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HSB 147

TRANSPORTATION

Succeeded By
HOUSE FILE CF 11F 324
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BRAUNS)

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

A BILL FOR

1 An Act relating to transportation, including provisions on road
2 projects, vehicle sales, movement, and reports, and mailing of
3 notices, and providing a penalty and an effective date.

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

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DIVISION I

HIGHWAYS

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2
3 Section 1. Section 306.19, subsection 2, paragraph a, Code
4 2001, is amended to read as follows:

5 a. Compensate the owner for any diminution in the market
6 value of the property by the denial or alteration by
7 lengthening the driveway~~,-however,-in.~~ In computing such the
8 diminution in value no consideration shall be given to the
9 additional maintenance expense for maintaining the additional
10 length of driveway, but in lieu thereof, both in condemnation
11 proceedings or negotiated purchases, the agency shall pay to
12 the owner the sum of ~~five~~ twenty dollars for every lineal foot
13 of additional length of driveway located on ~~said~~ the owner's
14 property. This payment shall represent just compensation to
15 ~~said~~ the property owner for the additional driveway
16 maintenance caused by reason of the highway or road project.

17 Sec. 2. Section 309.35, Code 2001, is amended to read as
18 follows:

19 309.35 SURVEYS REQUIRED.

20 Before proceeding to the construction of any road or roads
21 included in ~~said~~ the secondary road construction program where
22 the grading, exclusive of bridges and culverts, is estimated
23 to cost over ~~three~~ ten thousand dollars per mile, the county
24 engineer shall cause detailed surveys and plans for ~~said~~ the
25 road or roads to be prepared.

26 Sec. 3. Section 313.10, Code 2001, is amended to read as
27 follows:

28 313.10 BIDS -- ADVERTISING.

29 As soon as the approved plans and specifications for any
30 primary road construction project are filed with the
31 department, ~~it~~ the department shall, if the estimated cost
32 exceeds one thousand dollars, proceed to advertise for bids
33 for the construction of ~~said~~ the improvement.

34 The department may contract for the emergency repair,
35 restoration, or reconstruction of a highway or bridge without

1 advertising for bids under if all of the following conditions
2 are met:

3 1. The emergency was caused by an unforeseen event causing
4 the failure of a highway, bridge, or other highway structure
5 so that the highway is unserviceable, or where immediate
6 action is necessary to prevent further damage or loss~~;~~.

7 2. The department solicits written bids from three or more
8 contractors engaged in the type of work needed~~;~~-and.

9 3. The necessary work can be done for less than ~~seventy-~~
10 five five hundred thousand dollars.

11 4. If possible, the department notifies the appropriate
12 Iowa highway contractors' associations of the proposed work.

13 Sec. 4. Section 314.1, Code 2001, is amended to read as
14 follows:

15 314.1 BIDDERS' STATEMENTS OF QUALIFICATIONS -- BASIS FOR
16 AWARDING CONTRACTS.

17 1. The agency having charge of the receipt of bids and the
18 award of contracts for the construction, reconstruction,
19 improvement, repair, or maintenance of any a highway, bridge,
20 or culvert may require, for any highway, bridge, or culvert
21 contract letting, that each bidder ~~shall~~ file with ~~said~~ the
22 agency a statement showing the bidder's financial standing,
23 equipment, and experience in the execution of like or similar
24 work. Said The statements shall be on standard forms prepared
25 by the department and shall be filed with ~~said~~ the agency
26 previous prior to the letting at which ~~such~~ the bidder expects
27 to bid. The agency may, in advance of the letting, notify the
28 bidder as to the amount and the nature of the work for which
29 the bidder is deemed qualified to bid. A bidder who is
30 prequalified under this subsection by the department shall be
31 deemed qualified for a highway, bridge, or culvert contract
32 letting by any other agency and shall submit proof of the
33 prequalification in a manner determined by the department if
34 required to do so by the agency.

35 2. Notwithstanding any other provision of law to the

1 contrary, a public improvement that involves the construction,
2 reconstruction, improvement, or repair of a highway, bridge,
3 or culvert and that has a cost in excess of the applicable
4 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14,
5 313.10, or 384.96 shall be advertised and let for bid.

6 3. In the award of contracts for the construction,
7 reconstruction, improvement, repair, or maintenance of any a
8 highway, bridge, or culvert, the agency having charge of
9 awarding such contracts shall give due consideration not only
10 to the prices bid but also to the mechanical or other
11 equipment and the financial responsibility and experience in
12 the performance of like or similar contracts. The agency may
13 reject any or all bids~~7-or-may-let-by-private-contract-or~~
14 ~~build-by-day-labor7-at-a-cost-not-in-excess-of-the-lowest-bid~~
15 received. Upon the completion of any a contract or project on
16 either the farm-to-market or secondary road system, the county
17 engineer shall file with the county auditor a statement
18 showing the total cost thereof with certificate that said the
19 work has been done in accordance with the plans and
20 specifications. All contracts shall be in writing and shall
21 be secured by a bond for the faithful performance thereof as
22 provided by law.

23 Sec. 5. Section 314.2, Code 2001, is amended to read as
24 follows:

25 314.2 INTEREST IN CONTRACT PROHIBITED.

26 No A state or county official or employee, elective or
27 appointive, shall not be directly or indirectly interested in
28 any a contract for the construction, reconstruction,
29 improvement, or maintenance of any a highway, bridge, or
30 culvert, or the furnishing of materials therefor for such a
31 contract, unless the contract is let pursuant to public notice
32 and competitive bid. The letting of a contract in violation
33 of ~~the-foregoing-provisions~~ this section shall invalidate the
34 contract and such violation shall be a complete defense to any
35 action to recover any consideration due or earned under the

1 contract at the time of its termination.

2 Sec. 6. Section 314.13, Code 2001, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 5. "Highway" or "street" means the entire
5 width between property lines of every way or place of whatever
6 nature when any part thereof is open to the use of the public,
7 as a matter of right, for purposes of vehicular traffic.

8 Sec. 7. Section 320.5, Code 2001, is amended to read as
9 follows:

10 320.5 TERM OF GRANT.

11 ~~Such-grants~~ A grant made under section 320.4 shall be on
12 such reasonable conditions as the state department of
13 transportation or the board of supervisors may exact, and on
14 such conditions as the general assembly may hereafter
15 prescribe. ~~Grants-for-gas-or-water-mains-shall-not-exceed~~
16 ~~twenty-years.~~

17 DIVISION II

18 VEHICLES

19 Sec. 8. Section 321.1, Code 2001, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 83B. "Tracked implement of husbandry"
22 means a fence-line feeder, grain cart, or tank wagon that is
23 mounted on a chassis attached to a pair of tracks that
24 transfer the weight of the implement to the ground or the
25 roadway surface.

26 Sec. 9. Section 321.20B, subsection 6, Code 2001, is
27 amended to read as follows:

28 6. This section does not apply to a snowmobile or all-
29 terrain vehicle or to a motor vehicle identified in section
30 321.18, subsections 1 through 6, and subsection 8.

31 Sec. 10. Section 321.34, Code 2001, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 12A. An owner of a vehicle referred to in
34 subsection 12 who applies for any type of special registration
35 plates associated with service in the United States armed

1 forces shall be issued one set of the special registration
2 plates at no charge, but shall be subject to the annual
3 registration fee of fifteen dollars if all of the following
4 conditions are met:

5 a. The owner is eligible for, but has relinquished to the
6 department or the county treasurer or has not been issued,
7 congressional medal of honor, ex-prisoner of war, or legion of
8 merit special registration plates under this section, or
9 disabled veteran registration plates under section 321.105.

10 b. The owner provides the appropriate information
11 regarding the owner's eligibility for any of the special
12 registration plates described in paragraph "a", and regarding
13 the owner's eligibility for the special registration plates
14 for which the owner has applied, as required by the
15 department.

16 A disabled veteran shall be exempt from payment of the
17 fifteen dollar annual registration fee as provided in section
18 321.105.

19 Upon the death of the vehicle owner entitled to the special
20 registration plates, the special registration plates shall be
21 surrendered to the department or the county treasurer.

22 Sec. 11. Section 321.271, unnumbered paragraph 2, Code
23 2001, is amended to read as follows:

24 All written reports filed by a law enforcement officer as
25 required under section 321.266 shall be made available to any
26 party to an accident, the party's insurance company or its
27 agent, the party's attorney, the federal motor carrier safety
28 administration, or the attorney general, on written request to
29 the department and the payment of a fee of four dollars for
30 each copy. If a copy of an investigating officer's report of
31 a motor vehicle accident filed with the department is retained
32 by the law enforcement agency of the officer who filed the
33 report, a copy shall be made available to any party to the
34 accident, the party's insurance company or its agent, the
35 party's attorney, the federal motor carrier safety

1 administration, or the attorney general, on written request
2 and the payment of a fee. The However, the attorney general
3 and the federal motor carrier safety administration shall not
4 be required by the department or the law enforcement agency to
5 pay a fee for a copy of a report filed by a law enforcement or
6 investigating officer.

7 Sec. 12. Section 321.423, subsection 6, Code 2001, is
8 amended to read as follows:

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

24 Sec. 13. Section 321.450, Code 2001, is amended by adding
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions
27 of this section to the contrary, a driver who is engaged
28 exclusively in intrastate commerce and who operates a truck or
29 truck-tractor exclusively for the movement of refined oil
30 products may drive twelve hours, be on duty sixteen hours in a
31 twenty-four-hour period, and be on duty seventy hours in seven
32 consecutive days, or eighty hours in eight consecutive days.

33 Sec. 14. Section 321.457, subsection 2, paragraph d, Code
34 2001, is amended to read as follows:

35 d. A combination of three vehicles coupled together one of

1 which is a motor vehicle, unladen or with load, other than a
2 truck tractor, shall not have an overall length, inclusive of
3 front and rear bumpers, in excess of sixty seventy feet.

4 Sec. 15. Section 321.457, subsection 2, Code 2001, is
5 amended by adding the following new paragraphs:

6 NEW PARAGRAPH. j. A motor home shall not have an overall
7 length, excluding front and rear bumpers and safety equipment,
8 in excess of forty-five feet.

9 NEW PARAGRAPH. k. A combination of two vehicles coupled
10 together, one of which is a motor home, shall not have an
11 overall length in excess of sixty-five feet.

12 NEW PARAGRAPH. l. A combination of two vehicles coupled
13 together, one of which is a travel trailer or fifth-wheel
14 travel trailer, shall not have an overall length in excess of
15 sixty-five feet.

16 Sec. 16. Section 321.463, subsection 4, paragraph b,
17 subparagraph (1), Code 2001, is amended by adding the
18 following new unnumbered paragraph after unnumbered paragraph
19 1:

20 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
21 this section to the contrary, a tracked implement of husbandry
22 operated on the highways of this state shall not have a
23 maximum gross weight in excess of ninety-six thousand pounds.

24 Sec. 17. Section 321.463, subsection 4, paragraph b,
25 subparagraph (1), unnumbered paragraph 2, Code 2001, is
26 amended to read as follows:

27 A fence-line feeder, grain cart, ~~or tank wagon~~, or tracked
28 implement of husbandry shall comply with the other provisions
29 of this section and chapter when operated over a bridge in
30 this state. A local authority may issue a special permit,
31 based on a statewide standard developed by the department,
32 allowing the operation over a bridge within its jurisdiction
33 of a fence-line feeder, grain cart, ~~or tank wagon~~, or tracked
34 implement of husbandry with a weight in excess of the weights
35 allowed under this chapter.

1 Sec. 18. Section 321.463, subsection 5, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The maximum gross weight allowed to be
4 carried on a tracked implement of husbandry when operated on a
5 noninterstate highway bridge is as follows:

6 NONINTERSTATE HIGHWAY BRIDGES

7 MAXIMUM GROSS WEIGHT TABLE

8 TRACKED IMPLEMENTS OF HUSBANDRY

9	Length of Track	Weight in
10	in Feet	Pounds
11	4	34,000
12	5	34,000
13	6	34,000
14	7	34,000
15	8	42,000
16	9	42,500
17	10	45,000
18	11	46,000
19	12	47,000
20	13	48,500
21	14	49,500
22	15	50,500
23	16	51,500
24	17	54,000
25	18	55,000
26	19	56,000
27	20	57,000
28	21	58,000
29	22	59,000
30	23	60,000
31	24	61,000
32	25	62,000
33	26	63,000
34	27	64,000
35	28	65,000

S.F. _____ H.F. _____

1	29	66,000
2	30	67,000
3	31	68,000
4	32	69,000
5	33	70,000
6	34	71,000
7	35	72,000
8	36	73,000
9	37	74,000
10	38	75,000
11	39	76,000
12	40	77,000
13	41	78,000
14	42	79,000
15	43	80,000

16 "Length of track in feet" means the length of track on one
17 side of the tracked implement of husbandry which is in contact
18 with the ground or roadway surface.

19 Sec. 19. Section 321E.8, subsection 2, Code 2001, is
20 amended to read as follows:

21 2. Vehicles with indivisible loads having an overall width
22 not to exceed ~~twelve~~ thirteen feet five inches or mobile
23 homes, including appurtenances, having an overall width not to
24 exceed ~~twelve~~ thirteen feet five inches and an overall length
25 not to exceed one hundred twenty feet zero inches may be moved
26 on highways specified by the permitting authority for
27 unlimited distances if the height of the vehicle and load does
28 not exceed fifteen feet five inches and the total gross weight
29 of the vehicle does not exceed one hundred thirty-six thousand
30 pounds. The vehicle owner or operator shall verify with the
31 permitting authority prior to movement of the load that
32 highway conditions have not changed so as to prohibit movement
33 of the vehicle. Any cost to repair damage to highways or
34 highway structures shall be borne by the owner or operator of
35 the vehicle causing the damage. Permitted vehicles under this

1 subsection shall not be allowed to travel on any portion of
2 the interstate highway system.

3 Sec. 20. Section 321E.8, subsection 4, Code 2001, is
4 amended by striking the subsection.

5 Sec. 21. Section 321E.14, Code 2001, is amended to read as
6 follows:

7 321E.14 FEES FOR PERMITS.

8 The department or local authorities issuing permits shall
9 charge a fee of twenty-five dollars for an annual permit
10 issued under section 321E.8, subsection 1, or 3, ~~or~~ 4, a fee
11 of three hundred dollars for an annual permit issued under
12 section 321E.8, subsection 2, a fee of two hundred dollars for
13 a multi-trip permit, and a fee of ten dollars for a single-
14 trip permit, and shall determine charges for special permits
15 issued pursuant to section 321E.29 by rules adopted pursuant
16 to chapter 17A. Fees for the movement of buildings, parts of
17 buildings, or unusual vehicles or loads may be increased to
18 cover the costs of inspections by the issuing authority. A
19 fee not to exceed two hundred fifty dollars per day or a
20 prorated fraction of that fee per person and car for escort
21 service may be charged when requested or when required under
22 this chapter. Proration of escort fees between state and
23 local authorities when more than one governmental authority
24 provides or is required to provide escort for a movement
25 during the period of a day shall be determined by rule under
26 section 321E.15. The department and local authorities may
27 charge a permit applicant for the cost of trimming trees and
28 removal and replacement of natural obstructions or official
29 signs and signals or other public or private property required
30 to be removed during the movement of a vehicle and load. In
31 addition to the fees provided in this section, the annual fee
32 for a permit for special mobile equipment, as defined in
33 section 321.1, subsection 75, operated pursuant to section
34 321E.7, subsection 2, with a combined gross weight up to and
35 including eighty thousand pounds shall be twenty-five dollars

1 and for a combined gross weight exceeding eighty thousand
2 pounds, fifty dollars.

3 The annual fee for an all-system permit is one hundred
4 twenty dollars which shall be deposited in the road use tax
5 fund.

6 DIVISION III

7 VEHICLE MANUFACTURERS, DISTRIBUTORS,
8 DEALERS, AND FRANCHISERS

9 Sec. 22. Section 322.2, Code 2001, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 20A. "Special equipment" means equipment
12 installed on a motor truck which, in combination with the
13 motor truck on which the equipment is installed, constitutes a
14 self-contained unit configured for a specific purpose. To
15 constitute special equipment, a minimum of seven thousand five
16 hundred dollars or twenty-five percent of the retail value of
17 the motor truck, whichever is greater, must be expended in
18 installing the equipment on the motor truck, including the
19 cost of the equipment. "Special equipment" does not include
20 equipment designed for the transportation of passengers.

21 Sec. 23. Section 322.3, subsection 13, Code 2001, is
22 amended to read as follows:

23 13. A manufacturer, distributor, or importer of motor
24 vehicles or agent or representative of such manufacturer,
25 distributor, or importer shall not reduce the amount of
26 compensation for, or disallow a claim for, warranty any of the
27 following if twelve months or more have passed since the claim
28 was submitted to the manufacturer, distributor, or importer or
29 agent or representative thereof:

30 a. Warranty parts, repairs, or service supplied by a motor
31 vehicle dealer if-twelve-months-or-more-have-passed-since-the
32 warranty-claim-was-submitted-to-the-manufacturer,-distributor,
33 or-importer-of-motor-vehicles-or-agent-or-representative
34 thereof.

35 b. Sales or leasing incentives provided to a motor vehicle

1 dealer or to a customer of a motor vehicle dealer including,
2 but not limited to, rebates and discounted interest rates.

3 PARAGRAPH DIVIDED. The twelve-month limitation shall not
4 apply if a court of competent jurisdiction in this state finds
5 the warranty claim was fraudulent.

6 Sec. 24. Section 322.3, subsection 14, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

8 A manufacturer, ~~distributor, wholesaler,~~ or importer shall
9 not directly or indirectly be licensed as, own an interest in,
10 operate, or control a motor vehicle dealer. This subsection
11 shall not prohibit any of the following:

12 Sec. 25. Section 322.5, subsection 2, Code 2001, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 2. a. In addition to selling motor vehicles at the motor
16 vehicle dealer's principal place of business and at car lots,
17 a motor vehicle dealer may do any of the following:

18 (1) Display new motor vehicles at fairs, vehicle shows,
19 and vehicle exhibitions, upon application for and receipt of a
20 temporary permit issued by the department.

21 (2) Display, offer for sale, and negotiate sales of new
22 motor vehicles at county or district fairs, as described in
23 chapter 174, vehicle shows, and vehicle exhibitions, upon
24 application for and receipt of a temporary permit issued by
25 the department. Such activities may only be conducted at
26 fairs, vehicle shows, and vehicle exhibitions that are held in
27 the county of the motor vehicle dealer's principal place of
28 business. A sale of a motor vehicle by a motor vehicle dealer
29 shall not be completed and an agreement for the sale of a
30 motor vehicle shall not be signed at a fair, vehicle show, or
31 vehicle exhibition. All such sales shall be consummated at
32 the motor vehicle dealer's principal place of business.

33 b. An application for a temporary permit under this
34 subsection shall be made upon a form provided by the
35 department and shall be accompanied by a ten dollar permit

1 fee. The department may issue a temporary permit for a period
2 not to exceed fourteen days.

3 Sec. 26. Section 322.28, Code 2001, is amended to read as
4 follows:

5 322.28 DISTRIBUTOR OR WHOLESALER'S LICENSE.

6 A distributor or wholesaler of new motor vehicles shall not
7 sell or offer for sale a new motor vehicle at retail unless
8 licensed as a new motor vehicle dealer. A licensed
9 distributor or wholesaler of a new motor vehicle shall not
10 register or title a new motor vehicle held for sale and shall
11 transfer ownership of a new motor vehicle by assigning the
12 manufacturer's statement of origin for the vehicle.

13 Sec. 27. Section 322.29, subsection 5, Code 2001, is
14 amended to read as follows:

15 5. Upon payment of the license fee as provided in this
16 section, a person who installs cranes, hook loaders, buckets,
17 aerial ladders, or tanks, or special equipment on new
18 completed motor trucks with a gross vehicle weight rating of
19 nineteen fourteen thousand five hundred pounds or more may be
20 issued a license as a wholesaler of new motor vehicles of the
21 make and model on which the equipment is installed without
22 written authorization from the manufacturer.

23 Sec. 28. Section 322A.1, Code 2001, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 9A. "Substantially detrimental" means
26 that, by a preponderance of the evidence, the market share of
27 the franchiser's motor vehicles in the community will be
28 significantly reduced in comparison to the franchiser's
29 historical market share in the community.

30 Sec. 29. Section 322A.11, unnumbered paragraph 1, Code
31 2001, is amended to read as follows:

32 Notwithstanding the terms, provisions, or conditions of any
33 agreement or franchise, the following shall not constitute be
34 considered facts supporting a finding of good cause for the
35 termination or noncontinuation of a franchise, or for entering

1 into a franchise for the establishment of an additional
2 dealership in a community for the same line-make:

3 Sec. 30. Section 322A.11, subsections 2 and 5, Code 2001,
4 are amended to read as follows:

5 2. The change of ownership of the franchisee's dealership
6 or the change of executive management of the franchisee's
7 dealership, unless the franchiser, having the burden of proof,
8 proves that such change of ownership or executive management
9 will be substantially detrimental to the distribution of the
10 franchiser's motor vehicles in the community and that good
11 cause for the termination or noncontinuation of the franchise
12 or for the establishment of an additional dealership otherwise
13 exists.

14 5. The fact that the dealership does not meet an index or
15 standard established by the franchiser, unless the franchiser
16 proves that the failure of the dealership to meet the index or
17 standard will be substantially detrimental to the distribution
18 of the franchiser's motor vehicles in the community and that
19 good cause for the termination or noncontinuation of the
20 franchise or for the establishment of an additional dealership
21 otherwise exists.

22 Sec. 31. Section 322B.3, subsection 4, Code 2001, is
23 amended to read as follows:

24 4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home
25 dealers, in addition to selling mobile homes at their
26 principal place of business and lots, may, upon receipt of a
27 temporary permit approved by the department, display and offer
28 new mobile homes for sale and negotiate sales of new mobile
29 homes at fairs, shows, and exhibitions ~~which-are-approved-by~~
30 ~~the-department.~~ Application for temporary permits shall be
31 made upon forms provided by the department and shall be
32 accompanied by a ten dollar permit fee. Temporary permits
33 shall be issued for a period not to exceed fourteen days.

34 Sec. 32. Section 322C.3, subsection 9, Code 2001, is
35 amended to read as follows:

1 9. A travel trailer dealer may display new travel trailers
2 at fairs, shows, and ~~exhibits~~ exhibitions on any day of the
3 week as provided in this subsection. Travel trailer dealers,
4 in addition to selling travel trailers at their principal
5 place of business and lots, may, upon receipt of a temporary
6 permit approved by the department, display and offer new
7 travel trailers for sale and negotiate sales of new travel
8 trailers at fairs, shows, and exhibitions ~~which-are-approved~~
9 ~~by-the-department~~. Application for temporary permits shall be
10 made upon forms provided by the department and shall be
11 accompanied by a ten dollar permit fee. Temporary permits
12 shall be issued for a period not to exceed fourteen days.

13 DIVISION IV

14 MAILINGS

15 Sec. 33. Section 321.16, unnumbered paragraph 1, Code
16 2001, is amended to read as follows:

17 When the department is authorized or required to give
18 notice under this chapter or any other law regulating the
19 operation of vehicles, unless a different method of giving
20 ~~notices~~ notice is expressly prescribed, notice shall be given
21 either by personal delivery to the person to be so notified or
22 by personal service in the manner of original notice by R.C.P.
23 56.1, paragraph "a," or by certified first class mail
24 addressed to the person at the address shown by in the records
25 of the department, notwithstanding chapter 17A. ~~Return~~
26 ~~acknowledgment-is-required-to-prove-the-latter-service-~~

27 Sec. 34. Section 321.182, subsection 1, Code 2001, is
28 amended to read as follows:

29 1. Make application on a form provided by the department
30 which shall include the applicant's full name, signature,
31 current mailing address, current residential address, date of
32 birth, social security number, and physical description
33 including sex, height, and eye color. The application may
34 contain other information the department may require by rule.
35 A licensee shall notify the department when the licensee's

1 mailing address changes and provide the new address within ten
2 days of obtaining the new address.

3 Sec. 35. Section 321.208, subsection 8, unnumbered
4 paragraph 2, Code 2001, is amended to read as follows:

5 The effective date of disqualification shall be thirty days
6 after notification. Immediate notice of disqualification may
7 be served on a person operating a commercial motor vehicle who
8 refused to submit to a test or whose test results indicate an
9 alcohol concentration of 0.04 or more by the peace officer
10 administering the chemical test or, notwithstanding chapter
11 17A, the department may notify the person by certified first
12 class mail. If immediate notice is served, the peace officer
13 shall take the commercial driver's license or permit of the
14 driver, if issued within the state, and issue a temporary
15 commercial driver's license effective for only thirty days.
16 The peace officer shall immediately send the person's
17 commercial driver's license to the department in addition to
18 the officer's certification required by this subsection.

