

House Study Bill 125

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

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

A BILL FOR

1 An Act relating to motor vehicle regulation by the state
2 department of transportation, including motor vehicle
3 registration and titling, restricted and special driver's
4 licenses for minors, driver licensing, regulation of
5 commercial vehicles, the use of flashing lights on certain
6 vehicles, citations for child restraint violations, permits
7 for vehicles of excessive height or weight, procedures for
8 motor vehicle dealers, and persons with disabilities parking,
9 and relating to refunds of taxes on motor fuel used in
10 taxicabs and buses that provide certain services.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
12 TLSB 2384HC 81
13 dea/gg/14

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1 1 Section 1. Section 299.1B, Code 2005, is amended to read
1 2 as follows:
1 3 299.1B FAILURE TO ATTEND == ~~LOSS OF DRIVER'S LICENSE.~~
1 4 A person who does not attend a public school, an accredited
1 5 nonpublic school, competent private instruction in accordance
1 6 with the provisions of chapter 299A, an alternative school, or
1 7 adult education classes, ~~or who is not employed at least~~
~~1 8 twenty hours per week shall not receive a motor vehicle~~
~~1 9 operator's driver's license until age eighteen. A person~~
~~1 10 under age eighteen who has been issued a motor vehicle~~
~~1 11 operator's license who does not attend a public school, an~~
~~1 12 accredited nonpublic school, competent private instruction in~~
~~1 13 accordance with the provisions of chapter 299A, an alternative~~
~~1 14 school, or adult education classes, shall surrender the~~
~~1 15 license and be issued a temporary restricted license under~~
~~1 16 section 321.215.~~
1 17 Sec. 2. Section 321.1, Code 2005, is amended by adding the
1 18 following new subsections:
1 19 NEW SUBSECTION. 6A. "Bona fide business address" means
1 20 the current street or highway address of a firm, association,
1 21 or corporation.
1 22 NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide
1 23 address" means the current street or highway address of an
1 24 individual's residence. The bona fide residence of a homeless
1 25 person is a primary nighttime residence meeting one of the
1 26 criteria listed in section 48A.2, subsection 2.
1 27 Sec. 3. Section 321.1, subsection 61, Code 2005, is
1 28 amended by striking the subsection.
1 29 Sec. 4. Section 321.9, Code 2005, is amended to read as
1 30 follows:
1 31 321.9 AUTHORITY TO ADMINISTER OATHS.
1 32 Officers and employees of the department designated by the
1 33 director, county officials authorized under this chapter to
1 34 issue motor vehicle registrations and titles, and county
1 35 officials authorized under chapter 321M to issue driver's
2 1 licenses are authorized, for the purpose of administering the
2 2 motor vehicle laws, ~~authorized~~ to administer oaths and
2 3 acknowledge signatures, and shall do so without fee.
2 4 Sec. 5. Section 321.12, subsection 4, Code 2005, is
2 5 amended to read as follows:
2 6 4. The director shall not destroy any operating records
2 7 pertaining to arrests or convictions for operating while
2 8 intoxicated, in violation of section 321J.2 or operating
2 9 records pertaining to revocations for violations of section
2 10 321J.2A, except that a conviction or revocation under section

2 11 321J.2 or 321J.2A that is not subject to 49 C.F.R. } 383 shall
2 12 be deleted from the operating records twelve years after the
2 13 date of conviction or the effective date of revocation.
2 14 Convictions or revocations that are retained in the operating
2 15 records for more than twelve years under this subsection shall
2 16 be considered only for purposes of disqualification actions
2 17 under 49 C.F.R. } 383.

2 18 Sec. 6. Section 321.23, subsection 1, Code 2005, is
2 19 amended to read as follows:

2 20 1. If the vehicle to be registered is a specially
2 21 constructed, reconstructed, ~~remanufactured~~, or foreign
2 22 vehicle, such fact shall be stated in the application. A fee
2 23 of ten dollars shall be paid by the person making the
2 24 application upon issuance of a certificate of title by the
2 25 county treasurer. ~~With reference to every~~ For a specially
2 26 constructed or reconstructed motor vehicle subject to
2 27 registration, the application shall be accompanied by a
2 28 statement from the department authorizing the motor vehicle to
2 29 be titled and registered in this state. The department shall
2 30 cause a physical inspection to be made of all specially
2 31 constructed or reconstructed motor vehicles, upon application
2 32 for a certificate of title by the owner, to determine whether
2 33 the motor vehicle complies with the definition of specially
2 34 constructed motor vehicle or reconstructed motor vehicle in
2 35 this chapter and to determine that the integral component
3 1 parts are properly identified and that the rightful ownership
3 2 is established before issuing the owner the authority to have
3 3 the motor vehicle registered and titled. The purpose of the
3 4 physical inspection under this section is not to determine
3 5 whether the motor vehicle is in a condition safe to operate.
3 6 ~~With reference to every~~ The owner of a specially constructed
3 7 or reconstructed vehicle shall apply for a certificate of
3 8 title and registration for the vehicle at the county
3 9 treasurer's office within thirty days of the inspection. For
3 10 a foreign vehicle which has been registered outside of this
3 11 state, the owner shall surrender to the treasurer all
3 12 registration plates, registration cards, and certificates of
3 13 title, or, if the vehicle to be registered is from a nontitle
3 14 state, the evidence of foreign registration and ownership as
3 15 may be prescribed by the department except as provided in
3 16 subsection 2.

3 17 Sec. 7. Section 321.24, subsection 1, Code 2005, is
3 18 amended to read as follows:

3 19 1. Upon receipt of the application for title and payment
3 20 of the required fees for a motor vehicle, trailer, or
3 21 semitrailer, the county treasurer or the department shall,
3 22 when satisfied as to the application's genuineness and
3 23 regularity, and, in the case of a mobile home or manufactured
3 24 home, that taxes are not owing under chapter 435, issue a
3 25 certificate of title and, except for a mobile home or
3 26 manufactured home, a registration receipt, and shall file the
3 27 application, the manufacturer's or importer's certificate, the
3 28 certificate of title, or other evidence of ownership, as
3 29 prescribed by the department. The registration receipt shall
3 30 be delivered to the owner and shall contain upon its face the
3 31 date issued, the name and address of the owner, the
3 32 registration number assigned to the vehicle, the amount of the
3 33 fee paid, the amount of tax paid pursuant to section 423.26,
3 34 the type of fuel used, ~~and~~ a description of the vehicle as
3 35 determined by the department, ~~and upon the reverse side~~ a form
4 1 for notice of transfer of the vehicle. The name and address
4 2 of any lessee of the vehicle shall not be printed on the
4 3 registration receipt or certificate of title. Up to three
4 4 owners may be listed on the registration receipt and
4 5 certificate of title.

