen and~~
31 ~~ink upon its receipt.~~ The certificate of title shall contain
32 upon the reverse side a form for assignment of title or
33 interest and warranty by the owner, for reassignments by a
34 dealer licensed in this state or in another state if the state
35 in which the dealer is licensed permits Iowa licensed dealers

1 to similarly reassign certificates of title. Attached to the
 2 certificate of title shall be an application for a new
 3 certificate of title by the transferee as provided in this
 4 chapter. However, titles for mobile homes or manufactured
 5 housing shall not be reassigned by licensed dealers. All
 6 certificates of title shall be typewritten or printed by other
 7 mechanical means. Notwithstanding section 321.1, subsection
 8 17, as used in this paragraph "dealer" means every person
 9 engaged in the business of buying, selling, or exchanging
 10 vehicles of a type required to be registered under this
 11 chapter.

12 Sec. 41. Section 321.42, subsection 2, paragraphs a, b,
 13 and d, Code Supplement 1999, are amended to read as follows:

14 a. If a certificate of title is lost or destroyed, the
 15 owner or lienholder shall apply for a certified replacement
 16 copy of the original certificate of title. The owner or
 17 lienholder of a motor vehicle may also apply for a certified
 18 replacement copy of the original certificate of title ~~as-a~~
 19 ~~replacement-for-the-original-certificate-of-title~~ upon
 20 surrender of the original certificate of title with the
 21 application. The application shall be made to the department
 22 or county treasurer who issued the original certificate of
 23 title. The application shall be signed by the owner or
 24 lienholder and accompanied by a fee of ten dollars.

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

35 d. A new purchaser or transferee is entitled to receive an

1 original title upon presenting the assigned duplicate
2 replacement copy to the treasurer of the county where the new
3 purchaser or transferee resides. At the time of purchase, a
4 purchaser may require the seller to indemnify the purchaser
5 and all future purchasers of the vehicle against any loss
6 which may be suffered due to claims on the original
7 certificate. A person recovering an original certificate of
8 title for which a duplicate replacement has been issued shall
9 surrender the original certificate to the county treasurer or
10 the department.

11 Sec. 42. Section 321.50, subsection 1, Code Supplement
12 1999, is amended to read as follows:

13 1. A security interest in a vehicle subject to
14 registration under the laws of this state or a mobile home or
15 manufactured housing, except trailers whose empty weight is
16 two thousand pounds or less, and except new or used vehicles
17 held by a dealer or manufacturer as inventory for sale, is
18 perfected by the delivery to the county treasurer of the
19 county where the certificate of title was issued or, in the
20 case of a new certificate, to the county treasurer where the
21 certificate will be issued, of an application for certificate
22 of title which lists the security interest, or an application
23 for notation of security interest signed by the owner, or by
24 one owner of a vehicle owned jointly by more than one person,
25 or a certificate of title from another jurisdiction which
26 shows the security interest, and a fee of five dollars for
27 each security interest shown. Up to three security interests
28 may be perfected against a vehicle and shown on an Iowa
29 certificate of title. If the owner or secured party is in
30 possession of the certificate of title, it must also be
31 delivered at this time in order to perfect the security
32 interest. If a vehicle is subject to a security interest when
33 brought into this state, the validity of the security interest
34 and the date of perfection is determined by section 554.9103.
35 Delivery as provided in this subsection is an indication of a

1 security interest on a certificate of title for purposes of
2 chapter 554.

3 Sec. 43. Section 321.157, Code 1999, is amended to read as
4 follows:

5 321.157 SCHEDULE OF PRICES AND WEIGHTS.

6 1. Every A manufacturer or importer of a motor vehicle
7 sold or offered for sale within in this state, either by the
8 manufacturer, importer, distributor, dealer, or any other
9 person, shall file in the office of the department a sworn
10 statement showing the various models manufactured by the
11 manufacturer, importer, distributor, dealer, or other person,
12 and the retail list price and weight of each model
13 concurrently with a public announcement of such prices or
14 concurrently with notification of such prices to dealers
15 licensed to sell such motor vehicles under chapter 322,
16 whichever comes first. The manufacturer, importer,
17 distributor, dealer, or other person shall also make the same
18 report on subsequent new models manufactured.

19 2. In lieu of filing the sworn statement required under
20 subsection 1, a manufacturer or importer of a motor vehicle
21 sold or offered for sale in this state may electronically
22 provide the information required in subsection 1 to the
23 department, or, if the manufacturer or importer provides the
24 required information to a third-party vendor, the manufacturer
25 or importer shall make the required information available to
26 the department through the third-party vendor.

27 Sec. 44. Section 321.159, Code 1999, is amended by adding
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. For a current year model of a
30 motor vehicle for which the manufacturer or importer of the
31 motor vehicle has not provided the weight and list price, the
32 department shall set the annual registration fee at ten
33 dollars greater than the annual registration fee for the
34 previous year model. Once the manufacturer or importer
35 provides the required information, the information shall be

1 used to set the registration or registration renewal fee for
2 the succeeding registration or registration renewal time for
3 the motor vehicle.

4 Sec. 45. EFFECTIVE DATE. This division of this Act takes
5 effect July 1, 2001.

6 EXPLANATION

7 This bill makes various changes in the Code relating to
8 motor vehicle registration and titling, motor vehicle dealer
9 licensing, motor vehicle enforcement, and motor carrier
10 authority.

11 The bill makes several changes to Code sections 321.20A,
12 321.25, 321.46, 321.52, and 321.89 relating to the times for
13 applying for motor vehicle registration, certificates of
14 title, and junking certificates, by extending the time period
15 from 15 to 30 days.

16 Code section 321.30, relating to grounds for refusing
17 vehicle registration or titling, is amended to direct the
18 state department of transportation or the county treasurer to
19 refuse registration of a vehicle unless the applicant has an
20 Iowa driver's license or the application is made by more than
21 one applicant and one of the applicants is at least 18 years
22 of age. An internal reference in the section is also
23 corrected due to the amendment of Code section 321.101 in the
24 bill.

25 Code section 321.50, relating to security interest
26 provisions on certificates of title, is amended to allow any
27 county to note the release of a lien by a lienholder on the
28 face of the certificate of title. Currently, a county in
29 which a certificate of title is presented for transfer is
30 required to notify the county of record of the release of a
31 lien.

32 The bill amends a provision in Code section 321.52,
33 relating to salvage theft examinations of vehicles by peace
34 officers, by increasing the fee paid by the owner of a vehicle
35 so examined from \$30 to \$75. The bill also provides that the

1 agency performing the examination shall retain \$65 of the fee
2 rather than the current \$20 retained.

3 The bill also amends Code section 321.58, relating to
4 applications for special dealer certificates and plates, to
5 eliminate a requirement that a licensed new motor vehicle
6 wholesaler furnish proof of written authorization from the
7 manufacturer of the new motor vehicle of the person's status
8 as a wholesaler of the vehicle.

9 Code section 321.101 is amended to provide for technical
10 corrections in the section. Prior amendments to the Code
11 section added provisions in the incorrect order. The bill
12 corrects the order and makes minor grammatical changes.

13 New Code section 321.101A is created, permitting the county
14 treasurer to revoke the registration and registration plates
15 for a vehicle if the registration fees are paid by check and
16 the payer's financial institution dishonors the check. A
17 reference to the new Code section is added to a provision in
18 Code section 321.30 relating to when the state department of
19 transportation or county treasurer must refuse registration of
20 a vehicle. Similarly, a reference to the new Code section is
21 added to a provision in Code section 321.101 deeming
22 registration for vehicles transferred to bona fide purchasers
23 without actual knowledge of the suspension or revocation of
24 registration.

25 The bill strikes a provision in Code section 321.123
26 subjecting trailers and bulk spreaders, which are not self-
27 propelled having a gross weight of not more than 12 tons used
28 for the transportation of fertilizers and chemicals used for
29 farm crop production, to a registration fee of \$5. The Code
30 section currently provides that all trailers except farm
31 trailers and mobile homes, unless otherwise provided, are
32 subject to a \$10 registration fee.

33 Code section 321.454, relating to the width of vehicles
34 operated on the highways of this state, is amended to provide
35 that all vehicles operated on Iowa highways shall be allowed a

1 total outside width, exclusive of safety equipment, of eight
2 feet six inches. Currently, such width is limited to eight
3 feet, except for motor homes, commercial motor vehicles, motor
4 trucks and trailers hauling grain or livestock, travel
5 trailers, fifth wheel travel trailers, or buses, which are
6 allowed a width of eight feet six inches. A corresponding
7 change is made in the definition of "travel trailer" in Code
8 section 322C.2.

9 The bill also amends Code section 321.457, to provide that
10 the maximum length for a lowboy semitrailer, laden or unladen,
11 which is designed and exclusively used for the transportation
12 of construction equipment is 57 feet when used as a truck
13 tractor-semitrailer combination. This provision is effective
14 upon the enactment of the bill.

15 The bill revises the schedule of fines for violations of
16 the maximum gross weight restrictions on vehicles in Code
17 section 321.463. The fine schedule is expanded to include
18 specific fines for vehicles overloaded by more than 6,000 to
19 more than 20,000 pounds and provides for a set fine for each
20 level of violation, except overloading by more than 20,000
21 pounds, rather than a set fine for each level plus an
22 additional amount based on the number of pounds by which the
23 vehicle is overloaded.

24 The bill amends Code sections 321F.4, 321H.4, 322.7,
25 322.29, 322B.4, 322C.4, and 322C.9, relating to licenses for
26 the leasing of vehicles, authorized vehicle recycler licenses,
27 motor vehicle dealer licenses, motor vehicle manufacturer's,
28 distributor's, and wholesaler's licenses, mobile home
29 manufacturer's and distributor's licenses, travel trailer
30 dealer's licenses, and travel trailer manufacturer's and
31 distributor's licenses, respectively. The bill provides that
32 holders of such licenses shall have a one-month license
33 renewal grace period after expiration of the license. Persons
34 failing to renew their license within the grace period who
35 desire to hold a license are required to file a new license

1 application and pay the required fee.

2 Code section 322.29 is also amended to allow persons who
3 rebuild vehicles into ambulances, rescue vehicle, or fire
4 vehicles to be issued a license as a new motor vehicle
5 wholesaler without written authorization from the vehicle
6 manufacturer and to allow persons who rebuild vehicles into
7 towing or recovery vehicles, as newly defined by the bill in
8 Code section 321.1, to likewise obtain such license.

9 Code section 325A.3, relating to applications for and
10 issuance of motor carrier permits and certificates, is amended
11 by requiring a motor carrier to keep such permits or
12 certificates, or copies of such permits or certificates, in
13 the vehicle being operated by the motor carrier and to show
14 the permits, certificates, or copies to any peace officer upon
15 request. Persons violating this requirement would be subject
16 to a scheduled fine of \$250 under Code section 805.8.

17 The bill also makes several changes in Code chapter 325A,
18 relating to motor carrier authority, which are necessary to
19 comply with federal legislation which preempted the ability of
20 states to regulate charter carriers in regard to rates,
21 routes, and service. The bill modifies a provision in Code
22 section 325A.2 prohibiting a local authority from imposing any
23 regulations upon the operation of motor carriers that are more
24 restrictive than those regulations in the Code, by including
25 within the prohibited regulations special registration or
26 inspection requirements.

27 Code section 325A.3 is amended by eliminating a requirement
28 that the application for a motor carrier permit or certificate
29 contain a sponsor certification of support statement provided
30 by charter carriers establishing a need for the proposed motor
31 carrier service. The bill also provides that the state
32 department of transportation may deny issuance of such a
33 permit or certificate if there is evidence the motor carrier
34 cannot comply with the requirements of Code chapter 325A or
35 the rules and regulations adopted pursuant to that chapter.

1 The bill changes the term for the certificate required to
2 be obtained by a charter carrier which transports passengers
3 pursuant to Code chapter 325A from a certificate of
4 convenience and necessity to a charter passenger certificate.

5 The bill amends Code section 325A.13, relating to
6 certificates for motor carriers of passengers, by prohibiting
7 a charter carrier of passengers from operating as a regular-
8 route passenger carrier unless it holds a regular-route
9 passenger certificate. Persons violating this provision would
10 be subject to a scheduled fine of \$250 under Code section
11 805.8.

12 The bill repeals Code sections 325A.14, 325A.15, 325A.17,
13 325A.18, 325A.19, and 325A.20, relating to applications for
14 charter carrier or regular-route passenger certificates,
15 protests against such applications, uncontested application
16 procedure, granting of applications, payment of expenses for
17 hearings on contested applications, and review of decisions on
18 applications, respectively.

19 Code section 325A.16, providing for the adoption of rules
20 by the state department of transportation to establish the
21 procedure for filing motor carrier passenger certificate
22 applications and by the department of inspections and appeals
23 for the conduct of hearings regarding objections by other
24 persons to the issuance of a motor carrier certificate to an
25 applicant, is stricken. The stricken language is replaced
26 with language providing a procedure for persons whose
27 applications for permits or certificates under Code chapter
28 325A have been denied, or whose permits or certificates have
29 been suspended, to contest the decision.

30 The bill also amends Code section 325A.21, relating to the
31 transferability of certificates of convenience and necessity
32 and regular-route passenger certificates, by eliminating the
33 provisions relating to the transferability of certificates of
34 convenience and necessity (renamed charter passenger
35 certificates pursuant to the bill).

1 Division III of the bill makes several Code changes
2 relating to the state department of transportation's motor
3 vehicle registration and titling system. Division III takes
4 effect July 1, 2001.

5 Code section 321.20, relating to applications for motor
6 vehicle registration and certificate of title, is amended to
7 specify that the application must contain the owner's full
8 legal name rather than simply the owner's name; to require the
9 application to include certain information pertaining to any
10 lessee of the vehicle; and to allow up to three owners' names
11 to be listed on the application. Code section 321.20 is also
12 amended to provide that if the vehicle is owned by a
13 nonresident, the application is to include certain information
14 pertaining to the primary user of the vehicle and to require
15 the department to adopt rules on the method for providing
16 applicants' signatures for applications made by electronic
17 means.

18 The bill amends Code section 321.24, relating to the
19 issuance of motor vehicle registrations and certificates of
20 title, to provide that up to three owners of a motor vehicle
21 may be listed on a registration receipt and certificate of
22 title and to require that the title number assigned to the
23 owner or owners of a vehicle appear only on the certificate of
24 title and not on the registration receipt. Code section
25 321.24 is also amended to eliminate requirements that a
26 certificate of title provide space for the signature of the
27 owner of the motor vehicle and that the owner sign the
28 certificate with pen and ink upon receipt of the certificate.

29 Several provisions in Code section 321.42, relating to lost
30 or destroyed certificates of title, are amended to provide
31 that the copy of the certificate issued by the department or
32 county treasurer shall be a replacement copy rather than a
33 certified copy and to provide that such copy shall be clearly
34 marked "replacement" rather than "duplicate". Code section
35 321.42 is also amended to eliminate a requirement that the

1 replacement copy be identical to the original.

2 The bill amends Code section 321.50, relating to security
3 interest provisions on certificates of title, to provide that
4 up to three security interests may be perfected against a
5 vehicle and shown on an Iowa certificate of title.

6 The bill also amends Code sections 321.157 and 321.159,
7 relating to schedules of prices and weights of various models
8 of motor vehicles sold or offered for sale in the state. The
9 bill provides that, in lieu of filing a sworn statement
10 showing the various models manufactured by the manufacturer,
11 importer, distributor, dealer, or other person, and the retail
12 list price and weight of each model, a manufacturer or
13 importer may electronically provide the information to the
14 department, or, if the manufacturer or importer provides the
15 required information to a third-party vendor, the manufacturer
16 or importer shall make the information available to the
17 department through the third-party vendor. The bill also
18 provides that, if a manufacturer or importer of a current year
19 model motor vehicle has not provided the weight and list price
20 of the motor vehicle, the department shall set the annual
21 registration fee at \$10 greater than the fee for the previous
22 year model. Once the manufacturer or importer provides the
23 required information, the registration or renewal fee shall be
24 adjusted for the succeeding registration or renewal time.

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H-2/21/00 Transportation
H-3/6/00 Amend/Dot Law w/H 8180

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FILED FEB 14 2000

SENATE FILE 2147
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3030.1)

Passed Senate, Date ^(P.305) 2/17/00 Passed House, Date ^(P.774) 3/15/00
Vote: Ayes 46 Nays 0 Vote: Ayes 97 Nays 0
Approved March 29, 2000

Repassed 3-20-00
Vote 42-0

A BILL FOR

1 An Act relating to motor vehicles, including motor vehicle
2 enforcement, titling, and registration, the renewal of certain
3 licenses related to selling vehicles, and motor carrier
4 regulation, making penalties applicable, and providing
5 effective dates.

