

# Senate Study Bill 1137

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to administration of highways and regulation of  
2 motor vehicles by the state department of transportation,  
3 including provisions relating to qualifications of property  
4 appraisers, destruction of suspended or revoked driver's  
5 licenses, requirements for a temporary restricted driver's  
6 license, registration and titling of vehicles, legion of merit  
7 special registration plates and fees, antique motor vehicle  
8 registration plates and fees, licensing of motor vehicle  
9 dealers, motor carrier registration and fuel tax liability,  
10 and requirements for operation of motor vehicles in merging  
11 traffic including a penalty, and providing effective dates.  
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
13 TLSB 1106DP 82  
14 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 MOTOR VEHICLES  
1 16 Sec. 2. Section 321.16, Code 2007, is amended by adding  
1 17 the following new unnumbered paragraph:  
1 18 NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice  
1 19 of immediate suspension or revocation of a driver's license as  
1 20 provided in this chapter or any other chapter, the peace  
1 21 officer may destroy the license or send the license to the  
1 22 department.

1 23 Sec. 3. Section 321.24, subsection 11, Code 2007, is  
1 24 amended to read as follows:  
1 25 11. If the county treasurer or department is not satisfied  
1 26 as to the ownership of the vehicle or that there are no  
1 27 undisclosed security interests in it, or a junking certificate  
1 28 has been issued for the vehicle but a certificate of title  
1 29 will not be reissued under section 321.52, subsection 3, and  
1 30 the vehicle qualifies as an antique vehicle under section  
1 31 321.115, subsection 1, the county treasurer or department may  
1 32 register the vehicle but shall, as a condition of issuing a  
1 33 certificate of title and registration receipt, require the  
1 34 applicant to file with the department a bond in the form  
1 35 prescribed by the department and executed by the applicant,  
2 1 and either accompanied by the deposit of cash with the  
2 2 department or also executed by a person authorized to conduct  
2 3 a surety business in this state. The owner of a vehicle  
2 4 subject to the bond requirements of this subsection shall  
2 5 apply for a certificate of title and registration for the  
2 6 vehicle at the county treasurer's office within thirty days of  
2 7 issuance of written authorization from the department. The  
2 8 bond shall be in an amount equal to one and one-half times the  
2 9 current value of the vehicle as determined by the department  
2 10 and conditioned to indemnify any prior owner and secured party

2 11 and any subsequent purchaser of the vehicle or person  
2 12 acquiring any security interest in it, and their respective  
2 13 successors in interest, against any expense, loss, or damage,  
2 14 including reasonable attorney fees, by reason of the issuance  
2 15 of the certificate of title of the vehicle or on account of  
2 16 any defect in or undisclosed security interest upon the right,  
2 17 title, and interest of the applicant in and to the vehicle.  
2 18 Any such interested person has a right of action to recover on  
2 19 the bond for any breach of its conditions, but the aggregate  
2 20 liability of the surety to all persons shall not exceed the  
2 21 amount of the bond. The bond, and any deposit accompanying  
2 22 it, shall be returned at the end of three years or ~~prior~~  
2 23 ~~thereto earlier~~ if the vehicle is no longer registered in this  
2 24 state and the currently valid certificate of title is  
2 25 surrendered to the department, unless the department has been  
2 26 notified of the pendency of an action to recover on the bond.  
2 27 The department may authorize issuance of a certificate of  
2 28 title as provided in this subsection for a vehicle with an  
2 29 unreleased security interest upon presentation of satisfactory  
2 30 evidence that the security interest has been extinguished ~~and~~  
2 31 ~~or that~~ the holder of the security interest cannot be located  
2 32 to release the security interest as provided in section  
2 33 321.50.