4 6 Sec. 8. Section 321.24, subsection 11, Code 2005, is
4 7 amended to read as follows:

4 8 11. If the county treasurer or department is not satisfied
4 9 as to the ownership of the vehicle or that there are no
4 10 undisclosed security interests in it, or a junking certificate
4 11 has been issued for the vehicle but a certificate of title
4 12 will not be reissued under section 321.52, subsection 3, and
4 13 the vehicle qualifies as an antique vehicle under section
4 14 321.115, subsection 1, the county treasurer or department may
4 15 register the vehicle but shall, as a condition of issuing a
4 16 certificate of title and registration receipt, require the
4 17 applicant to file with the department a bond in the form
4 18 prescribed by the department and executed by the applicant,
4 19 and either accompanied by the deposit of cash with the
4 20 department or also executed by a person authorized to conduct
4 21 a surety business in this state. The owner of a vehicle

4 22 subject to the bond requirements of this subsection shall
4 23 apply for a certificate of title and registration for the
4 24 vehicle at the county treasurer's office within thirty days of
4 25 issuance of written authorization from the department. The
4 26 bond shall be in an amount equal to one and one-half times the
4 27 current value of the vehicle as determined by the department
4 28 and conditioned to indemnify any prior owner and secured party
4 29 and any subsequent purchaser of the vehicle or person
4 30 acquiring any security interest in it, and their respective
4 31 successors in interest, against any expense, loss, or damage,
4 32 including reasonable attorney fees, by reason of the issuance
4 33 of the certificate of title of the vehicle or on account of
4 34 any defect in or undisclosed security interest upon the right,
4 35 title, and interest of the applicant in and to the vehicle.
5 1 Any such interested person has a right of action to recover on
5 2 the bond for any breach of its conditions, but the aggregate
5 3 liability of the surety to all persons shall not exceed the
5 4 amount of the bond. The bond, and any deposit accompanying
5 5 it, shall be returned at the end of three years or prior
5 6 thereto if the vehicle is no longer registered in this state
5 7 and the currently valid certificate of title is surrendered to
5 8 the department, unless the department has been notified of the
5 9 pendency of an action to recover on the bond. The department
5 10 may authorize issuance of a certificate of title as provided
5 11 in this subsection for a vehicle with an unreleased security
5 12 interest upon presentation of satisfactory evidence that the
5 13 security interest has been extinguished and the holder of the
5 14 security interest cannot be located to release the security
5 15 interest as provided in section 321.50.

5 16 Sec. 9. Section 321.34, subsection 8A, unnumbered
5 17 paragraph 1, Code 2005, is amended to read as follows:

5 18 The owner of a motor vehicle subject to registration under
5 19 section 321.109, subsection 1, motorcycle, trailer, or motor
5 20 truck who was a prisoner of war during ~~the Second World War at~~
~~5 21 any time between December 7, 1941, and December 31, 1946, the~~
~~5 22 Korean Conflict at any time between June 25, 1950, and January~~
~~5 23 31, 1955, or the Vietnam Conflict at any time between August~~
~~5 24 5, 1964, and June 30, 1973, all dates inclusive, a time of~~
5 25 military conflict may, upon written application to the
5 26 department, order only one set of special registration plates
5 27 with an ex-prisoner of war processed emblem. The emblem shall
5 28 be designed by the department in cooperation with the adjutant
5 29 general and shall signify that the owner was a prisoner of war
5 30 as described in this subsection. The application is subject
5 31 to approval by the department, in consultation with the
5 32 adjutant general. The special plates shall be issued at no
5 33 charge and are subject to an annual registration fee of
5 34 fifteen dollars. The county treasurer shall validate the
5 35 special plates in the same manner as regular registration
6 1 plates are validated under this section.

6 2 Sec. 10. Section 321.43, Code 2005, is amended to read as
6 3 follows:

6 4 321.43 NEW IDENTIFYING NUMBERS.

6 5 The department may assign a distinguishing number to a
6 6 vehicle when the serial number on the vehicle is destroyed or
6 7 obliterated and issue to the owner a special plate bearing the
6 8 distinguishing number which shall be affixed to the vehicle in
6 9 a position to be determined by the director. The vehicle
6 10 shall be registered and titled under the distinguishing number
6 11 in lieu of the former serial number within thirty days of
6 12 issuance of the distinguishing number.

6 13 Sec. 11. Section 321.52, subsections 1 and 2, Code 2005,
6 14 are amended to read as follows:

6 15 1. When a vehicle is sold outside the state for purposes
6 16 other than for junk, the owner, dealer or otherwise, shall
6 17 detach the registration plates and registration card and shall
6 18 indicate on the ~~reverse side of such~~ registration card the
6 19 name and address of the foreign purchaser or transferee over
6 20 the person's signature. ~~The~~ Unless the registration plates
6 21 are legally attached to another vehicle, the owner shall
6 22 surrender the registration plates and registration card to the
6 23 county treasurer, unless the registration plates are properly
~~6 24 attached to another vehicle,~~ who shall cancel the records, ~~and~~
~~6 25 shall~~ destroy the registration plates, and forward the
6 26 registration card to the department. The department shall
6 27 make a notation on the records of the out-of-state sale, and,
6 28 after a reasonable period, may destroy the files ~~to~~ for that
6 29 particular vehicle. The department is not authorized to make
6 30 a refund of ~~license registration~~ fees on a vehicle sold out of
6 31 state unless it receives the registration card completed as
6 32 provided in this section.