19 Sec. 36. Section 321.556, subsection 1, Code 2001, is
20 amended to read as follows:

21 1. If, upon review of the record of convictions of any
22 person, the department determines that the person appears to
23 be a habitual offender, the department shall immediately
24 notify the person in writing and afford the licensee an
25 opportunity for a hearing. The Notwithstanding chapter 17A,
26 the notice shall meet the requirements of section ~~17A-12~~
27 321.16 and shall be served in the manner provided in that
28 section. Service of notice on any nonresident of this state
29 may be made in the same manner as provided in sections 321.498
30 through 321.506. A peace officer stopping a person for whom a
31 notice has been issued under this section may personally serve
32 the notice upon forms approved by the department to satisfy
33 the notice requirements of this section. A peace officer may
34 confiscate the driver's license of a person if the license has
35 been revoked or has been suspended subsequent to a hearing and

1 the person has not forwarded the driver's license to the
2 department as required.

3 Sec. 37. Section 321J.9, subsection 4, Code 2001, is
4 amended to read as follows:

5 4. The effective date of revocation shall be ten days
6 after the department has mailed notice of revocation to the
7 person by certified first class mail, or~~on-behalf-of-the~~
8 ~~department~~, notwithstanding chapter 17A. The peace officer
9 ~~offering-or-directing~~ who requested or directed the
10 administration of a chemical test may, on behalf of the
11 department, serve immediate notice of intention to revoke and
12 of revocation on a person who refuses to permit chemical
13 testing. If the peace officer serves ~~that~~ immediate notice,
14 the peace officer shall take the Iowa license or permit of the
15 driver, if any, and issue a temporary license effective for
16 ~~only~~ ten days. The peace officer shall immediately send the
17 person's license to the department along with the officer's
18 certificate indicating the person's refusal to submit to
19 chemical testing.

20 Sec. 38. Section 321J.12, subsection 3, Code 2001, is
21 amended to read as follows:

22 3. The effective date of the revocation shall be ten days
23 after the department has mailed notice of revocation to the
24 person by certified first class mail, notwithstanding chapter
25 17A. The peace officer who requested or directed the
26 administration of the chemical test may, on behalf of the
27 department, serve immediate notice of revocation on a person
28 whose test results indicated the presence of a controlled
29 substance or other drug, or an alcohol concentration equal to
30 or in excess of the level prohibited by section 321J.2, or a
31 combination of alcohol and another controlled substance or
32 drug in violation of section 321J.2.

33 Sec. 39. Section 805.8, subsection 2, paragraph f, Code
34 2001, is amended to read as follows:

35 f. For violations of the conditions or restrictions of a

1 driver's license under sections 321.180, 321.180B, 321.193,
 2 and 321.194, the scheduled fine is twenty dollars. For
 3 failure to notify the state department of transportation of an
 4 address change under section 321.182, the scheduled fine is
 5 fifteen dollars.

6 DIVISION V

7 MISCELLANEOUS PROVISIONS

8 Sec. 40. RELOCATION OF UTILITY LINES AND MAINS -- STUDY.

9 The state department of transportation shall conduct a study
 10 and present a report to the general assembly by January 31,
 11 2002, regarding the compliance by utility companies with
 12 requirements regarding the relocation of electrical or
 13 telephone transmission lines or of water and gas mains on
 14 highway construction or reconstruction projects. The report
 15 shall document cases when relocation of such lines or mains on
 16 a highway project was not timely, state the financial impact
 17 on such projects, and may include department recommendations
 18 for further remedies to ensure timely compliance with utility
 19 relocation requirements.

20 Sec. 41. EFFECTIVE DATE. Sections 24 and 26 of this Act,

21 amending section 322.3, subsection 14, and section 322.28,
 22 respectively, being deemed of immediate importance, take
 23 effect upon enactment.

24 EXPLANATION

25 This bill makes several transportation-related policy
 26 changes in the Code. Division I of the bill relates to road
 27 maintenance and construction projects. The bill amends Code
 28 section 306.19 by increasing the compensation to an owner of
 29 property abutting a road maintenance or construction project
 30 when the agency having jurisdiction of the road condemns,
 31 purchases property access rights, or alters by lengthening any
 32 existing driveway on the owner's property. The bill provides
 33 that the owner is to be compensated for the diminution in the
 34 market value of the property at a rate of \$20 per lineal foot
 35 of additional length of driveway located on the owner's

1 property, rather than the current rate of \$5 per lineal foot.

2 Code section 309.35 is amended to increase the threshold at
3 which a county engineer must prepare detailed surveys and
4 plans for a secondary road construction project from a grading
5 cost of \$3,000 per mile to a grading cost of \$10,000 per mile.

6 The bill amends Code section 313.10 by revising the
7 conditions under which the state department of transportation
8 may contract for the emergency repair, restoration, or
9 reconstruction of a highway or bridge without advertising for
10 bids. The bill requires the work to cost less than \$500,000
11 rather than under \$75,000. The bill also requires the
12 department to notify the appropriate Iowa highway contractors'
13 associations of the proposed work if possible.

14 The bill amends several provisions in Code chapter 314,
15 relating to administrative provisions for highways. Code
16 section 314.1 is amended to provide that a bidder on a highway
17 construction project who is prequalified with the state
18 department of transportation shall be deemed qualified for
19 other governmental agencies' highway construction projects if
20 the bidder submits proof of prequalification in a manner
21 determined by the department if required to do so by the
22 agency.

23 The bill adds a provision to Code section 314.1 stating
24 that a public improvement that involves the construction,
25 reconstruction, improvement, or repair of a highway, bridge,
26 or culvert shall be advertised and let for bid if the project
27 meets the applicable cost threshold for competitive bidding
28 requirements, notwithstanding any provisions to the contrary.
29 Currently, under Code section 384.96, certain types of city
30 projects are excluded from the competitive bidding
31 requirements. Only those projects that meet the definition of
32 a public improvement under Code section 384.95 must be
33 competitively bid. A public improvement does not include an
34 urban renewal demolition or low-rent housing project,
35 industrial aid project authorized under Code chapter 419,

1 emergency work, or work performed by employees of a city or a
2 city utility.

3 The bill eliminates a provision from Code section 314.1
4 that allows an agency to let by private contract or build by
5 day labor at a cost not in excess of the lowest bid received
6 on a highway construction, reconstruction, improvement,
7 repair, or maintenance project. The bill amends Code section
8 314.1 to include bridge and culvert construction,
9 reconstruction, improvement, repair, or maintenance projects
10 within the scope of the provisions regulating the awarding of
11 contracts for certain highway projects. The bill defines
12 "highway" or "street" for purposes of Code chapter 314 as the
13 entire width between property lines of every way or place of
14 whatever nature when any part thereof is open to the use of
15 the public, as a matter of right, for purposes of vehicular
16 traffic.

17 Code section 314.2 is amended to allow a state or county
18 official or employee, elective or appointive, to have an
19 interest in a contract for the construction, reconstruction,
20 improvement, or maintenance of a highway, bridge, or culvert,
21 or the furnishing of materials for such a contract if the
22 contract is let pursuant to public notice and competitive bid.

23 The bill amends Code section 320.5 to remove a 20-year
24 limitation on the length of time for which a grant may be made
25 by the state department of transportation or a county board of
26 supervisors to allow the laying of gas mains in highways
27 outside cities to local municipal distributing plants or
28 companies or to allow the laying of water mains in, under, or
29 along highways. The bill also specifies that such grants made
30 by the department shall be on such reasonable conditions as
31 the department may exact. The current language already
32 includes this specification for counties.

33 Division II of the bill makes vehicle-related Code changes.

34 The bill defines "tracked implement of husbandry" for
35 purposes of Code chapter 321 as a fence-line feeder, grain

1 cart, or tank wagon that is mounted on a chassis attached to a
2 pair of tracks that transfer the weight of the implement to
3 the ground or the roadway surface. The bill amends Code
4 section 321.463 to provide that a tracked implement of
5 husbandry shall not have a maximum gross weight over 96,000
6 pounds. The bill requires such an implement to comply with
7 provisions relating to operation over bridges in the state and
8 allows local authorities to issue special permits for the
9 operation of implements exceeding the weights allowed in Code
10 chapter 321. The bill also adds a gross weight table to Code
11 section 321.463 providing the maximum gross weights for
12 tracked implements of husbandry traveling on noninterstate
13 highway bridges. The maximum gross weight varies from 34,000
14 pounds for an implement with tracks that are four to seven
15 feet long to 80,000 pounds for an implement with tracks that
16 are 43 feet long.

17 Code section 321.20B is amended to provide that the
18 provisions of that section requiring the operator of a vehicle
19 to carry proof of financial liability coverage when operating
20 the vehicle on a highway do not apply to snowmobiles or all-
21 terrain vehicles.

22 This bill creates a new subsection in Code section 321.34
23 that provides for issuance of armed forces special motor
24 vehicle registration plates at no charge for persons eligible
25 for congressional medal of honor, ex-prisoner of war, or
26 legion of merit special registration plates or for disabled
27 veteran registration plates. A person wishing to receive the
28 special plates at no charge must not currently possess
29 congressional medal of honor, ex-prisoner of war, legion of
30 merit, or disabled veteran special registration plates, must
31 provide the appropriate eligibility information, and must pay
32 a \$15 annual registration fee, except that certain disabled
33 veterans are exempt from paying the registration fee. Upon
34 the person's death, the special plates must be returned to the
35 department or the county treasurer.

1 Code section 321.271 is amended to allow the federal motor
 2 carrier safety administration free access to and copies of
 3 written motor vehicle accident reports filed by law
 4 enforcement officers. Currently, Code section 321.271 does
 5 not provide the federal motor carrier safety administration
 6 with such privileges.

7 The bill amends Code section 321.423 to increase the speed
 8 limit, at which a slow-moving vehicle must display an amber
 9 light, from 25 to 35 miles per hour.

10 Code section 321.450 is amended to allow for-hire drivers
 11 who are engaged exclusively in intrastate commerce and who
 12 operate trucks and truck tractors exclusively for the
 13 transportation of refined oil products to drive 12 hours, be
 14 on duty 16 hours in a 24-hour period, and be on duty 70 hours
 15 in seven consecutive days or 80 hours in eight consecutive
 16 days.

17 The bill makes several changes in Code section 321.457
 18 relating to the maximum length of vehicles operated on
 19 highways. The bill allows a combination of three vehicles
 20 coupled together, one of which is a motor vehicle, unladen or
 21 with load, other than a truck tractor, to have a maximum
 22 overall length, inclusive of front and rear bumpers, of 70
 23 feet rather than the current 60-foot maximum. The bill also
 24 specifies the maximum overall length for certain other
 25 vehicles and combinations of vehicles. The bill provides that
 26 a motor home, excluding front and rear bumpers and safety
 27 equipment, shall not be longer than 45 feet. The bill
 28 provides that a combination of two vehicles coupled together,
 29 one of which is a motor home, travel trailer, or fifth-wheel
 30 travel trailer, shall not have an overall length exceeding 65
 31 feet.

32 The bill amends Code section 321E.8 to increase the
 33 allowable width for vehicles with indivisible loads or mobile
 34 homes traveling unlimited distances pursuant to an annual
 35 permit from 12 feet five inches to 13 feet five inches. The

1 permit allows such vehicles to be moved on noninterstate
2 highways specified by the permitting authority. The bill also
3 eliminates a provision in Code section 321E.8 restricting
4 vehicles with indivisible loads less than 100 feet long to
5 trip distances not to exceed 50 miles in total aggregate. The
6 bill eliminates a reference to the stricken provision in Code
7 section 321E.14.

8 Division III of the bill amends several Code provisions in
9 chapters 322, 322A, 322B, and 322C relating to motor vehicle
10 dealers, motor vehicle franchisers, mobile home dealers, and
11 travel trailer dealers, respectively. The bill also amends
12 Code section 322.3 to prohibit a motor vehicle manufacturer,
13 distributor, or importer, or an agent or representative
14 thereof, from reducing the amount of compensation for, or
15 disallowing a claim for, sales or leasing incentives provided
16 to a motor vehicle dealer or a customer of a motor vehicle
17 dealer including, but not limited to, rebates and discounted
18 interest rates if 12 months or more have passed since the
19 claim was submitted to the manufacturer, distributor, or
20 importer.

21 The bill amends Code section 322.3 by eliminating the
22 prohibitions on the licensure of motor vehicle distributors
23 and wholesalers as motor vehicle dealers and on the ownership,
24 operation, or control of a motor vehicle dealer by a motor
25 vehicle distributor or wholesaler. This provision is
26 effective upon enactment.

27 Code section 322.28 is amended to specify that a
28 distributor or wholesaler of new motor vehicles shall not sell
29 or offer for sale new motor vehicles at retail unless licensed
30 as a new motor vehicle dealer. This provision is effective
31 upon enactment.

32 The bill amends Code section 322.29 to allow persons who
33 install special equipment on new completed motor trucks to be
34 issued a new motor vehicle wholesaler license without
35 obtaining authorization from the manufacturer. The bill

1 provides that such equipment must be installed on a motor
 2 truck that has a gross vehicle weight rating of 14,500 pounds
 3 or more rather than the current requirement of 19,000 pounds.
 4 The bill provides that "special equipment" means equipment
 5 having a minimum specified value which is installed on a motor
 6 truck and which, in combination with the motor truck,
 7 constitutes a self-contained unit configured for a specific
 8 purpose. "Special equipment" does not include equipment
 9 designed for the transportation of passengers.

10 The bill also revises the provisions in Code sections
 11 322.5, 322B.3, and 322C.3, allowing temporary permits for the
 12 display, offer for sale, and negotiation of sales of motor
 13 vehicles, mobile homes, and travel trailers at certain fairs,
 14 vehicle shows, and vehicle exhibitions. The bill removes the
 15 requirement that the fairs, vehicle shows, and vehicle
 16 exhibitions at which dealers may offer vehicles for sale and
 17 negotiate sales be approved by the department.

18 The bill amends several provisions in Code chapter 322A
 19 relating to the conditions that shall not be considered facts
 20 supporting a finding of good cause for the termination or
 21 noncontinuation of a motor vehicle franchise or for entering
 22 into a motor vehicle franchise for the establishment of an
 23 additional dealership in a community for the same line-make of
 24 motor vehicles. The bill provides that if a franchiser
 25 proves, in addition to proving that a change of ownership or
 26 executive management of the franchisee's dealership will be
 27 substantially detrimental to the distribution of the
 28 franchiser's motor vehicles in the community, that good cause
 29 for the termination or noncontinuation of the franchise or for
 30 the establishment of an additional dealership otherwise
 31 exists, then there is good cause for the termination or
 32 noncontinuation or the establishment of an additional
 33 dealership. The bill makes the same "substantially
 34 detrimental" and "good cause" proof requirements applicable to
 35 situations when a franchisee's dealership does not meet an

1 index or standard established by the franchiser. The bill
2 also defines "substantially detrimental" to mean that, by a
3 preponderance of the evidence, the market share of the
4 franchiser's motor vehicles in the community will be
5 significantly reduced in comparison to the franchiser's
6 historical market share in the community.

7 Division IV of the bill allows the state department of
8 transportation to use first class mail rather than certified
9 mail in several different circumstances. The bill amends the
10 provisions in Code section 321.16 regulating the department's
11 giving of notices required or authorized under Code chapter
12 321 or any other law regulating the operation of vehicles to
13 provide that one of the options for giving such notice is via
14 first class mail rather than certified mail, notwithstanding
15 the Iowa administrative procedure Act. The bill makes the
16 same notice options available to the department for notifying
17 a person that the department has determined that the person
18 appears to be a habitual offender under Code section 321.556.

19 The bill also amends Code section 321.182, relating to
20 applications for driver's licenses, to require driver's
21 licensees to notify the department when the licensee's mailing
22 address changes and provide the new address within 10 days of
23 obtaining the new address. A violation of this requirement is
24 a simple misdemeanor, punishable by a scheduled fine of \$15
25 under Code section 805.8, as amended by the bill.

26 Code sections 321.208, 321J.9, and 321J.12 are amended to
27 allow the department to provide notice by first class mail to
28 a person of the person's disqualification for a commercial
29 driver's license for refusal to submit to or failure of a
30 chemical test or of the revocation of the person's driver's
31 license or nonresident operating privilege for refusal to
32 submit to or failure of a chemical test under the operating
33 while intoxicated provisions of the Code.

34 Division V of the bill requires the state department of
35 transportation to conduct a study and present a report to the

1 general assembly by January 31, 2002, regarding the compliance
 2 by utility companies with requirements regarding the
 3 relocation of electrical or telephone transmission lines or of
 4 water and gas mains on highway construction or reconstruction
 5 projects. The report shall document cases when relocation of
 6 such lines or mains on a highway project was not timely, state
 7 the financial impact on such projects, and may include
 8 department recommendations for further remedies to ensure
 9 timely compliance with utility relocation requirements.

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FEB 20 2001

Place On Calendar

HOUSE FILE 324

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 147)

Passed House, ^(P. 586) Date 3/5/01 Passed Senate, ^(P. 898) Date 3-28-01
 Vote: Ayes 65 Nays 32 Vote: Ayes 49 Nays 0
 Approved April 16, 2001

^(P. 1068) Passed 4-10-01
 Vote 49-0

A BILL FOR

1 An Act relating to transportation, including provisions on road
 2 projects, vehicle sales, movement, and reports, and mailing of
 3 notices, and providing a penalty and an effective date.

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

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HF 324

DIVISION I
HIGHWAYS

1
2
3 Section 1. Section 306.19, subsection 2, paragraph a, Code
4 2001, is amended to read as follows:

5 a. Compensate the owner for any diminution in the market
6 value of the property by the denial or alteration by
7 lengthening the driveway, ~~however,~~ in. In computing such the
8 diminution in value no consideration shall be given to the
9 additional maintenance expense for maintaining the additional
10 length of driveway, but in lieu thereof, both in condemnation
11 proceedings or negotiated purchases, the agency shall pay to
12 the owner the sum of five twenty dollars for every lineal foot
13 of additional length of driveway located on said the owner's
14 property. This payment shall represent just compensation to
15 said the property owner for the additional driveway
16 maintenance caused by reason of the highway or road project.

17 Sec. 2. Section 309.35, Code 2001, is amended to read as
18 follows:

19 309.35 SURVEYS REQUIRED.

20 Before proceeding to the construction of any road or roads
21 included in said the secondary road construction program where
22 the grading, exclusive of bridges and culverts, is estimated
23 to cost over three ten thousand dollars per mile, the county
24 engineer shall cause detailed surveys and plans for said the
25 road or roads to be prepared.

26 Sec. 3. Section 313.10, Code 2001, is amended to read as
27 follows:

28 313.10 BIDS -- ADVERTISING.

29 As soon as the approved plans and specifications for any
30 primary road construction project are filed with the
31 department, ~~it~~ the department shall, if the estimated cost
32 exceeds one thousand dollars, proceed to advertise for bids
33 for the construction of said the improvement.

34 The department may contract for the emergency repair,
35 restoration, or reconstruction of a highway or bridge without

1 advertising for bids under if all of the following conditions
2 are met:

3 1. The emergency was caused by an unforeseen event causing
4 the failure of a highway, bridge, or other highway structure
5 so that the highway is unserviceable, or where immediate
6 action is necessary to prevent further damage or loss.

7 2. The department solicits written bids from three or more
8 contractors engaged in the type of work needed.

9 3. The necessary work can be done for less than seventy-
10 five five hundred thousand dollars.

11 4. If possible, the department notifies the appropriate
12 Iowa highway contractors' associations of the proposed work.

13 Sec. 4. Section 314.1, Code 2001, is amended to read as
14 follows:

15 314.1 BIDDERS' STATEMENTS OF QUALIFICATIONS -- BASIS FOR
16 AWARDING CONTRACTS.

17 1. The agency having charge of the receipt of bids and the
18 award of contracts for the construction, reconstruction,
19 improvement, repair, or maintenance of any a highway, bridge,
20 or culvert may require, for any highway, bridge, or culvert
21 contract letting, that each bidder ~~shall~~ file with ~~said~~ the
22 agency a statement showing the bidder's financial standing,
23 equipment, and experience in the execution of like or similar
24 work. Said The statements shall be on standard forms prepared
25 by the department and shall be filed with ~~said~~ the agency
26 previous prior to the letting at which ~~such~~ the bidder expects
27 to bid. The agency may, in advance of the letting, notify the
28 bidder as to the amount and the nature of the work for which
29 the bidder is deemed qualified to bid. A bidder who is
30 prequalified under this subsection by the department shall be
31 deemed qualified for a highway, bridge, or culvert contract
32 letting by any other agency and shall submit proof of the
33 prequalification in a manner determined by the department if
34 required to do so by the agency.

35 2. Notwithstanding any other provision of law to the

1 contrary, a public improvement that involves the construction,
2 reconstruction, improvement, or repair of a highway, bridge,
3 or culvert and that has a cost in excess of the applicable
4 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14,
5 313.10, or 384.96 shall be advertised and let for bid.

6 3. In the award of contracts for the construction,
7 reconstruction, improvement, repair, or maintenance of any a
8 highway, bridge, or culvert, the agency having charge of
9 awarding such contracts shall give due consideration not only
10 to the prices bid but also to the mechanical or other
11 equipment and the financial responsibility and experience in
12 the performance of like or similar contracts. The agency may
13 reject any or all bids ~~7-or-may-let-by-private-contract-or~~
14 ~~build-by-day-labor, at a cost not in excess of the lowest bid~~
15 received. Upon the completion of any a contract or project on
16 either the farm-to-market or secondary road system, the county
17 engineer shall file with the county auditor a statement
18 showing the total cost thereof with certificate that said the
19 work has been done in accordance with the plans and
20 specifications. All contracts shall be in writing and shall
21 be secured by a bond for the faithful performance thereof as
22 provided by law.

23 Sec. 5. Section 314.2, Code 2001, is amended to read as
24 follows:

25 314.2 INTEREST IN CONTRACT PROHIBITED.

26 No A state or county official or employee, elective or
27 appointive, shall not be directly or indirectly interested in
28 any a contract for the construction, reconstruction,
29 improvement, or maintenance of any a highway, bridge, or
30 culvert, or the furnishing of materials therefor for such a
31 contract, unless the contract is let pursuant to public notice
32 and competitive bid. The letting of a contract in violation
33 of ~~the foregoing provisions~~ this section shall invalidate the
34 contract and such violation shall be a complete defense to any
35 action to recover any consideration due or earned under the

1 contract at the time of its termination.

2 Sec. 6. Section 314.13, Code 2001, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 5. "Highway" or "street" means the entire
5 width between property lines of every way or place of whatever
6 nature when any part thereof is open to the use of the public,
7 as a matter of right, for purposes of vehicular traffic.

8 Sec. 7. Section 320.5, Code 2001, is amended to read as
9 follows:

10 320.5 TERM OF GRANT.

11 ~~Such-grants~~ A grant made under section 320.4 shall be on
12 such reasonable conditions as the state department of
13 transportation or the board of supervisors may exact, and on
14 such conditions as the general assembly may hereafter
15 prescribe. ~~Grants-for-gas-or-water-mains-shall-not-exceed~~
16 ~~twenty-years.~~

17 DIVISION II

18 VEHICLES

19 Sec. 8. Section 321.1, Code 2001, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 83B. "Tracked implement of husbandry"
22 means a fence-line feeder, grain cart, or tank wagon that is
23 mounted on a chassis attached to a pair of tracks that
24 transfer the weight of the implement to the ground or the
25 roadway surface.

26 Sec. 9. Section 321.20B, subsection 6, Code 2001, is
27 amended to read as follows:

28 6. This section does not apply to a snowmobile or all-
29 terrain vehicle or to a motor vehicle identified in section
30 321.18, subsections 1 through 6, and subsection 8.

31 Sec. 10. Section 321.34, Code 2001, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 12A. An owner of a vehicle referred to in
34 subsection 12 who applies for any type of special registration
35 plates associated with service in the United States armed

1 forces shall be issued one set of the special registration
2 plates at no charge, but shall be subject to the annual
3 registration fee of fifteen dollars if all of the following
4 conditions are met:

5 a. The owner is eligible for, but has relinquished to the
6 department or the county treasurer or has not been issued,
7 congressional medal of honor, ex-prisoner of war, or legion of
8 merit special registration plates under this section, or
9 disabled veteran registration plates under section 321.105.

10 b. The owner provides the appropriate information
11 regarding the owner's eligibility for any of the special
12 registration plates described in paragraph "a", and regarding
13 the owner's eligibility for the special registration plates
14 for which the owner has applied, as required by the
15 department.

16 A disabled veteran shall be exempt from payment of the
17 fifteen dollar annual registration fee as provided in section
18 321.105.

19 Upon the death of the vehicle owner entitled to the special
20 registration plates, the special registration plates shall be
21 surrendered to the department or the county treasurer.

22 Sec. 11. Section 321.271, unnumbered paragraph 2, Code
23 2001, is amended to read as follows:

24 All written reports filed by a law enforcement officer as
25 required under section 321.266 shall be made available to any
26 party to an accident, the party's insurance company or its
27 agent, the party's attorney, the federal motor carrier safety
28 administration, or the attorney general, on written request to
29 the department and the payment of a fee of four dollars for
30 each copy. If a copy of an investigating officer's report of
31 a motor vehicle accident filed with the department is retained
32 by the law enforcement agency of the officer who filed the
33 report, a copy shall be made available to any party to the
34 accident, the party's insurance company or its agent, the
35 party's attorney, the federal motor carrier safety

1 administration, or the attorney general, on written request
2 and the payment of a fee. ~~The~~ However, the attorney general
3 and the federal motor carrier safety administration shall not
4 be required by the department or the law enforcement agency to
5 pay a fee for a copy of a report filed by a law enforcement or
6 investigating officer.