2 34 Sec. 4. Section 321.34, subsection 15, unnumbered  
2 35 paragraph 1, Code 2007, is amended to read as follows:

3 1 The owner of a motor vehicle subject to registration under  
3 2 section 321.109, subsection 1, motorcycle, trailer, or motor  
3 3 truck, who has been awarded the legion of merit ~~may shall be~~  
3 4 ~~issued one set of special registration plates with a legion of~~  
3 5 ~~merit processed emblem~~, upon written application to the  
3 6 department and presentation of satisfactory proof of the award  
3 7 of the legion of merit as established by the Congress of the  
3 8 United States, ~~order special registration plates with a legion~~  
3 9 ~~of merit processed emblem~~. The emblem shall be designed by  
3 10 the department in cooperation with the adjutant general and  
3 11 shall signify that the owner was awarded the legion of merit.  
3 12 The application is subject to approval by the department, in  
3 13 consultation with the adjutant general. The special plates  
3 14 shall be issued at no charge and are subject to an annual  
3 15 registration fee of fifteen dollars. The county treasurer  
3 16 shall validate the special plates in the same manner as  
3 17 regular registration plates are validated under this section.

3 18 Sec. 5. Section 321.112, Code 2007, is amended to read as  
3 19 follows:

3 20 321.112 MINIMUM MOTOR VEHICLE FEE.

3 21 No motor vehicle, except as provided in ~~sections 321.115~~  
3 22 ~~and section~~ 321.117, shall be registered for a registration  
3 23 year for less than ten dollars.

3 24 Sec. 6. Section 321.115, Code 2007, is amended by striking  
3 25 the section and inserting in lieu thereof the following:

3 26 321.115 ANTIQUE VEHICLES == MODEL YEAR PLATES PERMITTED.

3 27 1. A motor vehicle twenty-five years old or older may be  
3 28 registered as an antique vehicle upon payment of the fee  
3 29 provided for in section 321.113 or 321.122. The owner of a  
3 30 motor vehicle registered under this subsection may display  
3 31 registration plates from or representing the model year of the  
3 32 motor vehicle, furnished by the person, in lieu of the current  
3 33 and valid Iowa registration plates issued for the vehicle,  
3 34 provided that the current and valid Iowa registration plates  
3 35 and the registration card issued for the vehicle are  
4 1 simultaneously carried within the vehicle and are available  
4 2 for inspection to any peace officer upon the officer's  
4 3 request.

4 4 2. The sale of a motor vehicle twenty years old or older  
4 5 which is primarily of value as a collector's item and not as  
4 6 transportation is not subject to chapter 322, and any person  
4 7 may sell such a vehicle at retail without a license as  
4 8 required under chapter 322.

4 9 3. Truck tractors and semitrailers used in combination for  
4 10 exhibition and educational purposes may be registered and  
4 11 driven according to the provisions of subsection 1. Truck  
4 12 tractors and semitrailers registered under this section shall  
4 13 not be used to haul loads.

4 14 4. A person convicted of a violation of this section is  
4 15 guilty of a simple misdemeanor punishable as a scheduled  
4 16 violation under section 805.8A, subsection 2, paragraph "b".

4 17 Sec. 7. Section 321.134, subsection 2, Code 2007, is  
4 18 amended to read as follows:

4 19 2. The annual registration fee for trucks, truck tractors,  
4 20 and road tractors, as provided in sections 321.121 and  
4 21 321.122, may be payable in two equal semiannual installments

4 22 if the annual registration fee exceeds the registration fee  
4 23 for a vehicle with a gross weight exceeding five tons. The  
4 24 penalties provided in subsection 1 shall be computed on the  
4 25 amount of the first installment only and on the first day of  
4 26 the seventh month of the registration period the same rate of  
4 27 penalty shall apply to the second installment, until the fee  
4 28 is paid. Semiannual installments do not apply to commercial  
4 29 vehicles, as defined under section 326.2, subject to  
4 30 proportional registration, with a base state other than the  
4 31 state of Iowa, as defined in section 326.2, subsection 1. The  
4 32 penalty on vehicles registered under chapter 326 accrues  
4 33 August 1 of each year except as provided in section 326.6.

4 34 The department shall not allow the registration fee for a  
4 35 commercial vehicle registered under chapter 326 to be paid in  
5 1 two equal semiannual installments for five years after the  
5 2 registrant has paid the registration fee late for two  
5 3 consecutive years.

5 4 Sec. 8. Section 321.206, Code 2007, is amended to read as  
5 5 follows:

5 6 321.206 SURRENDER OF LICENSE == DUTY OF COURT.