6 33 2. The purchaser or transferee of a motor vehicle for
6 34 which a certificate of title is issued which is sold for scrap
6 35 or junk shall surrender the certificate of title, properly
7 1 endorsed and signed by the previous owner, to the county
7 2 treasurer of the county of residence of the transferee, and
7 3 shall apply for a junking certificate from the county
7 4 treasurer, within thirty days after assignment of the
7 5 certificate of title. The county treasurer shall issue to
7 6 such person without fee a junking certificate. A junking
7 7 certificate shall authorize the holder to possess, transport,
7 8 or transfer by endorsement the ownership of the junked
7 9 vehicle. A certificate of title shall not again be issued for
7 10 the vehicle subsequent to the issuance of a junking
7 11 certificate except as provided in subsection 3. The county
7 12 treasurer shall cancel the record of the vehicle. The junking
7 13 certificate shall be printed on the registration receipt form
7 14 and shall be imprinted with the words "junking certificate",
7 15 as prescribed by the department. A space for transfer by
7 16 endorsement shall be on the ~~reverse side of the~~ junking
7 17 certificate. A separate form for the notation of the transfer
7 18 of component parts shall be attached to the junking
7 19 certificate when the certificate is issued.

7 20 Sec. 12. Section 321.109, subsection 2, unnumbered
7 21 paragraph 1, Code 2005, is amended to read as follows:

7 22 Dealers may, in addition to other provisions of this
7 23 section, purchase from the department in-transit ~~stickers~~
7 24 permits, for which a fee of two dollars per ~~sticker permit~~
7 25 shall be paid at time of purchase. One such ~~sticker permit~~
7 26 shall be displayed on each vehicle purchased from a dealer by
7 27 a nonresident for removal to the state of the nonresident's
7 28 residence, and one such ~~sticker permit~~ shall also be displayed
7 29 on each vehicle not currently registered in Iowa and purchased
7 30 by an Iowa dealer for removal to the dealer's place of
7 31 business in this state. The ~~stickers permits~~ shall be void
7 32 fifteen days after issuance by the selling dealer. Each
7 33 ~~sticker permit~~ shall contain the following information:

7 34 Sec. 13. Section 321.109, subsection 2, unnumbered
7 35 paragraph 2, Code 2005, is amended to read as follows:

~~8 1 This information shall be on the gummed side of the sticker~~
~~8 2 and the sticker shall be made of a type of material which is~~
~~8 3 self-destructive when the sticker is removed.~~ The sales
8 4 invoice verifying the sale shall be in the possession of the
8 5 driver of the vehicle in transit and shall be signed by the
8 6 owner or an authorized individual of the issuing dealership.

8 7 Sec. 14. Section 321.176A, subsection 3, Code 2005, is
8 8 amended to read as follows:

~~8 9 3. Military personnel while on active duty and operating~~
~~8 10 equipment owned or operated by the United States department of~~
~~8 11 defense. The following persons when operating commercial~~
8 12 motor vehicles for military purposes:
8 13 a. Active duty military personnel.
8 14 b. Members of the military reserves.
8 15 c. Members of the national guard on active duty, including
8 16 personnel on full-time national guard duty, personnel on part-
8 17 time national guard training, and national guard military
8 18 technicians.
8 19 d. Active duty United States coast guard personnel.

8 20 Sec. 15. Section 321.177, subsection 1, Code 2005, is
8 21 amended to read as follows:

8 22 1. To any person who is under the age of eighteen years
8 23 except as provided in section 321.180B. However, the
8 24 department may issue a driver's license to certain minors as
8 25 provided in section ~~321.178 or~~ 321.194, or a driver's license
8 26 restricted to motorized bicycles as provided in section
8 27 321.189.

8 28 Sec. 16. Section 321.178, subsection 2, Code 2005, is
8 29 amended by striking the subsection.

8 30 Sec. 17. Section 321.180B, unnumbered paragraph 1, Code
8 31 2005, is amended to read as follows:

8 32 Persons under age eighteen shall not be issued a license or
8 33 permit to operate a motor vehicle except under the provisions
8 34 of this section. However, the department may issue ~~restricted~~
~~8 35 and special driver's licenses to certain minors as provided in~~
9 1 ~~sections 321.178 and section 321.194,~~ and driver's licenses
9 2 restricted to motorized bicycles as provided in section
9 3 321.189. A license or permit shall not be issued under this
9 4 section or section ~~321.178 or~~ 321.194 without the consent of a
9 5 parent or guardian. An additional consent is required each
9 6 time a license or permit is issued under this section or
9 7 section ~~321.178 or~~ 321.194. The consent must be signed by at
9 8 least one parent or guardian on an affidavit form provided by

9 9 the department.

9 10 Sec. 18. Section 321.191, subsections 6 and 7, Code 2005,
9 11 are amended to read as follows:

9 12 6. SPECIAL MINORS' LICENSES. Notwithstanding subsection
9 13 2, the fee for a driver's license issued to a minor under
9 14 section 321.194 ~~or a restricted license issued to a minor~~
9 15 ~~under section 321.178, subsection 2,~~ is eight dollars.

9 16 7. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.
9 17 The fee for a double/triple trailer endorsement, tank vehicle
9 18 endorsement, and hazardous materials endorsement is five
9 19 dollars for each endorsement. The fee for a passenger
9 20 endorsement or a school bus endorsement is ten dollars. The
9 21 fee for removal of an air brake restriction on a commercial
9 22 driver's license is ten dollars. Fees imposed under this
9 23 subsection for endorsements or removal of restrictions are
9 24 valid for the period of the license. Upon renewal of a
9 25 commercial driver's license, no fee is payable for retaining
9 26 endorsements or the removal of the air brake restriction for
9 27 those endorsements or restrictions which do not require the
9 28 taking of either a knowledge or a driving skills test for
9 29 renewal.

