

Senate File 401 - Introduced

SENATE FILE _____
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1137)

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

A BILL FOR

1 An Act relating to administration of regional transportation by
2 regional transit districts and of highways and regulation of
3 motor vehicles by the state department of transportation,
4 including provisions relating to qualifications of property
5 appraisers, state standards for land surveying, destruction of
6 suspended or revoked driver's licenses, requirements for a
7 temporary restricted driver's license, registration and
8 titling of vehicles, legion of merit special registration
9 plates and fees, antique motor vehicle registration plates and
10 fees, licensing of motor vehicle dealers, motor carrier
11 registration and fuel tax liability, the maximum length
12 limitation for single trucks, and disposition of regional
13 transit district tax revenues collected by a county treasurer,
14 and providing effective dates.
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
16 TLSB 1106SV 82
17 dea/gg/14

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1 1 DIVISION I
1 2 HIGHWAYS
1 3 Section 1. Section 543D.3, unnumbered paragraph 2, Code
1 4 2007, is amended to read as follows:
1 5 A person who is not a certified real estate appraiser under
1 6 this chapter may appraise real estate for compensation if
1 7 certification is not required by this chapter or by federal or
1 8 state law, rule, or policy. However, an employee of the state
1 9 department of transportation whose duties include appraisals
1 10 of property pursuant to chapter 6B must be a certified real
1 11 estate appraiser under this chapter or an associate real
1 12 estate appraiser registered by the board and acting under the
1 13 direct supervision of a certified real estate appraiser.

1 14 DIVISION II
1 15 LAND SURVEYING STANDARDS
1 16 Sec. 2. Section 355.5, subsection 4, Code 2007, is amended
1 17 to read as follows:

1 18 4. Distances shall be shown in decimal feet in accordance
1 19 with the definition of the ~~international~~ U.S. survey foot.
1 20 Distance measurements shall refer to the horizontal plane.

1 21 Sec. 3. Section 355.7, subsection 10, Code 2007, is
1 22 amended to read as follows:

1 23 10. Distance shall be shown in decimal feet in accordance
1 24 with the definition of the ~~international~~ U.S. survey foot.
1 25 Distance measurements shall refer to the horizontal plane.

1 26 Sec. 4. Section 355.8, subsection 13, Code 2007, is
1 27 amended to read as follows:

1 28 13. Distances shall be shown in feet to at least the
1 29 nearest one-tenth of a foot in accordance with the definition
1 30 of the ~~international~~ U.S. survey foot. Distance measurements
1 31 shall refer to the horizontal plane.

1 32 DIVISION III
1 33 MOTOR VEHICLES

1 34 Sec. 5. Section 321.16, Code 2007, is amended by adding
1 35 the following new unnumbered paragraph:

2 1 NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice
2 2 of immediate suspension or revocation of a driver's license as
2 3 provided in this chapter or any other chapter, the peace
2 4 officer may destroy the license or send the license to the
2 5 department.

2 6 Sec. 6. Section 321.24, subsection 11, Code 2007, is

2 7 amended to read as follows:

2 8 11. If the county treasurer or department is not satisfied
2 9 as to the ownership of the vehicle or that there are no
2 10 undisclosed security interests in it, or a junking certificate
2 11 has been issued for the vehicle but a certificate of title
2 12 will not be reissued under section 321.52, subsection 3, and
2 13 the vehicle qualifies as an antique vehicle under section
2 14 321.115, subsection 1, the county treasurer or department may
2 15 register the vehicle but shall, as a condition of issuing a
2 16 certificate of title and registration receipt, require the
2 17 applicant to file with the department a bond in the form
2 18 prescribed by the department and executed by the applicant,
2 19 and either accompanied by the deposit of cash with the
2 20 department or also executed by a person authorized to conduct
2 21 a surety business in this state. The owner of a vehicle
2 22 subject to the bond requirements of this subsection shall
2 23 apply for a certificate of title and registration for the
2 24 vehicle at the county treasurer's office within thirty days of
2 25 issuance of written authorization from the department. The
2 26 bond shall be in an amount equal to one and one-half times the
2 27 current value of the vehicle as determined by the department
2 28 and conditioned to indemnify any prior owner and secured party
2 29 and any subsequent purchaser of the vehicle or person
2 30 acquiring any security interest in it, and their respective
2 31 successors in interest, against any expense, loss, or damage,
2 32 including reasonable attorney fees, by reason of the issuance
2 33 of the certificate of title of the vehicle or on account of
2 34 any defect in or undisclosed security interest upon the right,
2 35 title, and interest of the applicant in and to the vehicle.

