

FILED APR 20 2005

COMMERCE

SENATE FILE 411
BY GRONSTAL AND IVERSON

(COMPANION TO LSB 3623HH
BY MURPHY AND GIPP)

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

A BILL FOR

1 An Act relating to the applicability of motor vehicle financial
2 responsibility provisions to special mobile equipment and
3 providing an effective date.

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

SF 411 COMMERCE

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1 Section 1. Section 321A.1, subsections 3 and 5, Code 2005,
2 are amended to read as follows:

3 3. JUDGMENT. A judgment which has become final by
4 expiration without appeal during the time within which an
5 appeal might have been perfected, or a judgment if an appeal
6 from the judgment has been perfected, which has not been
7 stayed by the execution, filing and approval of a bond as
8 provided in rule of appellate procedure 6.7(1), or a judgment
9 which has become final by affirmation on appeal, rendered by a
10 court of competent jurisdiction of a state or of the United
11 States, upon a cause of action arising out of the ownership,
12 maintenance, or use of a motor vehicle, except special mobile
13 equipment as defined in this section, for damages, including
14 damages for care and loss of services, because of bodily
15 injury to or death of a person, or for damages because of
16 injury to or destruction of property, including the loss of
17 use of property, or upon a cause of action on an agreement of
18 settlement for such damages.

19 5. MOTOR VEHICLE. "Motor vehicle" means every vehicle
20 which is self-propelled, but not including vehicles known as
21 trackless trolleys which are propelled by electric power
22 obtained from overhead trolley wires, ~~but~~ and not operated
23 upon rails. The term "car" or "automobile" shall be
24 synonymous with the term "motor vehicle". "Motor vehicle"
25 does not include special mobile equipment as defined in this
26 section.

27 Sec. 2. Section 321A.1, Code 2005, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 12A. SPECIAL MOBILE EQUIPMENT. "Special
30 mobile equipment" means every self-propelled road construction
31 vehicle, road maintenance vehicle, and ditch-digging apparatus
32 not designed or used primarily for the transportation of
33 persons or property and incidentally operated or moved over
34 the highways.

35 Sec. 3. Section 321A.6, Code 2005, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. To the operator or owner of special
3 mobile equipment.

4 Sec. 4. IMPLEMENTATION. The department may adopt rules
5 pursuant to chapter 17A as necessary to implement and
6 administer this Act.

7 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

10 This bill exempts special mobile equipment from the
11 provisions of Code chapter 321A relating to motor vehicle
12 financial responsibility. Under that Code chapter, the state
13 department of transportation is required to suspend the
14 driver's license of each operator and the registrations of
15 each owner of a motor vehicle involved in an accident
16 resulting in bodily injury or death or damage to property in
17 excess of \$1,000, unless proof of financial responsibility is
18 established for the owner or operator or both. Under the
19 bill, that requirement will no longer apply to owners and
20 operators of special mobile equipment.

21 The bill defines "special mobile equipment" as every self-
22 propelled road construction vehicle, road maintenance vehicle,
23 and ditch-digging apparatus not designed or used primarily for
24 the transportation of persons or property and incidentally
25 operated or moved over the highways. The definition of "motor
26 vehicle", as it applies in Code chapter 321A, is amended to
27 exclude special mobile equipment.

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