9 30 Sec. 19. Section 321.191, subsection 9, unnumbered
9 31 paragraph 2, Code 2005, is amended to read as follows:

9 32 As used in this subsection "to upgrade a license class
9 33 privilege" means to add any privilege to a valid driver's
9 34 license. The addition of a privilege includes converting from
9 35 a noncommercial to a commercial license, converting from a
10 1 noncommercial class C to a class D license, converting an
10 2 instruction permit to a class license, adding any privilege to
10 3 a section 321.189, subsection 7, license, adding an
10 4 instruction permit privilege, adding a section 321.189,
10 5 subsection 7, license to an instruction permit, and adding any
10 6 privilege relating to a driver's license issued to a minor
10 7 under section 321.194 ~~or section 321.178, subsection 2.~~

10 8 Sec. 20. Section 321.194, subsection 1, paragraph a,
10 9 subparagraph (1), Code 2005, is amended to read as follows:

10 10 (1) During the hours of 6 a.m. to 10 p.m. over the most
10 11 direct and accessible route between the licensee's residence
10 12 and schools of enrollment or the closest school bus stop or
10 13 public transportation service, and between schools of
10 14 enrollment, for the purpose of attending duly scheduled
10 15 courses of instruction and extracurricular activities within
10 16 the school district.

10 17 Sec. 21. Section 321.198, unnumbered paragraph 1, Code
10 18 2005, is amended to read as follows:

10 19 The effective date of a valid driver's license ~~to the~~
10 20 ~~extent that it permits the operation of a motor vehicle other~~
10 21 ~~than a commercial motor vehicle and other than as a chauffeur,~~
10 22 issued under the laws of this state, held by any person at the
10 23 time of entering the military service of the United States or
10 24 of the state of Iowa, notwithstanding the expiration of the
10 25 license according to its terms, is hereby extended without fee
10 26 until six months following the initial separation from active
10 27 duty of the person from the military service, provided the
10 28 person is not suffering from physical disabilities which
10 29 impair the person's competency as an operator and provided
10 30 further that the licensee shall ~~upon demand of any peace~~
10 31 ~~officer furnish, upon demand of any peace officer,~~
10 32 satisfactory evidence of the person's military service.
10 33 However, a person entitled to the benefits of this section,
10 34 ~~who is~~ charged with operating a motor vehicle without ~~an~~
10 35 ~~operator's a valid driver's license,~~ shall not be convicted if
11 1 the person produces in court, within a reasonable time, a
11 2 valid driver's license previously issued to that person along
11 3 with evidence of the person's military service as ~~above~~
11 4 ~~mentioned provided in this paragraph.~~

11 5 Sec. 22. Section 321.200, Code 2005, is amended to read as
11 6 follows:

11 7 321.200 CONVICTION AND ACCIDENT FILE.

11 8 The department shall also file all accident reports and
11 9 abstracts of court records of convictions received by it under
11 10 the laws of this state or any other state or foreign
11 11 jurisdiction and in connection therewith maintain convenient
11 12 records or make suitable notations in order that an individual
11 13 record of each licensee showing the convictions of such
11 14 licensee and the traffic accidents in which the licensee has
11 15 been involved shall be readily ascertainable and available for
11 16 the consideration of the department upon any application for
11 17 renewal of license and at other suitable times.

11 18 Sec. 23. Section 321.205, Code 2005, is amended to read as
11 19 follows:

11 20 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
11 21 JURISDICTION.

11 22 The department is authorized to suspend or revoke the
11 23 driver's license of a resident of this state ~~upon or~~
11 24 ~~disqualify a resident of this state from operating a~~

11 25 ~~commercial motor vehicle for any of the following reasons:~~

11 26 ~~1. Upon receiving notice of the conviction of the resident~~
11 27 ~~in another state for an offense which, if committed in this~~
11 28 ~~state, would be grounds for the suspension or revocation of~~
11 29 ~~the license or upon disqualification of the person from~~
11 30 ~~operating a commercial motor vehicle.~~

11 31 ~~2. Upon receiving notice of a final administrative~~
11 32 ~~decision in another state that the resident has acted in a~~
11 33 ~~manner which would be grounds for suspension or revocation of~~
11 34 ~~the license or disqualification of the person from operating a~~
11 35 ~~commercial motor vehicle in this state.~~

12 1 Sec. 24. Section 321.208, subsection 1, Code 2005, is
12 2 amended to read as follows:

12 3 1. A person is disqualified from operating a commercial
12 4 motor vehicle for one year upon a conviction or final
12 5 administrative decision that the person ~~while operating a~~
12 6 ~~commercial motor vehicle~~ has committed any of the following
12 7 acts or offenses in any state or foreign jurisdiction ~~while~~
12 8 ~~operating a commercial motor vehicle:~~

12 9 ~~a. Operating a commercial motor vehicle while under the~~
12 10 ~~influence of an alcoholic beverage or other drug or controlled~~
12 11 ~~substance or a combination of such substances.~~

12 12 ~~b. a. Operating a commercial motor vehicle with an alcohol~~
12 13 ~~concentration, as defined in section 321J.1, of 0.04 or more.~~

12 14 ~~c. Refusal to submit to chemical testing required under~~
12 15 ~~chapter 321J.~~

12 16 ~~d. Failure to stop and render aid at the scene of an~~
12 17 ~~accident involving the person's vehicle.~~

12 18 ~~e. A felony or aggravated misdemeanor involving the use of~~
12 19 ~~a commercial motor vehicle other than an offense involving~~
12 20 ~~manufacturing, distributing, or dispensing a controlled~~
12 21 ~~substance.~~

12 22 ~~f. b. Operating a commercial motor vehicle while any~~
12 23 ~~amount of a controlled substance is present in the person, as~~
12 24 ~~measured in the person's blood or urine.~~

12 25 ~~c. Operating a commercial motor vehicle when, as a result~~
12 26 ~~of prior violations committed while operating a commercial~~
12 27 ~~motor vehicle, the person's commercial driver's license is~~
12 28 ~~revoked, suspended, or canceled or the person is disqualified~~
12 29 ~~from operating a commercial motor vehicle.~~

12 30 ~~d. Operating a commercial motor vehicle involved in a~~
12 31 ~~fatal accident and being convicted of a moving traffic~~
12 32 ~~violation that contributed to the fatality, or manslaughter or~~
12 33 ~~vehicular homicide.~~

12 34 ~~However, a person is disqualified for three years if the~~
12 35 ~~act or offense occurred while the person was operating a~~
13 1 ~~commercial motor vehicle transporting hazardous material of a~~
13 2 ~~type or quantity requiring vehicle placarding.~~

13 3 Sec. 25. Section 321.208, Code 2005, is amended by adding
13 4 the following new subsections:

13 5 NEW SUBSECTION. 1A. A person is disqualified from
13 6 operating a commercial motor vehicle for one year upon a
13 7 conviction or final administrative decision that the person
13 8 has committed any of the following acts or offenses in any
13 9 state or foreign jurisdiction while operating a commercial
13 10 motor vehicle or while operating a noncommercial motor vehicle
13 11 and holding a commercial driver's license:

13 12 a. Operating a motor vehicle while under the influence of
13 13 an alcoholic beverage or other drug or controlled substance or
13 14 a combination of such substances.

