

Senate File 2006 - Introduced

SENATE FILE _____
BY PUTNEY

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

A BILL FOR

1 An Act requiring bicyclists riding on state or county highways to
2 have a license and providing for fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5062SS 82
5 md/nh/14

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1 1 Section 1. Section 321.236, subsection 10, Code Supplement
1 2 2007, is amended to read as follows:
1 3 10. Regulating the operation of bicycles and requiring the
1 4 registration and licensing of the same, including the
1 5 requirement of a registration fee. However, the regulations
1 6 shall not conflict with the provisions of section 321.234 or
1 7 321.275A.

1 8 Sec. 2. NEW SECTION. 321.275A BICYCLIST'S LICENSES ==
1 9 FEES == PENALTIES.

1 10 1. As used in this section:

1 11 a. "License" means a privilege granted by the department
1 12 to ride or operate a bicycle.

1 13 b. "License agent" means an individual, business, or
1 14 governmental agency authorized to sell a license.

1 15 c. "Person" means a person who meets the requirements for
1 16 residency described in section 321.1A.

1 17 2. a. Except as otherwise provided in paragraph "b", a
1 18 person shall not operate or ride a bicycle on a primary or
1 19 secondary road, including bicycle lanes, without first
1 20 obtaining a license and paying a ten dollar license fee.

1 21 b. A license issued pursuant to this section shall not be
1 22 required:

1 23 (1) To ride or operate a bicycle on a municipal street.

1 24 (2) To ride or operate a bicycle on a designated bicycle
1 25 path.

1 26 (3) To participate in a race or event of more than thirty
1 27 participants where one of the primary activities of the race
1 28 or event is riding or operating a bicycle.

1 29 (4) To ride or operate a bicycle as a participant of a
1 30 parade.

1 31 c. A person who violates this subsection is guilty of a
1 32 simple misdemeanor punishable as a scheduled violation under
1 33 section 805.8A, subsection 4, paragraph "d".

1 34 3. a. A license issued pursuant to this section shall be
1 35 issued by the department or a license agent as specified by
2 1 rule of the department.

2 2 b. A license is valid from the date issued for a period of
2 3 five years.

2 4 c. A license shall contain all of the following:

2 5 (1) The licensee's name.

2 6 (2) The licensee's date of birth.

2 7 (3) The licensee's address.

2 8 (4) The licensee's signature.

2 9 (5) The date the license was issued.

2 10 (6) The license number.

2 11 d. Licenses shall be upon such forms as the department
2 12 shall adopt. Blank licenses shall be printed by the
2 13 department and distributed to license agents.

2 14 e. All information on the license shall be in ink.

2 15 f. The department may authorize the sale of licenses
2 16 through the department's web site.

2 17 4. a. The department may designate license agents for the
2 18 sale of licenses, but in so doing the interest of the state
2 19 shall be fully protected.

2 20 b. A license agent shall be responsible for all of the

2 21 following:

2 22 (1) Collecting all fees for licenses sold by the license
2 23 agent.

2 24 (2) Recording and remitting to the department all
2 25 information contained on each license document.

2 26 (3) Maintaining the information and fees collected by the
2 27 license agent in a secure location.

2 28 c. A license agent shall retain a writing fee of one
2 29 dollar from the sale of each license. The remaining fees
2 30 shall be remitted to the department.

2 31 d. Fees collected by the department under this section
2 32 shall be deposited in the road use tax fund.

2 33 e. The department shall maintain a database of all
2 34 information contained on license documents.

2 35 f. The department shall establish, by rule, specific
3 1 requirements for remittance of funds and license document
3 2 information, and the necessary accounting and reporting
3 3 requirements based on the manner and location of the issuance
3 4 of a license document.

3 5 g. All unused license forms shall be surrendered by the
3 6 license agent to the department upon the department's demand.

3 7 5. When a license has been lost, destroyed, or stolen, the
3 8 department may issue a replacement license if, on examination
3 9 of the evidence, the department is satisfied that the license
3 10 has been lost, destroyed, or stolen. A replacement license
3 11 shall be plainly marked "duplicate". The replacement shall
3 12 serve in lieu of the original license and it shall contain the
3 13 same information as the original. Each replacement license
3 14 shall require a two dollar fee paid to the department. The
3 15 department shall deposit all fees collected from the issuance
3 16 of replacement licenses in the road use tax fund. License
3 17 agents shall not issue replacement licenses.