3 1 Any such interested person has a right of action to recover on
3 2 the bond for any breach of its conditions, but the aggregate
3 3 liability of the surety to all persons shall not exceed the
3 4 amount of the bond. The bond, and any deposit accompanying
3 5 it, shall be returned at the end of three years or ~~prior~~

~~3 6 thereto earlier~~ if the vehicle is no longer registered in this
3 7 state and the currently valid certificate of title is
3 8 surrendered to the department, unless the department has been
3 9 notified of the pendency of an action to recover on the bond.
3 10 The department may authorize issuance of a certificate of
3 11 title as provided in this subsection for a vehicle with an
3 12 unreleased security interest upon presentation of satisfactory
3 13 evidence that the security interest has been extinguished ~~and~~
3 14 ~~or that~~ the holder of the security interest cannot be located
3 15 to release the security interest as provided in section
3 16 321.50.

3 17 Sec. 7. Section 321.34, subsection 15, unnumbered
3 18 paragraph 1, Code 2007, is amended to read as follows:

3 19 The owner of a motor vehicle subject to registration under
3 20 section 321.109, subsection 1, motorcycle, trailer, or motor
3 21 truck, who has been awarded the legion of merit ~~may shall be~~
3 22 ~~issued one set of special registration plates with a legion of~~
3 23 ~~merit processed emblem~~, upon written application to the
3 24 department and presentation of satisfactory proof of the award
3 25 of the legion of merit as established by the Congress of the
3 26 United States, ~~order special registration plates with a legion~~
3 27 ~~of merit processed emblem~~. The emblem shall be designed by
3 28 the department in cooperation with the adjutant general and
3 29 shall signify that the owner was awarded the legion of merit.
3 30 The application is subject to approval by the department, in
3 31 consultation with the adjutant general. The special plates
3 32 shall be issued at no charge and are subject to an annual
3 33 registration fee of fifteen dollars. The county treasurer
3 34 shall validate the special plates in the same manner as
3 35 regular registration plates are validated under this section.

4 1 Sec. 8. Section 321.52, subsection 4, paragraph a, Code
4 2 2007, is amended to read as follows:

4 3 a. A vehicle rebuilder or a person engaged in the business
4 4 of buying, selling, or exchanging vehicles of a type required
4 5 to be registered in this state, upon acquisition of a wrecked
4 6 or salvage vehicle, shall surrender the certificate of title
4 7 or manufacturer's or importer's statement of origin properly
4 8 assigned, together with an application for a salvage
4 9 certificate of title, to the county treasurer of the county of
4 10 residence of the purchaser or transferee within thirty days
4 11 after the date of assignment of the certificate of title for
4 12 the wrecked or salvage motor vehicle. This subsection applies
4 13 only to vehicles with a fair market value of five hundred
4 14 dollars or more, based on the value before the vehicle became
4 15 wrecked or salvage. Upon payment of a fee of two dollars, the
4 16 county treasurer shall issue a salvage certificate of title
4 17 which shall bear the word "SALVAGE" stamped or printed on the

4 18 face of the title in a manner prescribed by the department. A
4 19 salvage certificate of title may be assigned to an educational
4 20 institution, a new motor vehicle dealer licensed under chapter
4 21 322, a person engaged in the business of purchasing bodies,
4 22 parts of bodies, frames or component parts of vehicles for
4 23 sale as scrap metal, a salvage pool, or an authorized vehicle
4 24 recycler licensed under chapter 321H. An authorized vehicle
4 25 recycler licensed under chapter 321H or a new motor vehicle
4 26 dealer licensed under chapter 322 may assign or reassign ~~a~~ an
4 27 Iowa salvage certificate of title or a salvage certificate of
4 28 title from another state to any person, and the provisions of
4 29 section 321.24, subsection 5, requiring issuance of an Iowa
4 30 salvage certificate of title shall not apply. A vehicle on
4 31 which ownership has transferred to an insurer of the vehicle
4 32 as a result of a settlement with the owner of the vehicle
4 33 arising out of damage to, or unrecovered theft of, the vehicle
4 34 shall be deemed to be a wrecked or salvage vehicle and the
4 35 insurer shall comply with this subsection to obtain a salvage

5 1 certificate of title within thirty days after the date of
5 2 assignment of the certificate of title of the vehicle.
5 3 Sec. 9. Section 321.112, Code 2007, is amended to read as
5 4 follows:

5 5 321.112 MINIMUM MOTOR VEHICLE FEE.

5 6 No motor vehicle, except as provided in ~~sections 321.115~~
5 7 ~~and section 321.117,~~ shall be registered for a registration
5 8 year for less than ten dollars.

5 9 Sec. 10. Section 321.115, Code 2007, is amended by
5 10 striking the section and inserting in lieu thereof the
5 11 following:

5 12 321.115 ANTIQUE VEHICLES == MODEL YEAR PLATES PERMITTED.