5 7 If a person is convicted in court of an offense for which  
5 8 this chapter requires mandatory revocation of the person's  
5 9 driver's license or, if the person's license is a commercial  
5 10 driver's license and the conviction disqualifies the person  
5 11 from operating a commercial motor vehicle, the court shall  
5 12 require the person to surrender the driver's license held by  
5 13 the person and the court shall destroy the license or forward  
5 14 the license together with a record of the conviction to the  
5 15 department as provided in section 321.491.

5 16 Sec. 9. NEW SECTION. 321.319A DRIVERS REQUIRED TO MERGE.

5 17 Notwithstanding section 321.319, where traffic lanes are  
5 18 provided for merging traffic, each driver of a vehicle on the  
5 19 converging roadways or lanes shall adjust the speed and  
5 20 lateral position of the vehicle as necessary to avoid a  
5 21 collision with any other vehicle and to facilitate safe entry  
5 22 of merging vehicles into the common lane. However, the driver  
5 23 of a vehicle traveling on any traffic lane, ramp, or  
5 24 converging roadway marked with a yield sign, stop sign, or  
5 25 other traffic control sign or signal shall obey such sign or  
5 26 signal.

5 27 A person convicted of a violation of this section is guilty  
5 28 of a simple misdemeanor punishable as a scheduled violation  
5 29 under section 805.8A, subsection 7, paragraph "b".

5 30 Sec. 10. Section 321J.4, subsection 9, paragraph d, Code  
5 31 2007, is amended to read as follows:

5 32 d. The court shall determine if the temporary restricted  
5 33 license is necessary for the person to maintain the person's  
5 34 present employment. However, a temporary restricted license  
5 35 shall not be ordered or issued for a violation of section  
6 1 321J.2A or to a person under the age of twenty-one whose  
6 2 license is revoked under this section or section 321J.9 or  
6 3 321J.12. If the court determines that the temporary  
6 4 restricted license is necessary for the person to maintain the  
6 5 person's present employment, and that the minimum period of  
6 6 ineligibility for receipt of a temporary license has expired,  
6 7 the court shall order the department to issue to the person a  
6 8 temporary restricted license conditioned upon the person's  
6 9 certification to the court of the installation of approved  
6 10 ignition interlock devices in all motor vehicles that it is  
6 11 necessary for the person to operate to maintain the person's  
6 12 present employment. A person whose driver's license or  
6 13 nonresident operating privilege has been revoked under section  
6 14 321J.21 may apply to the department for a temporary restricted  
6 15 license without the requirement of an ignition interlock  
6 16 device if at least twelve years have elapsed since the end of  
6 17 the underlying revocation period for a violation of section  
6 18 321J.2.

6 19 Sec. 11. Section 322.4, Code 2007, is amended to read as  
6 20 follows:

6 21 322.4 APPLICATION FOR LICENSE.

6 22 1. Each person before engaging in this state in the  
6 23 business of selling at retail motor vehicles or representing  
6 24 or advertising that the person is engaged or intends to engage  
6 25 in such business in this state shall file in the office of the  
6 26 department an application for license as a motor vehicle  
6 27 dealer in the state in such form as the department may  
6 28 prescribe, duly verified by oath, which application shall  
6 29 include the following:

6 30 ~~±~~ a. The name of the applicant and the applicant's  
6 31 principal place of business wherever situated, ~~and the~~  
6 32 following, as appropriate:

6 33 ~~a.~~ (1) If the applicant is an ~~individual -- the~~  
6 34 individual, the name or style under which the individual  
6 35 intends to engage in such business.

7 1 ~~b.~~ (2) If the applicant is a ~~copartnership -- the~~  
7 2 copartnership, the name or style under which ~~such the~~  
7 3 copartnership intends to engage in such business and the name  
7 4 and ~~post-office~~ bona fide address of ~~each partner two~~  
7 5 partners.

7 6 ~~c.~~ (3) If the applicant is a ~~corporation -- the~~  
7 7 corporation, the state of incorporation and the name and  
7 8 ~~post-office~~ bona fide address of ~~each officer and director~~  
7 9 ~~thereof two officers of the corporation.~~

7 10 2. ~~b.~~ The make or makes of new motor vehicles, if any,  
7 11 which the applicant will offer for sale ~~to~~ at retail in this  
7 12 state.