7 Sec. 12. Section 321.423, subsection 6, Code 2001, is
8 amended to read as follows:

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

24 Sec. 13. Section 321.450, Code 2001, is amended by adding
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions
27 of this section to the contrary, a driver who is engaged
28 exclusively in intrastate commerce and who operates a truck or
29 truck-tractor exclusively for the movement of refined oil
30 products may drive twelve hours, be on duty sixteen hours in a
31 twenty-four-hour period, and be on duty seventy hours in seven
32 consecutive days, or eighty hours in eight consecutive days.

33 Sec. 14. Section 321.457, subsection 2, paragraph d, Code
34 2001, is amended to read as follows:

35 d. A combination of three vehicles coupled together one of

1 which is a motor vehicle, unladen or with load, other than a
2 truck tractor, shall not have an overall length, inclusive of
3 front and rear bumpers, in excess of ~~sixty~~ seventy feet.

4 Sec. 15. Section 321.457, subsection 2, Code 2001, is
5 amended by adding the following new paragraphs:

6 NEW PARAGRAPH. j. A motor home shall not have an overall
7 length, excluding front and rear bumpers and safety equipment,
8 in excess of forty-five feet.

9 NEW PARAGRAPH. k. A combination of two vehicles coupled
10 together, one of which is a motor home, shall not have an
11 overall length in excess of sixty-five feet.

12 NEW PARAGRAPH. l. A combination of two vehicles coupled
13 together, one of which is a travel trailer or fifth-wheel
14 travel trailer, shall not have an overall length in excess of
15 sixty-five feet.

16 Sec. 16. Section 321.463, subsection 4, paragraph b,
17 subparagraph (1), Code 2001, is amended by adding the
18 following new unnumbered paragraph after unnumbered paragraph
19 1:

20 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
21 this section to the contrary, a tracked implement of husbandry
22 operated on the highways of this state shall not have a
23 maximum gross weight in excess of ninety-six thousand pounds.

24 Sec. 17. Section 321.463, subsection 4, paragraph b,
25 subparagraph (1), unnumbered paragraph 2, Code 2001, is
26 amended to read as follows:

27 A fence-line feeder, grain cart, ~~or~~ or tank wagon, or tracked
28 implement of husbandry shall comply with the other provisions
29 of this section and chapter when operated over a bridge in
30 this state. A local authority may issue a special permit,
31 based on a statewide standard developed by the department,
32 allowing the operation over a bridge within its jurisdiction
33 of a fence-line feeder, grain cart, ~~or~~ or tank wagon, or tracked
34 implement of husbandry with a weight in excess of the weights
35 allowed under this chapter.

1 Sec. 18. Section 321.463, subsection 5, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The maximum gross weight allowed to be
4 carried on a tracked implement of husbandry when operated on a
5 noninterstate highway bridge is as follows:

6 NONINTERSTATE HIGHWAY BRIDGES
7 MAXIMUM GROSS WEIGHT TABLE
8 TRACKED IMPLEMENTS OF HUSBANDRY

9	Length of Track	Weight in
10	in Feet	Pounds
11	4	34,000
12	5	34,000
13	6	34,000
14	7	34,000
15	8	42,000
16	9	42,500
17	10	45,000
18	11	46,000
19	12	47,000
20	13	48,500
21	14	49,500
22	15	50,500
23	16	51,500
24	17	54,000
25	18	55,000
26	19	56,000
27	20	57,000
28	21	58,000
29	22	59,000
30	23	60,000
31	24	61,000
32	25	62,000
33	26	63,000
34	27	64,000
35	28	65,000

1	29	66,000
2	30	67,000
3	31	68,000
4	32	69,000
5	33	70,000
6	34	71,000
7	35	72,000
8	36	73,000
9	37	74,000
10	38	75,000
11	39	76,000
12	40	77,000
13	41	78,000
14	42	79,000
15	43	80,000

16 "Length of track in feet" means the length of track on one
17 side of the tracked implement of husbandry which is in contact
18 with the ground or roadway surface.

19 Sec. 19. Section 321E.8, subsection 2, Code 2001, is
20 amended to read as follows:

21 2. Vehicles with indivisible loads having an overall width
22 not to exceed ~~twelve~~ thirteen feet five inches or mobile
23 homes, including appurtenances, having an overall width not to
24 exceed ~~twelve~~ thirteen feet five inches and an overall length
25 not to exceed one hundred twenty feet zero inches may be moved
26 on highways specified by the permitting authority for
27 unlimited distances if the height of the vehicle and load does
28 not exceed fifteen feet five inches and the total gross weight
29 of the vehicle does not exceed one hundred thirty-six thousand
30 pounds. The vehicle owner or operator shall verify with the
31 permitting authority prior to movement of the load that
32 highway conditions have not changed so as to prohibit movement
33 of the vehicle. Any cost to repair damage to highways or
34 highway structures shall be borne by the owner or operator of
35 the vehicle causing the damage. Permitted vehicles under this

1 subsection shall not be allowed to travel on any portion of
2 the interstate highway system.

3 Sec. 20. Section 321E.8, subsection 4, Code 2001, is
4 amended by striking the subsection.

5 Sec. 21. Section 321E.14, Code 2001, is amended to read as
6 follows:

7 321E.14 FEES FOR PERMITS.

8 The department or local authorities issuing permits shall
9 charge a fee of twenty-five dollars for an annual permit
10 issued under section 321E.8, subsection 1, or 3, ~~or~~ 4, a fee
11 of three hundred dollars for an annual permit issued under
12 section 321E.8, subsection 2, a fee of two hundred dollars for
13 a multi-trip permit, and a fee of ten dollars for a single-
14 trip permit, and shall determine charges for special permits
15 issued pursuant to section 321E.29 by rules adopted pursuant
16 to chapter 17A. Fees for the movement of buildings, parts of
17 buildings, or unusual vehicles or loads may be increased to
18 cover the costs of inspections by the issuing authority. A
19 fee not to exceed two hundred fifty dollars per day or a
20 prorated fraction of that fee per person and car for escort
21 service may be charged when requested or when required under
22 this chapter. Proration of escort fees between state and
23 local authorities when more than one governmental authority
24 provides or is required to provide escort for a movement
25 during the period of a day shall be determined by rule under
26 section 321E.15. The department and local authorities may
27 charge a permit applicant for the cost of trimming trees and
28 removal and replacement of natural obstructions or official
29 signs and signals or other public or private property required
30 to be removed during the movement of a vehicle and load. In
31 addition to the fees provided in this section, the annual fee
32 for a permit for special mobile equipment, as defined in
33 section 321.1, subsection 75, operated pursuant to section
34 321E.7, subsection 2, with a combined gross weight up to and
35 including eighty thousand pounds shall be twenty-five dollars

1 and for a combined gross weight exceeding eighty thousand
2 pounds, fifty dollars.

3 The annual fee for an all-system permit is one hundred
4 twenty dollars which shall be deposited in the road use tax
5 fund.

6 DIVISION III

7 VEHICLE MANUFACTURERS, DISTRIBUTORS,
8 DEALERS, AND FRANCHISERS

9 Sec. 22. Section 322.2, Code 2001, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 20A. "Special equipment" means equipment
12 installed on a motor truck which, in combination with the
13 motor truck on which the equipment is installed, constitutes a
14 self-contained unit configured for a specific purpose. To
15 constitute special equipment, a minimum of seven thousand five
16 hundred dollars or twenty-five percent of the retail value of
17 the motor truck, whichever is greater, must be expended in
18 installing the equipment on the motor truck, including the
19 cost of the equipment. "Special equipment" does not include
20 equipment designed for the transportation of passengers.

21 Sec. 23. Section 322.3, subsection 13, Code 2001, is
22 amended to read as follows:

23 13. A manufacturer, distributor, or importer of motor
24 vehicles or agent or representative of such manufacturer,
25 distributor, or importer shall not reduce the amount of
26 compensation for, or disallow a claim for, warranty any of the
27 following if twelve months or more have passed since the claim
28 was submitted to the manufacturer, distributor, or importer or
29 agent or representative thereof:

30 a. Warranty parts, repairs, or service supplied by a motor
31 vehicle dealer if-twelve-months-or-more-have-passed-since-the
32 warranty-claim-was-submitted-to-the-manufacturer, distributor,
33 or-importer-of-motor-vehicles-or-agent-or-representative
34 thereof.

35 b. Sales or leasing incentives provided to a motor vehicle

1 dealer or to a customer of a motor vehicle dealer including,
2 but not limited to, rebates and discounted interest rates.

3 PARAGRAPH DIVIDED. The twelve-month limitation shall not
4 apply if a court of competent jurisdiction in this state finds
5 the warranty claim was fraudulent.

6 Sec. 24. Section 322.3, subsection 14, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

8 A manufacturer, ~~distributor, wholesaler,~~ or importer shall
9 not directly or indirectly be licensed as, own an interest in,
10 operate, or control a motor vehicle dealer. This subsection
11 shall not prohibit any of the following:

12 Sec. 25. Section 322.5, subsection 2, Code 2001, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 2. a. In addition to selling motor vehicles at the motor
16 vehicle dealer's principal place of business and at car lots,
17 a motor vehicle dealer may do any of the following:

18 (1) Display new motor vehicles at fairs, vehicle shows,
19 and vehicle exhibitions, upon application for and receipt of a
20 temporary permit issued by the department.

21 (2) Display, offer for sale, and negotiate sales of new
22 motor vehicles at county or district fairs, as described in
23 chapter 174, vehicle shows, and vehicle exhibitions, upon
24 application for and receipt of a temporary permit issued by
25 the department. Such activities may only be conducted at
26 fairs, vehicle shows, and vehicle exhibitions that are held in
27 the county of the motor vehicle dealer's principal place of
28 business. A sale of a motor vehicle by a motor vehicle dealer
29 shall not be completed and an agreement for the sale of a
30 motor vehicle shall not be signed at a fair, vehicle show, or
31 vehicle exhibition. All such sales shall be consummated at
32 the motor vehicle dealer's principal place of business.

33 b. An application for a temporary permit under this
34 subsection shall be made upon a form provided by the
35 department and shall be accompanied by a ten dollar permit

1 fee. The department may issue a temporary permit for a period
2 not to exceed fourteen days.

3 Sec. 26. Section 322.28, Code 2001, is amended to read as
4 follows:

5 322.28 DISTRIBUTOR OR WHOLESALER'S LICENSE.

6 A distributor or wholesaler of new motor vehicles shall not
7 sell or offer for sale a new motor vehicle at retail unless
8 licensed as a new motor vehicle dealer. A licensed
9 distributor or wholesaler of a new motor vehicle shall not
10 register or title a new motor vehicle held for sale and shall
11 transfer ownership of a new motor vehicle by assigning the
12 manufacturer's statement of origin for the vehicle.

13 Sec. 27. Section 322.29, subsection 5, Code 2001, is
14 amended to read as follows:

15 5. Upon payment of the license fee as provided in this
16 section, a person who installs cranes, hook loaders, buckets,
17 aerial ladders, ~~or tanks,~~ or special equipment on new
18 completed motor trucks with a gross vehicle weight rating of
19 nineteen fourteen thousand five hundred pounds or more may be
20 issued a license as a wholesaler of new motor vehicles of the
21 make and model on which the equipment is installed without
22 written authorization from the manufacturer.

23 Sec. 28. Section 322A.1, Code 2001, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 9A. "Substantially detrimental" means
26 that, by a preponderance of the evidence, the market share of
27 the franchiser's motor vehicles in the community will be
28 significantly reduced in comparison to the franchiser's
29 historical market share in the community.

30 Sec. 29. Section 322A.11, unnumbered paragraph 1, Code
31 2001, is amended to read as follows:

32 Notwithstanding the terms, provisions, or conditions of any
33 agreement or franchise, the following shall not constitute be
34 considered facts supporting a finding of good cause for the
35 termination or noncontinuation of a franchise, or for entering

1 into a franchise for the establishment of an additional
2 dealership in a community for the same line-make:

3 Sec. 30. Section 322A.11, subsections 2 and 5, Code 2001,
4 are amended to read as follows:

5 2. The change of ownership of the franchisee's dealership
6 or the change of executive management of the franchisee's
7 dealership, unless the franchiser, having the burden of proof,
8 proves that such change of ownership or executive management
9 will be substantially detrimental to the distribution of the
10 franchiser's motor vehicles in the community and that good
11 cause for the termination or noncontinuation of the franchise
12 or for the establishment of an additional dealership otherwise
13 exists.

14 5. The fact that the dealership does not meet an index or
15 standard established by the franchiser, unless the franchiser
16 proves that the failure of the dealership to meet the index or
17 standard will be substantially detrimental to the distribution
18 of the franchiser's motor vehicles in the community and that
19 good cause for the termination or noncontinuation of the
20 franchise or for the establishment of an additional dealership
21 otherwise exists.

22 Sec. 31. Section 322B.3, subsection 4, Code 2001, is
23 amended to read as follows:

24 4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home
25 dealers, in addition to selling mobile homes at their
26 principal place of business and lots, may, upon receipt of a
27 temporary permit approved by the department, display and offer
28 new mobile homes for sale and negotiate sales of new mobile
29 homes at fairs, shows, and exhibitions ~~which-are-approved-by~~
30 ~~the-department.~~ Application for temporary permits shall be
31 made upon forms provided by the department and shall be
32 accompanied by a ten dollar permit fee. Temporary permits
33 shall be issued for a period not to exceed fourteen days.

34 Sec. 32. Section 322C.3, subsection 9, Code 2001, is
35 amended to read as follows:

1 9. A travel trailer dealer may display new travel trailers
2 at fairs, shows, and ~~exhibits~~ exhibitions on any day of the
3 week as provided in this subsection. Travel trailer dealers,
4 in addition to selling travel trailers at their principal
5 place of business and lots, may, upon receipt of a temporary
6 permit approved by the department, display and offer new
7 travel trailers for sale and negotiate sales of new travel
8 trailers at fairs, shows, and exhibitions ~~which-are-approved~~
9 ~~by-the-department~~. Application for temporary permits shall be
10 made upon forms provided by the department and shall be
11 accompanied by a ten dollar permit fee. Temporary permits
12 shall be issued for a period not to exceed fourteen days.

13 DIVISION IV

14 MAILINGS

15 Sec. 33. Section 321.16, unnumbered paragraph 1, Code
16 2001, is amended to read as follows:

17 When the department is authorized or required to give
18 notice under this chapter or any other law regulating the
19 operation of vehicles, unless a different method of giving
20 ~~notices~~ notice is expressly prescribed, notice shall be given
21 either by personal delivery to the person to be so notified or
22 by personal service in the manner of original notice by R.C.P.
23 56.1, paragraph "a," or by certified first class mail
24 addressed to the person at the address shown by in the records
25 of the department, notwithstanding chapter 17A. ~~Return~~
26 ~~acknowledgment-is-required-to-prove-the-latter-service-~~

27 Sec. 34. Section 321.182, subsection 1, Code 2001, is
28 amended to read as follows:

29 1. Make application on a form provided by the department
30 which shall include the applicant's full name, signature,
31 current mailing address, current residential address, date of
32 birth, social security number, and physical description
33 including sex, height, and eye color. The application may
34 contain other information the department may require by rule.
35 A licensee shall notify the department when the licensee's

1 mailing address changes and provide the new address within
2 thirty days of obtaining the new address.

3 Sec. 35. Section 321.208, subsection 8, unnumbered
4 paragraph 2, Code 2001, is amended to read as follows:

5 The effective date of disqualification shall be thirty days
6 after notification. Immediate notice of disqualification may
7 be served on a person operating a commercial motor vehicle who
8 refused to submit to a test or whose test results indicate an
9 alcohol concentration of 0.04 or more by the peace officer
10 administering the chemical test or, notwithstanding chapter
11 17A, the department may notify the person by certified first
12 class mail. If immediate notice is served, the peace officer
13 shall take the commercial driver's license or permit of the
14 driver, if issued within the state, and issue a temporary
15 commercial driver's license effective for only thirty days.
16 The peace officer shall immediately send the person's
17 commercial driver's license to the department in addition to
18 the officer's certification required by this subsection.

19 Sec. 36. Section 321.556, subsection 1, Code 2001, is
20 amended to read as follows:

21 1. If, upon review of the record of convictions of any
22 person, the department determines that the person appears to
23 be a habitual offender, the department shall immediately
24 notify the person in writing and afford the licensee an
25 opportunity for a hearing. The Notwithstanding chapter 17A,
26 the notice shall meet the requirements of section ~~17A-12~~
27 321.16 and shall be served in the manner provided in that
28 section. Service of notice on any nonresident of this state
29 may be made in the same manner as provided in sections 321.498
30 through 321.506. A peace officer stopping a person for whom a
31 notice has been issued under this section may personally serve
32 the notice upon forms approved by the department to satisfy
33 the notice requirements of this section. A peace officer may
34 confiscate the driver's license of a person if the license has
35 been revoked or has been suspended subsequent to a hearing and

1 the person has not forwarded the driver's license to the
2 department as required.

3 Sec. 37. Section 321J.9, subsection 4, Code 2001, is
4 amended to read as follows:

5 4. The effective date of revocation shall be ten days
6 after the department has mailed notice of revocation to the
7 person by certified first class mail, or~~on behalf of the~~
8 ~~department~~a notwithstanding chapter 17A. The peace officer
9 ~~offering or directing~~ who requested or directed the
10 administration of a chemical test may, on behalf of the
11 department, serve immediate notice of intention to revoke and
12 of revocation on a person who refuses to permit chemical
13 testing. If the peace officer serves ~~that~~ immediate notice,
14 the peace officer shall take the Iowa license or permit of the
15 driver, if any, and issue a temporary license effective for
16 ~~only~~ ten days. The peace officer shall immediately send the
17 person's license to the department along with the officer's
18 certificate indicating the person's refusal to submit to
19 chemical testing.

20 Sec. 38. Section 321J.12, subsection 3, Code 2001, is
21 amended to read as follows:

22 3. The effective date of the revocation shall be ten days
23 after the department has mailed notice of revocation to the
24 person by certified first class mail, notwithstanding chapter
25 17A. The peace officer who requested or directed the
26 administration of the chemical test may, on behalf of the
27 department, serve immediate notice of revocation on a person
28 whose test results indicated the presence of a controlled
29 substance or other drug, or an alcohol concentration equal to
30 or in excess of the level prohibited by section 321J.2, or a
31 combination of alcohol and another controlled substance or
32 drug in violation of section 321J.2.

33 Sec. 39. Section 805.8, subsection 2, paragraph f, Code
34 2001, is amended to read as follows:

35 f. For violations of the conditions or restrictions of a

1 driver's license under sections 321.180, 321.180B, 321.193,
2 and 321.194, the scheduled fine is twenty dollars. For
3 failure to notify the state department of transportation of an
4 address change under section 321.182, the scheduled fine is
5 fifteen dollars.

6 DIVISION V

7 MISCELLANEOUS PROVISIONS

8 Sec. 40. RELOCATION OF UTILITY LINES AND MAINS -- STUDY.
9 The state department of transportation shall conduct a study
10 and present a report to the general assembly by January 31,
11 2002, regarding the compliance by utility companies with
12 requirements regarding the relocation of electrical or
13 telephone transmission lines or of water and gas mains on
14 highway construction or reconstruction projects. The report
15 shall document cases when relocation of such lines or mains on
16 a highway project was not timely, state the financial impact
17 on such projects, and may include department recommendations
18 for further remedies to ensure timely compliance with utility
19 relocation requirements.

20 Sec. 41. EFFECTIVE DATE. Sections 24 and 26 of this Act,
21 amending section 322.3, subsection 14, and section 322.28,
22 respectively, being deemed of immediate importance, take
23 effect upon enactment.

24 EXPLANATION

25 This bill makes several transportation-related policy
26 changes in the Code. Division I of the bill relates to road
27 maintenance and construction projects. The bill amends Code
28 section 306.19 by increasing the compensation to an owner of
29 property abutting a road maintenance or construction project
30 when the agency having jurisdiction of the road condemns,
31 purchases property access rights, or alters by lengthening any
32 existing driveway on the owner's property. The bill provides
33 that the owner is to be compensated for the diminution in the
34 market value of the property at a rate of \$20 per lineal foot
35 of additional length of driveway located on the owner's

1 property, rather than the current rate of \$5 per lineal foot.
2 Code section 309.35 is amended to increase the threshold at
3 which a county engineer must prepare detailed surveys and
4 plans for a secondary road construction project from a grading
5 cost of \$3,000 per mile to a grading cost of \$10,000 per mile.

6 The bill amends Code section 313.10 by revising the
7 conditions under which the state department of transportation
8 may contract for the emergency repair, restoration, or
9 reconstruction of a highway or bridge without advertising for
10 bids. The bill requires the work to cost less than \$500,000
11 rather than under \$75,000. The bill also requires the
12 department to notify the appropriate Iowa highway contractors'
13 associations of the proposed work if possible.

14 The bill amends several provisions in Code chapter 314,
15 relating to administrative provisions for highways. Code
16 section 314.1 is amended to provide that a bidder on a highway
17 construction project who is prequalified with the state
18 department of transportation shall be deemed qualified for
19 other governmental agencies' highway construction projects if
20 the bidder submits proof of prequalification in a manner
21 determined by the department if required to do so by the
22 agency.

23 The bill adds a provision to Code section 314.1 stating
24 that a public improvement that involves the construction,
25 reconstruction, improvement, or repair of a highway, bridge,
26 or culvert shall be advertised and let for bid if the project
27 meets the applicable cost threshold for competitive bidding
28 requirements, notwithstanding any provisions to the contrary.
29 Currently, under Code section 384.96, certain types of city
30 projects are excluded from the competitive bidding
31 requirements. Only those projects that meet the definition of
32 a public improvement under Code section 384.95 must be
33 competitively bid. A public improvement does not include an
34 urban renewal demolition or low-rent housing project,
35 industrial aid project authorized under Code chapter 419,

1 emergency work, or work performed by employees of a city or a
2 city utility.

3 The bill eliminates a provision from Code section 314.1
4 that allows an agency to let by private contract or build by
5 day labor at a cost not in excess of the lowest bid received
6 on a highway construction, reconstruction, improvement,
7 repair, or maintenance project. The bill amends Code section
8 314.1 to include bridge and culvert construction,
9 reconstruction, improvement, repair, or maintenance projects
10 within the scope of the provisions regulating the awarding of
11 contracts for certain highway projects. The bill defines
12 "highway" or "street" for purposes of Code chapter 314 as the
13 entire width between property lines of every way or place of
14 whatever nature when any part thereof is open to the use of
15 the public, as a matter of right, for purposes of vehicular
16 traffic.

17 Code section 314.2 is amended to allow a state or county
18 official or employee, elective or appointive, to have an
19 interest in a contract for the construction, reconstruction,
20 improvement, or maintenance of a highway, bridge, or culvert,
21 or the furnishing of materials for such a contract if the
22 contract is let pursuant to public notice and competitive bid.

23 The bill amends Code section 320.5 to remove a 20-year
24 limitation on the length of time for which a grant may be made
25 by the state department of transportation or a county board of
26 supervisors to allow the laying of gas mains in highways
27 outside cities to local municipal distributing plants or
28 companies or to allow the laying of water mains in, under, or
29 along highways. The bill also specifies that such grants made
30 by the department shall be on such reasonable conditions as
31 the department may exact. The current language already
32 includes this specification for counties.

33 Division II of the bill makes vehicle-related Code changes.

34 The bill defines "tracked implement of husbandry" for
35 purposes of Code chapter 321 as a fence-line feeder, grain

1 cart, or tank wagon that is mounted on a chassis attached to a
2 pair of tracks that transfer the weight of the implement to
3 the ground or the roadway surface. The bill amends Code
4 section 321.463 to provide that a tracked implement of
5 husbandry shall not have a maximum gross weight over 96,000
6 pounds. The bill requires such an implement to comply with
7 provisions relating to operation over bridges in the state and
8 allows local authorities to issue special permits for the
9 operation of implements exceeding the weights allowed in Code
10 chapter 321. The bill also adds a gross weight table to Code
11 section 321.463 providing the maximum gross weights for
12 tracked implements of husbandry traveling on noninterstate
13 highway bridges. The maximum gross weight varies from 34,000
14 pounds for an implement with tracks that are four to seven
15 feet long to 80,000 pounds for an implement with tracks that
16 are 43 feet long.

17 Code section 321.20B is amended to provide that the
18 provisions of that section requiring the operator of a vehicle
19 to carry proof of financial liability coverage when operating
20 the vehicle on a highway do not apply to snowmobiles or all-
21 terrain vehicles.