5 13 1. A motor vehicle twenty-five years old or older may be
5 14 registered as an antique vehicle upon payment of the fee
5 15 provided for in section 321.113, 321.122, or 321.124. The
5 16 owner of a motor vehicle registered under this subsection may
5 17 display authentic Iowa registration plates from the model year
5 18 of the motor vehicle, furnished by the person and approved by
5 19 the department, in lieu of the current and valid Iowa
5 20 registration plates issued for the vehicle, provided that the
5 21 current and valid Iowa registration plates and the
5 22 registration card issued for the vehicle are simultaneously
5 23 carried within the vehicle and are available for inspection to
5 24 any peace officer upon the officer's request.

5 25 2. The sale of a motor vehicle twenty years old or older
5 26 which is primarily of value as a collector's item and not as
5 27 transportation is not subject to chapter 322, and any person
5 28 may sell such a vehicle at retail without a license as
5 29 required under chapter 322.

5 30 3. Truck tractors and semitrailers used in combination for
5 31 exhibition and educational purposes may be registered and
5 32 driven according to the provisions of subsection 1. Truck
5 33 tractors and semitrailers registered under this section shall
5 34 not be used to haul loads.

5 35 4. A person convicted of a violation of this section is
6 1 guilty of a simple misdemeanor punishable as a scheduled
6 2 violation under section 805.8A, subsection 2, paragraph "b".

6 3 Sec. 11. Section 321.134, subsection 2, Code 2007, is
6 4 amended to read as follows:

6 5 2. The annual registration fee for trucks, truck tractors,
6 6 and road tractors, as provided in sections 321.121 and
6 7 321.122, may be payable in two equal semiannual installments
6 8 if the annual registration fee exceeds the registration fee
6 9 for a vehicle with a gross weight exceeding five tons. The
6 10 penalties provided in subsection 1 shall be computed on the
6 11 amount of the first installment only and on the first day of
6 12 the seventh month of the registration period the same rate of
6 13 penalty shall apply to the second installment, until the fee
6 14 is paid. Semiannual installments do not apply to commercial
6 15 vehicles, as defined under section 326.2, subject to
6 16 proportional registration, with a base state other than the
6 17 state of Iowa, as defined in section 326.2, subsection 1. The
6 18 penalty on vehicles registered under chapter 326 accrues
6 19 August 1 of each year except as provided in section 326.6.

6 20 The department shall not allow the registration fee for a
6 21 commercial vehicle registered under chapter 326 to be paid in
6 22 two equal semiannual installments for five years after the
6 23 registrant has paid the registration fee late for two
6 24 consecutive years.

6 25 Sec. 12. Section 321.206, Code 2007, is amended to read as
6 26 follows:

6 27 321.206 SURRENDER OF LICENSE == DUTY OF COURT.

6 28 If a person is convicted in court of an offense for which

6 29 this chapter requires mandatory revocation of the person's
6 30 driver's license or, if the person's license is a commercial
6 31 driver's license and the conviction disqualifies the person
6 32 from operating a commercial motor vehicle, the court shall
6 33 require the person to surrender the driver's license held by
6 34 the person and the court shall destroy the license or forward
6 35 the license together with a record of the conviction to the
7 1 department as provided in section 321.491.

7 2 Sec. 13. Section 321.457, subsection 2, paragraph a,
7 3 unnumbered paragraphs 1 and 2, Code 2007, are amended to read
7 4 as follows:

7 5 A single truck, unladen or with load, shall not have an
7 6 overall length, inclusive of front and rear bumpers, in excess
7 7 of ~~forty~~ forty-one feet. When determining the overall length
7 8 of a single truck, the following shall be excluded:

~~7 9 When determining the overall length of a single truck, the
7 10 following shall be excluded:~~

7 11 Sec. 14. Section 321J.4, subsection 9, paragraph d, Code
7 12 2007, is amended to read as follows:

7 13 d. The court shall determine if the temporary restricted
7 14 license is necessary for the person to maintain the person's
7 15 present employment. However, a temporary restricted license
7 16 shall not be ordered or issued for a violation of section
7 17 321J.2A or to a person under the age of twenty-one whose
7 18 license is revoked under this section or section 321J.9 or
7 19 321J.12. If the court determines that the temporary
7 20 restricted license is necessary for the person to maintain the
7 21 person's present employment, and that the minimum period of
7 22 ineligibility for receipt of a temporary license has expired,
7 23 the court shall order the department to issue to the person a
7 24 temporary restricted license conditioned upon the person's
7 25 certification to the court of the installation of approved
7 26 ignition interlock devices in all motor vehicles that it is
7 27 necessary for the person to operate to maintain the person's
7 28 present employment. A person whose driver's license or
7 29 nonresident operating privilege has been revoked under section
7 30 321J.21 may apply to the department for a temporary restricted
7 31 license without the requirement of an ignition interlock
7 32 device if at least twelve years have elapsed since the end of
7 33 the underlying revocation period for a violation of section
7 34 321J.2.