3 18 6. A person riding or operating a bicycle on a primary or
3 19 secondary road shall show the person's license to any peace
3 20 officer when requested by the peace officer to do so. A
3 21 failure to carry or refusal to show or exhibit the person's
3 22 license is a violation of this subsection. A person who
3 23 violates this subsection is guilty of a simple misdemeanor
3 24 punishable as a scheduled violation under section 805.8A,
3 25 subsection 4, paragraph "d". Upon the conviction of a person
3 26 under this subsection, the person's license shall be revoked
3 27 by the department. Upon revocation of a license the
3 28 department or a license agent shall not grant the person a new
3 29 license for a period of one year. However, a person charged
3 30 with violating this subsection shall not be convicted if the
3 31 person produces in court, prior to the court date indicated on
3 32 the citation, a license issued to the person and valid when
3 33 the person was charged with a violation of this subsection.

3 34 7. When a license is revoked, the date, cause, and tenure
3 35 of such revocation shall be kept on file with the department.
4 1 The department shall refuse to issue a new license to any

4 2 person whose privilege for obtaining a license is revoked.
4 3 8. The department may establish, by rule, fees for lists
4 4 of licensees. Notwithstanding section 22.3, the fee for a
4 5 list of licensees may exceed the cost of preparing the list
4 6 and providing the copying service.

4 7 Sec. 3. Section 805.8A, subsection 4, Code 2007, is
4 8 amended to read as follows:

4 9 4. Driver's license and bicyclist's license violations.

4 10 a. For violations under sections 321.174A, 321.180,
4 11 321.180B, 321.193, and 321.194, the scheduled fine is thirty
4 12 dollars.

4 13 b. For a violation of section 321.216, the scheduled fine
4 14 is seventy-five dollars.

4 15 c. For violations under sections 321.174, 321.216B,
4 16 321.216C, 321.219, and 321.220, the scheduled fine is one
4 17 hundred dollars.

4 18 d. For violations under section 321.275A, the scheduled
4 19 fine is ten dollars.

4 20 EXPLANATION

4 21 This bill requires all persons who operate or ride a
4 22 bicycle on a primary or secondary road to have a bicyclist's
4 23 license. A nonresident bicyclist is not required to obtain a
4 24 license. A license is not required to ride on a municipal
4 25 street or designated bicycle path. A license is also not
4 26 required to ride a bicycle while participating in a race or
4 27 event of more than 30 participants where one of the primary
4 28 activities is riding a bicycle. A person who violates the new
4 29 requirement is guilty of a simple misdemeanor and must pay a
4 30 scheduled fine of \$10.

4 31 The bill allows the department of transportation or a

4 32 specified license agent to grant licenses. The bill also
4 33 authorizes the department to sell licenses through the
4 34 department's web site. Each license requires payment of a \$10
4 35 fee and is valid for five years. Every license must contain
5 1 the licensee's name, date of birth, address, and signature, as
5 2 well as the license number and date the license was issued.
5 3 The bill requires the department to maintain a database of all
5 4 information contained on the license.

5 5 License agents designated by the department are responsible
5 6 for collecting all fees for licenses sold by the license
5 7 agent, recording and remitting to the department all
5 8 information contained on each license document, and
5 9 maintaining the information and fees collected in a secure
5 10 location. The bill requires each license agent to retain \$1
5 11 of the \$10 license fee. The remaining portion of the fee is
5 12 remitted to the department for deposit in the road use tax
5 13 fund.

5 14 Replacement licenses may be issued by the department if the
5 15 department is satisfied that the license has been lost,
5 16 destroyed, or stolen. The replacement license costs \$2 and
5 17 must be labeled as a "duplicate". Fees collected from the
5 18 issuance of replacement licenses must be deposited in the road
5 19 use tax fund. License agents are not permitted to issue
5 20 replacement licenses.

5 21 The bill requires every person riding a bicycle on a
5 22 primary or secondary road to show the person's license to any
5 23 peace officer when requested by the peace officer to do so. A
5 24 failure to carry or a refusal to show the person's license
5 25 constitutes a simple misdemeanor and a \$10 fine is imposed. A
5 26 conviction for failing to carry or refusing to show a license
5 27 also results in the revocation of the license and a suspension
5 28 of the person's privilege to obtain a license for a period of
5 29 one year. A charge of failing to carry or refusal to show a
5 30 license will be dismissed if the person produces in court,
5 31 prior to the court date indicated on the citation, a license
5 32 issued to the person that was valid when the person was
5 33 charged with a violation.

5 34 When a license is revoked, the date, cause, and tenure of
5 35 the revocation must be kept on file with the department. Upon
6 1 revocation of a license, the department or a license agent
6 2 shall not grant a new license for a period of one year.

6 3 The bill also authorizes the department to establish fees
6 4 for lists of licensees.

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