22 This bill creates a new subsection in Code section 321.34
23 that provides for issuance of armed forces special motor
24 vehicle registration plates at no charge for persons eligible
25 for congressional medal of honor, ex-prisoner of war, or
26 legion of merit special registration plates or for disabled
27 veteran registration plates. A person wishing to receive the
28 special plates at no charge must not currently possess
29 congressional medal of honor, ex-prisoner of war, legion of
30 merit, or disabled veteran special registration plates, must
31 provide the appropriate eligibility information, and must pay
32 a \$15 annual registration fee, except that certain disabled
33 veterans are exempt from paying the registration fee. Upon
34 the person's death, the special plates must be returned to the
35 department or the county treasurer.

1 Code section 321.271 is amended to allow the federal motor
2 carrier safety administration free access to and copies of
3 written motor vehicle accident reports filed by law
4 enforcement officers. Currently, Code section 321.271 does
5 not provide the federal motor carrier safety administration
6 with such privileges.

7 The bill amends Code section 321.423 to increase the speed
8 limit, at which a slow-moving vehicle must display an amber
9 light, from 25 to 35 miles per hour.

10 Code section 321.450 is amended to allow for-hire drivers
11 who are engaged exclusively in intrastate commerce and who
12 operate trucks and truck tractors exclusively for the
13 transportation of refined oil products to drive 12 hours, be
14 on duty 16 hours in a 24-hour period, and be on duty 70 hours
15 in seven consecutive days or 80 hours in eight consecutive
16 days.

17 The bill makes several changes in Code section 321.457
18 relating to the maximum length of vehicles operated on
19 highways. The bill allows a combination of three vehicles
20 coupled together, one of which is a motor vehicle, unladen or
21 with load, other than a truck tractor, to have a maximum
22 overall length, inclusive of front and rear bumpers, of 70
23 feet rather than the current 60-foot maximum. The bill also
24 specifies the maximum overall length for certain other
25 vehicles and combinations of vehicles. The bill provides that
26 a motor home, excluding front and rear bumpers and safety
27 equipment, shall not be longer than 45 feet. The bill
28 provides that a combination of two vehicles coupled together,
29 one of which is a motor home, travel trailer, or fifth-wheel
30 travel trailer, shall not have an overall length exceeding 65
31 feet.

32 The bill amends Code section 321E.8 to increase the
33 allowable width for vehicles with indivisible loads or mobile
34 homes traveling unlimited distances pursuant to an annual
35 permit from 12 feet five inches to 13 feet five inches. The

1 permit allows such vehicles to be moved on noninterstate
2 highways specified by the permitting authority. The bill also
3 eliminates a provision in Code section 321E.8 restricting
4 vehicles with indivisible loads less than 100 feet long to
5 trip distances not to exceed 50 miles in total aggregate. The
6 bill eliminates a reference to the stricken provision in Code
7 section 321E.14.

8 Division III of the bill amends several Code provisions in
9 chapters 322, 322A, 322B, and 322C relating to motor vehicle
10 dealers, motor vehicle franchisers, mobile home dealers, and
11 travel trailer dealers, respectively. The bill also amends
12 Code section 322.3 to prohibit a motor vehicle manufacturer,
13 distributor, or importer, or an agent or representative
14 thereof, from reducing the amount of compensation for, or
15 disallowing a claim for, sales or leasing incentives provided
16 to a motor vehicle dealer or a customer of a motor vehicle
17 dealer including, but not limited to, rebates and discounted
18 interest rates if 12 months or more have passed since the
19 claim was submitted to the manufacturer, distributor, or
20 importer.

21 The bill amends Code section 322.3 by eliminating the
22 prohibitions on the licensure of motor vehicle distributors
23 and wholesalers as motor vehicle dealers and on the ownership,
24 operation, or control of a motor vehicle dealer by a motor
25 vehicle distributor or wholesaler. This provision is
26 effective upon enactment.

27 Code section 322.28 is amended to specify that a
28 distributor or wholesaler of new motor vehicles shall not sell
29 or offer for sale new motor vehicles at retail unless licensed
30 as a new motor vehicle dealer. This provision is effective
31 upon enactment.

32 The bill amends Code section 322.29 to allow persons who
33 install special equipment on new completed motor trucks to be
34 issued a new motor vehicle wholesaler license without
35 obtaining authorization from the manufacturer. The bill

1 provides that such equipment must be installed on a motor
2 truck that has a gross vehicle weight rating of 14,500 pounds
3 or more rather than the current requirement of 19,000 pounds.
4 The bill provides that "special equipment" means equipment
5 having a minimum specified value which is installed on a motor
6 truck and which, in combination with the motor truck,
7 constitutes a self-contained unit configured for a specific
8 purpose. "Special equipment" does not include equipment
9 designed for the transportation of passengers.

10 The bill also revises the provisions in Code sections
11 322.5, 322B.3, and 322C.3, allowing temporary permits for the
12 display, offer for sale, and negotiation of sales of motor
13 vehicles, mobile homes, and travel trailers at certain fairs,
14 vehicle shows, and vehicle exhibitions. The bill removes the
15 requirement that the fairs, vehicle shows, and vehicle
16 exhibitions at which dealers may offer vehicles for sale and
17 negotiate sales be approved by the department.

18 The bill amends several provisions in Code chapter 322A
19 relating to the conditions that shall not be considered facts
20 supporting a finding of good cause for the termination or
21 noncontinuation of a motor vehicle franchise or for entering
22 into a motor vehicle franchise for the establishment of an
23 additional dealership in a community for the same line-make of
24 motor vehicles. The bill provides that if a franchiser
25 proves, in addition to proving that a change of ownership or
26 executive management of the franchisee's dealership will be
27 substantially detrimental to the distribution of the
28 franchiser's motor vehicles in the community, that good cause
29 for the termination or noncontinuation of the franchise or for
30 the establishment of an additional dealership otherwise
31 exists, then there is good cause for the termination or
32 noncontinuation or the establishment of an additional
33 dealership. The bill makes the same "substantially
34 detrimental" and "good cause" proof requirements applicable to
35 situations when a franchisee's dealership does not meet an

1 index or standard established by the franchiser. The bill
2 also defines "substantially detrimental" to mean that, by a
3 preponderance of the evidence, the market share of the
4 franchiser's motor vehicles in the community will be
5 significantly reduced in comparison to the franchiser's
6 historical market share in the community.

7 Division IV of the bill allows the state department of
8 transportation to use first class mail rather than certified
9 mail in several different circumstances. The bill amends the
10 provisions in Code section 321.16 regulating the department's
11 giving of notices required or authorized under Code chapter
12 321 or any other law regulating the operation of vehicles to
13 provide that one of the options for giving such notice is via
14 first class mail rather than certified mail, notwithstanding
15 the Iowa administrative procedure Act. The bill makes the
16 same notice options available to the department for notifying
17 a person that the department has determined that the person
18 appears to be a habitual offender under Code section 321.556.

19 The bill also amends Code section 321.182, relating to
20 applications for driver's licenses, to require driver's
21 licensees to notify the department when the licensee's mailing
22 address changes and provide the new address within 30 days of
23 obtaining the new address. A violation of this requirement is
24 a simple misdemeanor, punishable by a scheduled fine of \$15
25 under Code section 805.8, as amended by the bill.

26 Code sections 321.208, 321J.9, and 321J.12 are amended to
27 allow the department to provide notice by first class mail to
28 a person of the person's disqualification for a commercial
29 driver's license for refusal to submit to or failure of a
30 chemical test or of the revocation of the person's driver's
31 license or nonresident operating privilege for refusal to
32 submit to or failure of a chemical test under the operating
33 while intoxicated provisions of the Code.

34 Division V of the bill requires the state department of
35 transportation to conduct a study and present a report to the

1 general assembly by January 31, 2002, regarding the compliance
2 by utility companies with requirements regarding the
3 relocation of electrical or telephone transmission lines or of
4 water and gas mains on highway construction or reconstruction
5 projects. The report shall document cases when relocation of
6 such lines or mains on a highway project was not timely, state
7 the financial impact on such projects, and may include
8 department recommendations for further remedies to ensure
9 timely compliance with utility relocation requirements.

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HOUSE FILE 324**H-1064**

- 1 Amend House File 324 as follows:
 2 1. Page 15, by striking line 14 and inserting the
 3 following: "REQUIREMENTS FOR DRIVER'S LICENSEES".
 4 2. Page 15, by striking lines 15 through 26.
 5 3. By striking page 16, line 3, through page 17,
 6 line 32.
 7 4. Title page, lines 2 and 3, by striking the
 8 words "mailing of notices," and inserting the
 9 following: "driver's licensee requirements".
 10 5. By renumbering and correcting internal
 11 references as necessary.

By TREMMEL of Wapello

H-1064 FILED FEBRUARY 21, 2001*W/D**3/3/01 (p. 579)***HOUSE FILE 324****H-1065**

- 1 Amend House File 324 as follows:
 2 1. Page 3, line 31, by striking the words "unless
 3 the contract" and inserting the following: "except
 4 that such an official or employee may bid on a
 5 contract that".

By HUSER of Polk

H-1065 FILED FEBRUARY 21, 2001*Adopted**3/3/01**(p. 579)***HOUSE FILE 324****H-1066**

- 1 Amend House File 324 as follows:
 2 1. By striking page 3, line 23, through page 4,
 3 line 1.
 4 2. By renumbering, redesignating, and correcting
 5 internal references as necessary.

By MURPHY of Dubuque

H-1066 FILED FEBRUARY 21, 2001*Lost 3/3/01**(p. 579)***HOUSE FILE 324****H-1063**

- 1 Amend House File 324 as follows:
 2 1. Page 16, line 2, by inserting after the word
 3 "address." the following: "The application provided
 4 by the department shall include a statement for the
 5 applicant to sign that acknowledges the applicant's
 6 knowledge of the requirement to notify the department
 7 of a mailing address change."

By REYNOLDS of Van Buren

H-1063 FILED FEBRUARY 21, 2001*W/D 3/3/01 (p. 580)*

HOUSE FILE 324**H-1068**

1 Amend House File 324 as follows:

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

4 "Sec. ____ . NEW SECTION. 307.50 LOCAL COSTS OF
5 HIGHWAY PROJECT BIDDING -- APPROPRIATION.

6 There is appropriated to the department annually
7 from the general fund of the state an amount
8 sufficient to cover city and county expenses
9 associated with the competitive bidding requirements
10 in section 314.1, subsection 2. The department shall
11 disburse funds to counties and cities to reimburse the
12 counties and cities for the costs associated with
13 compliance with the requirements. The department
14 shall adopt rules for the administration of this
15 section."

16 2. Title page, line 3, by striking the word
17 "penalty" and inserting the following: "penalty, an
18 appropriation,".

19 3. By renumbering and correcting internal
20 references as necessary.

By HATCH of Polk

H-1068 FILED FEBRUARY 21, 2001

Adopted
3/3/01 (p. 582)

HOUSE FILE 324

H-1069

1 Amend House File 324 as follows:

2 1. By striking page 2, line 13, through page 3,
3 line 22.

4 2. By renumbering, redesignating, and correcting
5 internal references as necessary.

By HATCH of Polk

H-1069 FILED FEBRUARY 21, 2001

List
3/3/01
(p. 577)

HOUSE FILE 324

H-1071

1 Amend House File 324 as follows:

2 1. Page 1, by inserting before line 3 the
3 following:

4 "Section 1. Section 73A.2, Code 2001, is amended
5 to read as follows:

6 73A.2 NOTICE OF HEARING.

7 Before any municipality shall enter into any
8 contract for any public improvement to cost ~~twenty-~~
9 ~~five~~ fifty thousand dollars or more, the governing
10 body proposing to make the contract shall adopt
11 proposed plans and specifications and proposed form of
12 contract, fix a time and place for hearing at the
13 municipality affected or other nearby convenient
14 place, and give notice by publication in at least one
15 newspaper of general circulation in the municipality
16 at least ten days before the hearing.

17 Sec. ____ . Section 73A.18, Code 2001, is amended to
18 read as follows:

19 73A.18 WHEN BIDS REQUIRED -- ADVERTISEMENT --
20 DEPOSIT.

21 When the estimated total cost of construction,
22 erection, demolition, alteration or repair of a public
23 improvement exceeds ~~twenty-five~~ fifty thousand
24 dollars, the municipality shall advertise for bids on
25 the proposed improvement by two publications in a
26 newspaper published in the county in which the work is
27 to be done. The first advertisement for bids shall be
28 not less than fifteen days prior to the date set for
29 receiving bids. The municipality shall let the work
30 to the lowest responsible bidder submitting a sealed
31 proposal. However, if in the judgment of the
32 municipality bids received are not acceptable, all
33 bids may be rejected and new bids requested. A bid
34 shall be accompanied, in a separate envelope, by a
35 deposit of money or a certified check or credit union
36 certified share draft in an amount to be named in the
37 advertisement for bids as security that the bidder
38 will enter into a contract for the doing of the work.
39 The municipality shall fix the bid security in an
40 amount equal to at least five percent, but not more
41 than ten percent of the estimated total cost of the
42 work. The checks, share drafts or deposits of money
43 of the unsuccessful bidders shall be returned as soon
44 as the successful bidder is determined, and the check,
45 share draft or deposit of money of the successful
46 bidder shall be returned upon execution of the
47 contract documents. This section does not apply to
48 the construction, erection, demolition, alteration or
49 repair of a public improvement when the contracting
50 procedure for the doing of the work is provided for in

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Page 2

1 another provision of law."

2 2. Page 4, by inserting after line 16 the
3 following:

4 "Sec. ____ Section 384.96, Code 2001, is amended
5 to read as follows:

6 384.96 SEALED BIDS.

7 When the estimated total cost to a city of a public
8 improvement exceeds the sum of ~~twenty-five~~ fifty
9 thousand dollars, the governing body shall advertise
10 for sealed bids for the proposed improvement by
11 publishing a notice to bidders as provided in section
12 362.3, except that the notice to bidders may be
13 published more than twenty days but not more than
14 forty-five days before the date for filing bids.

15 Sec. ____ Section 384.102, Code 2001, is amended
16 to read as follows:

17 384.102 WHEN HEARING NECESSARY.

18 When the estimated total cost of a public
19 improvement exceeds the sum of ~~twenty-five~~ fifty
20 thousand dollars, the governing body shall not enter
21 into a contract for the improvement until it has held
22 a public hearing on the proposed plans,
23 specifications, and form of contract, and estimated
24 cost for the improvement. Notice of the hearing must
25 be published as provided in section 362.3. At the
26 hearing any interested person may appear and file
27 objections to the proposed plans, specifications,
28 contract, or estimated cost of the improvement. After
29 hearing objections, the governing body shall by
30 resolution enter its decision on the plans,
31 specifications, contract, and estimated cost."

32 3. Title page, line 1, by inserting after the
33 word "transportation" the following: "and
34 infrastructure".

35 4. By renumbering and correcting internal
36 references as necessary.

By HATCH of Polk

H-1071 FILED FEBRUARY 21, 2001

Withdrawn

3/3/01

(P.569)

HOUSE FILE 324

H-1072

1 Amend House File 324 as follows:
2 1. Page 1, by inserting before line 3 the
3 following:
4 "Section 1. Section 73A.2, Code 2001, is amended
5 to read as follows:
6 73A.2 NOTICE OF HEARING.
7 Before any municipality shall enter into any
8 contract for any public improvement to cost ~~twenty~~
9 five one hundred thousand dollars or more, the
10 governing body proposing to make the contract shall
11 adopt proposed plans and specifications and proposed
12 form of contract, fix a time and place for hearing at
13 the municipality affected or other nearby convenient
14 place, and give notice by publication in at least one
15 newspaper of general circulation in the municipality
16 at least ten days before the hearing.
17 Sec. ____ . Section 73A.18, Code 2001, is amended to
18 read as follows:
19 73A.18 WHEN BIDS REQUIRED -- ADVERTISEMENT --
20 DEPOSIT.
21 When the estimated total cost of construction,
22 erection, demolition, alteration or repair of a public
23 improvement exceeds ~~twenty-five~~ one hundred thousand
24 dollars, the municipality shall advertise for bids on
25 the proposed improvement by two publications in a
26 newspaper published in the county in which the work is
27 to be done. The first advertisement for bids shall be
28 not less than fifteen days prior to the date set for
29 receiving bids. The municipality shall let the work
30 to the lowest responsible bidder submitting a sealed
31 proposal. However, if in the judgment of the
32 municipality bids received are not acceptable, all
33 bids may be rejected and new bids requested. A bid
34 shall be accompanied, in a separate envelope, by a
35 deposit of money or a certified check or credit union
36 certified share draft in an amount to be named in the
37 advertisement for bids as security that the bidder
38 will enter into a contract for the doing of the work.
39 The municipality shall fix the bid security in an
40 amount equal to at least five percent, but not more
41 than ten percent of the estimated total cost of the
42 work. The checks, share drafts or deposits of money
43 of the unsuccessful bidders shall be returned as soon
44 as the successful bidder is determined, and the check,
45 share draft or deposit of money of the successful
46 bidder shall be returned upon execution of the
47 contract documents. This section does not apply to
48 the construction, erection, demolition, alteration or
49 repair of a public improvement when the contracting
50 procedure for the doing of the work is provided for in

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1 another provision of law."

2 2. Page 4, by inserting after line 16 the
3 following:

4 "Sec. _____. Section 384.96, Code 2001, is amended
5 to read as follows:

6 384.96 SEALED BIDS.

7 When the estimated total cost to a city of a public
8 improvement exceeds the sum of ~~twenty-five~~ one hundred
9 thousand dollars, the governing body shall advertise
10 for sealed bids for the proposed improvement by
11 publishing a notice to bidders as provided in section
12 362.3, except that the notice to bidders may be
13 published more than twenty days but not more than
14 forty-five days before the date for filing bids.

15 Sec. _____. Section 384.102, Code 2001, is amended
16 to read as follows:

17 384.102 WHEN HEARING NECESSARY.

18 When the estimated total cost of a public
19 improvement exceeds the sum of ~~twenty-five~~ one hundred
20 thousand dollars, the governing body shall not enter
21 into a contract for the improvement until it has held
22 a public hearing on the proposed plans,
23 specifications, and form of contract, and estimated
24 cost for the improvement. Notice of the hearing must
25 be published as provided in section 362.3. At the
26 hearing any interested person may appear and file
27 objections to the proposed plans, specifications,
28 contract, or estimated cost of the improvement. After
29 hearing objections, the governing body shall by
30 resolution enter its decision on the plans,
31 specifications, contract, and estimated cost."

32 3. Title page, line 1, by inserting after the
33 word "transportation" the following: "and
34 infrastructure".

35 4. By renumbering, redesignating, and correcting
36 internal references as necessary.

By HATCH of Polk

H-1072 FILED FEBRUARY 21, 2001

Withdrawn 3/3/01
(p. 569)

HOUSE FILE 324

H-1070

1 Amend House File 324 as follows:

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

4 "Sec. ____ . NEW SECTION. 307.50 LOCAL COSTS OF
5 HIGHWAY PROJECT BIDDING -- ADMINISTRATION OF FUNDS.

6 The department shall expend funds appropriated from
7 the road use tax fund pursuant to section 312.2,
8 subsection 19, to reimburse counties and cities for
9 costs associated with compliance with the competitive
10 bidding requirements of section 314.1, subsection 2.
11 The department shall disburse the funds to counties
12 and cities in a manner set out by rule of the
13 department."

14 2. Page 1, by inserting after line 25 the
15 following:

16 "Sec. ____ . Section 312.2, Code 2001, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 19. The treasurer of state,
19 before making the allotments provided for in this
20 section, shall credit annually from the road use tax
21 fund to the state department of transportation an
22 amount sufficient to reimburse counties and cities for
23 costs associated with compliance with the competitive
24 bidding requirements of section 314.1, subsection 2."

25 3. Title page, line 3, by striking the word
26 "penalty" and inserting the following: "penalty, an
27 appropriation,".

28 4. By renumbering and correcting internal
29 references as necessary.

By HATCH of Polk

H-1070 FILED FEBRUARY 21, 2001

Lost 3/3/01

(P. 569)

HOUSE FILE 324

H-1073

1 Amend House File 324 as follows:

2 1. Page 18, by inserting after line 23 the
3 following:

4 "DIVISION

5 RAILROADS

6 Sec. ____ . NEW SECTION. 327F.8 CLOSE-CLEARANCE
7 WARNING DEVICES.

8 1. A railroad company shall place a warning device
9 at a location where the close-clearance between a
10 railway owned by the railroad company and a building,
11 machinery, trees, brush, or other object is such that
12 the building, machinery, trees, brush, or other object
13 physically impedes a person who is lawfully riding the
14 side of the train in the course of the person's duties
15 in service to the railroad company from clearing the
16 building, machinery, trees, brush, or other object.

17 2. The warning device shall be placed in a
18 location which provides adequate notice to a person
19 riding the side of a train so that the person may
20 prepare for the close-clearance.

21 3. Placement of a warning device pursuant to this
22 section does not relieve a railroad company from any
23 duties required under chapter 317 or section 327F.27.

24 4. A violation of this section is punishable as a
25 schedule "one" penalty under section 327C.5.

26 Sec. ____ . NEW SECTION. 327F.21 RAILROAD TRAIN
27 CREWS.

28 1. As used in this section, unless the context
29 otherwise requires:

30 a. "Cab" means the crew compartment of the engine
31 of a railroad train or locomotive.

32 b. "Department" means the state department of
33 transportation.

34 c. "Director" means the director of transportation
35 or the director's designee.

36 d. "Qualified railroad locomotive engineer" means
37 a person who has successfully completed a railroad
38 carrier's training program for a train service
39 engineer, locomotive servicing engineer, or student
40 engineer and passed an examination on railroad
41 operation rules.

42 e. "Qualified railroad trainperson" means a person
43 who has successfully completed a railroad carrier's
44 training program and passed an examination on railroad
45 operation rules.

46 2. Any person operating or controlling a railroad
47 in this state shall not allow the operation of any
48 railroad train or locomotive in this state unless the
49 railroad train or locomotive has a crew of at least
50 two individuals. One of the individuals shall be a

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1 qualified railroad locomotive engineer. The other
2 individual shall be either a qualified railroad
3 locomotive engineer or a qualified railroad
4 trainperson. The qualified railroad locomotive
5 engineer shall be present in the cab and operate the
6 control locomotive at all times that the railroad
7 train or locomotive is in motion. The other crew
8 member shall be present in the cab at all times the
9 railroad train or locomotive is in motion, but may
10 dismount the railroad train or locomotive when
11 necessary to perform switching activities and other
12 job-related duties. However, this subsection shall
13 not apply to the extent that it is contrary to or
14 inconsistent with a regulation or order of the federal
15 railroad administration.

16 3. The director may, pursuant to rules adopted by
17 the department, grant an exception to the requirements
18 of subsection 2 if the director determines that the
19 exception will not endanger the life or property of
20 any person.

21 4. A person who violates this section is, upon
22 conviction for a first offense, subject to a schedule
23 "one" penalty as provided under section 327C.5. A
24 person who violates this section is, upon conviction
25 for a second offense committed within three years of
26 the first offense, subject to a schedule "two" penalty
27 as provided under section 327C.5. A person who
28 violates this section is, upon conviction for a third
29 or subsequent offense committed within three years of
30 the first offense, subject to a schedule "three"
31 penalty as provided under section 327C.5.

32 Sec. ____ . NEW SECTION. 327F.32 RAILROAD
33 ACCIDENTS -- EMPLOYEE LEAVE AND TRAUMA COUNSELING.

34 1. A railroad company shall make trauma counseling
35 available to an employee of the railroad company
36 involved in an accident on a railway or right of way
37 under the control of the company if the accident
38 results in the death of or serious bodily injury to a
39 person. The counseling shall be made available to the
40 employee within forty-eight hours of the accident.

41 2. An employee involved in an accident described
42 in subsection 1 shall be given leave from duty with
43 compensation and applicable benefits for a minimum of
44 three days following the accident. If the railroad
45 company makes an affirmative showing that the accident
46 was due to the negligence or willful act of an
47 employee involved in an accident described in
48 subsection 1, the leave provided to the employee who
49 acted negligently or willfully may be provided without
50 compensation and benefits.

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1 3. An engineer returning to duty following leave
2 provided pursuant to subsection 2 shall, upon request,
3 be assigned an assistant engineer or other qualified
4 person to accompany the engineer for such time as may
5 be necessary to guarantee the public safety or until a
6 qualified medical practitioner determines that the
7 engineer does not suffer from a posttraumatic stress
8 disorder.

9 4. The director shall adopt rules for
10 administration and enforcement of this section."

11 2. Title page, line 2, by striking the words "and
12 mailing" and inserting the following: "mailing".

13 3. Title page, line 3, by striking the words
14 "providing a penalty" and inserting the following:
15 "railroads, and providing penalties".

16 4. By renumbering as necessary.

By T. TAYLOR of Linn

H-1073 FILED FEBRUARY 22, 2001

Pat Hermone
3/3/01

(P. 585)

Motion to Suspend Rules Lost
3/3/01

HOUSE FILE 324

H-1085

1 Amend House File 324 as follows:

2 1. Page 16, line 2, by inserting after the word
3 "address." the following: "The application provided
4 by the department shall include a statement for the
5 applicant to sign that acknowledges the applicant's
6 knowledge of the requirement to notify the department
7 of a mailing address change."