7 35 Sec. 15. Section 322.4, Code 2007, is amended to read as
8 1 follows:

8 2 322.4 APPLICATION FOR LICENSE.

8 3 1. Each person before engaging in this state in the
8 4 business of selling at retail motor vehicles or representing
8 5 or advertising that the person is engaged or intends to engage
8 6 in such business in this state shall file in the office of the
8 7 department an application for license as a motor vehicle
8 8 dealer in the state in such form as the department may
8 9 prescribe, duly verified by oath, which application shall
8 10 include the following:

8 11 ~~1- a.~~ a. The name of the applicant and the applicant's
8 12 principal place of business wherever situated, and the
8 13 following, as appropriate:

8 14 ~~a- (1)~~ (1) If the applicant is an ~~individual -- the~~
8 15 individual, the name or style under which the individual
8 16 intends to engage in such business.

8 17 ~~b- (2)~~ (2) If the applicant is a ~~copartnership -- the~~
8 18 partnership, the name or style under which such the
8 19 partnership intends to engage in such business and the name
8 20 and post-office bona fide address of each partner two
8 21 partners.

8 22 ~~c- (3)~~ (3) If the applicant is a ~~corporation -- the~~
8 23 corporation, the state of incorporation and the name and
8 24 post-office bona fide address of each officer and director
8 25 thereof two officers of the corporation.

8 26 ~~2- b.~~ b. The make or makes of new motor vehicles, if any,
8 27 which the applicant will offer for sale ~~to~~ at retail in this
8 28 state.

8 29 ~~3- c.~~ c. The location of each place of business within this
8 30 state to be used by the applicant for the conduct of the
8 31 applicant's business.

8 32 ~~4- d.~~ d. If the applicant is a party to any contract or
8 33 agreement or understanding with any manufacturer or
8 34 distributor of motor vehicles or is about to become a party to
8 35 such a contract, agreement, or understanding, the applicant
9 1 shall state the name of each such manufacturer ~~and or~~
9 2 distributor and the make or makes of new motor vehicles, if
9 3 any, which are the subject matter of each such contract.

9 4 ~~5- e.~~ e. A statement of the previous history, record, and

9 5 association of the applicant and if the applicant is a
9 6 copartnership, of each partner thereof, and if the applicant
9 7 is a corporation, of each officer and director thereof, which
9 8 statement shall be sufficient to establish to the department
9 9 the reputation in business of the applicant.

9 10 ~~6- f.~~ A description of the general plan and method of
9 11 doing business in this state, which the applicant will follow
9 12 if the license applied for in such application is granted.

9 13 ~~7- g.~~ Before the issuance of a motor vehicle dealer's
9 14 license to a dealer engaged in the sale of vehicles for which
9 15 a certificate of title is required under chapter 321, the
9 16 applicant shall furnish a surety bond executed by the
9 17 applicant as principal and executed by a corporate surety
9 18 company, licensed and qualified to do business within this
9 19 state, which bond shall run to the state of Iowa, be in the
9 20 amount of fifty thousand dollars and be conditioned upon the
9 21 faithful compliance by the applicant as a dealer with all of
9 22 the statutes of this state regulating or applicable to the
9 23 business of a dealer in motor vehicles, and indemnifying any
9 24 person who buys a motor vehicle from the dealer from any loss
9 25 or damage occasioned by the failure of the dealer to comply
9 26 with any of the provisions of chapter 321 and this chapter,
9 27 including, but not limited to, the furnishing of a proper and
9 28 valid certificate of title to the motor vehicle involved in a
9 29 transaction. The bond shall also indemnify any motor vehicle
9 30 purchaser from any loss or damage caused by the failure of the
9 31 dealer to comply with the odometer requirements in section
9 32 321.71, regardless of whether the motor vehicle was purchased
9 33 directly from the dealer. The bond shall be filed with the
9 34 department prior to the issuance of a license. The aggregate
9 35 liability of the surety, however, shall not exceed the amount

10 1 of the bond.

10 2 ~~8- h.~~ Proof that the applicant has financial liability
10 3 coverage as defined in section 321.1, except that such
10 4 coverage shall be in limits of not less than one hundred
10 5 thousand dollars because of bodily injury to or death of one
10 6 person in any one accident and, subject to the limit for one
10 7 person, three hundred thousand dollars because of bodily
10 8 injury to or death of two or more persons in any one accident,
10 9 and fifty thousand dollars because of injury to or destruction
10 10 of property of others in any one accident.