7 13 3. ~~c.~~ The location of each place of business within this  
7 14 state to be used by the applicant for the conduct of the  
7 15 applicant's business.

7 16 4. ~~d.~~ If the applicant is a party to any contract or  
7 17 agreement or understanding with any manufacturer or  
7 18 distributor of motor vehicles or is about to become a party to  
7 19 such a contract, agreement, or understanding, the applicant  
7 20 shall state the name of each such manufacturer ~~and or~~  
7 21 distributor and the make or makes of new motor vehicles, if  
7 22 any, which are the subject matter of each such contract.

7 23 5. ~~e.~~ A statement of the previous history, record, and  
7 24 association of the applicant and if the applicant is a  
7 25 copartnership, of each partner thereof, and if the applicant  
7 26 is a corporation, of each officer and director thereof, which  
7 27 statement shall be sufficient to establish to the department  
7 28 the reputation in business of the applicant.

7 29 6. ~~f.~~ A description of the general plan and method of  
7 30 doing business in this state, which the applicant will follow  
7 31 if the license applied for in such application is granted.

7 32 7. ~~g.~~ Before the issuance of a motor vehicle dealer's  
7 33 license to a dealer engaged in the sale of vehicles for which  
7 34 a certificate of title is required under chapter 321, the  
7 35 applicant shall furnish a surety bond executed by the  
8 1 applicant as principal and executed by a corporate surety  
8 2 company, licensed and qualified to do business within this  
8 3 state, which bond shall run to the state of Iowa, be in the  
8 4 amount of fifty thousand dollars and be conditioned upon the  
8 5 faithful compliance by the applicant as a dealer with all of  
8 6 the statutes of this state regulating or applicable to the  
8 7 business of a dealer in motor vehicles, and indemnifying any  
8 8 person who buys a motor vehicle from the dealer from any loss  
8 9 or damage occasioned by the failure of the dealer to comply  
8 10 with any of the provisions of chapter 321 and this chapter,  
8 11 including, but not limited to, the furnishing of a proper and  
8 12 valid certificate of title to the motor vehicle involved in a  
8 13 transaction. The bond shall also indemnify any motor vehicle  
8 14 purchaser from any loss or damage caused by the failure of the  
8 15 dealer to comply with the odometer requirements in section  
8 16 321.71, regardless of whether the motor vehicle was purchased  
8 17 directly from the dealer. The bond shall be filed with the  
8 18 department prior to the issuance of a license. The aggregate  
8 19 liability of the surety, however, shall not exceed the amount  
8 20 of the bond.

8 21 8. ~~h.~~ Proof that the applicant has financial liability  
8 22 coverage as defined in section 321.1, except that such  
8 23 coverage shall be in limits of not less than one hundred  
8 24 thousand dollars because of bodily injury to or death of one  
8 25 person in any one accident and, subject to the limit for one  
8 26 person, three hundred thousand dollars because of bodily  
8 27 injury to or death of two or more persons in any one accident,  
8 28 and fifty thousand dollars because of injury to or destruction  
8 29 of property of others in any one accident.

8 30 9. ~~i.~~ Such other information touching the business of the  
8 31 applicant as the department may require.

8 32 2. For the purpose of investigating the matters contained  
8 33 in such application, the department may withhold the granting  
8 34 of a license for a period not exceeding thirty days.

8 35 3. For purposes of this section, "bona fide address" means  
9 1 the same as defined in section 321.1.