8 2. Page 16, by inserting after line 2 the
9 following:

10 "Sec. _____. Section 321.196, unnumbered paragraph
11 1, Code 2001, is amended to read as follows:

12 Except as otherwise provided, a driver's license,
13 other than an instruction permit, chauffeur's
14 instruction permit, or commercial driver's instruction
15 permit issued under section 321.180, expires, at the
16 option of the applicant, two or four years from the
17 licensee's birthday anniversary occurring in the year
18 of issuance if the licensee is between the ages of
19 seventeen years eleven months and seventy years on the
20 date of issuance of the license. If the licensee is
21 under the age of seventeen years eleven months or age
22 seventy or over, the license is effective for a period
23 of two years from the licensee's birthday anniversary
24 occurring in the year of issuance. Except as required
25 in section 321.188, and except for a motorcycle
26 instruction permit issued in accordance with section
27 321.180 or 321.180B, a driver's license is renewable
28 without written examination or penalty within a period
29 of sixty days after its expiration date and without a
30 driving test within a period of one year after its
31 expiration date. A person shall not be considered to
32 be driving with an invalid license during a period of
33 sixty days following the license expiration date.
34 However, for a license renewed within the sixty-day
35 period, the date of issuance shall be considered to be
36 the previous birthday anniversary on which it expired.
37 Applicants whose licenses are restricted due to vision
38 or other physical deficiencies may be required to
39 renew their licenses every two years. For the
40 purposes of this section, the birthday anniversary of
41 a person born on February 29 shall be deemed to occur
42 on March 1. The department in its discretion may
43 authorize the renewal of a valid driver's license
44 other than a commercial driver's license upon
45 application without an examination provided that the
46 applicant satisfactorily passes a vision test as
47 prescribed by the department, files a vision report in
48 accordance with section 321.186A which shows that the
49 applicant's visual acuity level meets or exceeds those
50 required by the department, or is eligible for renewal

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1 by mail pursuant to rules adopted by the department.
2 The department may assess an applicant a fee of no
3 more than two dollars for administration and mailing
4 expenses for providing for renewal of the applicant's
5 driver's license by mail. An application for renewal
6 of a driver's license shall include a statement for
7 the applicant to sign that acknowledges the
8 applicant's knowledge of the requirement to notify the
9 department of a mailing address change under section
10 321.182, subsection 1."

11 3. By renumbering, redesignating, and correcting
12 internal references as necessary.

By REYNOLDS of Van Buren

H-1085 FILED FEBRUARY 27, 2001

Adopted

3/3/01

(P. 582)

HOUSE FILE 324

H-1154

1 Amend House File 324 as follows:

2 1. Page 15, line 26, by inserting after the word
 3 "~~service.~~" the following: "The department shall adopt
 4 rules regarding the giving of notice by first class
 5 mail, the updating of addresses in department records,
 6 and the development of affidavits verifying the
 7 mailing of notices under this chapter and chapter
 8 321J. A person's refusal to accept or a claim of
 9 failure to receive a notice of revocation, suspension,
 10 or bar mailed by first class mail to the person's last
 11 known address shall not be a defense to a charge of
 12 driving while suspended, revoked, denied, or barred."

13 2. Page 16, by inserting after line 18 the
 14 following:

15 "Sec. ____ . NEW SECTION. 321.211A APPEAL OF
 16 EXTENDED SUSPENSION OR REVOCATION.

17 Notwithstanding any provision of law to the
 18 contrary, if a person was not served with notice of a
 19 suspension or revocation under section 321.16, or
 20 section 321J.9, subsection 4, or section 321J.12,
 21 subsection 3, the person may appeal to the department
 22 an extension of the period of suspension or revocation
 23 based upon a conviction under section 321.218 or
 24 321J.21. At the hearing on the appeal, the sole issue
 25 shall be whether the department failed to send notice
 26 of the underlying suspension or revocation to the
 27 person at the address contained in the department's
 28 records. If the department determines it failed to
 29 send such notice, the department shall rescind the
 30 extended suspension or revocation resulting from the
 31 conviction and send notice of the department's
 32 determination to the court that rendered the
 33 conviction. Upon receipt of the notice, the court
 34 shall enter an order exonerating the person of the
 35 conviction, and ordering that the record of the
 36 conviction be expunged by the clerk of the district
 37 court."

38 3. By renumbering as necessary.

By TREMMEL of Wapello
 HUSER of Polk

H-1154 FILED MARCH 1, 2001

Adopted

3/3/01

(p. 580)

HOUSE FILE 324

H-1157

1 Amend House File 324 as follows:

2 1. Page 1, by inserting after line 25 the
3 following:

4 "Sec. ____ . NEW SECTION. 309.40A EMERGENCY
5 HIGHWAY AND BRIDGE PROJECTS.

6 Notwithstanding section 309.40, a county may
7 contract for the emergency repair, restoration, or
8 reconstruction of a highway or bridge under the
9 county's jurisdiction without advertising for bids if
10 all of the following conditions are met:

11 1. The emergency was caused by an unforeseen event
12 causing the failure of a highway, bridge, or other
13 highway structure so that the highway is
14 unserviceable, or where immediate action is necessary
15 to prevent further damage or loss.

16 2. The county solicits written bids from three or
17 more contractors engaged in the type of work needed.

18 3. The necessary work can be done for less than
19 one hundred thousand dollars.

20 4. If possible, the county notifies the
21 appropriate Iowa highway contractors' associations of
22 the proposed work.

23 Sec. ____ . Section 309.93, Code 2001, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 7. A detailed cost accounting of
26 all instances in the previous fiscal year of the use
27 of day labor or public or private contracts for
28 construction, reconstruction, improvement, or repair
29 or maintenance projects on either the farm-to-market
30 or secondary road system, in the manner prescribed by
31 rule of the department under section 314.1A. The
32 statement shall also include the costs of purchasing,
33 leasing, or renting construction or maintenance
34 equipment and an accounting of the use of such
35 equipment for construction, reconstruction,
36 improvement, or repair or maintenance projects on
37 either the farm-to-market or secondary road system
38 during the previous fiscal year.

39 Sec. ____ . Section 312.14, Code 2001, is amended to
40 read as follows:

41 312.14 CITIES TO SUBMIT REPORT.

42 Cities in the state which receive allotments of
43 funds from road use tax funds shall prepare and
44 deliver on or before September 30 each year to the
45 department an annual report showing all street
46 receipts and expenditures for the city for the
47 previous fiscal year. The report shall include a
48 detailed cost accounting of all instances of the use
49 of day labor or public or private contracts for
50 construction, reconstruction, improvement, or repair

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1 or maintenance projects on the municipal street system
2 during the previous fiscal year, in the manner
3 prescribed by rule of the department under section
4 314.1A. The report shall also include the costs of
5 purchasing, leasing, or renting construction or
6 maintenance equipment and an accounting of the use of
7 such equipment for construction, reconstruction,
8 improvement, or repair or maintenance projects on the
9 municipal street system during the previous fiscal
10 year."

11 2. Page 2, line 19, by striking the words
12 "repair, or maintenance" and inserting the following:
13 "or repair or maintenance".

14 3. Page 3, line 2, by striking the words
15 "improvement, or repair" and inserting the following:
16 "or improvement".

17 4. Page 3, line 5, by inserting after the word
18 "bid" the following: ", except such public
19 improvements that involve emergency work pursuant to
20 section 309.40A, 313.10, 384.95, or 384.103,
21 subsection 2. However, a public improvement that has
22 an estimated total cost to a city in excess of fifty
23 thousand dollars, and that involves the construction,
24 reconstruction, or improvement of a highway, bridge,
25 or culvert that is under the jurisdiction of a city
26 with a population of more than fifty thousand, shall
27 be advertised and let for bid".

28 5. Page 3, by striking lines 13 through 15 and
29 inserting the following: "reject any or all bids, or
30 may let by private contract or build by day labor, at
31 a cost not in excess of the lowest bid received. If
32 the agency rejects all bids due to cost, prior to
33 using day labor or executing a private contract, the
34 agency shall contact the lowest bidder in an attempt
35 to negotiate a lower price than the bid received from
36 that bidder. If the agency's attempts to negotiate a
37 lower price with the lowest bidder are not successful,
38 the agency may contact other bidders to negotiate a
39 lower price than the lowest bid received. If there
40 were no other bidders the agency may contact a
41 contractor who did not submit a bid to negotiate a
42 lower price than the lowest bid received. If a
43 private contract cannot be negotiated with a
44 contractor who did not submit a bid, the agency may
45 proceed to build the project with day labor at a cost
46 not to exceed the lowest bid or quote received.

47 PARAGRAPH DIVIDED. Upon the completion of any
48 contract or project on".

49 6. Page 3, line 20, by inserting after the word
50 "specifications." the following: "Upon completion of

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Page 3

1 a contract or project on the municipal street system,
2 the city public works department or city engineer
3 shall file with the city clerk a statement showing the
4 total cost of the contract or project with a
5 certificate that the work has been done in accordance
6 with the plans and specifications."

7 7. Page 3, by inserting after line 22 the
8 following:

9 "Sec. ____ . NEW SECTION. 314.1A DETAILED COST
10 ACCOUNTINGS BY CITIES AND COUNTIES -- RULES.

11 The department shall adopt rules prescribing the
12 manner by which cities and counties shall provide a
13 detailed cost accounting under section 309.93 or
14 312.14, of all instances of the use of day labor or
15 public or private contracts for construction,
16 reconstruction, improvement, or repair or maintenance
17 projects on highways within their jurisdiction. The
18 rules shall include definitions concerning types of
19 projects and uniform requirements and definitions that
20 cities and counties shall use in determining costs for
21 such projects. The department shall establish an
22 advisory committee composed of representatives of
23 public sector agencies, private sector contractor
24 organizations, and certified public employee
25 collective bargaining organizations to make
26 recommendations for such rules."

27 8. Page 4, by inserting after line 16 the
28 following:

29 "Sec. ____ . DEPARTMENT REVIEW OF CERTAIN HIGHWAY
30 PROJECT PROCEDURES AND EQUIPMENT USE.

31 1. The state department of transportation, in
32 conjunction with the advisory committee established
33 pursuant to section 314.1A, shall review applicable
34 competitive bidding threshold requirements for
35 highway, bridge, and culvert projects and may make
36 recommendations to the general assembly by December
37 31, 2002, regarding any proposed changes.

38 2. The department shall review the highway and
39 street construction and maintenance equipment purchase
40 policies and the use of such equipment by all entities
41 receiving road use tax fund moneys. The department
42 shall report its findings, and any recommendations
43 regarding potential efficiencies and cost savings in
44 the purchase and use of such equipment, to the general
45 assembly by December 31, 2002. The department shall
46 consult with public and private entities in reviewing
47 the purchasing policies and use of equipment and in
48 formulating the department's recommendations.

49 Sec. ____ . EFFECTIVE DATE. The following
50 provisions of this Act take effect July 1, 2002:

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Page 4

- 1 1. The provision enacting section 309.93,
 2 subsection 7.
 3 2. The provision amending section 312.14.
 4 3. The provision enacting section 314.1,
 5 subsection 2.
 6 4. The provision amending section 314.1,
 7 unnumbered paragraph 2, and redesignating that
 8 unnumbered paragraph as section 314.1, subsection 3."
 9 9. By numbering, renumbering, and correcting
 10 internal references as necessary.

By HUSER of Polk

H-1157 FILED MARCH 2, 2001

*Sponsor added 3/5/01 Brauns**Adopted 3/3/01
(P. 577)***HOUSE FILE 324****H-1159**

- 1 Amend the amendment, H-1157, to House File 324 as
 2 follows:
 3 1. Page 2, line 46, by inserting after the word
 4 "received." the following: "If, as a result of any
 5 outsourcing or privatization under this paragraph, a
 6 city or county position is eliminated, the city or
 7 county shall offer the affected employee other
 8 employment with the city or county. City or county
 9 employees placed in such other employment, as well as
 10 those electing to be laid off, shall be eligible for
 11 recall to the position classification held at the time
 12 of outsourcing or privatization."

By T. TAYLOR of Linn

H-1159 FILED MARCH 5, 2001

*Last 3/3/01
(P. 577)***HOUSE FILE 324****H-1160**

- 1 Amend the amendment, H-1157, to House File 324 as
 2 follows:
 3 1. Page 2, by inserting after line 27 the
 4 following:
 5 "___ Page 3, line 7, by striking the words
 6 "repair, or" and inserting the following: "or repair
 7 or."
 8 2. By renumbering, redesignating, and correcting
 9 internal references as necessary.

By BRAUNS of Muscatine

H-1160 FILED MARCH 5, 2001

Adopted 3/3/01 (P. 576)

HOUSE FILE 324

H-1163

- 1 Amend the amendment, H-1157, to House File 324 as
 2 follows:
 3 1. Page 1, lines 28 and 29, by striking the words
 4 "improvement, or repair or maintenance" and inserting
 5 the following: "or improvement".
 6 2. Page 1, line 50, through page 2, line 1, by
 7 striking the words "improvement, or repair or
 8 maintenance" and inserting the following: "or
 9 improvement".
 10 3. Page 3, line 16, by striking the words
 11 "improvement, or repair or maintenance" and inserting
 12 the following: "or improvement".

By HUSER of Polk
 BRAUNS of Muscatine

H-1163 FILED MARCH 5, 2001

Adopted
 3/3/01 (p. 574)

HOUSE FILE 324

H-1165

- 1 Amend the amendment, H-1157, to House File 324 as
 2 follows:
 3 1. Page 2, by striking lines 17 through 27.
 4 2. By renumbering, redesignating, and correcting
 5 internal references as necessary.

By HATCH of Polk

H-1165 FILED MARCH 5, 2001

Adopt
 3/3/01
 (p. 575)

HOUSE FILE 324

H-1166

- 1 Amend the amendment, H-1154, to House File 324 as
 2 follows:
 3 1. Page 1, by inserting after line 12 the
 4 following:
 5 "____. Page 16, line 2, by inserting after the
 6 word "address." the following: "The penalty under
 7 section 321.482 shall not apply to a licensee's
 8 failure to notify the department of such an address
 9 change."
 10 2. Page 1, by inserting after line 37 the
 11 following:
 12 "____. By striking page 17, line 33, through page
 13 18, line 5."
 14 3. By renumbering, redesignating, and correcting
 15 internal references as necessary.

By KREIMAN of Davis

H-1166 FILED MARCH 5, 2001

W/d
 3/3/01
 (p. 580)

HOUSE FILE 324**H-1168**

1 Amend the amendment, H-1085, to House File 324 as
2 follows:
3 1. Page 1, line 7, by inserting after the word
4 "change." the following: "The penalty under section
5 321.482 shall not apply to a licensee's failure to
6 notify the department of such an address change."
7 2. Page 2, by inserting after line 10 the
8 following:
9 "_____. By striking page 17, line 33, through page
10 18, line 5."
11 3. By renumbering, redesignating, and correcting
12 internal references as necessary.

By KREIMAN of Davis

H-1168 FILED MARCH 5, 2001

Adopted
3/3/01 (p. 582)

HOUSE FILE 324**H-1169**

1 Amend the amendment, H-1154, to House File 324 as
2 follows:
3 1. Page 1, by inserting after line 12 the
4 following:
5 "_____. By striking page 15, line 27, through page
6 16, line 2."
7 2. Page 1, by inserting after line 37 the
8 following:
9 "_____. By striking page 17, line 33, through page
10 18, line 5."
11 3. By renumbering, redesignating, and correcting
12 internal references as necessary.

By SHOULTZ of Black Hawk

H-1169 FILED MARCH 5, 2001

W/D
3/3/01
(p. 580)

**HOUSE FILE 324
FISCAL NOTE**

The estimate for **House File 324** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 324 provides several transportation-related policy changes to the Department of Transportation (DOT), including but not limited to the following:

1. The Bill increases the compensation to an owner of property alongside a road maintenance or construction project when the agency having jurisdiction of the road condemns, purchases property access rights, or alters by lengthening any existing driveway on the owner's property.
2. The Bill provides that an owner of a vehicle who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to an annual registration fee if the following conditions are met: The owner is eligible for Congressional Medal of Honor, Ex-Prisoner of War, or Legion of Merit special registration plates, or Disabled Veteran registration plates.
3. The Bill requires the DOT to use first-class mail rather than certified mail when giving notice for any law regulating the operation of vehicles, unless a different method of giving notice is expressly prescribed.

ASSUMPTIONS

1. There are an estimated 68 property projects per year involving owners of property alongside a road construction project. The average additional length of the owner's existing driveway is 100 feet. The compensation to the owner for altering or lengthening their driveway is \$20.
2. There are an estimated 917 Congressional Medal of Honor, Ex-POW, Legion of Merit, and Disabled Veterans license plates. Under current law, these plates are issued with an annual fee only of \$15, with no initial fee and no validation fee.
3. There are an estimated 4,500 "other" armed forces license plates issued at \$25, in addition to an estimated validation fee of \$100, and an annual renewal fee of \$5.
4. Under the proposed law, owners of Legion of Merit, Congressional Medal of Honor, Ex-POW, and Disabled Veterans plates can purchase, if they qualify, any of the "other" armed forces plates for the cost of \$15 annually.
5. There are an estimated 150,000 withdrawal notices mailed by certified mail at a cost of \$3 per notice.
6. The Department estimates that first-class mail costs for the same number of notices would be \$52,000 at the current postal rate of \$.34 per notice.

-2-

FISCAL IMPACT**Road Use Tax Fund**

It is anticipated that the provisions of House File 324 regarding property projects will result in decreased revenues to the Road Use Tax Fund of approximately \$102,000 annually.

The provisions of House File 324 relating to armed forces license plates are expected to have a minimal impact on the Road Use Tax Fund.

Primary Road Fund

It is anticipated that the provisions of House File 324 relating to mailings will result in decreased expenditures to the Primary Road Fund of approximately \$432,000 annually.

SOURCE

Department of Transportation

(LSB 2438hv, MBM)

FILED FEBRUARY 28, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

5-3/6/01
5-3/21/00 Amend/Do Pass
w/5-3221

HOUSE FILE 324
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 147)

(As Amended and Passed by the House March 5, 2001)

Passed House, Date ^(p. 586) 3/5/01 Passed Senate, Date ^(p. 898) 3-28-01
Vote: Ayes 65 Nays 32 Vote: Ayes 49 Nays 0

Approved April 16, 2001 Passed 4-10-01
^(p. 1035) Vote 95-4 49-0 ^(p. 1068)

A BILL FOR

1 An Act relating to transportation, including provisions on road
2 projects, vehicle sales, movement, and reports, and mailing of
3 notices, and providing a penalty and an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6 House Amendments _____
7 Deleted Language *

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DIVISION I

HIGHWAYS

1
2
3 Section 1. Section 306.19, subsection 2, paragraph a, Code
4 2001, is amended to read as follows:

5 a. Compensate the owner for any diminution in the market
6 value of the property by the denial or alteration by
7 lengthening the driveway, ~~however, in.~~ In computing such the
8 diminution in value no consideration shall be given to the
9 additional maintenance expense for maintaining the additional
10 length of driveway, but in lieu thereof, both in condemnation
11 proceedings or negotiated purchases, the agency shall pay to
12 the owner the sum of five twenty dollars for every lineal foot
13 of additional length of driveway located on ~~said~~ the owner's
14 property. This payment shall represent just compensation to
15 ~~said~~ the property owner for the additional driveway
16 maintenance caused by reason of the highway or road project.

17 Sec. 2. Section 309.35, Code 2001, is amended to read as
18 follows:

19 309.35 SURVEYS REQUIRED.

20 Before proceeding to the construction of any road or roads
21 included in said the secondary road construction program where
22 the grading, exclusive of bridges and culverts, is estimated
23 to cost over three ten thousand dollars per mile, the county
24 engineer shall cause detailed surveys and plans for said the
25 road or roads to be prepared.

26 Sec. 3. NEW SECTION. 309.40A EMERGENCY HIGHWAY AND
27 BRIDGE PROJECTS.

28 Notwithstanding section 309.40, a county may contract for
29 the emergency repair, restoration, or reconstruction of a
30 highway or bridge under the county's jurisdiction without
31 advertising for bids if all of the following conditions are
32 met:

33 1. The emergency was caused by an unforeseen event causing
34 the failure of a highway, bridge, or other highway structure
35 so that the highway is unserviceable, or where immediate

1 action is necessary to prevent further damage or loss.

2 2. The county solicits written bids from three or more
3 contractors engaged in the type of work needed.

4 3. The necessary work can be done for less than one
5 hundred thousand dollars.

6 4. If possible, the county notifies the appropriate Iowa
7 highway contractors' associations of the proposed work.

8 Sec. 4. Section 309.93, Code 2001, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 7. A detailed cost accounting of all
11 instances in the previous fiscal year of the use of day labor
12 or public or private contracts for construction,
13 reconstruction, or improvement projects on either the farm-to-
14 market or secondary road system, in the manner prescribed by
15 rule of the department under section 314.1A. The statement
16 shall also include the costs of purchasing, leasing, or
17 renting construction or maintenance equipment and an
18 accounting of the use of such equipment for construction,
19 reconstruction, improvement, or repair or maintenance projects
20 on either the farm-to-market or secondary road system during
21 the previous fiscal year.

22 Sec. 5. Section 312.14, Code 2001, is amended to read as
23 follows:

24 312.14 CITIES TO SUBMIT REPORT.

25 Cities in the state which receive allotments of funds from
26 road use tax funds shall prepare and deliver on or before
27 September 30 each year to the department an annual report
28 showing all street receipts and expenditures for the city for
29 the previous fiscal year. The report shall include a detailed
30 cost accounting of all instances of the use of day labor or
31 public or private contracts for construction, reconstruction,
32 or improvement projects on the municipal street system during
33 the previous fiscal year, in the manner prescribed by rule of
34 the department under section 314.1A. The report shall also
35 include the costs of purchasing, leasing, or renting

1 construction or maintenance equipment and an accounting of the
2 use of such equipment for construction, reconstruction,
3 improvement, or repair or maintenance projects on the
4 municipal street system during the previous fiscal year.

5 Sec. 6. Section 313.10, Code 2001, is amended to read as
6 follows:

7 313.10 BIDS -- ADVERTISING.

8 As soon as the approved plans and specifications for any
9 primary road construction project are filed with the
10 department, ~~it~~ the department shall, if the estimated cost
11 exceeds one thousand dollars, proceed to advertise for bids
12 for the construction of ~~said~~ the improvement.

13 The department may contract for the emergency repair,
14 restoration, or reconstruction of a highway or bridge without
15 advertising for bids under if all of the following conditions
16 are met:

17 1. The emergency was caused by an unforeseen event causing
18 the failure of a highway, bridge, or other highway structure
19 so that the highway is unserviceable, or where immediate
20 action is necessary to prevent further damage or loss; and

21 2. The department solicits written bids from three or more
22 contractors engaged in the type of work needed; and

23 3. The necessary work can be done for less than ~~seventy-~~
24 five five hundred thousand dollars.

25 4. If possible, the department notifies the appropriate
26 Iowa highway contractors' associations of the proposed work.

27 Sec. 7. Section 314.1, Code 2001, is amended to read as
28 follows:

29 314.1 BIDDERS' STATEMENTS OF QUALIFICATIONS -- BASIS FOR
30 AWARDING CONTRACTS.

31 1. The agency having charge of the receipt of bids and the
32 award of contracts for the construction, reconstruction,
33 improvement, or repair or maintenance of any a highway,
34 bridge, or culvert may require, for any highway, bridge, or
35 culvert contract letting, that each bidder ~~shall~~ file with

1 said the agency a statement showing the bidder's financial
2 standing, equipment, and experience in the execution of like
3 or similar work. Said The statements shall be on standard
4 forms prepared by the department and shall be filed with said
5 the agency previous prior to the letting at which such the
6 bidder expects to bid. The agency may, in advance of the
7 letting, notify the bidder as to the amount and the nature of
8 the work for which the bidder is deemed qualified to bid. A
9 bidder who is prequalified under this subsection by the
10 department shall be deemed qualified for a highway, bridge, or
11 culvert contract letting by any other agency and shall submit
12 proof of the prequalification in a manner determined by the
13 department if required to do so by the agency.

14 2. Notwithstanding any other provision of law to the
15 contrary, a public improvement that involves the construction,
16 reconstruction, or improvement of a highway, bridge, or
17 culvert and that has a cost in excess of the applicable
18 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14,
19 313.10, or 384.96 shall be advertised and let for bid, except
20 such public improvements that involve emergency work pursuant
21 to section 309.40A, 313.10, 384.95, or 384.103, subsection 2.
22 However, a public improvement that has an estimated total cost
23 to a city in excess of fifty thousand dollars, and that
24 involves the construction, reconstruction, or improvement of a
25 highway, bridge, or culvert that is under the jurisdiction of
26 a city with a population of more than fifty thousand, shall be
27 advertised and let for bid.