10 11 ~~9- i.~~ Such other information touching the business of the
10 12 applicant as the department may require.

10 13 2. For the purpose of investigating the matters contained
10 14 in such application, the department may withhold the granting
10 15 of a license for a period not exceeding thirty days.

10 16 3. For purposes of this section, "bona fide address" means
10 17 the same as defined in section 321.1.

10 18 Sec. 16. Section 322.7, subsection 1, Code 2007, is
10 19 amended to read as follows:

10 20 1. If the department grants the application of any person
10 21 for a license as a motor vehicle dealer, it shall evidence the
10 22 granting thereof by a final order and shall issue to the
10 23 person a license in such form as may be prescribed by the
10 24 department, which license shall include the following:

10 25 ~~a. The name of the person licensed.~~

10 26 ~~b. a.~~ If the applicant is an individual or a
10 27 ~~copartnership -- the copartnership,~~ the name or style under
10 28 which the licensee will engage in such business ~~and if a~~
10 29 ~~copartnership, the name and address of each partner.~~

10 30 ~~c. b.~~ The principal place of business of the licensee and
10 31 location therein of each place wherein the licensee is
10 32 licensed to carry on such business.

10 33 ~~d. c.~~ The make or makes of new motor vehicles which the
10 34 licensee is licensed to sell.

10 35 Sec. 17. Section 326.10A, Code 2007, is amended to read as
11 1 follows:

11 2 326.10A PAYMENT BY CHECK.

11 3 The department shall accept payment of fees under this
11 4 chapter by personal or corporate check. The fee shall be
11 5 deemed to have been paid upon receipt of the check. If the
11 6 check is not honored, all fees and penalties shall accumulate
11 7 as if the fee was not paid. After appropriate warning from
11 8 the department, the registration account shall be suspended,
11 9 collection pursued, and the delinquent registration fees shall
11 10 become a debt due the state of Iowa. After a dishonored check
11 11 has been received from an applicant, payments submitted by the
11 12 applicant during the following year must be made with
11 13 guaranteed funds. However, the department may instead accept
11 14 payment in the form of a corporate check made on behalf of the
11 15 applicant from an approved company with a satisfactory payment

11 16 history.

11 17 Sec. 18. Section 326.16, Code 2007, is amended by adding
11 18 the following new subsection:
11 19 NEW SUBSECTION. 3. Failure to receive a renewal notice or
11 20 an invoice by mail, facsimile transmission, or any other means
11 21 of delivery does not relieve the registrant of the financial
11 22 responsibility for the renewal fees, invoiced amount, or
11 23 accrued penalties.

11 24 Sec. 19. NEW SECTION. 326.24 REGISTRATION DENIED OR
11 25 SUSPENDED.

11 26 If the international fuel tax agreement license issued to
11 27 an applicant or registrant under chapter 452A is suspended or
11 28 revoked or if the director refuses to issue an international
11 29 fuel tax agreement license because of unpaid debt, the
11 30 director may deny or suspend the applicant's or registrant's
11 31 registration under this chapter.

11 32 Sec. 20. Section 327B.1, Code 2007, is amended to read as
11 33 follows:

11 34 327B.1 AUTHORITY SECURED AND REGISTERED.

11 35 1. a. It is unlawful for a carrier to perform an
12 1 interstate transportation service for compensation upon the
12 2 highways of this state without first registering the authority
12 3 obtained from the United States department of transportation
12 4 or evidence that such authority is not required with the state
12 5 department of transportation.

12 6 ~~2.~~ b. The department shall participate in the single
12 7 state insurance registration program for regulated motor
12 8 carriers as provided in 49 U.S.C. } 14504 and United States
12 9 department of transportation regulations.

12 10 ~~3.~~ c. Registration for carriers transporting commodities
12 11 exempt from United States department of transportation
12 12 regulation shall be granted without hearing upon application
12 13 and payment of a twenty-five-dollar filing fee and an annual
12 14 one-dollar fee per vehicle.

12 15 ~~4.~~ d. The state department of transportation may execute
12 16 reciprocity agreements with authorized representatives of any
12 17 state exempting nonresidents from payment of fees as set forth
12 18 in this chapter. The state department of transportation shall
12 19 adopt rules pursuant to chapter 17A for the identification of
12 20 vehicles operated under reciprocity agreements.

12 21 ~~5.~~ e. Fees may be subject to reduction or proration
12 22 pursuant to sections 326.5 and 326.32.