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

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SF 2147

DIVISION I

MOTOR VEHICLE REGISTRATION AND TITLING, DEALER

LICENSING, AND MOTOR VEHICLE AND MOTOR CARRIER ENFORCEMENT

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

NEW SUBSECTION. 83A. "Towing or recovery vehicle" means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles.

Sec. 2. Section 321.20A, subsection 1, Code 1999, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the proportional registration provisions of chapter 326, may make application to the department for a certificate of title. The application for certificate of title shall be made within fifteen thirty days of purchase or transfer and accompanied by a ten dollar title fee and appropriate use tax.

Sec. 3. Section 321.25, unnumbered paragraph 1, Code Supplement 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 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

1 registration and certificate of title has been made by the
2 purchaser and a receipt issued to the purchaser of the vehicle
3 showing the fee paid by the person making the application.
4 Dealers' records shall indicate the agency to which the fee is
5 sent and the date the fee is sent. The dealer shall forward
6 the application by the purchaser to the county treasurer or
7 state office within ~~fifteen~~ thirty calendar days from the date
8 of delivery of the vehicle. However, if the vehicle is
9 subject to a security interest and has been offered for sale
10 pursuant to section 321.48, subsection 1, the dealer shall
11 forward the application by the purchaser to the county
12 treasurer or state office within thirty calendar days from the
13 date of the delivery of the vehicle to the purchaser.

14 Sec. 4. Section 321.30, subsection 13, unnumbered
15 paragraph 2, Code Supplement 1999, is amended to read as
16 follows:

17 The department or the county treasurer shall also refuse
18 registration of a vehicle if the applicant for registration of
19 the vehicle has failed to pay the required registration fees
20 of any vehicle owned or previously owned when the registration
21 fee was required to be paid by the applicant, and for which
22 vehicle the registration was suspended or revoked under
23 section 321.101, subsection 4 1, paragraph "d", or section
24 321.101A, until the fees are paid together with any accrued
25 penalties.

26 Sec. 5. Section 321.30, Code Supplement 1999, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 14. The department or the county
29 treasurer shall refuse registration of a vehicle if the
30 applicant is under the age of eighteen years, unless the
31 applicant has an Iowa driver's license or the application is
32 being made by more than one applicant and one of the
33 applicants is at least eighteen years of age.

34 Sec. 6. Section 321.46, subsection 1, Code Supplement
35 1999, is amended to read as follows:

1 1. The transferee shall within ~~fifteen~~ thirty calendar
2 days after purchase or transfer apply for and obtain from the
3 county treasurer of the person's residence, or if a
4 nonresident, the county treasurer of the county where the
5 primary users of the vehicle are located or the county where
6 all other vehicles owned by the nonresident are registered, a
7 new registration and a new certificate of title for the
8 vehicle except as provided in section 321.25 or 321.48. The
9 transferee shall present with the application the certificate
10 of title endorsed and assigned by the previous owner and shall
11 indicate the name of the county in which the vehicle was last
12 registered and the registration expiration date. The
13 transferee shall be required to list a driver's license
14 number.

15 Sec. 7. Section 321.50, subsection 4, unnumbered paragraph
16 2, Code Supplement 1999, is amended to read as follows:

17 ~~If a title is presented for transfer, and the~~ If a lien has
18 been released by the lienholder but has not been sent to the
19 county of record for clearance of the lien, ~~the~~ any county of
20 ~~transfer~~ may note the release on the face of the title and
21 shall notify the county of record that the lien has been
22 released as of the specified date, and shall make entry upon
23 ~~the computer system, and shall proceed to transfer the title.~~
24 Notification to the county of record shall be made by an
25 automated statewide system, or by sending a photocopy of the
26 released title to the county of record.

27 Sec. 8. Section 321.52, subsection 2, Code 1999, is
28 amended to read as follows:

29 2. The purchaser or transferee of a motor vehicle for
30 which a certificate of title is issued which is sold for scrap
31 or junk shall surrender the certificate of title, properly
32 endorsed and signed by the previous owner, to the county
33 treasurer of the county of residence of the transferee, and
34 shall apply for a junking certificate from the county
35 treasurer, within ~~fifteen~~ thirty days after assignment of the

1 certificate of title. The county treasurer shall issue to
2 such person without fee a junking certificate. A junking
3 certificate shall authorize the holder to possess, transport
4 or transfer by endorsement the ownership of the junked
5 vehicle. A certificate of title shall not again be issued for
6 the vehicle subsequent to the issuance of a junking
7 certificate except as provided in subsection 3. The county
8 treasurer shall cancel the record of the vehicle. The junking
9 certificate shall be printed on the registration receipt form
10 and shall be imprinted with the words "junking certificate",
11 as prescribed by the department. A space for transfer by
12 endorsement shall be on the reverse side of the junking
13 certificate. A separate form for the notation of the transfer
14 of component parts shall be attached to the junking
15 certificate when the certificate is issued.

16 Sec. 9. Section 321.52, subsection 4, paragraph a, Code
17 1999, is amended to read as follows:

18 a. A vehicle rebuilder or a person engaged in the business
19 of buying, selling, or exchanging vehicles of a type required
20 to be registered in this state, upon acquisition of a wrecked
21 or salvage vehicle, shall surrender the certificate of title
22 or manufacturer's or importer's statement of origin properly
23 assigned, together with an application for a salvage
24 certificate of title to the county treasurer of the county of
25 residence of the purchaser or transferee within fifteen thirty
26 days after the date of assignment of the certificate of title
27 for the wrecked or salvage motor vehicle. This subsection
28 applies only to vehicles with a fair market value of five
29 hundred dollars or more, based on the value before the vehicle
30 became wrecked or salvage. Upon payment of a fee of two
31 dollars, the county treasurer shall issue a salvage
32 certificate of title which shall bear the word "SALVAGE"
33 stamped or printed on the face of the title in a manner
34 prescribed by the department. A salvage certificate of title
35 may be assigned to an educational institution, a new motor

1 vehicle dealer licensed under chapter 322, a person engaged in
2 the business of purchasing bodies, parts of bodies, frames or
3 component parts of vehicles for sale as scrap metal, a salvage
4 pool, or an authorized vehicle recycler licensed under chapter
5 321H. An authorized vehicle recycler licensed under chapter
6 321H or a new motor vehicle dealer licensed under chapter 322
7 may assign a salvage certificate of title to any person. A
8 vehicle on which ownership has transferred to an insurer of
9 the vehicle, as a result of a settlement with the owner of the
10 vehicle arising out of damage to, or unrecovered theft of the
11 vehicle, shall be deemed to be a wrecked or salvage vehicle
12 and the insurer shall comply with this subsection to obtain a
13 salvage certificate of title within ~~fifteen~~ thirty days after
14 the date of assignment of the certificate of title of the
15 vehicle.

16 Sec. 10. Section 321.58, Code 1999, is amended to read as
17 follows:

18 321.58 APPLICATION.

19 All dealers, transporters, new motor vehicle wholesalers
20 licensed under chapter 322, and mobile home dealers licensed
21 under chapter 322B, upon payment of a fee of seventy dollars
22 for two years, one hundred forty dollars for four years, or
23 two hundred ten dollars for six years, may make application to
24 the department upon the appropriate form for a certificate
25 containing a general distinguishing number and for one or more
26 special plates as appropriate to various types of vehicles
27 subject to registration. The applicant shall also submit
28 proof of the applicant's status as a bona fide transporter,
29 new motor vehicle wholesaler licensed under chapter 322,
30 mobile home dealer licensed under chapter 322B, or dealer, as
31 reasonably required by the department. Dealers in new
32 vehicles shall furnish satisfactory evidence of a valid
33 franchise with the manufacturer of the vehicles authorizing
34 the dealership. ~~A-dealer-licensed-as-a-wholesaler-for-a-new~~
35 ~~motor-vehicle-model-pursuant-to-chapter-322;-shall-furnish~~

~~1 satisfactory-evidence-of-valid-written-authorization-from-the
2 manufacturer-of-the-new-motor-vehicle-of-the-dealer's-status
3 as-a-wholesaler-of-the-new-motor-vehicle-model.~~

4 Sec. 11. Section 321.89, subsection 4, unnumbered
5 paragraph 1, Code 1999, is amended to read as follows:

6 If an abandoned vehicle has not been reclaimed as provided
7 for in subsection 3, the police authority or private entity
8 shall make a determination as to whether or not the vehicle
9 shall be sold for use upon the highways. If the vehicle is
10 not sold for use upon the highways, it shall be sold for junk,
11 or demolished and sold as scrap. The police authority or
12 private entity shall sell the vehicle at public auction.

13 Notwithstanding any other provision of this section, a police
14 authority or private entity, which has taken into possession
15 any abandoned vehicle which lacks an engine, two or more
16 wheels, another part which renders the vehicle totally
17 inoperable, or which has a fair market value of less than five
18 hundred dollars as determined by the police authority or
19 private entity, may dispose of the vehicle to a demolisher for
20 junk without public auction after complying with the
21 notification procedures in subsection 3. The purchaser of the
22 vehicle takes title free and clear of all liens and claims of
23 ownership, shall receive a sales receipt from the police
24 authority or private entity, and is entitled to register the
25 vehicle and receive a certificate of title if sold for use
26 upon the highways. If the vehicle is sold or disposed of to a
27 demolisher for junk, the demolisher shall make application for
28 a junking certificate to the county treasurer within **fifteen**
29 thirty days of purchase and shall surrender the sales receipt
30 in lieu of the certificate of title.

31 Sec. 12. Section 321.101, Code Supplement 1999, is amended
32 to read as follows:

33 321.101 SUSPENSION OR REVOCATION OF REGISTRATION OR
34 CANCELLATION OF CERTIFICATE OF TITLE BY DEPARTMENT.

35 1. The department is hereby authorized to suspend or

1 revoke the registration of a vehicle, registration card,
2 registration plate, or any nonresident or other permit in any
3 of the following events:

4 1- a. When the department is satisfied that such
5 registration card, plate, or permit was fraudulently or
6 erroneously issued.

7 2- b. When the department determines that a registered
8 vehicle is mechanically unfit or unsafe to be operated or
9 moved upon the highways.

10 3- c. When a registered vehicle has been dismantled or
11 wrecked.

12 4- d. When the department determines that the required fee
13 has not been paid and the same fee is not paid upon reasonable
14 notice and demand.

15 5- e. When a registration card, registration plate, or
16 permit is knowingly displayed upon a vehicle other than the
17 one for which issued.

18 6- f. When the department determines that the owner has
19 committed any offense under this chapter involving the
20 registration card, plate, or permit to be suspended or
21 revoked.

22 7- g. When the department is so authorized under any other
23 provision of law.

24 h. If a commercial motor vehicle has been assigned to be
25 operated by a commercial motor carrier whose ability to
26 operate has been terminated or denied by a federal agency.

27 8- 2. The department shall cancel a certificate of title
28 that appears to have been improperly issued or fraudulently
29 obtained or in the case of a mobile home or manufactured
30 housing, if taxes were owing under chapter 435 at the time the
31 certificate was issued and have not been paid. However,
32 before the certificate to a mobile home or manufactured
33 housing where for which taxes were owing can be canceled,
34 notice and opportunity to pay the taxes must be given to the
35 person to whom the certificate was issued. Upon cancellation

1 of any certificate of title the department shall notify the
2 county treasurer who issued it, who shall enter the
3 cancellation upon the records. The department shall also
4 notify the person to whom the certificate of title was issued,
5 as well as any lienholders appearing thereon on the
6 certificate of title, of the cancellation and shall demand the
7 surrender of the certificate of title, but the cancellation
8 shall not affect the validity of any lien noted thereon on the
9 certificate of title.

10 ~~9.---If-a-commercial-motor-vehicle-has-been-assigned-to-be~~
11 ~~operated-by-a-commercial-motor-carrier-whose-ability-to~~
12 ~~operate-has-been-terminated-or-denied-by-a-federal-agency.~~

13 ~~10-~~ 3. Notice of suspension or revocation of the
14 registration of a vehicle, registration card, registration
15 plate, or any nonresident or other permit under the terms of
16 this section shall be by personal delivery of said the notice
17 to the person to be so notified or by certified mail addressed
18 to such the person at the person's address as shown on the
19 registration record. No A return acknowledgment ~~shall-be~~ is
20 not necessary to prove such latter service.

21 If a vehicle, for which the registration has been suspended
22 or revoked pursuant to subsection ~~4-of-this-section~~ 1,
23 paragraph "d", or section 321.101A, is transferred to a bona
24 fide purchaser for value without actual knowledge of such
25 suspension or revocation then the vehicle shall be deemed to
26 be registered and the provisions of sections 321.28 and
27 321.30, subsections 4 and 5, shall not be applicable to such
28 vehicle for the failure of the previous owner to pay the
29 required fees.

30 Sec. 13. NEW SECTION. 321.101A REVOCATION OF
31 REGISTRATION BY COUNTY TREASURER.

32 The county treasurer may revoke the registration and
33 registration plates of a vehicle if the registration fees are
34 paid by check and the check is not honored by the payer's
35 financial institution upon reasonable notice and demand. The

1 owner of the vehicle or person in possession of the
2 registration and registration plates for the vehicle shall
3 immediately return the revoked registration and registration
4 plates to the appropriate county treasurer's office.

5 Sec. 14. Section 321.123, subsection 2, Code Supplement
6 1999, is amended by striking the subsection.

7 Sec. 15. Section 321.454, Code 1999, is amended to read as
8 follows:

9 321.454 WIDTH OF VEHICLES.

10 The total outside width of any a vehicle or the load on the
11 vehicle shall not exceed ~~eight feet except that a motor home,~~
12 ~~commercial motor vehicle, motor truck or trailer hauling grain~~
13 ~~or livestock, travel trailer, fifth wheel travel trailer, or~~
14 ~~bus having a total outside width not exceeding~~ eight feet six
15 inches, exclusive of safety equipment, ~~is exempt from the~~
16 ~~permit requirements of chapter 321E and may be operated on the~~
17 ~~public highways of the state.~~ However, if hay, straw, or
18 stover is moved on any an implement of husbandry and the total
19 width of load of the implement of husbandry exceeds eight feet
20 in width six inches, the implement of husbandry is not subject
21 to the permit requirements of chapter 321E. If hay, straw, or
22 stover is moved on any other vehicle subject to registration,
23 the moves are subject to the permit requirements for
24 transporting loads exceeding eight feet six inches in width as
25 required under chapter 321E.

26 Sec. 16. Section 321.457, subsection 2, paragraph f, Code
27 1999, is amended to read as follows:

28 f. A trailer or semitrailer, laden or unladen, shall not
29 have an overall length in excess of fifty-three feet when
30 operating in a truck tractor-semitrailer combination exclusive
31 of retractable extensions used to support the load. However,
32 when a trailer or semitrailer is used exclusively for the
33 transportation of passenger vehicles, light delivery trucks,
34 panel delivery trucks, pickup trucks, recreational vehicle
35 chassis, or boats, the load carried on the trailer or

1 semitrailer may extend up to three feet beyond the front
2 bumper and up to four feet beyond the rear bumper of the
3 trailer or semitrailer. A lowboy semitrailer, laden, or
4 unladen, which is designed and exclusively used for the
5 transportation of construction equipment shall not have an
6 overall length in excess of fifty-seven feet when used in a
7 truck tractor-semitrailer combination.