9 2 Sec. 12. Section 322.7, subsection 1, Code 2007, is  
9 3 amended to read as follows:

9 4 1. If the department grants the application of any person  
9 5 for a license as a motor vehicle dealer, it shall evidence the  
9 6 granting thereof by a final order and shall issue to the  
9 7 person a license in such form as may be prescribed by the  
9 8 department, which license shall include the following:

9 9 ~~a. The name of the person licensed.~~  
9 10 ~~b. a. If the applicant is an individual or a~~  
9 11 ~~copartnership -- the copartnership, the name or style under~~  
9 12 ~~which the licensee will engage in such business and if a~~  
9 13 ~~copartnership, the name and address of each partner.~~  
9 14 ~~c. b. The principal place of business of the licensee and~~  
9 15 ~~location therein of each place wherein the licensee is~~  
9 16 ~~licensed to carry on such business.~~

9 17 ~~d. c. The make or makes of new motor vehicles which the~~  
9 18 ~~licensee is licensed to sell.~~  
9 19 Sec. 13. Section 326.10A, Code 2007, is amended to read as  
9 20 follows:

9 21 326.10A PAYMENT BY CHECK.  
9 22 The department shall accept payment of fees under this  
9 23 chapter by personal or corporate check. The fee shall be  
9 24 deemed to have been paid upon receipt of the check. If the  
9 25 check is not honored, all fees and penalties shall accumulate  
9 26 as if the fee was not paid. After appropriate warning from  
9 27 the department, the registration account shall be suspended,  
9 28 collection pursued, and the delinquent registration fees shall  
9 29 become a debt due the state of Iowa. After a dishonored check  
9 30 has been received from an applicant, payments submitted by the  
9 31 applicant during the following year must be made with  
9 32 guaranteed funds. However, the department may instead accept  
9 33 payment in the form of a corporate check made on behalf of the  
9 34 applicant from an approved company with a satisfactory payment  
9 35 history.

10 1 Sec. 14. Section 326.16, Code 2007, is amended by adding  
10 2 the following new subsection:  
10 3 NEW SUBSECTION. 3. Failure to receive a renewal notice or  
10 4 an invoice by mail, facsimile transmission, or any other means  
10 5 of delivery does not relieve the registrant of the financial  
10 6 responsibility for the renewal fees, invoiced amount, or  
10 7 accrued penalties.

10 8 Sec. 15. NEW SECTION. 326.24 REGISTRATION DENIED OR  
10 9 SUSPENDED.  
10 10 If the international fuel tax agreement license issued to  
10 11 an applicant or registrant under chapter 452A is suspended or  
10 12 revoked or if the director refuses to issue an international  
10 13 fuel tax agreement license because of unpaid debt, the  
10 14 director may deny or suspend the applicant's or registrant's  
10 15 registration under this chapter.

10 16 Sec. 16. Section 327B.1, Code 2007, is amended to read as  
10 17 follows:

10 18 327B.1 AUTHORITY SECURED AND REGISTERED.  
10 19 1. a. It is unlawful for a carrier to perform an  
10 20 interstate transportation service for compensation upon the  
10 21 highways of this state without first registering the authority  
10 22 obtained from the United States department of transportation  
10 23 or evidence that such authority is not required with the state  
10 24 department of transportation.

10 25 ~~2. b. The department shall participate in the single~~  
10 26 ~~state insurance registration program for regulated motor~~  
10 27 ~~carriers as provided in 49 U.S.C. } 14504 and United States~~  
10 28 ~~department of transportation regulations.~~

10 29 ~~3. c. Registration for carriers transporting commodities~~  
10 30 ~~exempt from United States department of transportation~~  
10 31 ~~regulation shall be granted without hearing upon application~~  
10 32 ~~and payment of a twenty-five-dollar filing fee and an annual~~  
10 33 ~~one-dollar fee per vehicle.~~

10 34 ~~4. d. The state department of transportation may execute~~  
10 35 ~~reciprocity agreements with authorized representatives of any~~  
11 1 ~~state exempting nonresidents from payment of fees as set forth~~  
11 2 ~~in this chapter. The state department of transportation shall~~  
11 3 ~~adopt rules pursuant to chapter 17A for the identification of~~  
11 4 ~~vehicles operated under reciprocity agreements.~~

11 5 ~~5. e. Fees may be subject to reduction or proration~~  
11 6 ~~pursuant to sections 326.5 and 326.32.~~

11 7 2. a. On and after the date on which the secretary of the  
11 8 United States department of transportation establishes the  
11 9 unified carrier registration system in accordance with Title  
11 10 49, United States Code, as amended by Pub. L. No. 109=59, a  
11 11 foreign or domestic motor carrier, motor private carrier,  
11 12 leasing company, broker, or freight forwarder shall not  
11 13 operate any motor vehicle on the highways of this state  
11 14 without first registering the motor vehicle under the unified  
11 15 carrier registration system and paying all required fees.