13 15 b. Refusal to submit to chemical testing required under
13 16 chapter 321J.

13 17 c. Leaving the scene or failure to stop or render aid at
13 18 the scene of an accident involving the person's vehicle.

13 19 d. A felony or aggravated misdemeanor involving the use of
13 20 a commercial motor vehicle other than an offense involving
13 21 manufacturing, distributing, or dispensing a controlled
13 22 substance.

13 23 NEW SUBSECTION. 1B. A person is disqualified from
13 24 operating a commercial motor vehicle for three years if an act
13 25 or offense described in subsection 1 or 1A occurred while the
13 26 person was operating a commercial motor vehicle transporting
13 27 hazardous material of a type or quantity requiring vehicle
13 28 placarding.

13 29 Sec. 26. Section 321.208, subsections 2, 3, and 4, Code
13 30 2005, are amended to read as follows:

13 31 2. A person is disqualified from operating a commercial
13 32 motor vehicle for life if convicted or found to have committed
13 33 two or more of the ~~above~~ acts or offenses described in
13 34 subsection 1 or 1A arising out of two or more separate
13 35 incidents. However, a disqualification for life is subject to
14 1 a reduction to a ten-year disqualification as provided in 49
14 2 C.F.R. } 383.51 as adopted by rule by the department.

14 3 3. A person is disqualified from operating a commercial
14 4 motor vehicle for ~~the person's~~ life upon a conviction that the
14 5 person used a commercial or noncommercial motor vehicle in the
14 6 commission of a felony or aggravated misdemeanor involving the
14 7 manufacturing, distributing, or dispensing of a controlled
14 8 substance as defined in section 124.101 and held a commercial
14 9 driver's license at the time the offense was committed.

14 10 4. A person is disqualified from operating a commercial
14 11 motor vehicle if the person receives convictions for
14 12 committing within any three-year period two or more of the
14 13 following offenses while operating a commercial motor vehicle:

~~14 14 a. Speeding fifteen miles per hour or more over the legal~~
~~14 15 speed limit.~~

~~14 16 b. Reckless driving.~~

~~14 17 c. Any violation of the traffic laws, except a parking~~
~~14 18 violation or a vehicle weight violation, which arises in~~
~~14 19 connection with a fatal traffic accident.~~

~~14 20 d. a. Operating a commercial motor vehicle upon a highway~~
~~14 21 when not issued a commercial driver's license valid for the~~
~~14 22 vehicle operated.~~

~~14 23 e. b. Operating a commercial motor vehicle upon a highway~~
~~14 24 when disqualified not issued the proper class of commercial~~
~~14 25 driver's license or endorsements for the specific vehicle~~
~~14 26 group being operated or for the passengers or type of cargo~~
~~14 27 being transported.~~

~~14 28 f. c. Operating a commercial motor vehicle upon a highway~~
~~14 29 without immediate possession of a driver's license valid for~~
~~14 30 the vehicle operated.~~

~~14 31 g. Following another motor vehicle too closely.~~

~~14 32 h. Improper lane changes in violation of section 321.306.~~

~~14 33 The period of disqualification under this subsection shall~~
~~14 34 be sixty days for two offenses within any three-year period~~
~~14 35 and one hundred twenty days for three offenses within any~~
~~15 1 three-year period.~~

15 2 Sec. 27. Section 321.208, Code 2005, is amended by adding
15 3 the following new subsections:

15 4 NEW SUBSECTION. 4A. A person is disqualified from
15 5 operating a commercial motor vehicle if the person receives
15 6 convictions for committing within any three-year period two or
15 7 more of the following offenses while operating a commercial
15 8 motor vehicle or while operating a noncommercial motor vehicle
15 9 and holding a commercial driver's license if the convictions
15 10 result in the revocation, cancellation, or suspension of the
15 11 person's commercial driver's license or noncommercial motor
15 12 vehicle driving privileges:

15 13 a. Speeding fifteen miles per hour or more over the legal
15 14 speed limit.

15 15 b. Reckless driving.

15 16 c. Any violation of the traffic laws, except a parking
15 17 violation or a vehicle weight violation, which arises in
15 18 connection with a fatal traffic accident.

15 19 d. Following another motor vehicle too closely.

15 20 e. Improper lane changes in violation of section 321.306.

15 21 NEW SUBSECTION. 4B. The period of disqualification under
15 22 subsections 4 and 4A shall be sixty days for two offenses
15 23 within any three-year period and one hundred twenty days for
15 24 three offenses within any three-year period.

15 25 Sec. 28. Section 321.213B, Code 2005, is amended to read
15 26 as follows:

15 27 321.213B SUSPENSION FOR FAILURE TO ATTEND.