8 Sec. 17. Section 321.463, subsection 10, Code Supplement
9 1999, is amended to read as follows:

10 10. a. A person who operates a vehicle in violation of
11 ~~the-provisions-of~~ this section, and an owner, or any other
12 person, employing or otherwise directing the operator of a
13 vehicle, who requires or knowingly permits the operation of a
14 vehicle in violation of ~~the-provisions-of~~ this section shall
15 be fined according to the following schedule:

16		AXLE, TANDEM AXLE,
17		AND GROUP OF AXLES
18		WEIGHT VIOLATIONS
19	<u>Pounds Overloaded</u>	<u>Amount of Fine</u>
20	Up to and including	\$10-plus-one-half-cent
21	1,000 pounds	per-pound \$12
22	Over 1,000 pounds <u>up to and</u>	\$15-plus-one-half-cent
23	including 2,000 pounds	per-pound \$20
24	Over 2,000 pounds <u>up to and</u>	\$80-plus-three-cents
25	including 3,000 pounds	per-pound \$125
26	Over 3,000 pounds <u>up to and</u>	\$100-plus-four-cents
27	including 4,000 pounds	per-pound \$180
28	Over 4,000 pounds <u>up to and</u>	\$150-plus-five-cents
29	including 5,000 pounds	per-pound \$275
30	Over 5,000 pounds <u>up to and</u>	\$200-plus-seven-cents
31	including 6,000 pounds	per-pound \$410
32	Over 6,000 pounds <u>up to and</u>	\$200-plus-ten-cents
33	including 7,000 pounds	per-pound \$550
34	<u>Over 7,000 pounds up to and</u>	<u>\$650</u>
35	<u>including 8,000 pounds</u>	

1	<u>Over 8,000 pounds up to and</u>	<u>\$750</u>
2	<u>including 9,000 pounds</u>	
3	<u>Over 9,000 pounds up to and</u>	<u>\$850</u>
4	<u>including 10,000 pounds</u>	
5	<u>Over 10,000 pounds up to and</u>	<u>\$1,300</u>
6	<u>including 11,000 pounds</u>	
7	<u>Over 11,000 pounds up to and</u>	<u>\$1,400</u>
8	<u>including 12,000 pounds</u>	
9	<u>Over 12,000 pounds up to and</u>	<u>\$1,500</u>
10	<u>including 13,000 pounds</u>	
11	<u>Over 13,000 pounds up to and</u>	<u>\$1,600</u>
12	<u>including 14,000 pounds</u>	
13	<u>Over 14,000 pounds up to and</u>	<u>\$1,700</u>
14	<u>including 15,000 pounds</u>	
15	<u>Over 15,000 pounds up to and</u>	<u>\$1,800</u>
16	<u>including 16,000 pounds</u>	
17	<u>Over 16,000 pounds up to and</u>	<u>\$1,900</u>
18	<u>including 17,000 pounds</u>	
19	<u>Over 17,000 pounds up to and</u>	<u>\$2,000</u>
20	<u>including 18,000 pounds</u>	
21	<u>Over 18,000 pounds up to and</u>	<u>\$2,100</u>
22	<u>including 19,000 pounds</u>	
23	<u>Over 19,000 pounds up to and</u>	<u>\$2,200</u>
24	<u>including 20,000 pounds</u>	
25	<u>Over 20,000 pounds</u>	<u>\$2,200 plus ten cents per</u>
26		<u>pound in excess of 20,000</u>
27		<u>pounds</u>

28 b. Fines for gross weight violations for vehicles or
29 combinations of vehicles shall be assessed at one-half of the
30 fine rate schedule for axle, tandem axle, and groups of axles
31 weight violations.

32 c. Except as otherwise provided, the amount of the fine to
33 be assessed shall be computed on the difference between the
34 actual weight and the maximum legal weight specified in this
35 section ~~by applying the appropriate rate in the preceding~~

1 ~~schedule-for-the-total-amount-of-overload.~~

2 d. The schedule of fines may be assessed in addition to
3 any other penalties provided for in this chapter.

4 Sec. 18. Section 321F.4, subsection 2, Code 1999, is
5 amended to read as follows:

6 2. A license is valid for two years, four years, or six
7 years and expires on the last day of the last month of the
8 two-year, four-year, or six-year period, as applicable. A
9 licensee shall have the month of expiration and the month
10 after the month of expiration to renew the license. A person
11 who fails to renew a license by the end of this time period
12 and desires to hold a license shall file a new license
13 application and pay the required fee.

14 Sec. 19. Section 321H.4, subsection 2, unnumbered
15 paragraph 1, Code 1999, is amended to read as follows:

16 Application for a license as an authorized vehicle recycler
17 shall be made to the department on forms provided by the
18 department. The application shall be accompanied by a fee of
19 seventy dollars for a two-year license, one hundred forty
20 dollars for a four-year license, or two hundred ten dollars
21 for a six-year license. The license shall be approved or
22 disapproved within thirty days after application for the
23 license. A license is valid for two years, four years, or six
24 years and expires on the last day of the last month of the
25 two-year, four-year, or six-year period, as applicable. A
26 licensee shall have the month of expiration and the month
27 after the month of expiration to renew the license. A person
28 who fails to renew a license by the end of this time period
29 and desires to hold a license shall file a new license
30 application and pay the required fee. A separate license
31 shall be obtained for each county in which an applicant
32 conducts operations.

33 Sec. 20. Section 322.7, subsection 4, Code 1999, is
34 amended to read as follows:

35 4. The motor vehicle dealer license provided for in this

1 chapter shall be renewed upon application in the form and
2 content prescribed by the department and upon payment of the
3 required fee. A licensee shall have the month of expiration
4 and the month after the month of expiration to renew the
5 license. A person who fails to renew a license by the end of
6 this time period and desires to hold a license shall file a
7 new license application and pay the required fee.

8 Sec. 21. Section 322.29, unnumbered paragraphs 1 and 4,
9 Code 1999, are amended to read as follows:

10 Application for license shall be made to the department by
11 a manufacturer, distributor, or wholesaler, in a form and
12 containing information as the department requires and shall be
13 accompanied by the required license fee. ~~bicenses~~ The license
14 shall be granted or refused within thirty days after
15 application, and shall expire, unless sooner revoked or
16 suspended, on December 31 of the calendar year for which they
17 are it is granted. A licensee shall have the month of
18 December of the calendar year for which the license was
19 granted and the following month of January to renew the
20 license. A person who fails to renew a license by the end of
21 this time period and desires to hold a license shall file a
22 new license application and pay the required fee.

23 A Upon payment of the license fee as provided in this
24 section, a person who rebuilds new completed motor vehicles by
25 fabricating, altering, adding, or replacing essential parts,
26 components, or equipment for the purpose of building an
27 ambulance, rescue vehicle, or fire vehicle, or towing or
28 recovery vehicle as defined in chapter 321 may be issued a
29 license as a wholesaler of new motor vehicles of the make and
30 model rebuilt without written authorization from the
31 manufacturer.

32 Sec. 22. Section 322B.4, Code 1999, is amended to read as
33 follows:

34 322B.4 LICENSE APPLICATION AND FEES.

35 Upon application and payment of a thirty-five dollar fee, a

1 person may be licensed as a manufacturer or distributor of
2 mobile homes. The application shall be in the form and shall
3 contain information as the department prescribes. The license
4 shall be granted or refused within thirty days after
5 application. The license expires, unless sooner revoked or
6 suspended by the department, on December 31 of the calendar
7 year for which the license was granted. A licensee shall have
8 the month of December of the calendar year for which the
9 license was granted and the following month of January to
10 renew the license. A person who fails to renew a license by
11 the end of this time period and desires to hold a license
12 shall file a new license application and pay the required fee.

13 Sec. 23. Section 322C.2, subsection 12, Code 1999, is
14 amended to read as follows:

15 12. "Travel trailer" means a vehicle without motive power
16 used or so manufactured or constructed as to permit its being
17 used as a conveyance upon the public streets and highways and
18 designed to permit the vehicle to be used as a place of human
19 habitation by one or more persons. The vehicle may be up to
20 eight feet six inches in width and its overall length shall
21 not exceed forty feet.

22 Sec. 24. Section 322C.4, subsection 2, Code 1999, is
23 amended to read as follows:

24 2. The license shall be granted or refused within thirty
25 days after application. A license is valid for a two-year,
26 four-year, or six-year period and expires, unless revoked or
27 suspended by the department, on the last day of the last month
28 of the two-year, four-year, or six-year period, as applicable.
29 A licensee shall have the month of expiration and the month
30 after the month of expiration to renew the license. A person
31 who fails to renew a license by the end of this time period
32 and desires to hold a license shall file a new license
33 application and pay the required fee. A separate license
34 shall be obtained for each county in which an applicant does
35 business as a travel trailer dealer.

1 Sec. 25. Section 322C.9, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. Upon application and payment of a thirty-five-dollar
4 fee, a person may be licensed as a manufacturer or distributor
5 of travel trailers. The application shall be in the form and
6 shall contain information as the department prescribes. The
7 license shall be granted or refused within thirty days after
8 application. The license expires, unless sooner revoked or
9 suspended by the department, on December 31 of the calendar
10 year for which the license was granted. A licensee shall have
11 the month of December of the calendar year for which the
12 license was granted and the following month of January to
13 renew the license. A person who fails to renew a license by
14 the end of this time period and desires to hold a license
15 shall file a new license application and pay the required fee.

16 Sec. 26. Section 325A.3, Code 1999, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 5. A motor carrier shall keep a permit or
19 certificate issued to the motor carrier under this section, or
20 a copy of such permit or certificate, in the vehicle being
21 operated by the motor carrier and shall show the permit or
22 certificate, or copy thereof, to any peace officer upon
23 request.

24 Sec. 27. Section 805.8, subsection 2, paragraph ag, Code
25 Supplement 1999, is amended to read as follows:

26 ag. For violation of section 325A.3, subsection 5, or
27 section 325A.8, the scheduled fine is fifty dollars. For
28 violation of chapter 325A, other than a violation of section
29 325A.3, subsection 5, or section 325A.8, the scheduled fine is
30 two hundred fifty dollars.

31 Sec. 28. EFFECTIVE DATE. The amendment to section
32 321.457, subsection 2, in this division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.

34 DIVISION II
35 MOTOR CARRIER AUTHORITY

1 Sec. 29. Section 325A.2, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. A local authority, as defined in section 321.1, shall
4 not impose any regulations, including special registration or
5 inspection requirements, upon the operation of motor carriers
6 that are more restrictive than any of the provisions of this
7 chapter, or section 321.449 or 321.450.

8 Sec. 30. Section 325A.3, subsection 2, paragraph g, Code
9 1999, is amended by striking the paragraph.

10 Sec. 31. Section 325A.3, Code 1999, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 6. The department may deny issuance of a
13 permit or certificate if the department determines that
14 evidence exists showing that the motor carrier cannot comply
15 with the requirements of this chapter or the rules adopted
16 pursuant to this chapter, including safety regulations and
17 financial fitness and insurance requirements.

18 Sec. 32. Section 325A.13, subsection 1, Code 1999, is
19 amended to read as follows:

20 1. It is unlawful for a charter carrier to transport
21 passengers by motor vehicle for hire from any point-or place
22 in this state to another place in this state irrespective of
23 the route or highway traversed, without first having obtained
24 a charter passenger certificate from the department a
25 ~~certificate-declaring-that-public-convenience-and-necessity~~
26 ~~require-the-operation.~~

27 Sec. 33. Section 325A.13, subsection 2, paragraphs a and
28 f, Code 1999, are amended to read as follows:

29 a. It is unlawful for a regular-route motor carrier of
30 passengers to transport passengers for hire upon the highways
31 of this state in intrastate commerce without first having
32 obtained from the department a regular-route passenger
33 certificate. The department shall issue a regular-route
34 passenger certificate ~~without-hearing~~, if the department finds
35 that the applicant is fit, willing, and able.

1 f. A regular-route motor carrier of passengers shall not
2 operate as a charter carrier in this state unless it possesses
3 a charter passenger certificate of convenience and necessity
4 ~~to engage in the business of a charter carrier.~~

5 Sec. 34. Section 325A.13, subsection 2, Code 1999, is
6 amended by adding the following new paragraph after paragraph
7 f:

8 NEW PARAGRAPH. ff. A charter carrier shall not operate as
9 a regular-route passenger carrier in this state unless it
10 possesses a regular-route passenger certificate.

11 Sec. 35. Section 325A.16, Code 1999, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 325A.16 HEARINGS.

15 A person whose application for a permit or certificate
16 under this chapter has been denied, or whose permit or
17 certificate has been suspended, may contest the decision under
18 chapter 17A and in accordance with rules adopted by the
19 department. The request for a hearing shall be in writing to
20 the director of the division of motor carrier services, state
21 department of transportation, at its office in the capital
22 city's metropolitan area.

23 Sec. 36. Section 325A.21, Code 1999, is amended to read as
24 follows:

25 325A.21 TRANSFERABILITY OF REGULAR ROUTE CERTIFICATE.

26 ~~It--A certificate of convenience and necessity shall not be~~
27 ~~sold, transferred, leased, or assigned and a contract or~~
28 ~~agreement with reference to or affecting a certificate shall~~
29 ~~not be entered into without the written approval of the~~
30 ~~department.--The department may request the department of~~
31 ~~inspections and appeals to hold a hearing regarding the~~
32 ~~transfer of the certificate.--The state department of~~
33 ~~transportation shall approve the sale, transfer, lease, or~~
34 ~~assignment upon a finding by the department of inspections and~~
35 ~~appeals that there has been continuous service under the~~

1 certificate-for-at-least-ninety-days-prior-to-the-transfer,
2 that-the-transferee-is-fit,-willing,-and-able-to-perform-the
3 operations-authorized-by-the-certificate,-and-that-the
4 transfer-is-consistent-with-the-public-interest.--Pending
5 determination-of-an-application-filed-with-the-department-for
6 approval-of-a-sale,-transfer,-lease,-or-assignment,-the
7 department-may-grant-temporary-approval-of-the-proposed
8 operation-upon-a-finding-of-good-cause-

9 2- A regular-route passenger certificate shall not be
10 sold, transferred, leased, or assigned without the approval of
11 the department. The department shall approve the sale,
12 transfer, lease, or assignment if the person obtaining or
13 seeking to obtain ownership or control of a certificate is
14 found to be fit, willing, and able to perform the service
15 proposed. In determining the fitness of the person seeking
16 transfer of the certificate, the department shall consider
17 only the person's compliance with safety, financial fitness,
18 and insurance requirements.

19 Sec. 37. Sections 325A.14, 325A.15, 325A.17, 325A.18,
20 325A.19, and 325A.20, Code 1999, are repealed.

21 DIVISION III

22 MOTOR VEHICLE REGISTRATION AND TITLING SYSTEM

23 Sec. 38. Section 321.20, subsection 1, Code Supplement
24 1999, is amended to read as follows:

25 1. The full legal name; social security number or, if the
26 owner does not have a social security number but has a
27 passport, the passport number; driver's license number,
28 whether the license was issued by this state, another state,
29 another country, or is an international driver's license; date
30 of birth; bona fide residence; and mailing address of the
31 owner and of the lessee if the vehicle is being leased. If
32 the owner or lessee is a firm, association, or corporation,
33 the application shall contain the business address and federal
34 employer identification number of the owner or lessee. Up to
35 three owners' names may be listed on the application.

1 Information relating to the lessee of a vehicle shall not be
2 required on an application for registration and a certificate
3 of title for a vehicle with a gross vehicle weight rating of
4 twenty-six thousand pounds or more.

5 Sec. 39. Section 321.20, Code Supplement 1999, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. If the vehicle is owned by a
8 nonresident but is subject to issuance of an Iowa certificate
9 of title or registration, the application shall also contain
10 the full legal name; social security number, or, if the
11 primary user does not have a social security number but has a
12 passport, the passport number; driver's license number,
13 whether the license was issued by this state, another state,
14 another country, or is an international driver's license; date
15 of birth; bona fide residence; and mailing address of the
16 primary user of the vehicle. If the primary user is a firm,
17 association, or corporation, the application shall contain the
18 business address and federal employer identification number of
19 the primary user. The primary user's name and address shall
20 not be printed on the registration receipt or the certificate
21 of title.

22 Sec. 40. Section 321.20, Code Supplement 1999, is amended
23 by adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. The department shall adopt rules
25 on the method for providing signatures for applications made
26 by electronic means.

27 Sec. 41. Section 321.24, unnumbered paragraphs 1, 3, and
28 6, Code Supplement 1999, are amended to read as follows:

29 Upon receipt of the application for title and payment of
30 the required fees for a motor vehicle, trailer, or
31 semitrailer, the county treasurer or the department shall,
32 when satisfied as to the application's genuineness and
33 regularity, and, in the case of a mobile home or manufactured
34 housing, that taxes are not owing under chapter 435, issue a
35 certificate of title and, except for a mobile home or

1 manufactured housing, a registration receipt, and shall file
 2 the application, the manufacturer's or importer's certificate,
 3 the certificate of title, or other evidence of ownership, as
 4 prescribed by the department. The registration receipt shall
 5 be delivered to the owner and shall contain upon its face the
 6 date issued, the name and address of the owner, the
 7 registration number assigned to the vehicle, ~~the title number~~
 8 ~~assigned to the owner of the vehicle~~, the amount of the fee
 9 paid, the amount of tax paid pursuant to section 423.7, the
 10 type of fuel used, and a description of the vehicle as
 11 determined by the department, and upon the reverse side a form
 12 for notice of transfer of the vehicle. The name and address
 13 of any lessee of the vehicle shall not be printed on the
 14 registration receipt or certificate of title. Up to three
 15 owners may be listed on the registration receipt and
 16 certificate of title.