12 23 2. a. On and after the date on which the secretary of the
12 24 United States department of transportation establishes the
12 25 unified carrier registration system in accordance with Title
12 26 49, United States Code, as amended by Pub. L. No. 109=59, a
12 27 foreign or domestic motor carrier, motor private carrier,
12 28 leasing company, broker, or freight forwarder shall not
12 29 operate any motor vehicle on the highways of this state
12 30 without first registering the motor vehicle under the unified
12 31 carrier registration system and paying all required fees.

12 32 b. The state department of transportation shall continue
12 33 to require each interstate for-hire motor carrier to make an
12 34 annual payment of one dollar per owned and operated vehicle
12 35 for filings made with the state department of transportation
13 1 under the single state registration system until the
13 2 occurrence of the transition termination date in accordance
13 3 with 49 U.S.C. } 13902(f), as amended by Pub. L. No. 109=59.

13 4 c. The state department of transportation may participate
13 5 in the unified carrier registration plan and agreement
13 6 established in accordance with 49 U.S.C. } 14504a, as amended
13 7 by Pub. L. No. 109=59, and to file on behalf of the state the
13 8 plan required by the provisions of 49 U.S.C. } 14504a(e).

13 9 ~~6.~~ 3. A motor carrier shall keep proper evidence of
13 10 interstate authority in the motor vehicle being operated by
13 11 the motor carrier and the motor carrier owner or driver shall
13 12 make such evidence available to a peace officer upon request.

13 13 ~~7.~~ 4. A motor carrier owner or driver charged with
13 14 failure to have proper evidence of interstate authority shall
13 15 not be convicted of such violation and the citation shall be
13 16 dismissed by the court if the person produces to the clerk of
13 17 court prior to the date of such person's court appearance as
13 18 indicated on the citation, proof of interstate authority
13 19 issued to that person and valid at the time the person was
13 20 charged with the violation under this section. Upon
13 21 dismissal, the court or clerk of court shall assess the costs
13 22 of the action against the defendant named on the citation.

13 23 Sec. 21. Section 327B.6, Code 2007, is amended by adding
13 24 the following new unnumbered paragraph:

13 25 NEW UNNUMBERED PARAGRAPH. This section is repealed on the
13 26 transition termination date referred to in section 327B.1,

13 27 subsection 2, paragraph "b".
13 28 Sec. 22. Section 452A.54, unnumbered paragraph 4, Code
13 29 2007, is amended to read as follows:
13 30 To determine the amount of fuel taxes due under this
13 31 division and to prevent the evasion thereof, the state
13 32 department of transportation shall require a quarterly report
13 33 on forms prescribed by the state department of transportation.
13 34 It shall be filed not later than the last day of the month
13 35 following the quarter reported, and each quarter thereafter.
14 1 These reports shall be required of all persons who have been
14 2 issued a permit or license under this division and shall cover
14 3 actual operation and fuel consumption in Iowa on the basis of
14 4 the permit or license holder's average consumption of fuel in
14 5 Iowa, determined by the total miles traveled and the total
14 6 fuel purchased and consumed for highway use by the permittee's
14 7 or licensee's commercial motor vehicles in the permittee's or
14 8 licensee's entire operation in all states to establish an
14 9 overall miles per gallon ratio, which ratio shall be used to
14 10 compute the gallons used for the miles traveled in Iowa.
14 11 Failure to receive a quarterly report or fuel credentials by
14 12 mail, facsimile transmission, or any other means of delivery
14 13 does not relieve a person from the person's fuel tax liability
14 14 or from the requirement to display current fuel credentials.

14 15 Sec. 23. Section 452A.68, unnumbered paragraph 2, Code
14 16 2007, is amended to read as follows:
14 17 If a licensee abuses the privileges for which the license
14 18 was issued, fails to produce records reasonably requested, ~~or~~
14 19 fails to extend reasonable ~~co-operation~~ cooperation to the
14 20 appropriate state agency, or has been suspended for nonpayment
14 21 of fees under chapter 326 and still owes fees to the

14 22 department, the licensee shall be advised in writing of a
14 23 hearing scheduled to determine if the license shall be
14 24 canceled. The appropriate state agency upon the presentation
14 25 of a preponderance of evidence may cancel a license for cause.

14 26 Sec. 24. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE
14 27 == NOTICE TO CODE EDITOR. The state department of
14 28 transportation shall notify the Code editor of the date
14 29 determined by the secretary of the United States department of
14 30 transportation to be the transition termination date which is
14 31 established as the effective date of the repeal of section
14 32 327B.6, as amended in this Act.

14 33 Sec. 25. 2006 Iowa Acts, chapter 1070, section 5, is
14 34 repealed.