15 28 The department shall establish procedures by rule for
15 29 suspending the license of a juvenile who ~~is in violation~~ has
15 30 been issued a driver's license and is not in compliance with

~~15 31 the requirements of section 299.1B or issuing the juvenile a~~
~~15 32 temporary restricted license under section 321.215 if the~~
~~15 33 juvenile is employed at least twenty hours per week.~~

15 34 Sec. 29. Section 321.215, subsection 1, unnumbered
15 35 paragraph 2, Code 2005, is amended to read as follows:

16 1 However, a temporary restricted license shall not be issued
16 2 to a person whose license is revoked pursuant to a court order
16 3 issued under section 901.5, subsection 10, or under section
16 4 321.209, subsections 1 through 5 or subsection 7, ~~or~~ to a
16 5 juvenile whose license has been suspended or revoked pursuant
16 6 to a dispositional order under section 232.52, subsection 2,

16 7 paragraph "a", for a violation of chapter 124 or 453B or
16 8 section 126.3; or to a juvenile whose license has been
16 9 suspended under section 321.213B. A temporary restricted
16 10 license may be issued to a person whose license is revoked
16 11 under section 321.209, subsection 6, only if the person has no
16 12 previous drag racing convictions. A person holding a
16 13 temporary restricted license issued by the department under
16 14 this section shall not operate a motor vehicle for pleasure.
16 15 Sec. 30. Section 321.218, subsections 4 and 5, Code 2005,
16 16 are amended to read as follows:

16 17 4. A person who operates a commercial motor vehicle upon
16 18 the highways of this state when disqualified from operating
16 19 the commercial motor vehicle under section 321.208 or the
16 20 imminent hazard provisions of 49 C.F.R. } 383.52 commits a
16 21 serious misdemeanor if a commercial driver's license is
16 22 required for the person to operate the commercial motor
16 23 vehicle.

16 24 5. The department, upon receiving the record of a
16 25 conviction of a person under this section upon a charge of
16 26 operating a commercial motor vehicle while the person is
16 27 disqualified, shall extend the period of disqualification for
16 28 an additional like period or for the time period specified in
16 29 section 321.208, whichever is longer.

16 30 Sec. 31. Section 321.423, subsection 2, paragraph g, Code
16 31 2005, is amended to read as follows:

16 32 g. ~~Flashing red and amber warning lights on a school bus~~
16 33 ~~as described in section 321.372, and a white flashing strobe~~
16 34 ~~light mounted on a school bus as permitted under section~~
16 35 ~~321.373, subsection 7.~~

17 1 Sec. 32. Section 321.423, subsection 2, Code 2005, is
17 2 amended by adding the following new paragraphs:

17 3 NEW PARAGRAPH. h. A flashing amber light is permitted on
17 4 a towing or recovery vehicle, a utility maintenance vehicle, a
17 5 municipal maintenance vehicle, a highway maintenance vehicle,
17 6 or a vehicle operated in accordance with subsection 6 or
17 7 section 321.398 or 321.453.

17 8 NEW PARAGRAPH. i. Modulating headlamps in conformance
17 9 with 49 C.F.R. } 571.108 S7.9.4. are permitted on a
17 10 motorcycle.

17 11 Sec. 33. Section 321.423, subsection 7, unnumbered
17 12 paragraph 1, Code 2005, is amended to read as follows:

17 13 Except as provided in section 321.373, subsection 7, and
17 14 subsection 2, paragraph paragraphs "c" and "i" of this
17 15 section, a flashing white light shall only be used on a
17 16 vehicle in the following circumstances:

17 17 Sec. 34. Section 321.446, subsection 4, paragraph a, Code
17 18 2005, is amended to read as follows:

17 19 a. An operator who violates subsection 1 or 2 is guilty of
17 20 a simple misdemeanor and subject to the penalty provisions of
17 21 section 805.8A, subsection 14, paragraph "c". However, if a
17 22 child is being transported in a taxicab in a manner that is
17 23 not in compliance with subsection 1 or 2, the parent, legal
17 24 guardian, or other responsible adult traveling with the child
17 25 shall be served with a citation for a violation of this
17 26 section in lieu of the taxicab operator.

17 27 Sec. 35. Section 321.449, subsection 7, Code 2005, is
17 28 amended by striking the subsection.

17 29 Sec. 36. Section 321.451, subsection 1, paragraph a, Code
17 30 2005, is amended to read as follows:

17 31 a. An ambulance, ~~or fire or vehicle,~~ rescue vehicle, ~~or~~
17 32 ~~towing or recovery vehicle.~~

17 33 Sec. 37. Section 321.451, subsection 2, Code 2005, is
17 34 amended to read as follows:

17 35 2. The application for a certificate of designation must
18 1 include the name ~~and occupation~~ of the owner of the vehicle,
18 2 vehicle identification information, a description of the
18 3 vehicle's equipment, ~~and a description of the use of the~~
18 4 ~~vehicle when its red light is flashing, and a photograph~~
18 5 ~~showing a side view of the vehicle how the vehicle will be~~
18 6 ~~used as an authorized emergency vehicle.~~

18 7 Sec. 38. Section 321.456, Code 2005, is amended to read as
18 8 follows:

18 9 321.456 HEIGHT OF VEHICLES ~~== PERMITS == EXEMPTION.~~

18 10 A vehicle unladen or with load shall not exceed a height of
18 11 thirteen feet, six inches, except ~~by permit as provided in~~
18 12 ~~this section. However, that a vehicle or combination of~~
18 13 ~~vehicles coupled together and used exclusively for the~~
18 14 ~~transportation of passenger vehicles, light delivery trucks,~~
18 15 ~~panel delivery trucks, pickup trucks, or recreational vehicle~~
18 16 ~~chassis may operate without a permit provided that the height~~
18 17 ~~of the vehicle or vehicles coupled together does not with a~~

~~18 18 height not to exceed fourteen feet. This section shall not be
18 19 construed to require any railroad or public authorities to
18 20 provide sufficient vertical clearance to permit the operation
18 21 of such vehicle upon the highways of this state. Any damage
18 22 to highways, highway or railroad structures, or underpasses
18 23 caused by the height of any vehicle provided for by this
18 24 section shall be borne by the operator or owner of the
18 25 vehicle. Vehicles unladen or with load exceeding a height of
18 26 thirteen feet, six inches but not exceeding fourteen feet may
18 27 be operated with a permit issued by the department or
18 28 jurisdictional local authorities. The permits shall be issued
18 29 annually for a fee of twenty-five dollars and subject to rules
18 30 adopted by the department. The state or a political
18 31 subdivision shall not be liable for damage to any vehicle or
18 32 its cargo if changes in vertical clearance of a structure are
18 33 made subsequent to the issuance of a permit during the term of
18 34 the permit.~~

18 35 Sec. 39. Section 321A.39, unnumbered paragraph 3, Code
19 1 2005, is amended to read as follows:

19 2 The seller shall print or stamp ~~said the~~ statement
19 3 conspicuously on the purchase order or invoice ~~in distinctive~~
~~19 4 color ink and with clearly visible letters. Said The~~
19 5 statement shall be signed by the purchaser in the space
19 6 provided ~~therein~~ on or before the date of delivery of the
19 7 motor vehicle described in the purchase order or invoice and a
19 8 copy ~~thereof of the statement~~ shall be given to the purchaser
19 9 by the seller.