17 The certificate of title shall contain upon its face the
 18 identical information required upon the face of the
 19 registration receipt. In addition, the certificate of title
 20 shall contain a statement of the owner's title, the title
 21 number assigned to the owner or owners of the vehicle, the
 22 amount of tax paid pursuant to section 423.7, the name and
 23 address of the previous owner, and a statement of all security
 24 interests and encumbrances as shown in the application, upon
 25 the vehicle described, including the nature of the security
 26 interest, date of notation, and name and address of the
 27 secured party.

28 The certificate shall bear the seal of the county treasurer
 29 or of the department, and the signature of the county
 30 treasurer, the deputy county treasurer, or the department
 31 director or deputy designee. ~~The certificate shall provide~~
 32 ~~space for the signature of the owner. The owner shall sign~~
 33 ~~the certificate of title in the space provided with pen and~~
 34 ~~ink upon its receipt.~~ The certificate of title shall contain
 35 upon the reverse side a form for assignment of title or

1 interest and warranty by the owner, for reassignments by a
2 dealer licensed in this state or in another state if the state
3 in which the dealer is licensed permits Iowa licensed dealers
4 to similarly reassign certificates of title. Attached to the
5 certificate of title shall be an application for a new
6 certificate of title by the transferee as provided in this
7 chapter. However, titles for mobile homes or manufactured
8 housing shall not be reassigned by licensed dealers. All
9 certificates of title shall be typewritten or printed by other
10 mechanical means. Notwithstanding section 321.1, subsection
11 17, as used in this paragraph "dealer" means every person
12 engaged in the business of buying, selling, or exchanging
13 vehicles of a type required to be registered under this
14 chapter.

15 Sec. 42. Section 321.42, subsection 2, paragraphs a, b,
16 and d, Code Supplement 1999, are amended to read as follows:

17 a. If a certificate of title is lost or destroyed, the
18 owner or lienholder shall apply for a certified replacement
19 copy of the original certificate of title. The owner or
20 lienholder of a motor vehicle may also apply for a certified
21 replacement copy of the original certificate of title ~~as-a~~
22 ~~replacement-for-the-original-certificate-of-title~~ upon
23 surrender of the original certificate of title with the
24 application. The application shall be made to the department
25 or county treasurer who issued the original certificate of
26 title. The application shall be signed by the owner or
27 lienholder and accompanied by a fee of ten dollars.

28 b. After five days, the department or county treasurer
29 shall issue a certified replacement copy to the applicant at
30 the applicant's most recent address, however, the five-day
31 waiting period does not apply to an applicant who has
32 surrendered the original certificate of title to the
33 department or county treasurer. The certified replacement
34 copy shall be clearly marked "duplicate" "replacement" and
35 shall ~~be-identical-to-the-original,-including~~ include notation

1 of liens or encumbrances. When a certified replacement copy
2 has been issued, the previous certificate is void.

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

14 Sec. 43. Section 321.50, subsection 1, Code Supplement
15 1999, is amended to read as follows:

16 1. A security interest in a vehicle subject to
17 registration under the laws of this state or a mobile home or
18 manufactured housing, except trailers whose empty weight is
19 two thousand pounds or less, and except new or used vehicles
20 held by a dealer or manufacturer as inventory for sale, is
21 perfected by the delivery to the county treasurer of the
22 county where the certificate of title was issued or, in the
23 case of a new certificate, to the county treasurer where the
24 certificate will be issued, of an application for certificate
25 of title which lists the security interest, or an application
26 for notation of security interest signed by the owner, or by
27 one owner of a vehicle owned jointly by more than one person,
28 or a certificate of title from another jurisdiction which
29 shows the security interest, and a fee of five dollars for
30 each security interest shown. Up to three security interests
31 may be perfected against a vehicle and shown on an Iowa
32 certificate of title. If the owner or secured party is in
33 possession of the certificate of title, it must also be
34 delivered at this time in order to perfect the security
35 interest. If a vehicle is subject to a security interest when

1 brought into this state, the validity of the security interest
2 and the date of perfection is determined by section 554.9103.
3 Delivery as provided in this subsection is an indication of a
4 security interest on a certificate of title for purposes of
5 chapter 554.

6 Sec. 44. Section 321.157, Code 1999, is amended to read as
7 follows:

8 321.157 SCHEDULE OF PRICES AND WEIGHTS.

9 1. Every A manufacturer or importer of a motor vehicle
10 sold or offered for sale within in this state, either by the
11 manufacturer, importer, distributor, dealer, or any other
12 person, shall file in the office of the department a sworn
13 statement showing the various models manufactured by the
14 manufacturer, importer, distributor, dealer, or other person,
15 and the retail list price and weight of each model
16 concurrently with a public announcement of such prices or
17 concurrently with notification of such prices to dealers
18 licensed to sell such motor vehicles under chapter 322,
19 whichever comes first. The manufacturer, importer,
20 distributor, dealer, or other person shall also ~~make~~ the same
21 report on subsequent new models manufactured.

22 2. In lieu of filing the sworn statement required under
23 subsection 1, a manufacturer or importer of a motor vehicle
24 sold or offered for sale in this state may electronically
25 provide the information required in subsection 1 to the
26 department, or, if the manufacturer or importer provides the
27 required information to a third-party vendor, the manufacturer
28 or importer shall make the required information available to
29 the department through the third-party vendor.

30 Sec. 45. Section 321.159, Code 1999, is amended by adding
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. For a current year model of a
33 motor vehicle for which the manufacturer or importer of the
34 motor vehicle has not provided the weight and list price, the
35 department shall set the annual registration fee at ten

1 dollars greater than the annual registration fee for the
2 previous year model. Once the manufacturer or importer
3 provides the required information, the information shall be
4 used to set the registration or registration renewal fee for
5 the succeeding registration or registration renewal time for
6 the motor vehicle.

7 Sec. 46. EFFECTIVE DATE. This division of this Act takes
8 effect July 1, 2001.

9 EXPLANATION

10 This bill makes various changes in the Code relating to
11 motor vehicle registration and titling, motor vehicle dealer
12 licensing, motor vehicle enforcement, and motor carrier
13 authority.

14 The bill makes several changes to Code sections 321.20A,
15 321.25, 321.46, 321.52, and 321.89 relating to the times for
16 applying for motor vehicle registration, certificates of
17 title, and junking certificates, by extending the time period
18 from 15 to 30 days.

19 Code section 321.30, relating to grounds for refusing
20 vehicle registration or titling, is amended to direct the
21 state department of transportation or the county treasurer to
22 refuse registration of a vehicle unless the applicant has an
23 Iowa driver's license or the application is made by more than
24 one applicant and one of the applicants is at least 18 years
25 of age. An internal reference in the section is also
26 corrected due to the amendment of Code section 321.101 in the
27 bill.

28 Code section 321.50, relating to security interest
29 provisions on certificates of title, is amended to allow any
30 county to note the release of a lien by a lienholder on the
31 face of the certificate of title. Currently, a county in
32 which a certificate of title is presented for transfer is
33 required to notify the county of record of the release of a
34 lien.

35 The bill also amends Code section 321.58, relating to

1 applications for special dealer certificates and plates, to
2 eliminate a requirement that a licensed new motor vehicle
3 wholesaler furnish proof of written authorization from the
4 manufacturer of the new motor vehicle of the person's status
5 as a wholesaler of the vehicle.

6 Code section 321.101 is amended to provide for technical
7 corrections in the section. Prior amendments to the Code
8 section added provisions in the incorrect order. The bill
9 corrects the order and makes minor grammatical changes.

10 New Code section 321.101A is created, permitting the county
11 treasurer to revoke the registration and registration plates
12 for a vehicle if the registration fees are paid by check and
13 the payer's financial institution dishonors the check. A
14 reference to the new Code section is added to a provision in
15 Code section 321.30 relating to when the state department of
16 transportation or county treasurer must refuse registration of
17 a vehicle. Similarly, a reference to the new Code section is
18 added to a provision in Code section 321.101 deeming
19 registration for vehicles transferred to bona fide purchasers
20 without actual knowledge of the suspension or revocation of
21 registration.

22 The bill strikes a provision in Code section 321.123
23 subjecting trailers and bulk spreaders, which are not self-
24 propelled having a gross weight of not more than 12 tons used
25 for the transportation of fertilizers and chemicals used for
26 farm crop production, to a registration fee of \$5. The Code
27 section currently provides that all trailers except farm
28 trailers and mobile homes, unless otherwise provided, are
29 subject to a \$10 registration fee.

30 Code section 321.454, relating to the width of vehicles
31 operated on the highways of this state, is amended to provide
32 that all vehicles operated on Iowa highways shall be allowed a
33 total outside width, exclusive of safety equipment, of eight
34 feet six inches. Currently, such width is limited to eight
35 feet, except for motor homes, commercial motor vehicles, motor

1 trucks and trailers hauling grain or livestock, travel
2 trailers, fifth wheel travel trailers, or buses, which are
3 allowed a width of eight feet six inches. A corresponding
4 change is made in the definition of "travel trailer" in Code
5 section 322C.2.

6 The bill also amends Code section 321.457, to provide that
7 the maximum length for a lowboy semitrailer, laden or unladen,
8 which is designed and exclusively used for the transportation
9 of construction equipment is 57 feet when used as a truck
10 tractor-semitrailer combination. This provision is effective
11 upon the enactment of the bill.

12 The bill revises the schedule of fines for violations of
13 the maximum gross weight restrictions on vehicles in Code
14 section 321.463. The fine schedule is expanded to include
15 specific fines for vehicles overloaded by more than 6,000 to
16 more than 20,000 pounds and provides for a set fine for each
17 level of violation, except overloading by more than 20,000
18 pounds, rather than a set fine for each level plus an
19 additional amount based on the number of pounds by which the
20 vehicle is overloaded.

21 The bill amends Code sections 321F.4, 321H.4, 322.7,
22 322.29, 322B.4, 322C.4, and 322C.9, relating to licenses for
23 the leasing of vehicles, authorized vehicle recycler licenses,
24 motor vehicle dealer licenses, motor vehicle manufacturer's,
25 distributor's, and wholesaler's licenses, mobile home
26 manufacturer's and distributor's licenses, travel trailer
27 dealer's licenses, and travel trailer manufacturer's and
28 distributor's licenses, respectively. The bill provides that
29 holders of such licenses shall have a one-month license
30 renewal grace period after expiration of the license. Persons
31 failing to renew their license within the grace period who
32 desire to hold a license are required to file a new license
33 application and pay the required fee.

34 Code section 322.29 is also amended to allow persons who
35 rebuild vehicles into ambulances, rescue vehicles, or fire

1 vehicles to be issued a license as a new motor vehicle
2 wholesaler without written authorization from the vehicle
3 manufacturer and to allow persons who rebuild vehicles into
4 towing or recovery vehicles, as newly defined by the bill in
5 Code section 321.1, to likewise obtain such license.
6 Code section 325A.3, relating to applications for and
7 issuance of motor carrier permits and certificates, is amended
8 by requiring a motor carrier to keep such permits or
9 certificates, or copies of such permits or certificates, in
10 the vehicle being operated by the motor carrier and to show
11 the permits, certificates, or copies to any peace officer upon
12 request. Persons violating this requirement would be subject
13 to a scheduled fine of \$50 under Code section 805.8, as
14 amended by the bill.

15 The bill also makes several changes in Code chapter 325A,
16 relating to motor carrier authority, which are necessary to
17 comply with federal legislation which preempted the ability of
18 states to regulate charter carriers in regard to rates,
19 routes, and service. The bill modifies a provision in Code
20 section 325A.2 prohibiting a local authority from imposing any
21 regulations upon the operation of motor carriers that are more
22 restrictive than those regulations in the Code, by including
23 within the prohibited regulations special registration or
24 inspection requirements.

25 Code section 325A.3 is amended by eliminating a requirement
26 that the application for a motor carrier permit or certificate
27 contain a sponsor certification of support statement provided
28 by charter carriers establishing a need for the proposed motor
29 carrier service. The bill also provides that the state
30 department of transportation may deny issuance of such a
31 permit or certificate if there is evidence the motor carrier
32 cannot comply with the requirements of Code chapter 325A or
33 the rules and regulations adopted pursuant to that chapter.

34 The bill changes the term for the certificate required to
35 be obtained by a charter carrier which transports passengers

1 pursuant to Code chapter 325A from a certificate of
2 convenience and necessity to a charter passenger certificate.

3 The bill amends Code section 325A.13, relating to
4 certificates for motor carriers of passengers, by prohibiting
5 a charter carrier of passengers from operating as a regular-
6 route passenger carrier unless it holds a regular-route
7 passenger certificate. Persons violating this provision would
8 be subject to a scheduled fine of \$250 under Code section
9 805.8.

10 The bill repeals Code sections 325A.14, 325A.15, 325A.17,
11 325A.18, 325A.19, and 325A.20, relating to applications for
12 charter carrier or regular-route passenger certificates,
13 protests against such applications, uncontested application
14 procedure, granting of applications, payment of expenses for
15 hearings on contested applications, and review of decisions on
16 applications, respectively.

17 Code section 325A.16, providing for the adoption of rules
18 by the state department of transportation to establish the
19 procedure for filing motor carrier passenger certificate
20 applications and by the department of inspections and appeals
21 for the conduct of hearings regarding objections by other
22 persons to the issuance of a motor carrier certificate to an
23 applicant, is stricken. The stricken language is replaced
24 with language providing a procedure for persons whose
25 applications for permits or certificates under Code chapter
26 325A have been denied, or whose permits or certificates have
27 been suspended, to contest the decision.

28 The bill also amends Code section 325A.21, relating to the
29 transferability of certificates of convenience and necessity
30 and regular-route passenger certificates, by eliminating the
31 provisions relating to the transferability of certificates of
32 convenience and necessity (renamed charter passenger
33 certificates pursuant to the bill).

34 Division III of the bill makes several Code changes
35 relating to the state department of transportation's motor

SENATE FILE 2147

S-5012

1 Amend Senate File 2147 as follows:

2 1. Page 9, by striking lines 15 through 17, and
3 inserting the following: "~~inches, exclusive of safety~~
4 ~~equipment, is exempt from the permit requirements of~~
5 ~~chapter 321E and may be operated on the public~~
6 ~~highways of the state.~~ This limitation on the total
7 outside width of a vehicle or the load on the vehicle
8 does not include safety equipment on a vehicle or
9 incidental appurtenances or retracted awnings on motor
10 homes, travel trailers, or fifth-wheel travel trailers
11 if the incidental appurtenance or retracted awning is
12 less than six inches in width. However, if hay,
13 straw, or".

14 2. Page 13, by inserting after line 31 the
15 following:

16 "Sec. ____ . Section 322.29, Code 1999, is amended
17 by adding the following new unnumbered paragraph:
18 NEW UNNUMBERED PARAGRAPH. Upon payment of the
19 license fee as provided in this section, a person who
20 installs cranes, hook loaders, buckets, aerial
21 ladders, or tanks on new completed motor trucks with a
22 gross vehicle weight rating of nineteen thousand
23 pounds or more may be issued a license as a wholesaler
24 of new motor vehicles of the make and model on which
25 the equipment is installed without written
26 authorization from the manufacturer."

27 3. By renumbering as necessary.