14 35 Sec. 26. Sections 327B.4 and 327B.7, Code 2007, are
15 1 repealed.

15 2 Sec. 27. EFFECTIVE DATES.

15 3 1. The section of this Act amending section 321.457, being
15 4 deemed of immediate importance, takes effect upon enactment.

15 5 2. The sections of this Act amending sections 327B.1 and
15 6 327B.6, and repealing sections 327B.4 and 327B.7, being deemed
15 7 of immediate importance, take effect upon enactment.

15 8 3. The section of this Act repealing 2006 Iowa Acts,
15 9 chapter 1070, section 5, being deemed of immediate importance,
15 10 takes effect upon enactment.

15 11 4. The sections of this Act amending sections 321.112 and
15 12 321.115 take effect July 1, 2008.

15 13 DIVISION IV
15 14 REGIONAL TRANSIT DISTRICTS

15 15 Sec. 28. Section 28M.4, subsection 6, Code 2007, is
15 16 amended to read as follows:

15 17 6. ~~All moneys received by the commission Tax revenues~~
15 18 ~~collected from a regional transit district levy shall be held~~
15 19 ~~by the county treasurer in a separate fund. If more than one~~
15 20 ~~county is participating in the regional transit district, the~~
15 21 ~~moneys shall be paid to the county treasurer of the~~
15 22 ~~participating county with the largest population. Moneys may~~
15 23 ~~be paid out of the fund only at the direction of the~~
15 24 ~~commission. Before the fifteenth day of each month, the~~
15 25 ~~county treasurer shall send the amount collected for each fund~~
15 26 ~~through the last day of the preceding month for direct deposit~~
15 27 ~~into the depository and account designated by the commission.~~
15 28 ~~The county treasurer shall send a notice to the secretary of~~
15 29 ~~the commission or the secretary's designee stating the amount~~
15 30 ~~deposited, the date, the amount to be credited to each fund~~
15 31 ~~according to the budget, and the source of the revenue.~~

15 32 EXPLANATION

15 33 This bill contains provisions relating to the
15 34 administration of highways and the regulation of motor
15 35 vehicles by the state department of transportation.

16 1 Division I == Highways == Under current law, when the
16 2 department moves to acquire property under eminent domain, an

16 3 employee of the department who conducts an appraisal of the
16 4 property must be a certified real estate appraiser. The bill
16 5 amends Code section 543D.3 to allow such appraisals to be done
16 6 by an employee who is a registered associate real estate
16 7 appraiser acting under the direct supervision of a certified
16 8 real estate appraiser.

16 9 Division II == Land Surveying Standards == Code sections
16 10 355.5, 355.7, and 355.8 are amended to reflect that the U.S.
16 11 survey foot, rather than the international foot, is the land
16 12 surveying standard for distance measurements.

16 13 Division III == Motor Vehicles == Code section 321.16 is
16 14 amended to allow a peace officer serving notice of suspension
16 15 or revocation of a driver's license to destroy the license or
16 16 send it to the department. Code section 321.206 is amended to
16 17 permit a court to destroy a surrendered driver's license
16 18 rather than forward it to the department.

16 19 Code section 321.24 is amended to allow a county treasurer
16 20 to issue a certificate of title for a vehicle with an
16 21 unreleased security interest upon presentation of satisfactory
16 22 evidence that the security interest has been extinguished or
16 23 that the holder of the security interest cannot be located to
16 24 release the security interest. Current law requires evidence
16 25 of both the extinguishment of the security interest and that
16 26 the holder cannot be located.

16 27 Code section 321.34 is amended to specify that the owner of
16 28 a motor vehicle who has been awarded the legion of merit is
16 29 entitled to only one set of special legion of merit
16 30 registration plates. This is consistent with provisions for
16 31 congressional medal of honor plates and ex-prisoner of war
16 32 plates which, like the legion of merit plates, are issued at
16 33 no charge and entitle the owner to an annual motor vehicle
16 34 registration fee of \$15.

16 35 Code section 321.52 is amended to allow a licensed vehicle
17 1 recycler or a new motor vehicle dealer to assign or reassign a
17 2 salvage certificate of title from another state without the
17 3 issuance of an Iowa salvage certificate of title.

17 4 Code section 321.115 is amended to revise the registration
17 5 requirements for antique motor vehicles. Under current law,
17 6 the owner of a motor vehicle 25 years old or older who
17 7 operates the vehicle only for exhibition or educational
17 8 purposes may register the vehicle for an annual fee of \$5.
17 9 The bill eliminates the \$5 fee along with the restricted use
17 10 provisions and requires all such antique vehicles to be
17 11 registered under the annual fee schedules provided for older
17 12 vehicles. The owner of an antique motor vehicle may furnish
17 13 and display authentic Iowa registration plates from the model
17 14 year of the motor vehicle, approved by the department, so long
17 15 as the current and valid Iowa plates and registration card are
17 16 carried within the vehicle. The bill provides for
17 17 registration of truck tractors and semitrailers as antique
17 18 vehicles, and prohibits the use of such vehicles to haul
17 19 loads. The bill makes a conforming amendment to Code section
17 20 321.112. The amendments to requirements for antique motor
17 21 vehicles take effect July 1, 2008.