19 10 Sec. 40. Section 321E.12, Code 2005, is amended to read as
19 11 follows:

19 12 321E.12 REGISTRATION MUST BE CONSISTENT.

19 13 A vehicle traveling under permit shall be properly
19 14 registered for the gross weight of the vehicle and load. A
19 15 trip permit issued according to section 326.23 shall not be
19 16 used in lieu of the registration provided for in this section.

19 17 A person owning special mobile equipment may use a transport
19 18 vehicle registered for the gross weight of the transport
19 19 without a load. Vehicles, while being used for the
19 20 transportation of buildings, except mobile homes and factory=
19 21 built structures, may be registered for the combined gross
19 22 weight of the vehicle and load on a single-trip basis. The
19 23 fee is five cents per ton exceeding the weight registered
19 24 under section 321.122 per mile of travel. Fees shall not be
19 25 prorated for fractions of miles. This provision does not
19 26 exempt these vehicles from any other provision of this
19 27 chapter.

19 28 Sec. 41. Section 321L.2, subsection 5, Code 2005, is
19 29 amended by striking the subsection.

19 30 Sec. 42. Section 321L.2A, subsection 4, Code 2005, is
19 31 amended by striking the subsection.

19 32 Sec. 43. Section 326.11, unnumbered paragraph 2, Code
19 33 2005, is amended to read as follows:

19 34 The director may issue temporary written authorization to
19 35 carriers for vehicles acquired by a fleet owner and added to
20 1 the fleet owner's prorated fleet after the beginning of the
20 2 registration year. The temporary authority shall permit the
20 3 operation of a commercial vehicle until permanent
20 4 identification is issued, except that the temporary authority
20 5 shall expire after ~~ninety sixty~~ days.

20 6 Sec. 44. Section 326.23, subsection 1, Code 2005, is
20 7 amended to read as follows:

20 8 1. The owner of a commercial vehicle which is properly
20 9 registered and licensed in some other jurisdiction and is to
20 10 be operated occasionally on highways in this state, may, in
20 11 lieu of payment of the annual registration fee for such
20 12 vehicle, obtain a trip permit authorizing operation of the
20 13 vehicle on the highways of this state ~~in interstate commerce~~
20 14 for a period of not to exceed seventy-two hours. The fee for
20 15 the trip permit shall be ten dollars.

20 16 Sec. 45. Section 452A.17, subsection 1, paragraph a, Code
20 17 2005, is amended by adding the following new subparagraph:

20 18 NEW SUBPARAGRAPH. (11) Motor fuel or undyed special fuel
20 19 placed in taxicabs or buses when used pursuant to a service
20 20 contract to provide transportation services for public and
20 21 nonpublic schools, hospitals, governmental entities of the
20 22 state or its political subdivisions, or nonprofit
20 23 organizations exempt from federal income tax under section
20 24 501(c)(3) of the Internal Revenue Code.

20 25 Sec. 46. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW ==
20 26 VALIDITY. A restricted license issued under section 321.178,
20 27 subsection 2, Code 2005, prior to the effective date of this
20 28 Act remains in effect, subject to the provisions of that

20 29 subsection, for as long as the license remains valid or until
20 30 the minor reaches the age of eighteen.
20 31 Sec. 47. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.
20 32 1. The legislative council is requested to establish a
20 33 special minor's license interim study committee to review the
20 34 provisions of Code section 321.194 concerning special minor's
20 35 (school) licenses and make recommendations for revisions. The
21 1 primary goals of the committee shall be to eliminate
21 2 ambiguities in existing language, ensure the safe
21 3 transportation of Iowa's youth, and improve highway safety.
21 4 2. The membership of the committee shall include the
21 5 following:
21 6 a. Two members of the senate standing committee on
21 7 transportation.
21 8 b. Two members of the house standing committee on
21 9 transportation.
21 10 c. Two members of the senate standing committee on
21 11 education.
21 12 d. Two members of the house standing committee on
21 13 education.
21 14 e. Representatives of the governor's office, the state
21 15 department of transportation, the department of education, the
21 16 department of public safety, the office of the attorney
21 17 general, the Iowa prosecuting attorneys council, the Iowa
21 18 association of chiefs of police, the Iowa state sheriffs and
21 19 deputies association, and the Iowa association of safety
21 20 educators.
21 21 3. The committee shall report its findings and
21 22 recommendations, including proposed legislation, to the
21 23 general assembly no later than January 1, 2006.