28 3. In the award of contracts for the construction,
29 reconstruction, improvement, or repair or maintenance of any a
30 highway, bridge, or culvert, the agency having charge of
31 awarding such contracts shall give due consideration not only
32 to the prices bid but also to the mechanical or other
33 equipment and the financial responsibility and experience in
34 the performance of like or similar contracts. The agency may
35 reject any or all bids, or may let by private contract or

1 build by day labor, at a cost not in excess of the lowest bid
2 received. If the agency rejects all bids due to cost, prior
3 to using day labor or executing a private contract, the agency
4 shall contact the lowest bidder in an attempt to negotiate a
5 lower price than the bid received from that bidder. If the
6 agency's attempts to negotiate a lower price with the lowest
7 bidder are not successful, the agency may contact other
8 bidders to negotiate a lower price than the lowest bid
9 received. If there were no other bidders the agency may
10 contact a contractor who did not submit a bid to negotiate a
11 lower price than the lowest bid received. If a private
12 contract cannot be negotiated with a contractor who did not
13 submit a bid, the agency may proceed to build the project with
14 day labor at a cost not to exceed the lowest bid or quote
15 received.

16 PARAGRAPH DIVIDED. Upon the completion of any contract or
17 project on either the farm-to-market or secondary road system,
18 the county engineer shall file with the county auditor a
19 statement showing the total cost thereof with certificate that
20 said the work has been done in accordance with the plans and
21 specifications. Upon completion of a contract or project on
22 the municipal street system, the city public works department
23 or city engineer shall file with the city clerk a statement
24 showing the total cost of the contract or project with a
25 certificate that the work has been done in accordance with the
26 plans and specifications. All contracts shall be in writing
27 and shall be secured by a bond for the faithful performance
28 thereof as provided by law.

29 Sec. 8. NEW SECTION. 314.1A DETAILED COST ACCOUNTINGS BY
30 CITIES AND COUNTIES -- RULES.

31 The department shall adopt rules prescribing the manner by
32 which cities and counties shall provide a detailed cost
33 accounting under section 309.93 or 312.14, of all instances of
34 the use of day labor or public or private contracts for
35 construction, reconstruction, or improvement projects on

1 highways within their jurisdiction. The rules shall include
2 definitions concerning types of projects and uniform
3 requirements and definitions that cities and counties shall
4 use in determining costs for such projects. The department
5 shall establish an advisory committee composed of
6 representatives of public sector agencies, private sector
7 contractor organizations, and certified public employee
8 collective bargaining organizations to make recommendations
9 for such rules.

10 Sec. 9. Section 314.2, Code 2001, is amended to read as
11 follows:

12 314.2 INTEREST IN CONTRACT PROHIBITED.

13 No A state or county official or employee, elective or
14 appointive, shall not be directly or indirectly interested in
15 any a contract for the construction, reconstruction,
16 improvement, or maintenance of any a highway, bridge, or
17 culvert, or the furnishing of materials ~~therefor~~ for such a
18 contract, except that such an official or employee may bid on
19 a contract that is let pursuant to public notice and
20 competitive bid. The letting of a contract in violation of
21 ~~the foregoing provisions~~ this section shall invalidate the
22 contract and such violation shall be a complete defense to any
23 action to recover any consideration due or earned under the
24 contract at the time of its termination.

25 Sec. 10. Section 314.13, Code 2001, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 5. "Highway" or "street" means the entire
28 width between property lines of every way or place of whatever
29 nature when any part thereof is open to the use of the public,
30 as a matter of right, for purposes of vehicular traffic.

31 Sec. 11. Section 320.5, Code 2001, is amended to read as
32 follows:

33 320.5 TERM OF GRANT.

34 ~~Such grants~~ A grant made under section 320.4 shall be on
35 such reasonable conditions as the state department of

1 transportation or the board of supervisors may exact, and on
2 such conditions as the general assembly may hereafter
3 prescribe. Grants-for-gas-or-water-mains-shall-not-exceed
4 twenty-years.

5 Sec. 12. DEPARTMENT REVIEW OF CERTAIN HIGHWAY PROJECT
6 PROCEDURES AND EQUIPMENT USE.

7 1. The state department of transportation, in conjunction
8 with the advisory committee established pursuant to section
9 314.1A, shall review applicable competitive bidding threshold
10 requirements for highway, bridge, and culvert projects and may
11 make recommendations to the general assembly by December 31,
12 2002, regarding any proposed changes.

13 2. The department shall review the highway and street
14 construction and maintenance equipment purchase policies and
15 the use of such equipment by all entities receiving road use
16 tax fund moneys. The department shall report its findings,
17 and any recommendations regarding potential efficiencies and
18 cost savings in the purchase and use of such equipment, to the
19 general assembly by December 31, 2002. The department shall
20 consult with public and private entities in reviewing the
21 purchasing policies and use of equipment and in formulating
22 the department's recommendations.

23 Sec. 13. EFFECTIVE DATE. The following provisions of this
24 Act take effect July 1, 2002:

25 1. The provision enacting section 309.93, subsection 7.

26 2. The provision amending section 312.14.

27 3. The provision enacting section 314.1, subsection 2.

28 4. The provision amending section 314.1, unnumbered
29 paragraph 2, and redesignating that unnumbered paragraph as
30 section 314.1, subsection 3.

31 DIVISION II

32 VEHICLES

33 Sec. 14. Section 321.1, Code 2001, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 83B. "Tracked implement of husbandry"

1 means a fence-line feeder, grain cart, or tank wagon that is
2 mounted on a chassis attached to a pair of tracks that
3 transfer the weight of the implement to the ground or the
4 roadway surface.

5 Sec. 15. Section 321.20B, subsection 6, Code 2001, is
6 amended to read as follows:

7 6. This section does not apply to a snowmobile or all-
8 terrain vehicle or to a motor vehicle identified in section
9 321.18, subsections 1 through 6, and subsection 8.

10 Sec. 16. Section 321.34, Code 2001, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 12A. An owner of a vehicle referred to in
13 subsection 12 who applies for any type of special registration
14 plates associated with service in the United States armed
15 forces shall be issued one set of the special registration
16 plates at no charge, but shall be subject to the annual
17 registration fee of fifteen dollars if all of the following
18 conditions are met:

19 a. The owner is eligible for, but has relinquished to the
20 department or the county treasurer or has not been issued,
21 congressional medal of honor, ex-prisoner of war, or legion of
22 merit special registration plates under this section, or
23 disabled veteran registration plates under section 321.105.

24 b. The owner provides the appropriate information
25 regarding the owner's eligibility for any of the special
26 registration plates described in paragraph "a", and regarding
27 the owner's eligibility for the special registration plates
28 for which the owner has applied, as required by the
29 department.

30 A disabled veteran shall be exempt from payment of the
31 fifteen dollar annual registration fee as provided in section
32 321.105.

33 Upon the death of the vehicle owner entitled to the special
34 registration plates, the special registration plates shall be
35 surrendered to the department or the county treasurer.

1 Sec. 17. Section 321.271, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 All written reports filed by a law enforcement officer as
4 required under section 321.266 shall be made available to any
5 party to an accident, the party's insurance company or its
6 agent, the party's attorney, the federal motor carrier safety
7 administration, or the attorney general, on written request to
8 the department and the payment of a fee of four dollars for
9 each copy. If a copy of an investigating officer's report of
10 a motor vehicle accident filed with the department is retained
11 by the law enforcement agency of the officer who filed the
12 report, a copy shall be made available to any party to the
13 accident, the party's insurance company or its agent, the
14 party's attorney, the federal motor carrier safety
15 administration, or the attorney general, on written request
16 and the payment of a fee. The However, the attorney general
17 and the federal motor carrier safety administration shall not
18 be required by the department or the law enforcement agency to
19 pay a fee for a copy of a report filed by a law enforcement or
20 investigating officer.

21 Sec. 18. Section 321.423, subsection 6, Code 2001, is
22 amended to read as follows:

23 6. AMBER FLASHING LIGHT. A farm tractor, farm tractor
24 with towed equipment, self-propelled implement of husbandry,
25 road construction or maintenance vehicle, road grader, or
26 other vehicle principally designed for use off the highway
27 which, when operated on a primary or secondary road, is
28 operated at a speed of twenty-five thirty-five miles an hour
29 or less, shall be equipped with and display an amber flashing
30 light visible from the rear at any time from sunset to
31 sunrise. If the amber flashing light is obstructed by the
32 towed equipment, the towed equipment shall also be equipped
33 with and display an amber flashing light as required under
34 this subsection. All vehicles specified in this subsection
35 which are manufactured for sale or sold in this state shall be

1 equipped with an amber flashing light in accordance with the
2 standards of the American society of agricultural engineers.

3 Sec. 19. Section 321.450, Code 2001, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions
6 of this section to the contrary, a driver who is engaged
7 exclusively in intrastate commerce and who operates a truck or
8 truck-tractor exclusively for the movement of refined oil
9 products may drive twelve hours, be on duty sixteen hours in a
10 twenty-four-hour period, and be on duty seventy hours in seven
11 consecutive days, or eighty hours in eight consecutive days.

12 Sec. 20. Section 321.457, subsection 2, paragraph d, Code
13 2001, is amended to read as follows:

14 d. A combination of three vehicles coupled together one of
15 which is a motor vehicle, unladen or with load, other than a
16 truck tractor, shall not have an overall length, inclusive of
17 front and rear bumpers, in excess of sixty seventy feet.

18 Sec. 21. Section 321.457, subsection 2, Code 2001, is
19 amended by adding the following new paragraphs:

20 NEW PARAGRAPH. j. A motor home shall not have an overall
21 length, excluding front and rear bumpers and safety equipment,
22 in excess of forty-five feet.

23 NEW PARAGRAPH. k. A combination of two vehicles coupled
24 together, one of which is a motor home, shall not have an
25 overall length in excess of sixty-five feet.

26 NEW PARAGRAPH. l. A combination of two vehicles coupled
27 together, one of which is a travel trailer or fifth-wheel
28 travel trailer, shall not have an overall length in excess of
29 sixty-five feet.

30 Sec. 22. Section 321.463, subsection 4, paragraph b,
31 subparagraph (1), Code 2001, is amended by adding the
32 following new unnumbered paragraph after unnumbered paragraph
33 1:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
35 this section to the contrary, a tracked implement of husbandry

1 operated on the highways of this state shall not have a
2 maximum gross weight in excess of ninety-six thousand pounds.

3 Sec. 23. Section 321.463, subsection 4, paragraph b,
4 subparagraph (1), unnumbered paragraph 2, Code 2001, is
5 amended to read as follows:

6 A fence-line feeder, grain cart, ~~or tank wagon,~~ or tracked
7 implement of husbandry shall comply with the other provisions
8 of this section and chapter when operated over a bridge in
9 this state. A local authority may issue a special permit,
10 based on a statewide standard developed by the department,
11 allowing the operation over a bridge within its jurisdiction
12 of a fence-line feeder, grain cart, ~~or tank wagon,~~ or tracked
13 implement of husbandry with a weight in excess of the weights
14 allowed under this chapter.

15 Sec. 24. Section 321.463, subsection 5, Code 2001, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. e. The maximum gross weight allowed to be
18 carried on a tracked implement of husbandry when operated on a
19 noninterstate highway bridge is as follows:

20 NONINTERSTATE HIGHWAY BRIDGES
21 MAXIMUM GROSS WEIGHT TABLE
22 TRACKED IMPLEMENTS OF HUSBANDRY

23	Length of Track	Weight in
24	in Feet	Pounds
25	4	34,000
26	5	34,000
27	6	34,000
28	7	34,000
29	8	42,000
30	9	42,500
31	10	45,000
32	11	46,000
33	12	47,000
34	13	48,500
35	14	49,500

1	15	50,500
2	16	51,500
3	17	54,000
4	18	55,000
5	19	56,000
6	20	57,000
7	21	58,000
8	22	59,000
9	23	60,000
10	24	61,000
11	25	62,000
12	26	63,000
13	27	64,000
14	28	65,000
15	29	66,000
16	30	67,000
17	31	68,000
18	32	69,000
19	33	70,000
20	34	71,000
21	35	72,000
22	36	73,000
23	37	74,000
24	38	75,000
25	39	76,000
26	40	77,000
27	41	78,000
28	42	79,000
29	43	80,000

30 "Length of track in feet" means the length of track on one
31 side of the tracked implement of husbandry which is in contact
32 with the ground or roadway surface.

33 Sec. 25. Section 321E.8, subsection 2, Code 2001, is
34 amended to read as follows:

35 2. Vehicles with indivisible loads having an overall width

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

17 Sec. 26. Section 321E.8, subsection 4, Code 2001, is
18 amended by striking the subsection.

19 Sec. 27. Section 321E.14, Code 2001, is amended to read as
20 follows:

21 321E.14 FEES FOR PERMITS.

22 The department or local authorities issuing permits shall
23 charge a fee of twenty-five dollars for an annual permit
24 issued under section 321E.8, subsection 1, or 3, ~~or~~ 4, a fee
25 of three hundred dollars for an annual permit issued under
26 section 321E.8, subsection 2, a fee of two hundred dollars for
27 a multi-trip permit, and a fee of ten dollars for a single-
28 trip permit, and shall determine charges for special permits
29 issued pursuant to section 321E.29 by rules adopted pursuant
30 to chapter 17A. Fees for the movement of buildings, parts of
31 buildings, or unusual vehicles or loads may be increased to
32 cover the costs of inspections by the issuing authority. A
33 fee not to exceed two hundred fifty dollars per day or a
34 prorated fraction of that fee per person and car for escort
35 service may be charged when requested or when required under

1 this chapter. Proration of escort fees between state and
2 local authorities when more than one governmental authority
3 provides or is required to provide escort for a movement
4 during the period of a day shall be determined by rule under
5 section 321E.15. The department and local authorities may
6 charge a permit applicant for the cost of trimming trees and
7 removal and replacement of natural obstructions or official
8 signs and signals or other public or private property required
9 to be removed during the movement of a vehicle and load. In
10 addition to the fees provided in this section, the annual fee
11 for a permit for special mobile equipment, as defined in
12 section 321.1, subsection 75, operated pursuant to section
13 321E.7, subsection 2, with a combined gross weight up to and
14 including eighty thousand pounds shall be twenty-five dollars
15 and for a combined gross weight exceeding eighty thousand
16 pounds, fifty dollars.

17 The annual fee for an all-system permit is one hundred
18 twenty dollars which shall be deposited in the road use tax
19 fund.

20 DIVISION III

21 VEHICLE MANUFACTURERS, DISTRIBUTORS,
22 DEALERS, AND FRANCHISERS

23 Sec. 28. Section 322.2, Code 2001, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 20A. "Special equipment" means equipment
26 installed on a motor truck which, in combination with the
27 motor truck on which the equipment is installed, constitutes a
28 self-contained unit configured for a specific purpose. To
29 constitute special equipment, a minimum of seven thousand five
30 hundred dollars or twenty-five percent of the retail value of
31 the motor truck, whichever is greater, must be expended in
32 installing the equipment on the motor truck, including the
33 cost of the equipment. "Special equipment" does not include
34 equipment designed for the transportation of passengers.

35 Sec. 29. Section 322.3, subsection 13, Code 2001, is

1 amended to read as follows:

2 13. A manufacturer, distributor, or importer of motor
3 vehicles or agent or representative of such manufacturer,
4 distributor, or importer shall not reduce the amount of
5 compensation for, or disallow a claim for, warranty any of the
6 following if twelve months or more have passed since the claim
7 was submitted to the manufacturer, distributor, or importer or
8 agent or representative thereof:

9 a. Warranty parts, repairs, or service supplied by a motor
10 vehicle dealer if ~~twelve months or more have passed since the~~
11 warranty claim was submitted to the manufacturer, distributor,
12 or importer of motor vehicles or agent or representative
13 thereof.

14 b. Sales or leasing incentives provided to a motor vehicle
15 dealer or to a customer of a motor vehicle dealer including,
16 but not limited to, rebates and discounted interest rates.

17 PARAGRAPH DIVIDED. The twelve-month limitation shall not
18 apply if a court of competent jurisdiction in this state finds
19 the warranty claim was fraudulent.

20 Sec. 30. Section 322.3, subsection 14, unnumbered
21 paragraph 1, Code 2001, is amended to read as follows:

22 A manufacturer, ~~distributor, wholesaler,~~ or importer shall
23 not directly or indirectly be licensed as, own an interest in,
24 operate, or control a motor vehicle dealer. This subsection
25 shall not prohibit any of the following:

26 Sec. 31. Section 322.5, subsection 2, Code 2001, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 2. a. In addition to selling motor vehicles at the motor
30 vehicle dealer's principal place of business and at car lots,
31 a motor vehicle dealer may do any of the following:

32 (1) Display new motor vehicles at fairs, vehicle shows,
33 and vehicle exhibitions, upon application for and receipt of a
34 temporary permit issued by the department.

35 (2) Display, offer for sale, and negotiate sales of new

1 motor vehicles at county or district fairs, as described in
2 chapter 174, vehicle shows, and vehicle exhibitions, upon
3 application for and receipt of a temporary permit issued by
4 the department. Such activities may only be conducted at
5 fairs, vehicle shows, and vehicle exhibitions that are held in
6 the county of the motor vehicle dealer's principal place of
7 business. A sale of a motor vehicle by a motor vehicle dealer
8 shall not be completed and an agreement for the sale of a
9 motor vehicle shall not be signed at a fair, vehicle show, or
10 vehicle exhibition. All such sales shall be consummated at
11 the motor vehicle dealer's principal place of business.

12 b. An application for a temporary permit under this
13 subsection shall be made upon a form provided by the
14 department and shall be accompanied by a ten dollar permit
15 fee. The department may issue a temporary permit for a period
16 not to exceed fourteen days.

17 Sec. 32. Section 322.28, Code 2001, is amended to read as
18 follows:

19 322.28 DISTRIBUTOR OR WHOLESALER'S LICENSE.

20 A distributor or wholesaler of new motor vehicles shall not
21 sell or offer for sale a new motor vehicle at retail unless
22 licensed as a new motor vehicle dealer. A licensed
23 distributor or wholesaler of a new motor vehicle shall not
24 register or title a new motor vehicle held for sale and shall
25 transfer ownership of a new motor vehicle by assigning the
26 manufacturer's statement of origin for the vehicle.

27 Sec. 33. Section 322.29, subsection 5, Code 2001, is
28 amended to read as follows:

29 5. Upon payment of the license fee as provided in this
30 section, a person who installs cranes, hook loaders, buckets,
31 aerial ladders, or tanks, or special equipment on new
32 completed motor trucks with a gross vehicle weight rating of
33 nineteen fourteen thousand five hundred pounds or more may be
34 issued a license as a wholesaler of new motor vehicles of the
35 make and model on which the equipment is installed without

1 written authorization from the manufacturer.

2 Sec. 34. Section 322A.1, Code 2001, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 9A. "Substantially detrimental" means
5 that, by a preponderance of the evidence, the market share of
6 the franchiser's motor vehicles in the community will be
7 significantly reduced in comparison to the franchiser's
8 historical market share in the community.

9 Sec. 35. Section 322A.11, unnumbered paragraph 1, Code
10 2001, is amended to read as follows:

11 Notwithstanding the terms, provisions, or conditions of any
12 agreement or franchise, the following shall not constitute be
13 considered facts supporting a finding of good cause for the
14 termination or noncontinuation of a franchise, or for entering
15 into a franchise for the establishment of an additional
16 dealership in a community for the same line-make:

17 Sec. 36. Section 322A.11, subsections 2 and 5, Code 2001,
18 are amended to read as follows:

19 2. The change of ownership of the franchisee's dealership
20 or the change of executive management of the franchisee's
21 dealership, unless the franchiser, having the burden of proof,
22 proves that such change of ownership or executive management
23 will be substantially detrimental to the distribution of the
24 franchiser's motor vehicles in the community and that good
25 cause for the termination or noncontinuation of the franchise
26 or for the establishment of an additional dealership otherwise
27 exists.

28 5. The fact that the dealership does not meet an index or
29 standard established by the franchiser, unless the franchiser
30 proves that the failure of the dealership to meet the index or
31 standard will be substantially detrimental to the distribution
32 of the franchiser's motor vehicles in the community and that
33 good cause for the termination or noncontinuation of the
34 franchise or for the establishment of an additional dealership
35 otherwise exists.

1 Sec. 37. Section 322B.3, subsection 4, Code 2001, is
2 amended to read as follows:

3 4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home
4 dealers, in addition to selling mobile homes at their
5 principal place of business and lots, may, upon receipt of a
6 temporary permit approved by the department, display and offer
7 new mobile homes for sale and negotiate sales of new mobile
8 homes at fairs, shows, and exhibitions ~~which-are-approved-by~~
9 ~~the-department~~. Application for temporary permits shall be
10 made upon forms provided by the department and shall be
11 accompanied by a ten dollar permit fee. Temporary permits
12 shall be issued for a period not to exceed fourteen days.

13 Sec. 38. Section 322C.3, subsection 9, Code 2001, is
14 amended to read as follows:

15 9. A travel trailer dealer may display new travel trailers
16 at fairs, shows, and exhibits exhibitions on any day of the
17 week as provided in this subsection. Travel trailer dealers,
18 in addition to selling travel trailers at their principal
19 place of business and lots, may, upon receipt of a temporary
20 permit approved by the department, display and offer new
21 travel trailers for sale and negotiate sales of new travel
22 trailers at fairs, shows, and exhibitions ~~which-are-approved~~
23 ~~by-the-department~~. Application for temporary permits shall be
24 made upon forms provided by the department and shall be
25 accompanied by a ten dollar permit fee. Temporary permits
26 shall be issued for a period not to exceed fourteen days.

27 DIVISION IV

28 MAILINGS

29 Sec. 39. Section 321.16, unnumbered paragraph 1, Code
30 2001, is amended to read as follows:

31 When the department is authorized or required to give
32 notice under this chapter or any other law regulating the
33 operation of vehicles, unless a different method of giving
34 ~~notices~~ notice is expressly prescribed, notice shall be given
35 either by personal delivery to the person to be so notified or

1 by personal service in the manner of original notice by R.C.P.
2 56.1, paragraph "a," or by certified first class mail
3 addressed to the person at the address shown by in the records
4 of the department, notwithstanding chapter 17A. Return
5 ~~acknowledgment-is-required-to-prove-the-latter-service.~~ The
6 department shall adopt rules regarding the giving of notice by
7 first class mail, the updating of addresses in department
8 records, and the development of affidavits verifying the
9 mailing of notices under this chapter and chapter 321J. A
10 person's refusal to accept or a claim of failure to receive a
11 notice of revocation, suspension, or bar mailed by first class
12 mail to the person's last known address shall not be a defense
13 to a charge of driving while suspended, revoked, denied, or
14 barred.

15 Sec. 40. Section 321.182, subsection 1, Code 2001, is
16 amended to read as follows:

17 1. Make application on a form provided by the department
18 which shall include the applicant's full name, signature,
19 current mailing address, current residential address, date of
20 birth, social security number, and physical description
21 including sex, height, and eye color. The application may
22 contain other information the department may require by rule.
23 A licensee shall notify the department when the licensee's
24 mailing address changes and provide the new address within
25 thirty days of obtaining the new address. The application
26 provided by the department shall include a statement for the
27 applicant to sign that acknowledges the applicant's knowledge
28 of the requirement to notify the department of a mailing
29 address change. The penalty under section 321.482 shall not
30 apply to a licensee's failure to notify the department of such
31 an address change.

32 Sec. 41. Section 321.196, unnumbered paragraph 1, Code
33 2001, is amended to read as follows:

34 Except as otherwise provided, a driver's license, other
35 than an instruction permit, chauffeur's instruction permit, or

1 commercial driver's instruction permit issued under section
2 321.180, expires, at the option of the applicant, two or four
3 years from the licensee's birthday anniversary occurring in
4 the year of issuance if the licensee is between the ages of
5 seventeen years eleven months and seventy years on the date of
6 issuance of the license. If the licensee is under the age of
7 seventeen years eleven months or age seventy or over, the
8 license is effective for a period of two years from the
9 licensee's birthday anniversary occurring in the year of
10 issuance. Except as required in section 321.188, and except
11 for a motorcycle instruction permit issued in accordance with
12 section 321.180 or 321.180B, a driver's license is renewable
13 without written examination or penalty within a period of
14 sixty days after its expiration date and without a driving
15 test within a period of one year after its expiration date. A
16 person shall not be considered to be driving with an invalid
17 license during a period of sixty days following the license
18 expiration date. However, for a license renewed within the
19 sixty-day period, the date of issuance shall be considered to
20 be the previous birthday anniversary on which it expired.
21 Applicants whose licenses are restricted due to vision or
22 other physical deficiencies may be required to renew their
23 licenses every two years. For the purposes of this section,
24 the birthday anniversary of a person born on February 29 shall
25 be deemed to occur on March 1. The department in its
26 discretion may authorize the renewal of a valid driver's
27 license other than a commercial driver's license upon
28 application without an examination provided that the applicant
29 satisfactorily passes a vision test as prescribed by the
30 department, files a vision report in accordance with section
31 321.186A which shows that the applicant's visual acuity level
32 meets or exceeds those required by the department, or is
33 eligible for renewal by mail pursuant to rules adopted by the
34 department. The department may assess an applicant a fee of
35 no more than two dollars for administration and mailing

1 expenses for providing for renewal of the applicant's driver's
2 license by mail. An application for renewal of a driver's
3 license shall include a statement for the applicant to sign
4 that acknowledges the applicant's knowledge of the requirement
5 to notify the department of a mailing address change under
6 section 321.182, subsection 1.