17 22 The bill amends a provision in Code section 321.134 that
17 23 allows the owners of trucks, truck tractors, and road tractors
17 24 registered for a gross weight exceeding five tons to pay
17 25 annual registration fees in two semiannual installments. The
17 26 bill requires that if a registrant has paid the registration
17 27 fee late for two consecutive years, annual payment is required
17 28 for the next five years.

17 29 Code section 321.457 is amended to increase the maximum
17 30 overall length allowed for a single truck, unladen or with
17 31 load, from 40 feet to 41 feet, including the front and rear
17 32 bumpers. The change is effective upon enactment of the bill.

17 33 The bill amends Code section 321J.4 to allow a person whose
17 34 driver's license has been suspended or revoked for an offense
17 35 of driving a motor vehicle while under suspension or
18 1 revocation for operating while intoxicated to apply for a
18 2 temporary restricted license without the requirement of an
18 3 ignition interlock device, provided that 12 years have elapsed
18 4 since the conclusion of the original period of suspension or
18 5 revocation for the underlying offense of operating while
18 6 intoxicated.

18 7 The bill amends Code sections 322.4 and 322.7 to modify the
18 8 application requirements for a motor vehicle dealer license.
18 9 Under current law, the application must contain the post
18 10 office address of every partner if the business is a
18 11 copartnership, or of each officer and director if the business
18 12 is a corporation. The bill requires the bona fide address,
18 13 rather than the post office address, of only two partners or

18 14 two officers, as applicable. The bill omits the requirement
18 15 that a license include the names and addresses of all
18 16 partners.

18 17 Code section 326.10A is amended to permit the department to
18 18 accept a corporate check from an approved company with a
18 19 satisfactory payment history as payment of proportional
18 20 registration fees for a commercial vehicle fleet following
18 21 receipt of a dishonored check from the applicant. Currently,
18 22 the only acceptable form of payment is with guaranteed funds.

18 23 Code section 326.16 is amended to specify that failure to
18 24 receive a renewal notice or invoice by mail, facsimile
18 25 transmission, or other means of delivery does not relieve a
18 26 person from responsibility for payment of proportional
18 27 registration fees, invoiced amounts, or penalties. A similar
18 28 amendment to Code section 452A.54 specifies that failure to
18 29 receive a quarterly report or fuel credentials by mail,
18 30 facsimile transmission, or other means of delivery does not
18 31 relieve a person from fuel tax liability for a commercial
18 32 vehicle or the requirement to display fuel credentials.

18 33 New Code section 326.24 and the amendment to Code section
18 34 452A.68 allow the department to impose sanctions on a carrier
18 35 under both the international registration plan and
19 1 international fuel tax agreement licensing provisions for
19 2 unpaid debt under either program.

19 3 The bill amends Code section 327B.1 to authorize the
19 4 department to participate in the unified carrier registration
19 5 system established under federal law. Coordinating amendments
19 6 repeal Code section 327B.4, which exempts private carriers
19 7 from the current single state registration system, and Code
19 8 section 327B.7, which provides for reciprocity agreements with
19 9 other member states of an exempt commodity base state
19 10 registration system. The bill also provides for immediate
19 11 repeal of Code section 327B.6, relating to insurance and
19 12 bonding requirements for exempt carriers under the single
19 13 state registration system, upon the date established by the
19 14 secretary of the United States department of transportation as
19 15 the transition termination date for that registration system.

19 16 The bill repeals an amendment to Code section 321.25 passed
19 17 in the 2006 legislative session that would have changed, from
19 18 45 days to 60 days, the amount of time a vehicle could be
19 19 operated on the highways bearing a "registration applied for"
19 20 card. That 2006 amendment is scheduled to take effect July 1,
19 21 2007.

19 22 Division IV == Regional Transit Districts == Code section
19 23 28M.4 is amended to provide that tax revenues collected by a
19 24 county treasurer from a regional transit district levy are
19 25 held by the county treasurer. Before the 15th day of each
19 26 month, revenues collected from the previous month shall be
19 27 sent for direct deposit into the account designated by the
19 28 regional transit commission, with notice sent to the secretary
19 29 of the commission.

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19 31 dea:rj/gg/14