21 24 EXPLANATION

21 25 This bill amends provisions relating to the regulation of
21 26 motor vehicles by the state department of transportation.
21 27 The bill amends Code sections 299.1B, 321.177, 321.178,
21 28 321.180B, 321.191, 321.213B, and 321.215 to eliminate obsolete
21 29 provisions relating to temporary restricted and restricted
21 30 driver's licenses for minors. The amendments reflect that a
21 31 person under age 18 must be attending public or nonpublic
21 32 school, competent private instruction, an alternative school,
21 33 or adult education classes to be eligible for a driver's
21 34 license. Minors who have been issued a restricted license
21 35 under current law will retain that license, subject to the
22 1 conditions and restrictions that currently apply.
22 2 Amendments to Code section 321.1 provide definitions for
22 3 "bona fide residence", "bona fide address", and "bona fide
22 4 business address" for the purpose of administering motor
22 5 vehicle laws. The bill eliminates the obsolete term
22 6 "remanufactured vehicle" from Code language.
22 7 The bill amends Code section 321.9 to allow county
22 8 officials who issue driver's licenses, motor vehicle
22 9 registrations, and titles to administer oaths and acknowledge
22 10 signatures, as department officers and employees do, for the
22 11 purpose of administering motor vehicle laws.
22 12 The bill makes several changes to provisions relating to
22 13 drivers of commercial motor vehicles to comply with federal
22 14 requirements. Code section 321.12 is amended to allow for the
22 15 retention of records of convictions or revocations for
22 16 operating while intoxicated for purposes of disqualification
22 17 actions. The exemption from commercial driver licensing
22 18 requirements for military personnel operating United States
22 19 military equipment in Code section 321.176A is broadened to
22 20 include certain national guard and United States coast guard
22 21 personnel. Code section 321.191 is amended to establish a \$10
22 22 fee for a school bus endorsement for a driver's license. Code
22 23 section 321.200 is amended to require the department to file
22 24 accident and conviction reports received from other
22 25 jurisdictions, to be used when considering applications for
22 26 renewal of licensure. Amendments to Code section 321.205
22 27 authorize the department to use a conviction or administrative
22 28 decision from another state as grounds for disqualification
22 29 from operating a commercial motor vehicle in this state.
22 30 Amendments to Code sections 321.208 and 321.218 mandate
22 31 disqualification from operating a commercial motor vehicle for
22 32 specified periods of time based on a conviction or
22 33 administrative decision for certain offenses committed in any
22 34 state. The amendment to Code section 321.449 strikes the
22 35 exemption for special trucks from inspections required under
23 1 motor carrier safety rules. A special truck is a motor truck
23 2 or truck tractor with a gross weight of six through 32 tons
23 3 used in connection with farming.
23 4 The bill amends Code sections 321.23 and 321.24 to provide

23 5 that the owner of a specially constructed or reconstructed
23 6 vehicle is required to title and register the vehicle within
23 7 30 days of state inspection, and the owner of a vehicle
23 8 subject to bonding requirements must register the vehicle
23 9 within 30 days of receipt of authorization from the
23 10 department.

23 11 Code sections 321.24 and 321.52 are amended to reflect that
23 12 motor vehicle title and registration information will appear
23 13 on the front rather than the reverse side of motor vehicle
23 14 registration receipts, registration cards, and junking
23 15 certificates.

23 16 The bill amends Code section 321.34 to allow special ex=
23 17 prisoner of war motor vehicle registration plates to be issued
23 18 to the owner of a motor vehicle who was a prisoner of war
23 19 during any time of military conflict, rather than during
23 20 specified wars and conflicts.

23 21 Code section 321.43 is amended to require that a vehicle
23 22 that has been assigned a distinguishing number in lieu of a
23 23 serial number by the department must be titled and registered
23 24 within 30 days of issuance of the number.

23 25 The bill amends Code section 321.109 to replace in=
23 26 transit stickers with permits to be issued to automobile dealers
23 27 moving vehicles between Iowa and another state.

23 28 The bill amends Code section 321.194 to specify that
23 29 special minor's licenses, which are issued to persons 14 to 18
23 30 years of age to drive to and from school, may be used for
23 31 driving from the person's residence to the closest school bus
23 32 stop or public transportation service. The bill also requests
23 33 the legislative council to establish an interim study
23 34 committee to consider and report on the special minor's
23 35 license (school license) under Code section 321.194.

24 1 The bill amends Code section 321.198 to extend the validity
24 2 of commercial and chauffeur driver's licenses for six months
24 3 following a person's separation from active duty in military
24 4 service. This benefit is currently available to holders of
24 5 valid noncommercial driver's licenses.

24 6 The bill amends Code section 321.423 to specify that the
24 7 flashing light used on a towing or recovery vehicle or a
24 8 utility, municipal, or highway maintenance vehicle may be
24 9 amber in color. Code section 321.451 is amended to provide
24 10 that a privately owned towing or recovery vehicle may be
24 11 designated by the department as an authorized emergency
24 12 vehicle. Such vehicles display flashing red or white lights
24 13 during an emergency or flashing blue lights when authorized
24 14 for use by a fire department. Code Section 321.423 is also
24 15 amended to specify that modulating headlamps that conform to
24 16 federal regulations are permitted on motorcycles.

24 17 Code section 321.446 is amended to provide that a parent,
24 18 legal guardian, or other responsible adult traveling with a
24 19 child in a taxicab shall be served a citation for a violation
24 20 of child restraint requirements in lieu of the taxi driver.

24 21 The bill amends Code section 321.456 to eliminate a permit
24 22 requirement for vehicles exceeding the maximum height limit of
24 23 13 feet 6 inches. A maximum height of 14 feet still applies
24 24 to a vehicle or combination of vehicles coupled together and
24 25 transporting other vehicles.

24 26 The bill makes a technical amendment to Code section
24 27 321A.39 to remove the requirement that a statement on the
24 28 purchase order for a motor vehicle advising the purchaser that
24 29 liability insurance is not included in the purchase must be in
24 30 a distinctive color of ink. The new language requires that
24 31 the statement be printed or stamped conspicuously on the
24 32 purchase order.

24 33 The bill amends Code section 326.23 by lifting the
24 34 restriction that 72-hour trip permits, which are issued to
24 35 commercial vehicles registered out-of-state, may only be used
25 1 for interstate commerce. The bill specifies in Code section
25 2 321E.12 that such a permit cannot be substituted for a permit
25 3 required in this state for a vehicle of excessive size and
25 4 weight. Code section 326.11 is amended to reduce a fleet
25 5 owner's authority to operate a commercial vehicle under a
25 6 temporary permit from 90 to 60 days.

25 7 The amendment to Code section 321L.2 eliminates the
25 8 requirement that removable windshield placards issued to
25 9 organizations or persons providing transportation to elderly
25 10 or disabled persons must be replaced every four years. The
25 11 bill also strikes the requirement in Code section 321L.2A that
25 12 the department provide a list of vendors who sell wheelchair
25 13 parking cones.

25 14 Code section 452A.17 is amended to allow refunds of motor
25 15 fuel taxes for fuel used in taxicabs or buses when used to

25 16 provide transportation services for certain entities.
25 17 LSB 2384HC 81
25 18 dea:nh/gg/14