7 Sec. 42. Section 321.208, subsection 8, unnumbered
8 paragraph 2, Code 2001, is amended to read as follows:

9 The effective date of disqualification shall be thirty days
10 after notification. Immediate notice of disqualification may
11 be served on a person operating a commercial motor vehicle who
12 refused to submit to a test or whose test results indicate an
13 alcohol concentration of 0.04 or more by the peace officer
14 administering the chemical test or, notwithstanding chapter
15 17A, the department may notify the person by certified first
16 class mail. If immediate notice is served, the peace officer
17 shall take the commercial driver's license or permit of the
18 driver, if issued within the state, and issue a temporary
19 commercial driver's license effective for only thirty days.
20 The peace officer shall immediately send the person's
21 commercial driver's license to the department in addition to
22 the officer's certification required by this subsection.

23 Sec. 43. NEW SECTION. 321.211A APPEAL OF EXTENDED
24 SUSPENSION OR REVOCATION.

25 Notwithstanding any provision of law to the contrary, if a
26 person was not served with notice of a suspension or
27 revocation under section 321.16, or section 321J.9, subsection
28 4, or section 321J.12, subsection 3, the person may appeal to
29 the department an extension of the period of suspension or
30 revocation based upon a conviction under section 321.218 or
31 321J.21. At the hearing on the appeal, the sole issue shall
32 be whether the department failed to send notice of the
33 underlying suspension or revocation to the person at the
34 address contained in the department's records. If the
35 department determines it failed to send such notice, the

1 department shall rescind the extended suspension or revocation
2 resulting from the conviction and send notice of the
3 department's determination to the court that rendered the
4 conviction. Upon receipt of the notice, the court shall enter
5 an order exonerating the person of the conviction, and
6 ordering that the record of the conviction be expunged by the
7 clerk of the district court.

8 Sec. 44. Section 321.556, subsection 1, Code 2001, is
9 amended to read as follows:

10 1. If, upon review of the record of convictions of any
11 person, the department determines that the person appears to
12 be a habitual offender, the department shall immediately
13 notify the person in writing and afford the licensee an
14 opportunity for a hearing. The Notwithstanding chapter 17A,
15 the notice shall meet the requirements of section 17A-12
16 321.16 and shall be served in the manner provided in that
17 section. Service of notice on any nonresident of this state
18 may be made in the same manner as provided in sections 321.498
19 through 321.506. A peace officer stopping a person for whom a
20 notice has been issued under this section may personally serve
21 the notice upon forms approved by the department to satisfy
22 the notice requirements of this section. A peace officer may
23 confiscate the driver's license of a person if the license has
24 been revoked or has been suspended subsequent to a hearing and
25 the person has not forwarded the driver's license to the
26 department as required.

27 Sec. 45. Section 321J.9, subsection 4, Code 2001, is
28 amended to read as follows:

29 4. The effective date of revocation shall be ten days
30 after the department has mailed notice of revocation to the
31 person by certified first class mail, or, on behalf of the
32 department, a notwithstanding chapter 17A. The peace officer
33 offering or directing who requested or directed the
34 administration of a chemical test may, on behalf of the
35 department, serve immediate notice of intention to revoke and

1 of revocation on a person who refuses to permit chemical
2 testing. If the peace officer serves ~~that~~ immediate notice,
3 the peace officer shall take the Iowa license or permit of the
4 driver, if any, and issue a temporary license effective for
5 ~~only~~ ten days. The peace officer shall immediately send the
6 person's license to the department along with the officer's
7 certificate indicating the person's refusal to submit to
8 chemical testing.

9 Sec. 46. Section 321J.12, subsection 3, Code 2001, is
10 amended to read as follows:

11 3. The effective date of the revocation shall be ten days
12 after the department has mailed notice of revocation to the
13 person by certified first class mail, notwithstanding chapter
14 17A. The peace officer who requested or directed the
15 administration of the chemical test may, on behalf of the
16 department, serve immediate notice of revocation on a person
17 whose test results indicated the presence of a controlled
18 substance or other drug, or an alcohol concentration equal to
19 or in excess of the level prohibited by section 321J.2, or a
20 combination of alcohol and another controlled substance or
21 drug in violation of section 321J.2.

22 DIVISION V

23 MISCELLANEOUS PROVISIONS

24 Sec. 47. RELOCATION OF UTILITY LINES AND MAINS -- STUDY.
25 The state department of transportation shall conduct a study
26 and present a report to the general assembly by January 31,
27 2002, regarding the compliance by utility companies with
28 requirements regarding the relocation of electrical or
29 telephone transmission lines or of water and gas mains on
30 highway construction or reconstruction projects. The report
31 shall document cases when relocation of such lines or mains on
32 a highway project was not timely, state the financial impact
33 on such projects, and may include department recommendations
34 for further remedies to ensure timely compliance with utility
35 relocation requirements.

1 Sec. 48. EFFECTIVE DATE. Sections 30 and 32 of this Act,
2 amending section 322.3, subsection 14, and section 322.28,
3 respectively, being deemed of immediate importance, take
4 effect upon enactment.

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S-3221

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:

- A. 3 1. Page 6, by striking lines 10 through 24.
- 4 2. Page 7, line 12, by striking the figure "2002"
- 5 and inserting the following: "2001".
- 6 3. Page 7, by inserting before line 23 the
- 7 following:

8 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER
 9 EMPLOYMENT -- RECALL. If a city or county employee is
 B. 10 displaced from employment as a result of a city's or
 11 county's compliance with the provisions of this
 12 division of this Act, which enact section 314.1,
 13 subsection 2, and amend section 314.1, unnumbered
 14 paragraph 2, and redesignate that unnumbered paragraph
 15 as section 314.1, subsection 3, the city or county
 16 shall offer the displaced employee other available
 17 employment with the city or county, as applicable. A
 18 city or county employee who is placed in such other
 19 employment or who elected to be laid off shall be
 20 eligible for recall to the position held by the
 21 employee at the time of displacement. This provision
 22 shall not supercede the provisions of any applicable
 23 collective bargaining agreement."

24 4. Page 7, by inserting after line 30 the
25 following:

26 "____. Section 101 of this Act relating to the
27 displacement of employees."

28 5. By renumbering, redesignating, and correcting
29 internal references as necessary.

A. *Adopted 3/27/01 (P. 852)* By COMMITTEE ON TRANSPORTATION
SHELDON RITTNER, CHAIRPERSON

B. *Adopted 3/27/01 (P. 852)* 3/28/01 Motion to Repealed

S-3221 FILED MARCH 21, 2001 *Now ruled out of order w/ a disp. 2*
3/28/01 53275

HOUSE FILE 324

S-3244

1 Amend the amendment S-3221 to House File 324, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting before line 3 the
5 following:

6 "____. Page 2, line 19, by striking the words
7 "improvement, or repair or maintenance" and inserting
8 the following: "or improvement".

9 _____. Page 3, line 3, by striking the words
10 "improvement, or repair or maintenance" and inserting
11 the following: "or improvement".

12 _____. By striking page 4, line 35, through page 5,
13 line 15, and inserting the following: "reject any or
14 all bids, ~~or~~. The agency may readvertise and relet
15 the project without conducting an additional public
16 hearing if no substantial changes are made to the
17 project's plans or specifications. The agency may let
18 by private contract or build by day labor, at a cost
19 not in excess of the lowest bid received.""

20 2. Page 1, by inserting after line 3 the
21 following:

22 "____. Page 7, line 6, by inserting after the word
23 "USE" the following: "-RULES".

24 _____. Page 7, line 10, by striking the words
25 "projects and may" and inserting the following:
26 "projects, review alternative protocols for agencies
27 when bids on such projects are rejected due to cost,
28 and"."

29 3. Page 1, by inserting after line 5 the
30 following:

31 "____. Page 7, by inserting after line 12 the
32 following:

33 "____. The rules promulgated by the department
34 pursuant to section 314.1A shall be in draft form
35 prior to December 31, 2001, and shall specifically
36 define the terms "construction", "reconstruction",
37 "improvement", and "repair or maintenance" as such
38 terms relate to highway, bridge, and culvert
39 projects."

40 _____. Page 7, line 14, by striking the word
41 "purchase" and inserting the following:
42 "procurement".

43 _____. Page 7, line 18, by striking the word
44 "purchase" and inserting the following:
45 "procurement".

46 _____. Page 7, line 21, by striking the word
47 "purchasing" and inserting the following:
48 "procurement"."

49 4. By renumbering, redesignating, and correcting
50 internal references as necessary.

By RICHARD F. DRAKE

JOHN P. KIBBIE

*Adopted 3/27/01 (p. 851) - Motion to Re-Proposed 3/28
New Rule 010 with adoption of S-3275 3/28/01*

HOUSE FILE 324**S-3261**

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 26 the
4 following:
5 "Sec. 101. RETROACTIVE APPLICABILITY. The
6 following provisions of this Act shall apply
7 retroactively to April 25, 1999:
8 1. Section 34 of this Act, adding section 322A.1,
9 subsection 9A.
10 2. Section 35 of this Act, amending section
11 322A.11, unnumbered paragraph 1.
12 3. The provision of section 36 of this Act,
13 amending section 322A.11, subsection 2.
14 Sec. 102. EFFECTIVE DATE. The following
15 provisions of this Act, being deemed of immediate
16 importance, take effect upon enactment:
17 1. Section 30 of this Act, amending section 322.3,
18 subsection 14.
19 2. Section 32 of this Act, amending section
20 322.28.
21 3. Section 34 of this Act, adding section 322A.1,
22 subsection 9A.
23 4. Section 35 of this Act, amending section
24 322A.11, unnumbered paragraph 1.
25 5. The provision of section 36 of this Act,
26 amending section 322A.11, subsection 2.
27 6. Section 101 of this Act, providing for
28 retroactive applicability for the provisions described
29 in subsections 3 through 5."
30 2. Page 24, by striking lines 1 through 4.
31 3. Title page, line 3, by inserting after the
32 word "penalty" the following: ", a retroactive
33 applicability date,".
34 4. By renumbering, redesignating, and correcting
35 internal references as necessary.

By MICHAEL E. GRONSTAL
STEWART IVERSON, Jr.

S-3261 FILED MARCH 27, 2001

ADOPTED

(P. 853)

HOUSE FILE 324

S-3263

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the
4 following:

5 "Sec. ____ . Section 314.2, Code 2001, is amended to
6 read as follows:

7 314.2 INTEREST IN CONTRACT PROHIBITED.

8 ~~No~~ A state or county official or employee, elective
9 or appointive, shall ~~be directly or indirectly~~
10 ~~interested~~ not have an interest in any a contract for
11 the construction, reconstruction, improvement or
12 maintenance of any highway, bridge, or culvert, or the
13 furnishing of materials ~~therefore~~ under such a
14 contract, at any level of the supply chain. The
15 letting of a contract in violation of ~~the foregoing~~
16 ~~provisions~~ this section shall invalidate the contract
17 and such violation shall be a complete defense to any
18 action to recover any consideration due or earned
19 under the contract at the time of its termination.
20 The contracting agency shall take action to recover
21 any moneys paid to a state or county official or
22 employee for services or materials provided in
23 violation of this section. For purposes of this
24 section, "an interest in a contract" includes a
25 direct, indirect, or any other type of interest in a
26 contract, including the provision of materials for a
27 project that is the subject of a contract, whether
28 such provision is pursuant to subcontract or
29 otherwise."

30 2. By renumbering, redesignating, and correcting
31 internal references as necessary.

By STEVE KING

S-3263 FILED MARCH 27, 2001

LOST

(P. 862)

HOUSE FILE 324

S-3264

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the
4 following:

5 "Sec. ____ . NEW SECTION. 306.46 EFFECT ON ACCESS
6 TO POLITICAL SUBDIVISION.

7 In the construction, reconstruction, improvement,
8 or maintenance of any highway under its jurisdiction,
9 the department shall not close all paved highway
10 access to a municipality."

11 2. By renumbering, redesignating, and correcting
12 internal references as necessary.

By MARK SHEARER

S-3264 FILED MARCH 27, 2001

REPRODUCED

HOUSE FILE 324

S-3275

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 19, by striking the words
4 "improvement, or repair or maintenance" and inserting
5 the following: "or improvement".

6 2. Page 3, line 3, by striking the words
7 "improvement, or repair or maintenance" and inserting
8 the following: "or improvement".

9 3. Page 4, line 19, by inserting after the figure
10 "384.96" the following: ", as modified by the bid
11 threshold subcommittee pursuant to section 314.1B,".

12 4. Page 4, line 23, by inserting after the words
13 "excess of" the following: "a threshold of".

14 5. Page 4, line 23, by inserting after the word
15 "dollars," the following: "as modified by the bid
16 threshold subcommittee pursuant to section 314.1B,".

17 6. By striking page 4, line 35, through page 5,
18 line 15, and inserting the following: "reject any or
19 all bids, ~~or~~. The agency may readvertise and relet
20 the project without conducting an additional public
21 hearing if no substantial changes are made to the
22 project's plans or specifications. The agency may let
23 by private contract or build by day labor, at a cost
24 not in excess of the lowest bid received."

25 7. Page 6, by inserting after line 9 the
26 following:

27 "Sec. ____ . NEW SECTION. 314.1B BID THRESHOLD
28 SUBCOMMITTEE -- ADJUSTMENTS -- NOTICE.

29 1. The director of the department shall appoint,
30 from the members of the advisory committee established
31 under section 314.1A, a bid threshold subcommittee.
32 The subcommittee shall consist of seven members, three
33 of whom shall be representatives of local public
34 sector agencies, three of whom shall be
35 representatives of private sector contractor
36 organizations, and with the remaining member being the
37 director or the director's designee, who shall serve
38 as chairperson of the subcommittee. A vacancy in the
39 membership of the subcommittee shall be filled by the
40 director.

41 2. a. The subcommittee shall review the
42 competitive bid thresholds applicable to city and
43 county highway, bridge, and culvert projects. The
44 subcommittee shall review price adjustments for all
45 types of city and county highway, bridge, and culvert
46 construction, reconstruction, and improvement
47 projects, based on changes in the construction price
48 index from the preceding year. Upon completion of the
49 review the subcommittee may make adjustments in the
50 applicable bid thresholds for types of work based on

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Page 2

1 the price adjustments.

2 b. A bid threshold shall not be adjusted to an
3 amount that is less than the bid threshold applicable
4 to a city or county on the effective date of this
5 section of this Act, as provided in section 73A.18,
6 309.40, 310.14, 314.1, or 384.96. An adjusted bid
7 threshold shall take effect as provided in subsection
8 3, and shall remain in effect until a new adjusted bid
9 threshold is established and becomes effective as
10 provided in this section.

11 3. The subcommittee shall meet to conduct the
12 review and make the adjustments described in this
13 section on or before August 1 of every other year, or
14 of every year if determined necessary by the
15 subcommittee, with the first meeting occurring on or
16 before August 1, 2002. By September 1 of each year in
17 which the subcommittee makes adjustments in the bid
18 thresholds, the director shall cause an advisory
19 notice to be published in the Iowa administrative
20 bulletin and in a newspaper of general circulation in
21 this state, stating the adjusted bid thresholds to be
22 in effect on January 1 of the following year, as
23 established by the subcommittee under this section."

24 8. Page 6, by striking lines 10 through 24.

25 9. Page 7, line 6, by inserting after the word
26 "USE" the following: " -- RULES".

27 10. Page 7, by striking lines 7 through 12 and
28 inserting the following:

29 "____. The rules adopted by the department pursuant
30 to section 314.1A, as enacted in this Act, shall be in
31 draft form prior to December 31, 2001, and shall
32 specifically define the terms "construction",
33 "reconstruction", "improvement", and "repair or
34 maintenance" as such terms relate to highway, bridge,
35 and culvert projects."

36 11. Page 7, line 14, by striking the word
37 "purchase" and inserting the following:
38 "procurement".

39 12. Page 7, line 18, by striking the word
40 "purchase" and inserting the following:
41 "procurement".

42 13. Page 7, line 21, by striking the word
43 "purchasing" and inserting the following:
44 "procurement".

45 14. Page 7, by inserting before line 23, the
46 following:

47 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER
48 EMPLOYMENT -- RECALL. If a city or county employee is
49 displaced from employment as a result of a city's or
50 county's compliance with the provisions of this

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1 division of this Act, which enact section 314.1,
 2 subsection 2, and amend section 314.1, unnumbered
 3 paragraph 2, and redesignate that unnumbered paragraph
 4 as section 314.1, subsection 3, the city or county
 5 shall offer the displaced employee other available
 6 employment with the city or county, as applicable. A
 7 city or county employee who is placed in such other
 8 employment or who elected to be laid off shall be
 9 eligible for recall to the position held by the
 10 employee at the time of displacement. This provision
 11 shall not supersede the provisions of any applicable
 12 collective bargaining agreement."

13 15. Page 7, by inserting after line 30, the
 14 following:

15 "____. The provision enacting section 314.1B.
 16 _____. Section 101 of this Act relating to the
 17 displacement of employees."

18 16. By renumbering, redesignating, and correcting
 19 internal references as necessary.

By RICHARD F. DRAKE
 JOHN P. KIBBIE

SHELDON RITTNER
 DICK L. DEARDEN

S-3275 FILED MARCH 28, 2001

ADOPTED

(P. 897)

HOUSE FILE 324**S-3276**

1 Amend House File 324, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the
 4 following:

5 "Sec. _____. NEW SECTION. 306.46 EFFECT ON ACCESS
 6 TO POLITICAL SUBDIVISION.

7 In the construction, reconstruction, improvement,
 8 or maintenance of any highway under its jurisdiction,
 9 the department shall not close all paved highway
 10 access to a municipality without providing and
 11 maintaining adequate and well-marked detours that
 12 minimize the economic impact on the municipality due
 13 to the closure of the paved highway access. The
 14 department shall coordinate a highway construction,
 15 reconstruction, improvement, or maintenance project
 16 that involves the closure of paved highway access to a
 17 municipality to allow the establishment of a schedule
 18 for the project that will minimize the economic impact
 19 on the municipality as a result of the project."

20 2. By renumbering, redesignating, and correcting
 21 internal references as necessary.

By MARK SHEARER

S-3276 FILED MARCH 28, 2001

WITHDRAWN

(P. 898)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 324

S-3334

- 1 Amend the Senate amendment H-1380, to House File
2 324, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 3, by striking lines 20 through 29 and
5 inserting the following:
6 ""Sec. 102. EFFECTIVE DATE. The following".
7 2. Page 3, by striking lines 41 through 44 and
8 inserting the following: "amending section 322A.11,
9 subsection 2."
10 3. Page 3, by striking lines 46 through 48.
11 4. By renumbering, redesignating, and correcting
12 internal references as necessary.

RECEIVED FROM THE HOUSE

S-3334 FILED APRIL 10, 2001
CONCURRED (P.1068)

SENATE AMENDMENT TO
HOUSE FILE 324

H-1380

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 19, by striking the words
4 "improvement, or repair or maintenance" and inserting
5 the following: "or improvement".
6 2. Page 3, line 3, by striking the words
7 "improvement, or repair or maintenance" and inserting
8 the following: "or improvement".
9 3. Page 4, line 19, by inserting after the figure
10 "384.96" the following: ", as modified by the bid
11 threshold subcommittee pursuant to section 314.1B,".
12 4. Page 4, line 23, by inserting after the words
13 "excess of" the following: "a threshold of".
14 5. Page 4, line 23, by inserting after the word
15 "dollars," the following: "as modified by the bid
16 threshold subcommittee pursuant to section 314.1B,".
17 6. By striking page 4, line 35, through page 5,
18 line 15, and inserting the following: "reject any or
19 all bids, ~~or~~. The agency may readvertise and relet
20 the project without conducting an additional public
21 hearing if no substantial changes are made to the
22 project's plans or specifications. The agency may let
23 by private contract or build by day labor, at a cost
24 not in excess of the lowest bid received."
25 7. Page 6, by inserting after line 9 the
26 following:
27 "Sec. ____ . NEW SECTION. 314.1B BID THRESHOLD
28 SUBCOMMITTEE -- ADJUSTMENTS -- NOTICE.
29 1. The director of the department shall appoint,
30 from the members of the advisory committee established
31 under section 314.1A, a bid threshold subcommittee.
32 The subcommittee shall consist of seven members, three
33 of whom shall be representatives of local public
34 sector agencies, three of whom shall be
35 representatives of private sector contractor
36 organizations, and with the remaining member being the
37 director or the director's designee, who shall serve
38 as chairperson of the subcommittee. A vacancy in the
39 membership of the subcommittee shall be filled by the
40 director.
41 2. a. The subcommittee shall review the
42 competitive bid thresholds applicable to city and
43 county highway, bridge, and culvert projects. The
44 subcommittee shall review price adjustments for all
45 types of city and county highway, bridge, and culvert
46 construction, reconstruction, and improvement
47 projects, based on changes in the construction price
48 index from the preceding year. Upon completion of the
49 review the subcommittee may make adjustments in the
50 applicable bid thresholds for types of work based on

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Page 2

1 the price adjustments.

2 b. A bid threshold shall not be adjusted to an
3 amount that is less than the bid threshold applicable
4 to a city or county on the effective date of this
5 section of this Act, as provided in section 73A.18,
6 309.40, 310.14, 314.1, or 384.96. An adjusted bid
7 threshold shall take effect as provided in subsection
8 3, and shall remain in effect until a new adjusted bid
9 threshold is established and becomes effective as
10 provided in this section.

11 3. The subcommittee shall meet to conduct the
12 review and make the adjustments described in this
13 section on or before August 1 of every other year, or
14 of every year if determined necessary by the
15 subcommittee, with the first meeting occurring on or
16 before August 1, 2002. By September 1 of each year in
17 which the subcommittee makes adjustments in the bid
18 thresholds, the director shall cause an advisory
19 notice to be published in the Iowa administrative
20 bulletin and in a newspaper of general circulation in
21 this state, stating the adjusted bid thresholds to be
22 in effect on January 1 of the following year, as
23 established by the subcommittee under this section."

24 8. Page 6, by striking lines 10 through 24.

25 9. Page 7, line 6, by inserting after the word
26 "USE" the following: " -- RULES".

27 10. Page 7, by striking lines 7 through 12 and
28 inserting the following:

29 "____. The rules adopted by the department pursuant
30 to section 314.1A, as enacted in this Act, shall be in
31 draft form prior to December 31, 2001, and shall
32 specifically define the terms "construction",
33 "reconstruction", "improvement", and "repair or
34 maintenance" as such terms relate to highway, bridge,
35 and culvert projects."

36 11. Page 7, line 14, by striking the word
37 "purchase" and inserting the following:
38 "procurement".

39 12. Page 7, line 18, by striking the word
40 "purchase" and inserting the following:
41 "procurement".

42 13. Page 7, line 21, by striking the word
43 "purchasing" and inserting the following:
44 "procurement".

45 14. Page 7, by inserting before line 23, the
46 following:

47 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER
48 EMPLOYMENT -- RECALL. If a city or county employee is
49 displaced from employment as a result of a city's or
50 county's compliance with the provisions of this

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1 division of this Act, which enact section 314.1,
2 subsection 2, and amend section 314.1, unnumbered
3 paragraph 2, and redesignate that unnumbered paragraph
4 as section 314.1, subsection 3, the city or county
5 shall offer the displaced employee other available
6 employment with the city or county, as applicable. A
7 city or county employee who is placed in such other
8 employment or who elected to be laid off shall be
9 eligible for recall to the position held by the
10 employee at the time of displacement. This provision
11 shall not supersede the provisions of any applicable
12 collective bargaining agreement."

13 15. Page 7, by inserting after line 30, the
14 following:

15 "____. The provision enacting section 314.1B.
16 _____. Section 101 of this Act relating to the
17 displacement of employees."

18 16. Page 18, by inserting after line 26 the
19 following:

20 "Sec. 101. RETROACTIVE APPLICABILITY. The
21 following provisions of this Act shall apply
22 retroactively to April 25, 1999:

23 1. Section 34 of this Act, adding section 322A.1,
24 subsection 9A.

25 2. Section 35 of this Act, amending section
26 322A.11, unnumbered paragraph 1.

27 3. The provision of section 36 of this Act,
28 amending section 322A.11, subsection 2.

29 Sec. 102. EFFECTIVE DATE. The following
30 provisions of this Act, being deemed of immediate
31 importance, take effect upon enactment:

32 1. Section 30 of this Act, amending section 322.3,
33 subsection 14.

34 2. Section 32 of this Act, amending section
35 322.28.

36 3. Section 34 of this Act, adding section 322A.1,
37 subsection 9A.

38 4. Section 35 of this Act, amending section
39 322A.11, unnumbered paragraph 1.

40 5. The provision of section 36 of this Act,
41 amending section 322A.11, subsection 2.