11 16 b. The state department of transportation shall continue  
11 17 to require each interstate for-hire motor carrier to make an  
11 18 annual payment of one dollar per owned and operated vehicle  
11 19 for filings made with the state department of transportation

11 20 under the single state registration system until the  
11 21 occurrence of the transition termination date in accordance  
11 22 with 49 U.S.C. } 13902(f), as amended by Pub. L. No. 109-59.  
11 23 c. The state department of transportation may participate  
11 24 in the unified carrier registration plan and agreement  
11 25 established in accordance with 49 U.S.C. } 14504a, as amended  
11 26 by Pub. L. No. 109-59, and to file on behalf of the state the  
11 27 plan required by the provisions of 49 U.S.C. } 14504a(e).

11 28 ~~6-~~ 3. A motor carrier shall keep proper evidence of  
11 29 interstate authority in the motor vehicle being operated by  
11 30 the motor carrier and the motor carrier owner or driver shall  
11 31 make such evidence available to a peace officer upon request.

11 32 ~~7-~~ 4. A motor carrier owner or driver charged with  
11 33 failure to have proper evidence of interstate authority shall  
11 34 not be convicted of such violation and the citation shall be  
11 35 dismissed by the court if the person produces to the clerk of  
12 1 court prior to the date of such person's court appearance as  
12 2 indicated on the citation, proof of interstate authority  
12 3 issued to that person and valid at the time the person was  
12 4 charged with the violation under this section. Upon  
12 5 dismissal, the court or clerk of court shall assess the costs  
12 6 of the action against the defendant named on the citation.

12 7 Sec. 17. Section 327B.6, Code 2007, is amended by adding  
12 8 the following new unnumbered paragraph:

12 9 NEW UNNUMBERED PARAGRAPH. This section is repealed on the  
12 10 transition termination date referred to in section 327B.1,  
12 11 subsection 2, paragraph "b".

12 12 Sec. 18. Section 452A.54, unnumbered paragraph 4, Code  
12 13 2007, is amended to read as follows:

12 14 To determine the amount of fuel taxes due under this  
12 15 division and to prevent the evasion thereof, the state  
12 16 department of transportation shall require a quarterly report  
12 17 on forms prescribed by the state department of transportation.  
12 18 It shall be filed not later than the last day of the month  
12 19 following the quarter reported, and each quarter thereafter.  
12 20 These reports shall be required of all persons who have been  
12 21 issued a permit or license under this division and shall cover  
12 22 actual operation and fuel consumption in Iowa on the basis of  
12 23 the permit or license holder's average consumption of fuel in  
12 24 Iowa, determined by the total miles traveled and the total  
12 25 fuel purchased and consumed for highway use by the permittee's  
12 26 or licensee's commercial motor vehicles in the permittee's or  
12 27 licensee's entire operation in all states to establish an  
12 28 overall miles per gallon ratio, which ratio shall be used to  
12 29 compute the gallons used for the miles traveled in Iowa.

12 30 Failure to receive a quarterly report or fuel credentials by  
12 31 mail, facsimile transmission, or any other means of delivery  
12 32 does not relieve a person from the person's fuel tax liability  
12 33 or from the requirement to display current fuel credentials.

12 34 Sec. 19. Section 452A.68, unnumbered paragraph 2, Code  
12 35 2007, is amended to read as follows:

13 1 If a licensee abuses the privileges for which the license  
13 2 was issued, fails to produce records reasonably requested, ~~or~~  
13 3 fails to extend reasonable ~~co-operation~~ cooperation to the  
13 4 appropriate state agency, or has been suspended for nonpayment  
13 5 of fees under chapter 326 and still owes fees to the  
13 6 department, the licensee shall be advised in writing of a

13 7 hearing scheduled to determine if the license shall be  
13 8 canceled. The appropriate state agency upon the presentation  
13 9 of a preponderance of evidence may cancel a license for cause.