By MIKE SEXTON

RICHARD F. DRAKE

MERLIN E. BARTZ

E. THURMAN GASKILL

MATT McCOY

S-5012 FILED FEBRUARY 17, 2000
ADOPTED

(p. 305)

HOUSE AMENDMENT TO
SENATE FILE 2147

S-5155

- 1 Amend Senate File 2147, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 10, line 28, through page 11,
4 line 10, and inserting the following:
5 "Over 1,000 pounds up to and \$15-plus-one-half-cent
6 including 2,000 pounds per-pound \$22
7 Over 2,000 pounds up to and \$80-plus-three-cents
8 including 3,000 pounds per-pound \$155
9 Over 3,000 pounds up to and \$100-plus-four-cents
10 including 4,000 pounds per-pound \$240
11 Over 4,000 pounds up to and \$150-plus-five-cents
12 including 5,000 pounds per-pound \$375
13 Over 5,000 pounds up to and \$200-plus-seven-cents
14 including 6,000 pounds per-pound \$585
15 Over 6,000 pounds up to and \$200-plus-ten-cents
16 including 7,000 pounds per-pound \$850
17 Over 7,000 pounds up to and \$950
18 including 8,000 pounds
19 Over 8,000 pounds up to and \$1,050
20 including 9,000 pounds
21 Over 9,000 pounds up to and \$1,150
22 including 10,000 pounds"
23 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5155 FILED MARCH 15, 2000

Senate Concurred

3/20/00

(p. 621)

SENATE FILE 2147
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3030.1)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 17, 2000)

_____ - New Language by the Senate

Passed Senate, ⁷²⁸ (P.728) Date 3-20-00 Passed House, ^(P.774) Date 3-15-00
Vote: Ayes 42 Nays 0 Vote: Ayes 97 Nays 0
Approved March 29, 2000

A BILL FOR

1 An Act relating to motor vehicles, including motor vehicle
2 enforcement, titling, and registration, the renewal of certain
3 licenses related to selling vehicles, and motor carrier
4 regulation, making penalties applicable, and providing
5 effective dates.

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

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S.F. 2147

DIVISION I

MOTOR VEHICLE REGISTRATION AND TITLING, DEALER
LICENSING, AND MOTOR VEHICLE AND MOTOR CARRIER ENFORCEMENT

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

NEW SUBSECTION. 83A. "Towing or recovery vehicle" means a
motor vehicle equipped with booms, winches, slings, or wheel
lifts used to tow, recover, or transport other motor vehicles.

Sec. 2. Section 321.20A, subsection 1, Code 1999, is
amended to read as follows:

1. Notwithstanding other provisions of this chapter, the
owner of a commercial vehicle subject to the proportional
registration provisions of chapter 326, may make application
to the department for a certificate of title. The application
for certificate of title shall be made within fifteen thirty
days of purchase or transfer and accompanied by a ten dollar
title fee and appropriate use tax.

Sec. 3. Section 321.25, unnumbered paragraph 1, Code
Supplement 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 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

1 registration and certificate of title has been made by the
2 purchaser and a receipt issued to the purchaser of the vehicle
3 showing the fee paid by the person making the application.
4 Dealers' records shall indicate the agency to which the fee is
5 sent and the date the fee is sent. The dealer shall forward
6 the application by the purchaser to the county treasurer or
7 state office within ~~fifteen~~ thirty calendar days from the date
8 of delivery of the vehicle. However, if the vehicle is
9 subject to a security interest and has been offered for sale
10 pursuant to section 321.48, subsection 1, the dealer shall
11 forward the application by the purchaser to the county
12 treasurer or state office within thirty calendar days from the
13 date of the delivery of the vehicle to the purchaser.

14 Sec. 4. Section 321.30, subsection 13, unnumbered
15 paragraph 2, Code Supplement 1999, is amended to read as
16 follows:

17 The department or the county treasurer shall also refuse
18 registration of a vehicle if the applicant for registration of
19 the vehicle has failed to pay the required registration fees
20 of any vehicle owned or previously owned when the registration
21 fee was required to be paid by the applicant, and for which
22 vehicle the registration was suspended or revoked under
23 section 321.101, subsection ~~4~~ 1, paragraph "d", or section
24 321.101A, until the fees are paid together with any accrued
25 penalties.

26 Sec. 5. Section 321.30, Code Supplement 1999, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 14. The department or the county
29 treasurer shall refuse registration of a vehicle if the
30 applicant is under the age of eighteen years, unless the
31 applicant has an Iowa driver's license or the application is
32 being made by more than one applicant and one of the
33 applicants is at least eighteen years of age.

34 Sec. 6. Section 321.46, subsection 1, Code Supplement
35 1999, is amended to read as follows:

1 1. The transferee shall within fifteen thirty calendar
2 days after purchase or transfer apply for and obtain from the
3 county treasurer of the person's residence, or if a
4 nonresident, the county treasurer of the county where the
5 primary users of the vehicle are located or the county where
6 all other vehicles owned by the nonresident are registered, a
7 new registration and a new certificate of title for the
8 vehicle except as provided in section 321.25 or 321.48. The
9 transferee shall present with the application the certificate
10 of title endorsed and assigned by the previous owner and shall
11 indicate the name of the county in which the vehicle was last
12 registered and the registration expiration date. The
13 transferee shall be required to list a driver's license
14 number.

15 Sec. 7. Section 321.50, subsection 4, unnumbered paragraph
16 2, Code Supplement 1999, is amended to read as follows:

17 ~~if a title is presented for transfer, and the~~ If a lien has
18 been released by the lienholder but has not been sent to the
19 county of record for clearance of the lien, the any county of
20 transfer may note the release on the face of the title and
21 shall notify the county of record that the lien has been
22 released as of the specified date, and shall make entry upon
23 the computer system, ~~and shall proceed to transfer the title.~~
24 Notification to the county of record shall be made by an
25 automated statewide system, or by sending a photocopy of the
26 released title to the county of record.

27 Sec. 8. Section 321.52, subsection 2, Code 1999, is
28 amended to read as follows:

29 2. The purchaser or transferee of a motor vehicle for
30 which a certificate of title is issued which is sold for scrap
31 or junk shall surrender the certificate of title, properly
32 endorsed and signed by the previous owner, to the county
33 treasurer of the county of residence of the transferee, and
34 shall apply for a junking certificate from the county
35 treasurer, within fifteen thirty days after assignment of the

1 certificate of title. The county treasurer shall issue to
2 such person without fee a junking certificate. A junking
3 certificate shall authorize the holder to possess, transport
4 or transfer by endorsement the ownership of the junked
5 vehicle. A certificate of title shall not again be issued for
6 the vehicle subsequent to the issuance of a junking
7 certificate except as provided in subsection 3. The county
8 treasurer shall cancel the record of the vehicle. The junking
9 certificate shall be printed on the registration receipt form
10 and shall be imprinted with the words "junking certificate",
11 as prescribed by the department. A space for transfer by
12 endorsement shall be on the reverse side of the junking
13 certificate. A separate form for the notation of the transfer
14 of component parts shall be attached to the junking
15 certificate when the certificate is issued.

16 Sec. 9. Section 321.52, subsection 4, paragraph a, Code
17 1999, is amended to read as follows:

18 a. A vehicle rebuilder or a person engaged in the business
19 of buying, selling, or exchanging vehicles of a type required
20 to be registered in this state, upon acquisition of a wrecked
21 or salvage vehicle, shall surrender the certificate of title
22 or manufacturer's or importer's statement of origin properly
23 assigned, together with an application for a salvage
24 certificate of title to the county treasurer of the county of
25 residence of the purchaser or transferee within fifteen thirty
26 days after the date of assignment of the certificate of title
27 for the wrecked or salvage motor vehicle. This subsection
28 applies only to vehicles with a fair market value of five
29 hundred dollars or more, based on the value before the vehicle
30 became wrecked or salvage. Upon payment of a fee of two
31 dollars, the county treasurer shall issue a salvage
32 certificate of title which shall bear the word "SALVAGE"
33 stamped or printed on the face of the title in a manner
34 prescribed by the department. A salvage certificate of title
35 may be assigned to an educational institution, a new motor

1 vehicle dealer licensed under chapter 322, a person engaged in
2 the business of purchasing bodies, parts of bodies, frames or
3 component parts of vehicles for sale as scrap metal, a salvage
4 pool, or an authorized vehicle recycler licensed under chapter
5 321H. An authorized vehicle recycler licensed under chapter
6 321H or a new motor vehicle dealer licensed under chapter 322
7 may assign a salvage certificate of title to any person. A
8 vehicle on which ownership has transferred to an insurer of
9 the vehicle, as a result of a settlement with the owner of the
10 vehicle arising out of damage to, or unrecovered theft of the
11 vehicle, shall be deemed to be a wrecked or salvage vehicle
12 and the insurer shall comply with this subsection to obtain a
13 salvage certificate of title within fifteen thirty days after
14 the date of assignment of the certificate of title of the
15 vehicle.

16 Sec. 10. Section 321.58, Code 1999, is amended to read as
17 follows:

18 321.58 APPLICATION.

19 All dealers, transporters, new motor vehicle wholesalers
20 licensed under chapter 322, and mobile home dealers licensed
21 under chapter 322B, upon payment of a fee of seventy dollars
22 for two years, one hundred forty dollars for four years, or
23 two hundred ten dollars for six years, may make application to
24 the department upon the appropriate form for a certificate
25 containing a general distinguishing number and for one or more
26 special plates as appropriate to various types of vehicles
27 subject to registration. The applicant shall also submit
28 proof of the applicant's status as a bona fide transporter,
29 new motor vehicle wholesaler licensed under chapter 322,
30 mobile home dealer licensed under chapter 322B, or dealer, as
31 reasonably required by the department. Dealers in new
32 vehicles shall furnish satisfactory evidence of a valid
33 franchise with the manufacturer of the vehicles authorizing
34 the dealership. ~~A-dealer-licensed-as-a-wholesaler-for-a-new~~
35 ~~motor-vehicle-model-pursuant-to-chapter-322,-shall-furnish~~

~~1 satisfactory-evidence-of-valid-written-authorization-from-the
2 manufacturer-of-the-new-motor-vehicle-of-the-dealer's-status
3 as-a-wholesaler-of-the-new-motor-vehicle-model-~~

4 Sec. 11. Section 321.89, subsection 4, unnumbered
5 paragraph 1, Code 1999, is amended to read as follows:

6 If an abandoned vehicle has not been reclaimed as provided
7 for in subsection 3, the police authority or private entity
8 shall make a determination as to whether or not the vehicle
9 shall be sold for use upon the highways. If the vehicle is
10 not sold for use upon the highways, it shall be sold for junk,
11 or demolished and sold as scrap. The police authority or
12 private entity shall sell the vehicle at public auction.
13 Notwithstanding any other provision of this section, a police
14 authority or private entity, which has taken into possession
15 any abandoned vehicle which lacks an engine, two or more
16 wheels, another part which renders the vehicle totally
17 inoperable, or which has a fair market value of less than five
18 hundred dollars as determined by the police authority or
19 private entity, may dispose of the vehicle to a demolisher for
20 junk without public auction after complying with the
21 notification procedures in subsection 3. The purchaser of the
22 vehicle takes title free and clear of all liens and claims of
23 ownership, shall receive a sales receipt from the police
24 authority or private entity, and is entitled to register the
25 vehicle and receive a certificate of title if sold for use
26 upon the highways. If the vehicle is sold or disposed of to a
27 demolisher for junk, the demolisher shall make application for
28 a junking certificate to the county treasurer within **fifteen**
29 thirty days of purchase and shall surrender the sales receipt
30 in lieu of the certificate of title.

31 Sec. 12. Section 321.101, Code Supplement 1999, is amended
32 to read as follows:

33 321.101 SUSPENSION OR REVOCATION OF REGISTRATION OR
34 CANCELLATION OF CERTIFICATE OF TITLE BY DEPARTMENT.

35 1. The department is hereby authorized to suspend or

1 revoke the registration of a vehicle, registration card,
2 registration plate, or any nonresident or other permit in any
3 of the following events:

4 ~~1-~~ a. When the department is satisfied that such
5 registration card, plate, or permit was fraudulently or
6 erroneously issued.

7 ~~2-~~ b. When the department determines that a registered
8 vehicle is mechanically unfit or unsafe to be operated or
9 moved upon the highways.

10 ~~3-~~ c. When a registered vehicle has been dismantled or
11 wrecked.

12 ~~4-~~ d. When the department determines that the required fee
13 has not been paid and the same fee is not paid upon reasonable
14 notice and demand.

15 ~~5-~~ e. When a registration card, registration plate, or
16 permit is knowingly displayed upon a vehicle other than the
17 one for which issued.

18 ~~6-~~ f. When the department determines that the owner has
19 committed any offense under this chapter involving the
20 registration card, plate, or permit to be suspended or
21 revoked.

22 ~~7-~~ g. When the department is so authorized under any other
23 provision of law.

24 h. If a commercial motor vehicle has been assigned to be
25 operated by a commercial motor carrier whose ability to
26 operate has been terminated or denied by a federal agency.

27 ~~8-~~ 2. The department shall cancel a certificate of title
28 that appears to have been improperly issued or fraudulently
29 obtained or in the case of a mobile home or manufactured
30 housing, if taxes were owing under chapter 435 at the time the
31 certificate was issued and have not been paid. However,
32 before the certificate to a mobile home or manufactured
33 housing where for which taxes were owing can be canceled,
34 notice and opportunity to pay the taxes must be given to the
35 person to whom the certificate was issued. Upon cancellation

1 of any certificate of title the department shall notify the
2 county treasurer who issued it, who shall enter the
3 cancellation upon the records. The department shall also
4 notify the person to whom the certificate of title was issued,
5 as well as any lienholders appearing thereon on the
6 certificate of title, of the cancellation and shall demand the
7 surrender of the certificate of title, but the cancellation
8 shall not affect the validity of any lien noted thereon on the
9 certificate of title.

10 ~~9.--If-a-commercial-motor-vehicle-has-been-assigned-to-be~~
11 ~~operated-by-a-commercial-motor-carrier-whose-ability-to~~
12 ~~operate-has-been-terminated-or-denied-by-a-federal-agency.~~

13 ~~10.~~ 3. Notice of suspension or revocation of the
14 registration of a vehicle, registration card, registration
15 plate, or any nonresident or other permit under the terms of
16 this section shall be by personal delivery of said the notice
17 to the person to be so notified or by certified mail addressed
18 to such the person at the person's address as shown on the
19 registration record. ~~No~~ A return acknowledgment ~~shall-be~~ is
20 not necessary to prove such latter service.

21 If a vehicle, for which the registration has been suspended
22 or revoked pursuant to subsection ~~4-of-this-section~~ 1,
23 paragraph "d", or section 321.101A, is transferred to a bona
24 fide purchaser for value without actual knowledge of such
25 suspension or revocation then the vehicle shall be deemed to
26 be registered and the provisions of sections 321.28 and
27 321.30, subsections 4 and 5, shall not be applicable to such
28 vehicle for the failure of the previous owner to pay the
29 required fees.

30 Sec. 13. NEW SECTION. 321.101A REVOCATION OF
31 REGISTRATION BY COUNTY TREASURER.

32 The county treasurer may revoke the registration and
33 registration plates of a vehicle if the registration fees are
34 paid by check and the check is not honored by the payer's
35 financial institution upon reasonable notice and demand. The

1 owner of the vehicle or person in possession of the
2 registration and registration plates for the vehicle shall
3 immediately return the revoked registration and registration
4 plates to the appropriate county treasurer's office.

5 Sec. 14. Section 321.123, subsection 2, Code Supplement
6 1999, is amended by striking the subsection.

7 Sec. 15. Section 321.454, Code 1999, is amended to read as
8 follows:

9 321.454 WIDTH OF VEHICLES.

10 The total outside width of any a vehicle or the load on the
11 vehicle shall not exceed ~~eight-feet-except-that-a-motor-home,~~
12 ~~commercial-motor-vehicle,~~ ~~motor-truck-or-trailer-hauling-grain~~
13 ~~or-livestock,~~ ~~travel-trailer,~~ ~~fifth-wheel-travel-trailer,~~ ~~or~~
14 ~~bus-having-a-total-outside-width-not-exceeding~~ eight feet six
15 ~~inches,~~ ~~exclusive-of-safety-equipment,~~ ~~is-exempt-from-the~~
16 ~~permit-requirements-of-chapter-321E-and-may-be-operated-on-the~~
17 ~~public-highways-of-the-state.~~ This limitation on the total
18 outside width of a vehicle or the load on the vehicle does not
19 include safety equipment on a vehicle or incidental
20 appurtenances or retracted awnings on motor homes, travel
21 trailers, or fifth-wheel travel trailers if the incidental
22 appurtenance or retracted awning is less than six inches in
23 width. However, if hay, straw, or stover is moved on any an
24 implement of husbandry and the total width of load of the
25 implement of husbandry exceeds eight feet ~~in-width~~ six inches,
26 the implement of husbandry is not subject to the permit
27 requirements of chapter 321E. If hay, straw, or stover is
28 moved on any other vehicle subject to registration, the moves
29 are subject to the permit requirements for transporting loads
30 exceeding eight feet six inches in width as required under
31 chapter 321E.