42 6. Section 101 of this Act, providing for
43 retroactive applicability for the provisions described
44 in subsections 3 through 5."

45 17. Page 24, by striking lines 1 through 4.

46 18. Title page, line 3, by inserting after the
47 word "penalty" the following: ", a retroactive
48 applicability date,".

49 19. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1380 FILED MARCH 30, 2001

Concurred
4-10-01 (p. 1134)

HOUSE FILE 324

H-1457

1 Amend the Senate amendment H-1380, to House File
2 324, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 3, by striking lines 20 through 29 and
5 inserting the following:
6 ""Sec. 102. EFFECTIVE DATE. The following".
7 2. Page 3, by striking lines 41 through 44 and
8 inserting the following: "amending section 322A.11,
9 subsection 2.""
10 3. Page 3, by striking lines 46 through 48.
11 4. By renumbering, redesignating, and correcting
12 internal references as necessary.

By HUSER of Polk
BRAUNS of Muscatine

H-1457 FILED APRIL 9, 2001

Adopted
4-10-01
(P. 1134)

HOUSE FILE 324

AN ACT
RELATING TO TRANSPORTATION, INCLUDING PROVISIONS ON ROAD
PROJECTS, VEHICLE SALES, MOVEMENT, AND REPORTS, AND MAILING
OF NOTICES, AND PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

DIVISION I
HIGHWAYS

Section 1. Section 306.19, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Compensate the owner for any diminution in the market value of the property by the denial or alteration by lengthening the driveway, ~~however, in.~~ In computing such the diminution in value no consideration shall be given to the additional maintenance expense for maintaining the additional length of driveway, but in lieu thereof, both in condemnation proceedings or negotiated purchases, the agency shall pay to the owner the sum of five twenty dollars for every lineal foot of additional length of driveway located on ~~said the~~ owner's property. This payment shall represent just compensation to ~~said the~~ property owner for the additional driveway maintenance caused by reason of the highway or road project.

Sec. 2. Section 309.35, Code 2001, is amended to read as follows:

309.35 SURVEYS REQUIRED.

Before proceeding to the construction of any road or roads included in said the secondary road construction program where the grading, exclusive of bridges and culverts, is estimated to cost over three ten thousand dollars per mile, the county engineer shall cause detailed surveys and plans for said the road or roads to be prepared.

Sec. 3. NEW SECTION. 309.40A EMERGENCY HIGHWAY AND BRIDGE PROJECTS.

Notwithstanding section 309.40, a county may contract for the emergency repair, restoration, or reconstruction of a highway or bridge under the county's jurisdiction without advertising for bids if all of the following conditions are met:

1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss.
2. The county solicits written bids from three or more contractors engaged in the type of work needed.
3. The necessary work can be done for less than one hundred thousand dollars.
4. If possible, the county notifies the appropriate Iowa highway contractors' associations of the proposed work.

Sec. 4. Section 309.93, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A detailed cost accounting of all instances in the previous fiscal year of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system, in the manner prescribed by rule of the department under section 314.1A. The statement shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system during the previous fiscal year.

Sec. 5. Section 312.14, Code 2001, is amended to read as follows:

312.14 CITIES TO SUBMIT REPORT.

Cities in the state which receive allotments of funds from road use tax funds shall prepare and deliver on or before

September 30 each year to the department an annual report showing all street receipts and expenditures for the city for the previous fiscal year. The report shall include a detailed cost accounting of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year, in the manner prescribed by rule of the department under section 314.1A. The report shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year.

Sec. 6. Section 313.10, Code 2001, is amended to read as follows:

313.10 BIDS -- ADVERTISING.

As soon as the approved plans and specifications for any primary road construction project are filed with the department, it the department shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids for the construction of said the improvement.

The department may contract for the emergency repair, restoration, or reconstruction of a highway or bridge without advertising for bids under if all of the following conditions are met:

1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss; and
2. The department solicits written bids from three or more contractors engaged in the type of work needed; and
3. The necessary work can be done for less than seventy-five five hundred thousand dollars.
4. If possible, the department notifies the appropriate Iowa highway contractors' associations of the proposed work.

Sec. 7. Section 314.1, Code 2001, is amended to read as follows:

314.1 BIDDERS' STATEMENTS OF QUALIFICATIONS -- BASIS FOR AWARDING CONTRACTS.

1. The agency having charge of the receipt of bids and the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of any a highway, bridge, or culvert may require, for any highway, bridge, or culvert contract letting, that each bidder ~~shall~~ file with said the agency a statement showing the bidder's financial standing, equipment, and experience in the execution of like or similar work. Said The statements shall be on standard forms prepared by the department and shall be filed with said the agency previous prior to the letting at which such the bidder expects to bid. The agency may, in advance of the letting, notify the bidder as to the amount and the nature of the work for which the bidder is deemed qualified to bid. A bidder who is prequalified under this subsection by the department shall be deemed qualified for a highway, bridge, or culvert contract letting by any other agency and shall submit proof of the prequalification in a manner determined by the department if required to do so by the agency.

2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, 313.10, or 384.96, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, 384.95, or 384.103, subsection 2. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway,

bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid.

3. In the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of any a highway, bridge, or culvert, the agency having charge of awarding such contracts shall give due consideration not only to the prices bid but also to the mechanical or other equipment and the financial responsibility and experience in the performance of like or similar contracts. The agency may reject any or all bids, or. The agency may readvertise and relet the project without conducting an additional public hearing if no substantial changes are made to the project's plans or specifications. The agency may let by private contract or build by day labor, at a cost not in excess of the lowest bid received.

PARAGRAPH DIVIDED. Upon the completion of any contract or project on either the farm-to-market or secondary road system, the county engineer shall file with the county auditor a statement showing the total cost thereof with certificate that said the work has been done in accordance with the plans and specifications. Upon completion of a contract or project on the municipal street system, the city public works department or city engineer shall file with the city clerk a statement showing the total cost of the contract or project with a certificate that the work has been done in accordance with the plans and specifications. All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof as provided by law.

Sec. 8. NEW SECTION. 314.1A DETAILED COST ACCOUNTINGS BY CITIES AND COUNTIES -- RULES.

The department shall adopt rules prescribing the manner by which cities and counties shall provide a detailed cost accounting under section 309.93 or 312.14, of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on

highways within their jurisdiction. The rules shall include definitions concerning types of projects and uniform requirements and definitions that cities and counties shall use in determining costs for such projects. The department shall establish an advisory committee composed of representatives of public sector agencies, private sector contractor organizations, and certified public employee collective bargaining organizations to make recommendations for such rules.

Sec. 9. NEW SECTION. 314.1B BID THRESHOLD SUBCOMMITTEE -- ADJUSTMENTS -- NOTICE.

1. The director of the department shall appoint, from the members of the advisory committee established under section 314.1A, a bid threshold subcommittee. The subcommittee shall consist of seven members, three of whom shall be representatives of local public sector agencies, three of whom shall be representatives of private sector contractor organizations, and with the remaining member being the director or the director's designee, who shall serve as chairperson of the subcommittee. A vacancy in the membership of the subcommittee shall be filled by the director.

2. a. The subcommittee shall review the competitive bid thresholds applicable to city and county highway, bridge, and culvert projects. The subcommittee shall review price adjustments for all types of city and county highway, bridge, and culvert construction, reconstruction, and improvement projects, based on changes in the construction price index from the preceding year. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments.

b. A bid threshold shall not be adjusted to an amount that is less than the bid threshold applicable to a city or county on the effective date of this section of this Act, as provided in section 73A.18, 309.40, 310.14, 314.1, or 384.96. An adjusted bid threshold shall take effect as provided in subsection 3, and shall remain in effect until a new adjusted

bid threshold is established and becomes effective as provided in this section.

3. The subcommittee shall meet to conduct the review and make the adjustments described in this section on or before August 1 of every other year, or of every year if determined necessary by the subcommittee, with the first meeting occurring on or before August 1, 2002. By September 1 of each year in which the subcommittee makes adjustments in the bid thresholds, the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the adjusted bid thresholds to be in effect on January 1 of the following year, as established by the subcommittee under this section.

Sec. 10. Section 314.13, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 5. "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Sec. 11. Section 320.5, Code 2001, is amended to read as follows:

320.5 TERM OF GRANT.

Such-grants A grant made under section 320.4 shall be on such reasonable conditions as the state department of transportation or the board of supervisors may exact, and on such conditions as the general assembly may hereafter prescribe. ~~Grants-for-gas-or-water-mains-shall-not-exceed twenty-years.~~

Sec. 12. DEPARTMENT REVIEW OF CERTAIN HIGHWAY PROJECT PROCEDURES AND EQUIPMENT USE -- RULES.

1. The rules adopted by the department pursuant to section 314.1A, as enacted in this Act, shall be in draft form prior to December 31, 2001, and shall specifically define the terms "construction", "reconstruction", "improvement", and "repair or maintenance" as such terms relate to highway, bridge, and culvert projects.

2. The department shall review the highway and street construction and maintenance equipment procurement policies and the use of such equipment by all entities receiving road use tax fund moneys. The department shall report its findings, and any recommendations regarding potential efficiencies and cost savings in the procurement and use of such equipment, to the general assembly by December 31, 2002. The department shall consult with public and private entities in reviewing the procurement policies and use of equipment and in formulating the department's recommendations.

Sec. 13. DISPLACEMENT OF EMPLOYEES -- OTHER EMPLOYMENT -- RECALL. If a city or county employee is displaced from employment as a result of a city's or county's compliance with the provisions of this division of this Act, which enact section 314.1, subsection 2, and amend section 314.1, unnumbered paragraph 2, and redesignate that unnumbered paragraph as section 314.1, subsection 3, the city or county shall offer the displaced employee other available employment with the city or county, as applicable. A city or county employee who is placed in such other employment or who elected to be laid off shall be eligible for recall to the position held by the employee at the time of displacement. This provision shall not supersede the provisions of any applicable collective bargaining agreement.

Sec. 14. EFFECTIVE DATE. The following provisions of this Act take effect July 1, 2002:

1. The provision enacting section 309.93, subsection 7.
2. The provision amending section 312.14.
3. The provision enacting section 314.1, subsection 2.
4. The provision amending section 314.1, unnumbered paragraph 2, and redesignating that unnumbered paragraph as section 314.1, subsection 3.
5. The provision enacting section 314.1B.
6. Section 13 of this Act relating to the displacement of employees.

DIVISION II
VEHICLES

Sec. 15. Section 321.1, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 83B. "Tracked implement of husbandry" means a fence-line feeder, grain cart, or tank wagon that is mounted on a chassis attached to a pair of tracks that transfer the weight of the implement to the ground or the roadway surface.

Sec. 16. Section 321.20B, subsection 6, Code 2001, is amended to read as follows:

6. This section does not apply to a snowmobile or all-terrain vehicle or to a motor vehicle identified in section 321.18, subsections 1 through 6, and subsection 8.

Sec. 17. Section 321.34, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars if all of the following conditions are met:

a. The owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, congressional medal of honor, ex-prisoner of war, or legion of merit special registration plates under this section, or disabled veteran registration plates under section 321.105.

b. The owner provides the appropriate information regarding the owner's eligibility for any of the special registration plates described in paragraph "a", and regarding the owner's eligibility for the special registration plates for which the owner has applied, as required by the department.

A disabled veteran shall be exempt from payment of the fifteen dollar annual registration fee as provided in section 321.105.

Upon the death of the vehicle owner entitled to the special registration plates, the special registration plates shall be surrendered to the department or the county treasurer.

Sec. 18. Section 321.271, unnumbered paragraph 2, Code 2001, is amended to read as follows:

All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request to the department and the payment of a fee of four dollars for each copy. If a copy of an investigating officer's report of a motor vehicle accident filed with the department is retained by the law enforcement agency of the officer who filed the report, a copy shall be made available to any party to the accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request and the payment of a fee. The However, the attorney general and the federal motor carrier safety administration shall not be required by the department or the law enforcement agency to pay a fee for a copy of a report filed by a law enforcement or investigating officer.

Sec. 19. Section 321.423, subsection 6, Code 2001, is amended to read as follows:

6. AMBER FLASHING LIGHT. A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of twenty-five thirty-five miles an hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under

this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers.

Sec. 20. Section 321.450, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this section to the contrary, a driver who is engaged exclusively in intrastate commerce and who operates a truck or truck-tractor exclusively for the movement of refined oil products may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days, or eighty hours in eight consecutive days.

Sec. 21. Section 321.457, subsection 2, paragraph d, Code 2001, is amended to read as follows:

d. A combination of three vehicles coupled together one of which is a motor vehicle, unladen or with load, other than a truck tractor, shall not have an overall length, inclusive of front and rear bumpers, in excess of sixty seventy feet.

Sec. 22. Section 321.457, subsection 2, Code 2001, is amended by adding the following new paragraphs:

NEW PARAGRAPH. j. A motor home shall not have an overall length, excluding front and rear bumpers and safety equipment, in excess of forty-five feet.

NEW PARAGRAPH. k. A combination of two vehicles coupled together, one of which is a motor home, shall not have an overall length in excess of sixty-five feet.

NEW PARAGRAPH. l. A combination of two vehicles coupled together, one of which is a travel trailer or fifth-wheel travel trailer, shall not have an overall length in excess of sixty-five feet.

Sec. 23. Section 321.463, subsection 4, paragraph b, subparagraph (1), Code 2001, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this section to the contrary, a tracked implement of husbandry operated on the highways of this state shall not have a maximum gross weight in excess of ninety-six thousand pounds.

Sec. 24. Section 321.463, subsection 4, paragraph b, subparagraph (1), unnumbered paragraph 2, Code 2001, is amended to read as follows:

A fence-line feeder, grain cart, or tank wagon, or tracked implement of husbandry shall comply with the other provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, or tank wagon, or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter.

Sec. 25. Section 321.463, subsection 5, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The maximum gross weight allowed to be carried on a tracked implement of husbandry when operated on a noninterstate highway bridge is as follows:

NONINTERSTATE HIGHWAY BRIDGES
MAXIMUM GROSS WEIGHT TABLE
TRACKED IMPLEMENTS OF HUSBANDRY

Length of Track in Feet	Weight in Pounds
4	34,000
5	34,000
6	34,000
7	34,000
8	42,000
9	42,500
10	45,000
11	46,000
12	47,000
13	48,500

14	49,500
15	50,500
16	51,500
17	54,000
18	55,000
19	56,000
20	57,000
21	58,000
22	59,000
23	60,000
24	61,000
25	62,000
26	63,000
27	64,000
28	65,000
29	66,000
30	67,000
31	68,000
32	69,000
33	70,000
34	71,000
35	72,000
36	73,000
37	74,000
38	75,000
39	76,000
40	77,000
41	78,000
42	79,000
43	80,000

"Length of track in feet" means the length of track on one side of the tracked implement of husbandry which is in contact with the ground or roadway surface.

Sec. 26. Section 321E.8, subsection 2, Code 2001, is amended to read as follows:

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

Sec. 27. Section 321E.8, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 28. Section 321E.14, Code 2001, is amended to read as follows:

321E.14 FEES FOR PERMITS.

The department or local authorities issuing permits shall charge a fee of twenty-five dollars for an annual permit issued under section 321E.8, subsection 1, or 3, or-4, a fee of three hundred dollars for an annual permit issued under section 321E.8, subsection 2, a fee of two hundred dollars for a multi-trip permit, and a fee of ten dollars for a single-trip permit, and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under

this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 2, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

The annual fee for an all-system permit is one hundred twenty dollars which shall be deposited in the road use tax fund.

DIVISION III
VEHICLE MANUFACTURERS, DISTRIBUTORS,
DEALERS, AND FRANCHISERS

Sec. 29. Section 322.2, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. "Special equipment" means equipment installed on a motor truck which, in combination with the motor truck on which the equipment is installed, constitutes a self-contained unit configured for a specific purpose. To constitute special equipment, a minimum of seven thousand five hundred dollars or twenty-five percent of the retail value of the motor truck, whichever is greater, must be expended in installing the equipment on the motor truck, including the cost of the equipment. "Special equipment" does not include equipment designed for the transportation of passengers.

Sec. 30. Section 322.3, subsection 13, Code 2001, is amended to read as follows:

13. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty any of the following if twelve months or more have passed since the claim was submitted to the manufacturer, distributor, or importer or agent or representative thereof:

a. Warranty parts, repairs, or service supplied by a motor vehicle dealer if twelve months or more have passed since the warranty claim was submitted to the manufacturer, distributor, or importer of motor vehicles or agent or representative thereof.

b. Sales or leasing incentives provided to a motor vehicle dealer or to a customer of a motor vehicle dealer including, but not limited to, rebates and discounted interest rates.

PARAGRAPH DIVIDED. The twelve-month limitation shall not apply if a court of competent jurisdiction in this state finds the warranty claim was fraudulent.

Sec. 31. Section 322.3, subsection 14, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A manufacturer, ~~distributor, wholesaler,~~ or importer shall not directly or indirectly be licensed as, own an interest in, operate, or control a motor vehicle dealer. This subsection shall not prohibit any of the following:

Sec. 32. Section 322.5, subsection 2, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. In addition to selling motor vehicles at the motor vehicle dealer's principal place of business and at car lots, a motor vehicle dealer may do any of the following:

(1) Display new motor vehicles at fairs, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department.

(2) Display, offer for sale, and negotiate sales of new motor vehicles at county or district fairs, as described in chapter 174, vehicle shows, and vehicle exhibitions, upon

application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at fairs, vehicle shows, and vehicle exhibitions that are held in the county of the motor vehicle dealer's principal place of business. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair, vehicle show, or vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

b. An application for a temporary permit under this subsection shall be made upon a form provided by the department and shall be accompanied by a ten dollar permit fee. The department may issue a temporary permit for a period not to exceed fourteen days.

Sec. 33. Section 322.28, Code 2001, is amended to read as follows:

322.28 DISTRIBUTOR OR WHOLESALER'S LICENSE.

A distributor or wholesaler of new motor vehicles shall not sell or offer for sale a new motor vehicle at retail unless licensed as a new motor vehicle dealer. A licensed distributor or wholesaler of a new motor vehicle shall not register or title a new motor vehicle held for sale and shall transfer ownership of a new motor vehicle by assigning the manufacturer's statement of origin for the vehicle.

Sec. 34. Section 322.29, subsection 5, Code 2001, is amended to read as follows:

5. Upon payment of the license fee as provided in this section, a person who installs cranes, hook loaders, buckets, aerial ladders, or tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of nineteen fourteen thousand five hundred 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. 35. Section 322A.1, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Substantially detrimental" means that, by a preponderance of the evidence, the market share of the franchiser's motor vehicles in the community will be significantly reduced in comparison to the franchiser's historical market share in the community.

Sec. 36. Section 322A.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the following shall not constitute be considered facts supporting a finding of good cause for the termination or noncontinuation of a franchise, or for entering into a franchise for the establishment of an additional dealership in a community for the same line-make:

Sec. 37. Section 322A.11, subsections 2 and 5, Code 2001, are amended to read as follows:

2. The change of ownership of the franchisee's dealership or the change of executive management of the franchisee's dealership, unless the franchiser, having the burden of proof, proves that such change of ownership or executive management will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists.

5. The fact that the dealership does not meet an index or standard established by the franchiser, unless the franchiser proves that the failure of the dealership to meet the index or standard will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists.

Sec. 38. Section 322B.3, subsection 4, Code 2001, is amended to read as follows:

4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home dealers, in addition to selling mobile homes at their

principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new mobile homes for sale and negotiate sales of new mobile homes at fairs, shows, and exhibitions ~~which are approved by the department~~. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 39. Section 322C.3, subsection 9, Code 2001, is amended to read as follows:

9. A travel trailer dealer may display new travel trailers at fairs, shows, and ~~exhibits~~ exhibitions on any day of the week as provided in this subsection. Travel trailer dealers, in addition to selling travel trailers at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new travel trailers for sale and negotiate sales of new travel trailers at fairs, shows, and ~~exhibitions which are approved by the department~~. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 40. EFFECTIVE DATE. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 31 of this Act, amending section 322.3, subsection 14.
2. Section 33 of this Act, amending section 322.28.
3. Section 35 of this Act, adding section 322A.1, subsection 9A.
4. Section 36 of this Act, amending section 322A.11, unnumbered paragraph 1.
5. The provision of section 37 of this Act, amending section 322A.11, subsection 2.

DIVISION IV
MAILINGS

Sec. 41. Section 321.16, unnumbered paragraph 1, Code 2001, is amended to read as follows:

When the department is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is expressly prescribed, notice shall be given either by personal delivery to the person to be so notified or by personal service in the manner of original notice by R.C.P. 56.1, paragraph "a," or by certified first class mail addressed to the person at the address shown by in the records of the department, notwithstanding chapter 17A. Return acknowledgment is required to prove the latter service. The department shall adopt rules regarding the giving of notice by first class mail, the updating of addresses in department records, and the development of affidavits verifying the mailing of notices under this chapter and chapter 321J. A person's refusal to accept or a claim of failure to receive a notice of revocation, suspension, or bar mailed by first class mail to the person's last known address shall not be a defense to a charge of driving while suspended, revoked, denied, or barred.

Sec. 42. Section 321.182, subsection 1, Code 2001, is amended to read as follows:

1. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule. A licensee shall notify the department when the licensee's mailing address changes and provide the new address within thirty days of obtaining the new address. The application provided by the department shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change. The penalty under section 321.482 shall not

apply to a licensee's failure to notify the department of such an address change.

Sec. 43. Section 321.196, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without written examination or penalty within a period of sixty days after its expiration date and without a driving test within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section, the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department, files a vision report in accordance with section

321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department, or is eligible for renewal by mail pursuant to rules adopted by the department. The department may assess an applicant a fee of no more than two dollars for administration and mailing expenses for providing for renewal of the applicant's driver's license by mail. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

Sec. 44. Section 321.208, subsection 8, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The effective date of disqualification shall be thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or, notwithstanding chapter 17A, the department may notify the person by certified first class mail. If immediate notice is served, the peace officer shall take the commercial driver's license or permit of the driver, if issued within the state, and issue a temporary commercial driver's license effective for only thirty days. The peace officer shall immediately send the person's commercial driver's license to the department in addition to the officer's certification required by this subsection.

Sec. 45. NEW SECTION. 321.211A APPEAL OF EXTENDED SUSPENSION OR REVOCATION.

Notwithstanding any provision of law to the contrary, if a person was not served with notice of a suspension or revocation under section 321.16, or section 321J.9, subsection 4, or section 321J.12, subsection 3, the person may appeal to the department an extension of the period of suspension or revocation based upon a conviction under section 321.218 or 321J.21. At the hearing on the appeal, the sole issue shall

be whether the department failed to send notice of the underlying suspension or revocation to the person at the address contained in the department's records. If the department determines it failed to send such notice, the department shall rescind the extended suspension or revocation resulting from the conviction and send notice of the department's determination to the court that rendered the conviction. Upon receipt of the notice, the court shall enter an order exonerating the person of the conviction, and ordering that the record of the conviction be expunged by the clerk of the district court.

Sec. 46. Section 321.556, subsection 1, Code 2001, is amended to read as follows:

1. If, upon review of the record of convictions of any person, the department determines that the person appears to be a habitual offender, the department shall immediately notify the person in writing and afford the licensee an opportunity for a hearing. ~~The Notwithstanding chapter 17A,~~ the notice shall meet the requirements of section ~~17A-12~~ 321.16 and shall be served in the manner provided in that section. Service of notice on any nonresident of this state may be made in the same manner as provided in sections 321.498 through 321.506. A peace officer stopping a person for whom a notice has been issued under this section may personally serve the notice upon forms approved by the department to satisfy the notice requirements of this section. A peace officer may confiscate the driver's license of a person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required.

Sec. 47. Section 321J.9, subsection 4, Code 2001, is amended to read as follows:

4. The effective date of revocation shall be ten days after the department has mailed notice of revocation to the person by certified first class mail, ~~or on-behalf-of-the department~~, a notwithstanding chapter 17A. The peace officer

offering-or-directing who requested or directed the administration of a chemical test may, on behalf of the department, serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves that immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for only ten days. The peace officer shall immediately send the person's license to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing.

Sec. 48. Section 321J.12, subsection 3, Code 2001, is amended to read as follows:

3. The effective date of the revocation shall be ten days after the department has mailed notice of revocation to the person by certified first class mail, notwithstanding chapter 17A. The peace officer who requested or directed the administration of the chemical test may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, or a combination of alcohol and another controlled substance or drug in violation of section 321J.2.

DIVISION V

MISCELLANEOUS PROVISIONS

Sec. 49. RELOCATION OF UTILITY LINES AND MAINS -- STUDY. The state department of transportation shall conduct a study and present a report to the general assembly by January 31, 2002, regarding the compliance by utility companies with requirements regarding the relocation of electrical or telephone transmission lines or of water and gas mains on highway construction or reconstruction projects. The report shall document cases when relocation of such lines or mains on a highway project was not timely, state the financial impact on such projects, and may include department recommendations

for further remedies to ensure timely compliance with utility relocation requirements.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 324, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 16, 2001

THOMAS J. VILSACK
Governor