13 10 Sec. 20. Section 805.8A, subsection 7, paragraph b, Code  
13 11 2007, is amended to read as follows:

13 12 b. For violations under sections 321.298, 321.307,  
13 13 321.308, 321.313, 321.319, 321.319A, 321.320, 321.321,  
13 14 321.327, 321.329, and 321.333, the scheduled fine is  
13 15 thirty-five dollars.

13 16 Sec. 21. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE  
13 17 == NOTICE TO CODE EDITOR. The state department of  
13 18 transportation shall notify the Code editor of the date  
13 19 determined by the secretary of the United States department of  
13 20 transportation to be the transition termination date which is  
13 21 established as the effective date of the repeal of section  
13 22 327B.6, as amended in this Act.

13 23 Sec. 22. 2006 Iowa Acts, chapter 1070, section 5, is  
13 24 repealed.

13 25 Sec. 23. Sections 327B.4 and 327B.7, Code 2007, are  
13 26 repealed.

13 27 Sec. 24. EFFECTIVE DATES. The following sections of this  
13 28 Act, being deemed of immediate importance, take effect upon  
13 29 enactment:

13 30 1. The section amending sections 327B.1 and 327B.6.

13 31 2. The section repealing 2006 Iowa Acts, chapter 1070,  
13 32 section 5.

13 33 3. The section repealing sections 327B.4 and 327B.7.

13 34 EXPLANATION

13 35 This bill contains provisions relating to the  
14 1 administration of highways and the regulation of motor  
14 2 vehicles by the state department of transportation.

14 3 Division I == Highways == Under current law, when the  
14 4 department moves to acquire property under eminent domain, an  
14 5 employee of the department who conducts an appraisal of the  
14 6 property must be a certified real estate appraiser. The bill  
14 7 amends Code section 543D.3 to allow such appraisals to be done  
14 8 by an employee who is a registered associate real estate  
14 9 appraiser acting under the direct supervision of a certified  
14 10 real estate appraiser.

14 11 Division II == Motor Vehicles == Code section 321.16 is  
14 12 amended to allow a peace officer serving notice of suspension  
14 13 or revocation of a driver's license to destroy the license or  
14 14 send it to the department. Code section 321.206 is amended to  
14 15 permit a court to destroy a surrendered driver's license  
14 16 rather than forward it to the department.

14 17 Code section 321.24 is amended to allow a county treasurer  
14 18 to issue a certificate of title for a vehicle with an  
14 19 unreleased security interest upon presentation of satisfactory  
14 20 evidence that the security interest has been extinguished or  
14 21 that the holder of the security interest cannot be located to  
14 22 release the security interest. Current law requires evidence  
14 23 of both the extinguishment of the security interest and that  
14 24 the holder cannot be located.

14 25 Code section 321.34 is amended to specify that the owner of  
14 26 a motor vehicle who has been awarded the legion of merit is  
14 27 entitled to only one set of special legion of merit  
14 28 registration plates. This is consistent with provisions for  
14 29 congressional medal of honor plates and ex-prisoner of war  
14 30 plates which, like the legion of merit plates, are issued at  
14 31 no charge and entitle the owner to an annual motor vehicle  
14 32 registration fee of \$15.

14 33 Code section 321.115 is amended to revise the registration  
14 34 requirements for antique motor vehicles. Under current law,  
14 35 the owner of a motor vehicle 25 years old or older who  
15 1 operates the vehicle only for exhibition or educational  
15 2 purposes may register the vehicle for an annual fee of \$5.  
15 3 The bill eliminates the \$5 fee along with the restricted use  
15 4 provisions and requires all such antique vehicles to be  
15 5 registered under the annual fee schedules provided for older  
15 6 vehicles. As under current law, the owner of an antique motor  
15 7 vehicle may furnish and display model-year registration plates  
15 8 for the vehicle so long as the current and valid Iowa plates  
15 9 and registration card are carried within the vehicle. The  
15 10 bill provides for registration of truck tractors and  
15 11 semitrailers as antique vehicles, and prohibits the use of  
15 12 such vehicles to haul loads. The bill makes a conforming  
15 13 amendment to Code section 321.112.