32 Sec. 16. Section 321.457, subsection 2, paragraph f, Code
33 1999, is amended to read as follows:

34 f. A trailer or semitrailer, laden or unladen, shall not
35 have an overall length in excess of fifty-three feet when

1 operating in a truck tractor-semitrailer combination exclusive
2 of retractable extensions used to support the load. However,
3 when a trailer or semitrailer is used exclusively for the
4 transportation of passenger vehicles, light delivery trucks,
5 panel delivery trucks, pickup trucks, recreational vehicle
6 chassis, or boats, the load carried on the trailer or
7 semitrailer may extend up to three feet beyond the front
8 bumper and up to four feet beyond the rear bumper of the
9 trailer or semitrailer. A lowboy semitrailer, laden, or
10 unladen, which is designed and exclusively used for the
11 transportation of construction equipment shall not have an
12 overall length in excess of fifty-seven feet when used in a
13 truck tractor-semitrailer combination.

14 Sec. 17. Section 321.463, subsection 10, Code Supplement
15 1999, is amended to read as follows:

16 10. a. A person who operates a vehicle in violation of
17 ~~the-provisions-of~~ this section, and an owner, or any other
18 person, employing or otherwise directing the operator of a
19 vehicle, who requires or knowingly permits the operation of a
20 vehicle in violation of ~~the-provisions-of~~ this section shall
21 be fined according to the following schedule:

25 <u>Pounds Overloaded</u>	Amount of Fine
26 Up to and including 27 1,000 pounds	\$10-plus-one-half-cent per-pound <u>\$12</u>
28 Over 1,000 pounds <u>up</u> to and 29 including 2,000 pounds	\$15-plus-one-half-cent per-pound <u>\$20</u>
30 Over 2,000 pounds <u>up</u> to and 31 including 3,000 pounds	\$80-plus-three-cents per-pound <u>\$125</u>
32 Over 3,000 pounds <u>up</u> to and 33 including 4,000 pounds	\$100-plus-four-cents per-pound <u>\$180</u>
34 Over 4,000 pounds <u>up</u> to and 35 including 5,000 pounds	\$150-plus-five-cents per-pound <u>\$275</u>

- 1 Over 5,000 pounds up to and \$200-plus-seven-cents
- 2 including 6,000 pounds per-pound \$410
- 3 Over 6,000 pounds up to and \$200-plus-ten-cents
- 4 including 7,000 pounds per-pound \$550
- 5 Over 7,000 pounds up to and \$650
- 6 including 8,000 pounds
- 7 Over 8,000 pounds up to and \$750
- 8 including 9,000 pounds
- 9 Over 9,000 pounds up to and \$850
- 10 including 10,000 pounds
- 11 Over 10,000 pounds up to and \$1,300
- 12 including 11,000 pounds
- 13 Over 11,000 pounds up to and \$1,400
- 14 including 12,000 pounds
- 15 Over 12,000 pounds up to and \$1,500
- 16 including 13,000 pounds
- 17 Over 13,000 pounds up to and \$1,600
- 18 including 14,000 pounds
- 19 Over 14,000 pounds up to and \$1,700
- 20 including 15,000 pounds
- 21 Over 15,000 pounds up to and \$1,800
- 22 including 16,000 pounds
- 23 Over 16,000 pounds up to and \$1,900
- 24 including 17,000 pounds
- 25 Over 17,000 pounds up to and \$2,000
- 26 including 18,000 pounds
- 27 Over 18,000 pounds up to and \$2,100
- 28 including 19,000 pounds
- 29 Over 19,000 pounds up to and \$2,200
- 30 including 20,000 pounds
- 31 Over 20,000 pounds \$2,200 plus ten cents per
- 32 pound in excess of 20,000
- 33 pounds
- 34 b. Fines for gross weight violations for vehicles or
- 35 combinations of vehicles shall be assessed at one-half of the

1 fine rate schedule for axle, tandem axle, and groups of axles
2 weight violations.

3 c. Except as otherwise provided, the amount of the fine to
4 be assessed shall be computed on the difference between the
5 actual weight and the maximum legal weight specified in this
6 section ~~by applying the appropriate rate in the preceding~~
7 ~~schedule for the total amount of overload.~~

8 d. The schedule of fines may be assessed in addition to
9 any other penalties provided for in this chapter.

10 Sec. 18. Section 321F.4, subsection 2, Code 1999, is
11 amended to read as follows:

12 2. A license is valid for two years, four years, or six
13 years and expires on the last day of the last month of the
14 two-year, four-year, or six-year period, as applicable. A
15 licensee shall have the month of expiration and the month
16 after the month of expiration to renew the license. A person
17 who fails to renew a license by the end of this time period
18 and desires to hold a license shall file a new license
19 application and pay the required fee.

20 Sec. 19. Section 321H.4, subsection 2, unnumbered
21 paragraph 1, Code 1999, is amended to read as follows:

22 Application for a license as an authorized vehicle recycler
23 shall be made to the department on forms provided by the
24 department. The application shall be accompanied by a fee of
25 seventy dollars for a two-year license, one hundred forty
26 dollars for a four-year license, or two hundred ten dollars
27 for a six-year license. The license shall be approved or
28 disapproved within thirty days after application for the
29 license. A license is valid for two years, four years, or six
30 years and expires on the last day of the last month of the
31 two-year, four-year, or six-year period, as applicable. A
32 licensee shall have the month of expiration and the month
33 after the month of expiration to renew the license. A person
34 who fails to renew a license by the end of this time period
35 and desires to hold a license shall file a new license

1 application and pay the required fee. A separate license
2 shall be obtained for each county in which an applicant
3 conducts operations.

4 Sec. 20. Section 322.7, subsection 4, Code 1999, is
5 amended to read as follows:

6 4. The motor vehicle dealer license provided for in this
7 chapter shall be renewed upon application in the form and
8 content prescribed by the department and upon payment of the
9 required fee. A licensee shall have the month of expiration
10 and the month after the month of expiration to renew the
11 license. A person who fails to renew a license by the end of
12 this time period and desires to hold a license shall file a
13 new license application and pay the required fee.

14 Sec. 21. Section 322.29, unnumbered paragraphs 1 and 4,
15 Code 1999, are amended to read as follows:

16 Application for license shall be made to the department by
17 a manufacturer, distributor, or wholesaler, in a form and
18 containing information as the department requires and shall be
19 accompanied by the required license fee. ~~Bicenses~~ The license
20 shall be granted or refused within thirty days after
21 application, and shall expire, unless sooner revoked or
22 suspended, on December 31 of the calendar year for which they
23 are it is granted. A licensee shall have the month of
24 December of the calendar year for which the license was
25 granted and the following month of January to renew the
26 license. A person who fails to renew a license by the end of
27 this time period and desires to hold a license shall file a
28 new license application and pay the required fee.

29 A Upon payment of the license fee as provided in this
30 section, a person who rebuilds new completed motor vehicles by
31 fabricating, altering, adding, or replacing essential parts,
32 components, or equipment for the purpose of building an
33 ambulance, rescue vehicle, or fire vehicle, or towing or
34 recovery vehicle as defined in chapter 321 may be issued a
35 license as a wholesaler of new motor vehicles of the make and

1 model rebuilt without written authorization from the
2 manufacturer.

3 Sec. 22. Section 322.29, Code 1999, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Upon payment of the license fee
6 as provided in this section, a person who installs cranes,
7 hook loaders, buckets, aerial ladders, or tanks on new
8 completed motor trucks with a gross vehicle weight rating of
9 nineteen thousand pounds or more may be issued a license as a
10 wholesaler of new motor vehicles of the make and model on
11 which the equipment is installed without written authorization
12 from the manufacturer.

13 Sec. 23. Section 322B.4, Code 1999, is amended to read as
14 follows:

15 322B.4 LICENSE APPLICATION AND FEES.

16 Upon application and payment of a thirty-five dollar fee, a
17 person may be licensed as a manufacturer or distributor of
18 mobile homes. The application shall be in the form and shall
19 contain information as the department prescribes. The license
20 shall be granted or refused within thirty days after
21 application. The license expires, unless sooner revoked or
22 suspended by the department, on December 31 of the calendar
23 year for which the license was granted. A licensee shall have
24 the month of December of the calendar year for which the
25 license was granted and the following month of January to
26 renew the license. A person who fails to renew a license by
27 the end of this time period and desires to hold a license
28 shall file a new license application and pay the required fee.

29 Sec. 24. Section 322C.2, subsection 12, Code 1999, is
30 amended to read as follows:

31 12. "Travel trailer" means a vehicle without motive power
32 used or so manufactured or constructed as to permit its being
33 used as a conveyance upon the public streets and highways and
34 designed to permit the vehicle to be used as a place of human
35 habitation by one or more persons. The vehicle may be up to

1 eight feet six inches in width and its overall length shall
2 not exceed forty feet.

3 Sec. 25. Section 322C.4, subsection 2, Code 1999, is
4 amended to read as follows:

5 2. The license shall be granted or refused within thirty
6 days after application. A license is valid for a two-year,
7 four-year, or six-year period and expires, unless revoked or
8 suspended by the department, on the last day of the last month
9 of the two-year, four-year, or six-year period, as applicable.
10 A licensee shall have the month of expiration and the month
11 after the month of expiration to renew the license. A person
12 who fails to renew a license by the end of this time period
13 and desires to hold a license shall file a new license
14 application and pay the required fee. A separate license
15 shall be obtained for each county in which an applicant does
16 business as a travel trailer dealer.

17 Sec. 26. Section 322C.9, subsection 1, Code 1999, is
18 amended to read as follows:

19 1. Upon application and payment of a thirty-five-dollar
20 fee, a person may be licensed as a manufacturer or distributor
21 of travel trailers. The application shall be in the form and
22 shall contain information as the department prescribes. The
23 license shall be granted or refused within thirty days after
24 application. The license expires, unless sooner revoked or
25 suspended by the department, on December 31 of the calendar
26 year for which the license was granted. A licensee shall have
27 the month of December of the calendar year for which the
28 license was granted and the following month of January to
29 renew the license. A person who fails to renew a license by
30 the end of this time period and desires to hold a license
31 shall file a new license application and pay the required fee.

32 Sec. 27. Section 325A.3, Code 1999, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 5. A motor carrier shall keep a permit or
35 certificate issued to the motor carrier under this section, or

1 a copy of such permit or certificate, in the vehicle being
2 operated by the motor carrier and shall show the permit or
3 certificate, or copy thereof, to any peace officer upon
4 request.

5 Sec. 28. Section 805.8, subsection 2, paragraph ag, Code
6 Supplement 1999, is amended to read as follows:

7 ag. For violation of section 325A.3, subsection 5, or
8 section 325A.8, the scheduled fine is fifty dollars. For
9 violation of chapter 325A, other than a violation of section
10 325A.3, subsection 5, or section 325A.8, the scheduled fine is
11 two hundred fifty dollars.

12 Sec. 29. EFFECTIVE DATE. The amendment to section
13 321.457, subsection 2, in this division of this Act, being
14 deemed of immediate importance, takes effect upon enactment.

15 DIVISION II

16 MOTOR CARRIER AUTHORITY

17 Sec. 30. Section 325A.2, subsection 2, Code 1999, is
18 amended to read as follows:

19 2. A local authority, as defined in section 321.1, shall
20 not impose any regulations, including special registration or
21 inspection requirements, upon the operation of motor carriers
22 that are more restrictive than any of the provisions of this
23 chapter, or section 321.449 or 321.450.

24 Sec. 31. Section 325A.3, subsection 2, paragraph g, Code
25 1999, is amended by striking the paragraph.

26 Sec. 32. Section 325A.3, Code 1999, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 6. The department may deny issuance of a
29 permit or certificate if the department determines that
30 evidence exists showing that the motor carrier cannot comply
31 with the requirements of this chapter or the rules adopted
32 pursuant to this chapter, including safety regulations and
33 financial fitness and insurance requirements.

34 Sec. 33. Section 325A.13, subsection 1, Code 1999, is
35 amended to read as follows:

1 1. It is unlawful for a charter carrier to transport
2 passengers by motor vehicle for hire from any point or place
3 in this state to another place in this state irrespective of
4 the route or highway traversed, without first having obtained
5 a charter passenger certificate from the department a
6 ~~certificate-declaring-that-public-convenience-and-necessity~~
7 ~~require-the-operation.~~

8 Sec. 34. Section 325A.13, subsection 2, paragraphs a and
9 f, Code 1999, are amended to read as follows:

10 a. It is unlawful for a regular-route motor carrier of
11 passengers to transport passengers for hire upon the highways
12 of this state in intrastate commerce without first having
13 obtained from the department a regular-route passenger
14 certificate. The department shall issue a regular-route
15 passenger certificate ~~without-hearing~~, if the department finds
16 that the applicant is fit, willing, and able.

17 f. A regular-route motor carrier of passengers shall not
18 operate as a charter carrier in this state unless it possesses
19 a charter passenger certificate of-convenience-and-necessity
20 ~~to-engage-in-the-business-of-a-charter-carrier.~~

21 Sec. 35. Section 325A.13, subsection 2, Code 1999, is
22 amended by adding the following new paragraph after paragraph
23 f:

24 NEW PARAGRAPH. ff. A charter carrier shall not operate as
25 a regular-route passenger carrier in this state unless it
26 possesses a regular-route passenger certificate.

27 Sec. 36. Section 325A.16, Code 1999, is amended by
28 striking the section and inserting in lieu thereof the
29 following:

30 325A.16 HEARINGS.

31 A person whose application for a permit or certificate
32 under this chapter has been denied, or whose permit or
33 certificate has been suspended, may contest the decision under
34 chapter 17A and in accordance with rules adopted by the
35 department. The request for a hearing shall be in writing to

1 the director of the division of motor carrier services, state
2 department of transportation, at its office in the capital
3 city's metropolitan area.

4 Sec. 37. Section 325A.21, Code 1999, is amended to read as
5 follows:

6 325A.21 TRANSFERABILITY OF REGULAR ROUTE CERTIFICATE.

7 ~~1:--A-certificate-of-convenience-and-necessity-shall-not-be
8 sold,-transferred,-leased,-or-assigned-and-a-contract-or
9 agreement-with-reference-to-or-affecting-a-certificate-shall
10 not-be-entered-into-without-the-written-approval-of-the
11 department.--The-department-may-request-the-department-of
12 inspections-and-appeals-to-hold-a-hearing-regarding-the
13 transfer-of-the-certificate.--The-state-department-of
14 transportation-shall-approve-the-sale,-transfer,-lease,-or
15 assignment-upon-a-finding-by-the-department-of-inspections-and
16 appeals-that-there-has-been-continuous-service-under-the
17 certificate-for-at-least-ninety-days-prior-to-the-transfer,
18 that-the-transferee-is-fit,-willing,-and-able-to-perform-the
19 operations-authorized-by-the-certificate,-and-that-the
20 transfer-is-consistent-with-the-public-interest.--Pending
21 determination-of-an-application-filed-with-the-department-for
22 approval-of-a-sale,-transfer,-lease,-or-assignment,-the
23 department-may-grant-temporary-approval-of-the-proposed
24 operation-upon-a-finding-of-good-cause.~~

25 2: A regular-route passenger certificate shall not be
26 sold, transferred, leased, or assigned without the approval of
27 the department. The department shall approve the sale,
28 transfer, lease, or assignment if the person obtaining or
29 seeking to obtain ownership or control of a certificate is
30 found to be fit, willing, and able to perform the service
31 proposed. In determining the fitness of the person seeking
32 transfer of the certificate, the department shall consider
33 only the person's compliance with safety, financial fitness,
34 and insurance requirements.

35 Sec. 38. Sections 325A.14, 325A.15, 325A.17, 325A.18,

1 325A.19, and 325A.20, Code 1999, are repealed.

2 DIVISION III

3 MOTOR VEHICLE REGISTRATION AND TITLING SYSTEM

4 Sec. 39. Section 321.20, subsection 1, Code Supplement
5 1999, is amended to read as follows:

6 1. The full legal name; social security number or, if the
7 owner does not have a social security number but has a
8 passport, the passport number; driver's license number,
9 whether the license was issued by this state, another state,
10 another country, or is an international driver's license; date
11 of birth; bona fide residence; and mailing address of the
12 owner and of the lessee if the vehicle is being leased. If
13 the owner or lessee is a firm, association, or corporation,
14 the application shall contain the business address and federal
15 employer identification number of the owner or lessee. Up to
16 three owners' names may be listed on the application.

17 Information relating to the lessee of a vehicle shall not be
18 required on an application for registration and a certificate
19 of title for a vehicle with a gross vehicle weight rating of
20 twenty-six thousand pounds or more.

21 Sec. 40. Section 321.20, Code Supplement 1999, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 6. If the vehicle is owned by a
24 nonresident but is subject to issuance of an Iowa certificate
25 of title or registration, the application shall also contain
26 the full legal name; social security number, or, if the
27 primary user does not have a social security number but has a
28 passport, the passport number; driver's license number,
29 whether the license was issued by this state, another state,
30 another country, or is an international driver's license; date
31 of birth; bona fide residence; and mailing address of the
32 primary user of the vehicle. If the primary user is a firm,
33 association, or corporation, the application shall contain the
34 business address and federal employer identification number of
35 the primary user. The primary user's name and address shall

1 not be printed on the registration receipt or the certificate
2 of title.

3 Sec. 41. Section 321.20, Code Supplement 1999, is amended
4 by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. The department shall adopt rules
6 on the method for providing signatures for applications made
7 by electronic means.

8 Sec. 42. Section 321.24, unnumbered paragraphs 1, 3, and
9 6, Code Supplement 1999, are amended to read as follows:

10 Upon receipt of the application for title and payment of
11 the required fees for a motor vehicle, trailer, or
12 semitrailer, the county treasurer or the department shall,
13 when satisfied as to the application's genuineness and
14 regularity, and, in the case of a mobile home or manufactured
15 housing, that taxes are not owing under chapter 435, issue a
16 certificate of title and, except for a mobile home or
17 manufactured housing, a registration receipt, and shall file
18 the application, the manufacturer's or importer's certificate,
19 the certificate of title, or other evidence of ownership, as
20 prescribed by the department. The registration receipt shall
21 be delivered to the owner and shall contain upon its face the
22 date issued, the name and address of the owner, the
23 registration number assigned to the vehicle, ~~the title number~~
24 ~~assigned to the owner of the vehicle~~, the amount of the fee
25 paid, the amount of tax paid pursuant to section 423.7, the
26 type of fuel used, and a description of the vehicle as
27 determined by the department, and upon the reverse side a form
28 for notice of transfer of the vehicle. The name and address
29 of any lessee of the vehicle shall not be printed on the
30 registration receipt or certificate of title. Up to three
31 owners may be listed on the registration receipt and
32 certificate of title.

33 The certificate of title shall contain upon its face the
34 identical information required upon the face of the
35 registration receipt. In addition, the certificate of title

1 shall contain a statement of the owner's title, the title
2 number assigned to the owner or owners of the vehicle, the
3 amount of tax paid pursuant to section 423.7, the name and
4 address of the previous owner, and a statement of all security
5 interests and encumbrances as shown in the application, upon
6 the vehicle described, including the nature of the security
7 interest, date of notation, and name and address of the
8 secured party.

9 The certificate shall bear the seal of the county treasurer
10 or of the department, and the signature of the county
11 treasurer, the deputy county treasurer, or the department
12 director or deputy designee. ~~The certificate shall provide~~
13 ~~space for the signature of the owner. The owner shall sign~~
14 ~~the certificate of title in the space provided with pen and~~
15 ~~ink upon its receipt.~~ The certificate of title shall contain
16 upon the reverse side a form for assignment of title or
17 interest and warranty by the owner, for reassignments by a
18 dealer licensed in this state or in another state if the state
19 in which the dealer is licensed permits Iowa licensed dealers
20 to similarly reassign certificates of title. Attached to the
21 certificate of title shall be an application for a new
22 certificate of title by the transferee as provided in this
23 chapter. However, titles for mobile homes or manufactured
24 housing shall not be reassigned by licensed dealers. All
25 certificates of title shall be typewritten or printed by other
26 mechanical means. Notwithstanding section 321.1, subsection
27 17, as used in this paragraph "dealer" means every person
28 engaged in the business of buying, selling, or exchanging
29 vehicles of a type required to be registered under this
30 chapter.

31 Sec. 43. Section 321.42, subsection 2, paragraphs a, b,
32 and d, Code Supplement 1999, are amended to read as follows:

33 a. If a certificate of title is lost or destroyed, the
34 owner or lienholder shall apply for a certified replacement
35 copy of the original certificate of title. The owner or

1 lienholder of a motor vehicle may also apply for a certified
2 replacement copy of the original certificate of title as a
3 ~~replacement-for-the-original-certificate-of-title~~ upon
4 surrender of the original certificate of title with the
5 application. The application shall be made to the department
6 or county treasurer who issued the original certificate of
7 title. The application shall be signed by the owner or
8 lienholder and accompanied by a fee of ten dollars.

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

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

30 Sec. 44. Section 321.50, subsection 1, Code Supplement
31 1999, is amended to read as follows:

32 1. A security interest in a vehicle subject to
33 registration under the laws of this state or a mobile home or
34 manufactured housing, except trailers whose empty weight is
35 two thousand pounds or less, and except new or used vehicles

1 held by a dealer or manufacturer as inventory for sale, is
2 perfected by the delivery to the county treasurer of the
3 county where the certificate of title was issued or, in the
4 case of a new certificate, to the county treasurer where the
5 certificate will be issued, of an application for certificate
6 of title which lists the security interest, or an application
7 for notation of security interest signed by the owner, or by
8 one owner of a vehicle owned jointly by more than one person,
9 or a certificate of title from another jurisdiction which
10 shows the security interest, and a fee of five dollars for
11 each security interest shown. Up to three security interests
12 may be perfected against a vehicle and shown on an Iowa
13 certificate of title. If the owner or secured party is in
14 possession of the certificate of title, it must also be
15 delivered at this time in order to perfect the security
16 interest. If a vehicle is subject to a security interest when
17 brought into this state, the validity of the security interest
18 and the date of perfection is determined by section 554.9103.
19 Delivery as provided in this subsection is an indication of a
20 security interest on a certificate of title for purposes of
21 chapter 554.

22 Sec. 45. Section 321.157, Code 1999, is amended to read as
23 follows:

24 321.157 SCHEDULE OF PRICES AND WEIGHTS.

25 1. Every A manufacturer or importer of a motor vehicle
26 sold or offered for sale within in this state, either by the
27 manufacturer, importer, distributor, dealer, or any other
28 person, shall file in the office of the department a sworn
29 statement showing the various models manufactured by the
30 manufacturer, importer, distributor, dealer, or other person,
31 and the retail list price and weight of each model
32 concurrently with a public announcement of such prices or
33 concurrently with notification of such prices to dealers
34 licensed to sell such motor vehicles under chapter 322,
35 whichever comes first. The manufacturer, importer,

1 distributor, dealer, or other person shall also make the same
2 report on subsequent new models manufactured.

3 2. In lieu of filing the sworn statement required under
4 subsection 1, a manufacturer or importer of a motor vehicle
5 sold or offered for sale in this state may electronically
6 provide the information required in subsection 1 to the
7 department, or, if the manufacturer or importer provides the
8 required information to a third-party vendor, the manufacturer
9 or importer shall make the required information available to
10 the department through the third-party vendor.

11 Sec. 46. Section 321.159, Code 1999, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. For a current year model of a
14 motor vehicle for which the manufacturer or importer of the
15 motor vehicle has not provided the weight and list price, the
16 department shall set the annual registration fee at ten
17 dollars greater than the annual registration fee for the
18 previous year model. Once the manufacturer or importer
19 provides the required information, the information shall be
20 used to set the registration or registration renewal fee for
21 the succeeding registration or registration renewal time for
22 the motor vehicle.

23 Sec. 47. EFFECTIVE DATE. This division of this Act takes
24 effect July 1, 2001.

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SENATE FILE 2147

H-8180

- 1 Amend Senate File 2147, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 10, line 28, through page 11,
- 4 line 10, and inserting the following:
- 5 "Over 1,000 pounds up to and \$15-plus-one-half-cent
- 6 including 2,000 pounds per-pound \$22
- 7 Over 2,000 pounds up to and \$80-plus-three-cents
- 8 including 3,000 pounds per-pound \$155
- 9 Over 3,000 pounds up to and \$100-plus-four-cents
- 10 including 4,000 pounds per-pound \$240
- 11 Over 4,000 pounds up to and \$150-plus-five-cents
- 12 including 5,000 pounds per-pound \$375
- 13 Over 5,000 pounds up to and \$200-plus-seven-cents
- 14 including 6,000 pounds per-pound \$585
- 15 Over 6,000 pounds up to and \$200-plus-ten-cents
- 16 including 7,000 pounds per-pound \$850
- 17 Over 7,000 pounds up to and \$950
- 18 including 8,000 pounds
- 19 Over 8,000 pounds up to and \$1,050
- 20 including 9,000 pounds
- 21 Over 9,000 pounds up to and \$1,150
- 22 including 10,000 pounds"
- 23 2. By renumbering as necessary.

By COMMITTEE ON TRANSPORTATION
WELTER of Jones, Chairperson

H-8180 FILED MARCH 6, 2000

Adopted
3-15-00
(p. 774)

SENATE FILE 2147

AN ACT
RELATING TO MOTOR VEHICLES, INCLUDING MOTOR VEHICLE ENFORCEMENT,
TITLING, AND REGISTRATION, THE RENEWAL OF CERTAIN LICENSES
RELATED TO SELLING VEHICLES, AND MOTOR CARRIER REGULATION,
MAKING PENALTIES APPLICABLE, AND PROVIDING EFFECTIVE DATES.

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

DIVISION I

MOTOR VEHICLE REGISTRATION AND TITLING, DEALER
LICENSING, AND MOTOR VEHICLE AND MOTOR CARRIER ENFORCEMENT

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

NEW SUBSECTION. 83A. "Towing or recovery vehicle" means a
motor vehicle equipped with booms, winches, slings, or wheel
lifts used to tow, recover, or transport other motor vehicles.

Sec. 2. Section 321.20A, subsection 1, Code 1999, is
amended to read as follows:

1. Notwithstanding other provisions of this chapter, the
owner of a commercial vehicle subject to the proportional
registration provisions of chapter 326, may make application
to the department for a certificate of title. The application
for certificate of title shall be made within fifteen thirty
days of purchase or transfer and accompanied by a ten dollar
title fee and appropriate use tax.

Sec. 3. Section 321.25, unnumbered paragraph 1, Code
Supplement 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 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 thirty 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 thirty calendar days from the
date of the delivery of the vehicle to the purchaser.

Sec. 4. Section 321.30, subsection 13, unnumbered
paragraph 2, Code Supplement 1999, is amended to read as
follows:

The department or the county treasurer shall also refuse
registration of a vehicle if the applicant for registration of
the vehicle has failed to pay the required registration fees
of any vehicle owned or previously owned when the registration
fee was required to be paid by the applicant, and for which
vehicle the registration was suspended or revoked under

section 321.101, subsection 4 1, paragraph "d", or section ~~321.101A~~, until the fees are paid together with any accrued penalties.

Sec. 5. Section 321.30, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The department or the county treasurer shall refuse registration of a vehicle if the applicant is under the age of eighteen years, unless the applicant has an Iowa driver's license or the application is being made by more than one applicant and one of the applicants is at least eighteen years of age.

Sec. 6. Section 321.46, subsection 1, Code Supplement 1999, is amended to read as follows:

1. The transferee shall within fifteen thirty calendar days after purchase or transfer apply for and obtain from the county treasurer of the person's residence, or if a nonresident, the county treasurer of the county where the primary users of the vehicle are located or the county where all other vehicles owned by the nonresident are registered, a new registration and a new certificate of title for the vehicle except as provided in section 321.25 or 321.48. The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and shall indicate the name of the county in which the vehicle was last registered and the registration expiration date. The transferee shall be required to list a driver's license number.

Sec. 7. Section 321.50, subsection 4, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

~~If a title is presented for transfer, and the~~ If a lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, ~~the any~~ county of transfer may note the release on the face of the title and shall notify the county of record that the lien has been released as of the specified date, and shall make entry upon

~~the computer system, and shall proceed to transfer the title.~~ Notification to the county of record shall be made by an automated statewide system, or by sending a photocopy of the released title to the county of record.

Sec. 8. Section 321.52, subsection 2, Code 1999, is amended to read as follows:

2. The purchaser or transferee of a motor vehicle for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the transferee, and shall apply for a junking certificate from the county treasurer, within ~~fifteen~~ thirty days after assignment of the certificate of title. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the reverse side of the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

Sec. 9. Section 321.52, subsection 4, paragraph a, Code 1999, is amended to read as follows:

a. A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title or manufacturer's or importer's statement of origin properly

assigned, together with an application for a salvage certificate of title to the county treasurer of the county of residence of the purchaser or transferee within fifteen thirty days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. This subsection applies only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall bear the word "SALVAGE" stamped or printed on the face of the title in a manner prescribed by the department. A salvage certificate of title may be assigned to an educational institution, a new motor vehicle dealer licensed under chapter 322, a person engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles for sale as scrap metal, a salvage pool, or an authorized vehicle recycler licensed under chapter 321H. An authorized vehicle recycler licensed under chapter 321H or a new motor vehicle dealer licensed under chapter 322 may assign a salvage certificate of title to any person. A vehicle on which ownership has transferred to an insurer of the vehicle, as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of the vehicle, shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with this subsection to obtain a salvage certificate of title within fifteen thirty days after the date of assignment of the certificate of title of the vehicle.

Sec. 10. Section 321.58, Code 1999, is amended to read as follows:

321.58 APPLICATION.

All dealers, transporters, new motor vehicle wholesalers licensed under chapter 322, and mobile home dealers licensed under chapter 322B, upon payment of a fee of seventy dollars for two years, one hundred forty dollars for four years, or

two hundred ten dollars for six years, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, mobile home dealer licensed under chapter 322B, or dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership. ~~A dealer licensed as a wholesaler for a new motor vehicle model pursuant to chapter 322, shall furnish satisfactory evidence of valid written authorization from the manufacturer of the new motor vehicle of the dealer's status as a wholesaler of the new motor vehicle model.~~

Sec. 11. Section 321.89, subsection 4, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity, which has taken into possession any abandoned vehicle which lacks an engine, two or more wheels, another part which renders the vehicle totally inoperable, or which has a fair market value of less than five hundred dollars as determined by the police authority or private entity, may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in subsection 3. The purchaser of the vehicle takes title free and clear of all liens and claims of

ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within fifteen thirty days of purchase and shall surrender the sales receipt in lieu of the certificate of title.

Sec. 12. Section 321.101, Code Supplement 1999, is amended to read as follows:

321.101 SUSPENSION OR REVOCATION OF REGISTRATION OR CANCELLATION OF CERTIFICATE OF TITLE BY DEPARTMENT.

1. The department is hereby authorized to suspend or revoke the registration of a vehicle, registration card, registration plate, or any nonresident or other permit in any of the following events:

1- a. When the department is satisfied that such registration card, plate, or permit was fraudulently or erroneously issued.

2- b. When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

3- c. When a registered vehicle has been dismantled or wrecked.

4- d. When the department determines that the required fee has not been paid and the same fee is not paid upon reasonable notice and demand.

5- e. When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.

6- f. When the department determines that the owner has committed any offense under this chapter involving the registration card, plate, or permit to be suspended or revoked.

7- g. When the department is so authorized under any other provision of law.

h. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

8- 2. The department shall cancel a certificate of title that appears to have been improperly issued or fraudulently obtained or in the case of a mobile home or manufactured housing, if taxes were owing under chapter 435 at the time the certificate was issued and have not been paid. However, before the certificate to a mobile home or manufactured housing where for which taxes were owing can be canceled, notice and opportunity to pay the taxes must be given to the person to whom the certificate was issued. Upon cancellation of any certificate of title the department shall notify the county treasurer who issued it, who shall enter the cancellation upon the records. The department shall also notify the person to whom the certificate of title was issued, as well as any lienholders appearing thereon on the certificate of title, of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any lien noted thereon on the certificate of title.

~~9- --if-a-commercial-motor-vehicle-has-been-assigned-to-be operated-by-a-commercial-motor-carrier-whose-ability-to operate-has-been-terminated-or-denied-by-a-federal-agency-~~

10- 3. Notice of suspension or revocation of the registration of a vehicle, registration card, registration plate, or any nonresident or other permit under the terms of this section shall be by personal delivery of said the notice to the person to be so notified or by certified mail addressed to such the person at the person's address as shown on the registration record. No A return acknowledgment shall-be is not necessary to prove such latter service.

If a vehicle, for which the registration has been suspended or revoked pursuant to subsection ~~4 of this section 1,~~ paragraph "d", or section 321.101A, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation then the vehicle shall be deemed to be registered and the provisions of sections 321.28 and 321.30, subsections 4 and 5, shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees.