15 14 The bill amends a provision in Code section 321.134 that  
15 15 allows the owners of trucks, truck tractors, and road tractors  
15 16 registered for a gross weight exceeding five tons to pay  
15 17 annual registration fees in two semiannual installments. The  
15 18 bill requires that if a registrant has paid the registration  
15 19 fee late for two consecutive years, annual payment is required  
15 20 for the next five years.

15 21 New Code section 321.319A describes the actions motorists  
15 22 must take when driving in merging traffic. Drivers on traffic  
15 23 lanes, ramps, or converging roadways are required to obey  
15 24 yield or stop signs where provided. In the absence of such  
15 25 signage, each driver of a vehicle on converging roadways or  
15 26 lanes shall adjust the speed and lateral position of the  
15 27 vehicle as necessary to avoid collisions and to facilitate  
15 28 safe merging of vehicles. A violation is punishable by a  
15 29 scheduled fine of \$35.

15 30 The bill amends Code section 321J.4 to allow a person whose  
15 31 driver's license has been suspended or revoked for an offense  
15 32 of driving a motor vehicle while under suspension or  
15 33 revocation for operating while intoxicated to apply for a  
15 34 temporary restricted license without the requirement of an  
15 35 ignition interlock device, provided that 12 years have elapsed  
16 1 since the conclusion of the original period of suspension or  
16 2 revocation for the underlying offense of operating while  
16 3 intoxicated.

16 4 The bill amends Code sections 322.4 and 322.7 to modify the  
16 5 application requirements for a motor vehicle dealer license.  
16 6 Under current law, the application must contain the post

16 7 office address of every partner if the business is a  
16 8 copartnership, or of each officer and director if the business  
16 9 is a corporation. The bill requires the bona fide address,  
16 10 rather than the post office address, of only two partners or  
16 11 two officers, as applicable. The bill omits the requirement  
16 12 that a license include the names and addresses of all  
16 13 partners.

16 14 Code section 326.10A is amended to permit the department to  
16 15 accept a corporate check from an approved company with a  
16 16 satisfactory payment history as payment of proportional  
16 17 registration fees for a commercial vehicle fleet following  
16 18 receipt of a dishonored check from the applicant. Currently,  
16 19 the only acceptable form of payment is with guaranteed funds.

16 20 Code section 321.16 is amended to specify that failure to  
16 21 receive a renewal notice or invoice by mail, facsimile  
16 22 transmission, or other means of delivery does not relieve a  
16 23 person from responsibility for payment of proportional  
16 24 registration fees, invoiced amounts, or penalties. A similar  
16 25 amendment to Code section 452A.54 specifies that failure to  
16 26 receive a quarterly report or fuel credentials by mail,  
16 27 facsimile transmission, or other means of delivery does not  
16 28 relieve a person from fuel tax liability for a commercial  
16 29 vehicle or the requirement to display fuel credentials.

16 30 New Code section 326.24 and the amendment to Code section  
16 31 452A.68 allow the department to impose sanctions on a carrier  
16 32 under both the international registration plan and  
16 33 international fuel tax agreement licensing provisions for  
16 34 unpaid debt under either program.

16 35 The bill amends Code section 327B.1 to authorize the  
17 1 department to participate in the unified carrier registration  
17 2 system established under federal law. Coordinating amendments  
17 3 repeal Code section 327B.4, which exempts private carriers  
17 4 from the current single state registration system, and Code  
17 5 section 327B.7, which provides for reciprocity agreements with  
17 6 other member states of an exempt commodity base state  
17 7 registration system. The bill also provides for immediate  
17 8 repeal of Code section 327B.6, relating to insurance and  
17 9 bonding requirements for exempt carriers under the single  
17 10 state registration system, upon the date established by the  
17 11 secretary of the United States department of transportation as  
17 12 the transition termination date for that registration system.

17 13 The bill repeals an amendment to Code section 321.25 passed  
17 14 in the 2006 legislative session that would have changed, from  
17 15 45 days to 60 days, the amount of time a vehicle could be  
17 16 operated on the highways bearing a "registration applied for"  
17 17 card. That 2006 amendment is scheduled to take effect July 1,  
17 18 2007.

17 19 LSB 1106DP 82  
17 20 dea:rj/gg/14.1