Sec. 13. NEW SECTION. 321.101A REVOCATION OF REGISTRATION BY COUNTY TREASURER.

The county treasurer may revoke the registration and registration plates of a vehicle if the registration fees are paid by check and the check is not honored by the payer's financial institution upon reasonable notice and demand. The owner of the vehicle or person in possession of the registration and registration plates for the vehicle shall immediately return the revoked registration and registration plates to the appropriate county treasurer's office.

Sec. 14. Section 321.123, subsection 2, Code Supplement 1999, is amended by striking the subsection.

Sec. 15. Section 321.454, Code 1999, is amended to read as follows:

321.454 WIDTH OF VEHICLES.

The total outside width of any a vehicle or the load on the vehicle shall not exceed ~~eight feet except that a motor home, commercial motor vehicle, motor truck or trailer hauling grain or livestock, travel trailer, fifth wheel travel trailer, or bus having a total outside width not exceeding eight feet six inches, exclusive of safety equipment, is exempt from the permit requirements of chapter 321E and may be operated on the public highways of the state.~~ This limitation on the total outside width of a vehicle or the load on the vehicle does not include safety equipment on a vehicle or incidental appurtenances or retracted awnings on motor homes, travel

trailers, or fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width. However, if hay, straw, or stover is moved on any an implement of husbandry and the total width of load of the implement of husbandry exceeds eight feet in-width six inches, the implement of husbandry is not subject to the permit requirements of chapter 321E. If hay, straw, or stover is moved on any other vehicle subject to registration, the moves are subject to the permit requirements for transporting loads exceeding eight feet six inches in width as required under chapter 321E.

Sec. 16. Section 321.457, subsection 2, paragraph f, Code 1999, is amended to read as follows:

f. A trailer or semitrailer, laden or unladen, shall not have an overall length in excess of fifty-three feet when operating in a truck tractor-semitrailer combination exclusive of retractable extensions used to support the load. However, when a trailer or semitrailer is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis, or boats, the load carried on the trailer or semitrailer may extend up to three feet beyond the front bumper and up to four feet beyond the rear bumper of the trailer or semitrailer. A lowboy semitrailer, laden, or unladen, which is designed and exclusively used for the transportation of construction equipment shall not have an overall length in excess of fifty-seven feet when used in a truck tractor-semitrailer combination.

Sec. 17. Section 321.463, subsection 10, Code Supplement 1999, is amended to read as follows:

10. a. A person who operates a vehicle in violation of ~~the provisions of~~ this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly permits the operation of a vehicle in violation of ~~the provisions of~~ this section shall be fined according to the following schedule:

AXLE, TANDEM AXLE,
AND GROUP OF AXLES
WEIGHT VIOLATIONS

<u>Pounds Overloaded</u>	<u>Amount of Fine</u>
Up to and including 1,000 pounds	\$10-plus-one-half-cent per-pound \$12
Over 1,000 pounds up to and including 2,000 pounds	\$15-plus-one-half-cent per-pound \$22
Over 2,000 pounds up to and including 3,000 pounds	\$80-plus-three-cents per-pound \$155
Over 3,000 pounds up to and including 4,000 pounds	\$100-plus-four-cents per-pound \$240
Over 4,000 pounds up to and including 5,000 pounds	\$150-plus-five-cents per-pound \$375
Over 5,000 pounds up to and including 6,000 pounds	\$200-plus-seven-cents per-pound \$585
Over 6,000 pounds up to and including 7,000 pounds	\$200-plus-ten-cents per-pound \$850
Over 7,000 pounds up to and including 8,000 pounds	\$950
Over 8,000 pounds up to and including 9,000 pounds	\$1,050
Over 9,000 pounds up to and including 10,000 pounds	\$1,150
Over 10,000 pounds up to and including 11,000 pounds	\$1,300
Over 11,000 pounds up to and including 12,000 pounds	\$1,400
Over 12,000 pounds up to and including 13,000 pounds	\$1,500
Over 13,000 pounds up to and including 14,000 pounds	\$1,600
Over 14,000 pounds up to and including 15,000 pounds	\$1,700
Over 15,000 pounds up to and	\$1,800

<u>including 16,000 pounds</u>	
Over 16,000 pounds up to and	\$1,900
<u>including 17,000 pounds</u>	
Over 17,000 pounds up to and	\$2,000
<u>including 18,000 pounds</u>	
Over 18,000 pounds up to and	\$2,100
<u>including 19,000 pounds</u>	
Over 19,000 pounds up to and	\$2,200
<u>including 20,000 pounds</u>	
Over 20,000 pounds	\$2,200 plus ten cents per pound in excess of 20,000 pounds

b. Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axle, tandem axle, and groups of axles weight violations.

c. Except as otherwise provided, the amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section ~~by applying the appropriate rate in the preceding schedule for the total amount of overload.~~

d. The schedule of fines may be assessed in addition to any other penalties provided for in this chapter.

Sec. 18. Section 321F.4, subsection 2, Code 1999, is amended to read as follows:

2. A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 19. Section 321H.4, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by a fee of seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. The license shall be approved or disapproved within thirty days after application for the license. A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant conducts operations.

Sec. 20. Section 322.7, subsection 4, Code 1999, is amended to read as follows:

4. The motor vehicle dealer license provided for in this chapter shall be renewed upon application in the form and content prescribed by the department and upon payment of the required fee. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 21. Section 322.29, unnumbered paragraphs 1 and 4, Code 1999, are amended to read as follows:

Application for license shall be made to the department by a manufacturer, distributor, or wholesaler, in a form and containing information as the department requires and shall be accompanied by the required license fee. ~~licenses~~ The license shall be granted or refused within thirty days after application, and shall expire, unless sooner revoked or

suspended, on December 31 of the calendar year for which they are it is granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

A Upon payment of the license fee as provided in this section, a person who rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, or fire vehicle, or towing or recovery vehicle as defined in chapter 321 may be issued a license as a wholesaler of new motor vehicles of the make and model rebuilt without written authorization from the manufacturer.

Sec. 22. Section 322.29, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon payment of the license fee as provided in this section, a person who installs cranes, hook loaders, buckets, aerial ladders, or tanks on new completed motor trucks with a gross vehicle weight rating of nineteen thousand pounds or more may be issued a license as a wholesaler of new motor vehicles of the make and model on which the equipment is installed without written authorization from the manufacturer.

Sec. 23. Section 322B.4, Code 1999, is amended to read as follows:

322B.4 LICENSE APPLICATION AND FEES.

Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or

suspended by the department, on December 31 of the calendar year for which the license was granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 24. Section 322C.2, subsection 12, Code 1999, is amended to read as follows:

12. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty feet.

Sec. 25. Section 322C.4, subsection 2, Code 1999, is amended to read as follows:

2. The license shall be granted or refused within thirty days after application. A license is valid for a two-year, four-year, or six-year period and expires, unless revoked or suspended by the department, on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

Sec. 26. Section 322C.9, subsection 1, Code 1999, is amended to read as follows:

1. Upon application and payment of a thirty-five-dollar fee, a person may be licensed as a manufacturer or distributor of travel trailers. The application shall be in the form and

shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license was granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 27. Section 325A.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A motor carrier shall keep a permit or certificate issued to the motor carrier under this section, or a copy of such permit or certificate, in the vehicle being operated by the motor carrier and shall show the permit or certificate, or copy thereof, to any peace officer upon request.

Sec. 28. Section 805.8, subsection 2, paragraph ag, Code Supplement 1999, is amended to read as follows:

ag. For violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is fifty dollars. For violation of chapter 325A, other than a violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is two hundred fifty dollars.

Sec. 29. EFFECTIVE DATE. The amendment to section 321.457, subsection 2, in this division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

MOTOR CARRIER AUTHORITY

Sec. 30. Section 325A.2, subsection 2, Code 1999, is amended to read as follows:

2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers

that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450.

Sec. 31. Section 325A.3, subsection 2, paragraph g, Code 1999, is amended by striking the paragraph.

Sec. 32. Section 325A.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department may deny issuance of a permit or certificate if the department determines that evidence exists showing that the motor carrier cannot comply with the requirements of this chapter or the rules adopted pursuant to this chapter, including safety regulations and financial fitness and insurance requirements.

Sec. 33. Section 325A.13, subsection 1, Code 1999, is amended to read as follows:

1. It is unlawful for a charter carrier to transport passengers by motor vehicle for hire from any point or place in this state to another place in this state irrespective of the route or highway traversed, without first having obtained a charter passenger certificate from the department a ~~certificate-declaring-that-public-convenience-and-necessity require-the-operation.~~

Sec. 34. Section 325A.13, subsection 2, paragraphs a and f, Code 1999, are amended to read as follows:

a. It is unlawful for a regular-route motor carrier of passengers to transport passengers for hire upon the highways of this state in intrastate commerce without first having obtained from the department a regular-route passenger certificate. The department shall issue a regular-route passenger certificate ~~without-hearing~~, if the department finds that the applicant is fit, willing, and able.

f. A regular-route motor carrier of passengers shall not operate as a charter carrier in this state unless it possesses a charter passenger certificate of-convenience-and-necessity to-engage-in-the-business-of-a-charter-carrier.

Sec. 35. Section 325A.13, subsection 2, Code 1999, is amended by adding the following new paragraph after paragraph f:

NEW PARAGRAPH. ff. A charter carrier shall not operate as a regular-route passenger carrier in this state unless it possesses a regular-route passenger certificate.

Sec. 36. Section 325A.16, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

325A.16 HEARINGS.

A person whose application for a permit or certificate under this chapter has been denied, or whose permit or certificate has been suspended, may contest the decision under chapter 17A and in accordance with rules adopted by the department. The request for a hearing shall be in writing to the director of the division of motor carrier services, state department of transportation, at its office in the capital city's metropolitan area.

Sec. 37. Section 325A.21, Code 1999, is amended to read as follows:

325A.21 TRANSFERABILITY OF REGULAR-ROUTE CERTIFICATE.

~~It--A-certificate-of-convenience-and-necessity-shall-not-be sold, transferred, leased, or assigned and a contract or agreement with reference to or affecting a certificate shall not be entered into without the written approval of the department.--The department may request the department of inspections and appeals to hold a hearing regarding the transfer of the certificate.--The state department of transportation shall approve the sale, transfer, lease, or assignment upon a finding by the department of inspections and appeals that there has been continuous service under the certificate for at least ninety days prior to the transfer, that the transferee is fit, willing, and able to perform the operations authorized by the certificate, and that the transfer is consistent with the public interest.--Pending~~

~~determination-of-an-application-filed-with-the-department-for approval-of-a-sale,-transfer,-lease,-or-assignment,-the department-may-grant-temporary-approval-of-the-proposed operation-upon-a-finding-of-good-cause.~~

2. A regular-route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the department. The department shall approve the sale, transfer, lease, or assignment if the person obtaining or seeking to obtain ownership or control of a certificate is found to be fit, willing, and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the department shall consider only the person's compliance with safety, financial fitness, and insurance requirements.

Sec. 38. Sections 325A.14, 325A.15, 325A.17, 325A.18, 325A.19, and 325A.20, Code 1999, are repealed.

DIVISION III

MOTOR VEHICLE REGISTRATION AND TITLING SYSTEM

Sec. 39. Section 321.20, subsection 1, Code Supplement 1999, is amended to read as follows:

1. The full legal name; social security number or, if the owner does not have a social security number but has a passport, the passport number; driver's license number, whether the license was issued by this state, another state, another country, or is an international driver's license; date of birth; bona fide residence; and mailing address of the owner and of the lessee if the vehicle is being leased. If the owner or lessee is a firm, association, or corporation, the application shall contain the business address and federal employer identification number of the owner or lessee. Up to three owners' names may be listed on the application. Information relating to the lessee of a vehicle shall not be required on an application for registration and a certificate of title for a vehicle with a gross vehicle weight rating of twenty-six thousand pounds or more.

Sec. 40. Section 321.20, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the vehicle is owned by a nonresident but is subject to issuance of an Iowa certificate of title or registration, the application shall also contain the full legal name; social security number, or, if the primary user does not have a social security number but has a passport, the passport number; driver's license number, whether the license was issued by this state, another state, another country, or is an international driver's license; date of birth; bona fide residence; and mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application shall contain the business address and federal employer identification number of the primary user. The primary user's name and address shall not be printed on the registration receipt or the certificate of title.

Sec. 41. Section 321.20, Code Supplement 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules on the method for providing signatures for applications made by electronic means.

Sec. 42. Section 321.24, unnumbered paragraphs 1, 3, and 6, Code Supplement 1999, are amended to read as follows:

Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured housing, that taxes are not owing under chapter 435, issue a certificate of title and, except for a mobile home or manufactured housing, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall

be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, ~~the title number assigned to the owner of the vehicle~~, the amount of the fee paid, the amount of tax paid pursuant to section 423.7, the type of fuel used, and a description of the vehicle as determined by the department, and upon the reverse side a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title.

The certificate of title shall contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title shall contain a statement of the owner's title, the title number assigned to the owner or owners of the vehicle, the amount of tax paid pursuant to section 423.7, the name and address of the previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle described, including the nature of the security interest, date of notation, and name and address of the secured party.

The certificate shall bear the seal of the county treasurer or of the department, and the signature of the county treasurer, the deputy county treasurer, or the department director or deputy designee. ~~The certificate shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon its receipt.~~ The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a dealer licensed in this state or in another state if the state in which the dealer is licensed permits Iowa licensed dealers to similarly reassign certificates of title. Attached to the

certificate of title shall be an application for a new certificate of title by the transferee as provided in this chapter. However, titles for mobile homes or manufactured housing shall not be reassigned by licensed dealers. All certificates of title shall be typewritten or printed by other mechanical means. Notwithstanding section 321.1, subsection 17, as used in this paragraph "dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter.

Sec. 43. Section 321.42, subsection 2, paragraphs a, b, and d, Code Supplement 1999, are amended to read as follows:

a. If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a certified replacement copy of the original certificate of title. The owner or lienholder of a motor vehicle may also apply for a certified replacement 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 replacement 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 replacement copy shall be clearly marked "duplicate" "replacement" and shall ~~be identical to the original, including~~ include notation of liens or encumbrances. When a certified replacement copy has been issued, the previous certificate is void.

d. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned duplicate

replacement 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 replacement has been issued shall surrender the original certificate to the county treasurer or the department.

Sec. 44. Section 321.50, subsection 1, Code Supplement 1999, is amended to read as follows:

1. A security interest in a vehicle subject to registration under the laws of this state or a mobile home or manufactured housing, except trailers whose empty weight is two thousand pounds or less, and except new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued, of an application for certificate of title which lists the security interest, or an application for notation of security interest signed by the owner, or by one owner of a vehicle owned jointly by more than one person, or a certificate of title from another jurisdiction which shows the security interest, and a fee of five dollars for each security interest shown. Up to three security interests may be perfected against a vehicle and shown on an Iowa certificate of title. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by section 554.9103. Delivery as provided in this subsection is an indication of a security interest on a certificate of title for purposes of chapter 554.

Sec. 45. Section 321.157, Code 1999, is amended to read as follows:

321.157 SCHEDULE OF PRICES AND WEIGHTS.

1. Every A manufacturer or importer of a motor vehicle sold or offered for sale within in this state, either by the manufacturer, importer, distributor, dealer, or any other person, shall file in the office of the department a sworn statement showing the various models manufactured by the manufacturer, importer, distributor, dealer, or other person, and the retail list price and weight of each model concurrently with a public announcement of such prices or concurrently with notification of such prices to dealers licensed to sell such motor vehicles under chapter 322, whichever comes first. The manufacturer, importer, distributor, dealer, or other person shall also make the same report on subsequent new models manufactured.

2. In lieu of filing the sworn statement required under subsection 1, a manufacturer or importer of a motor vehicle sold or offered for sale in this state may electronically provide the information required in subsection 1 to the department, or, if the manufacturer or importer provides the required information to a third-party vendor, the manufacturer or importer shall make the required information available to the department through the third-party vendor.

Sec. 46. Section 321.159, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For a current year model of a motor vehicle for which the manufacturer or importer of the motor vehicle has not provided the weight and list price, the department shall set the annual registration fee at ten dollars greater than the annual registration fee for the previous year model. Once the manufacturer or importer provides the required information, the information shall be used to set the registration or registration renewal fee for the succeeding registration or registration renewal time for the motor vehicle.

Sec. 47. EFFECTIVE DATE. This division of this Act takes effect July 1, 2001.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2147, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved March 29, 2000

THOMAS J. VILSACK
Governor