

House Study Bill 163

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 matters under the purview of the department of
2 transportation, including provisions for the administration of
3 the department, driver licensing, vehicle regulation, and the
4 issuance of citations, providing a penalty, and providing
5 effective and retroactive applicability dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1312DP 83
8 dea/nh/8

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1 1 DIVISION I
1 2 ADMINISTRATION
1 3 Section 1. Section 307.11, Code 2009, is amended to read
1 4 as follows:
1 5 307.11 DIRECTOR OF TRANSPORTATION == QUALIFICATIONS ==
1 6 SALARY.
1 7 1. The governor shall appoint a director of
1 8 transportation, subject to confirmation by the senate, who
1 9 shall serve at the pleasure of the governor and who shall not
1 10 be a member of the commission. The director shall not hold
1 11 any other office under the laws of the United States or of
1 12 this or any other state or hold any other position for profit.
1 13 The director shall not engage in any occupation, business, or
1 14 profession interfering with or inconsistent with the
1 15 director's duties, ~~serve on or under a committee of a~~
~~1 16 political party, or contribute to the campaign fund of any~~
~~1 17 person or political party.~~ The director shall be appointed on
1 18 the basis of executive and administrative abilities and shall
1 19 devote full time to the duties of the position.
1 20 2. The director shall receive a salary as fixed by the
1 21 governor within a salary range set by the general assembly.
1 22 Sec. 2. Section 321.145, subsection 2, paragraph b,
1 23 subparagraph (5), Code 2009, is amended by striking the
1 24 subparagraph.

1 25 DIVISION II
1 26 DRIVER LICENSING
1 27 Sec. 3. Section 321.208, subsection 1, paragraph b, Code
1 28 2009, is amended by striking the paragraph.
1 29 Sec. 4. Section 321.208, subsection 2, paragraph a, Code
1 30 2009, is amended to read as follows:
1 31 a. ~~Operating a motor vehicle while under the influence of~~
~~1 32 an alcoholic beverage or other drug or controlled substance or~~
~~1 33 a combination of such substances intoxicated, as provided in~~
1 34 section 321J.2, subsection 1.
1 35 Sec. 5. Section 321.210A, subsection 1, paragraph c, Code
2 1 2009, is amended to read as follows:
2 2 c. Upon receipt of a report of a failure to pay the fine,
2 3 penalty, surcharge, or court costs from the clerk of the
2 4 district court, the department shall in accordance with its
2 5 rules, suspend the person's driver's license until the fine,
2 6 penalty, surcharge, or court costs are paid, ~~unless the person~~
~~2 7 proves to the satisfaction of the department that the person~~
~~2 8 cannot pay the fine, penalty, surcharge, or court costs.~~
2 9 Sec. 6. Section 321J.8, subsection 1, paragraph c,
2 10 subparagraph (2), Code 2009, is amended to read as follows:
2 11 (2) If the person is operating a noncommercial motor
2 12 vehicle and holding a commercial driver's license as defined
2 13 in section 321.1 and either refuses to submit to the test or
2 14 ~~operates a motor vehicle while under the influence of an~~
~~2 15 alcoholic beverage or other drug or controlled substance or a~~
~~2 16 combination of such substances submits to the test and the~~

2 17 results indicate the presence of a controlled substance or
2 18 other drug or an alcohol concentration equal to or in excess
2 19 of the level prohibited by section 321J.2, the person is
2 20 disqualified from operating a commercial motor vehicle for the
2 21 applicable period under section 321.208 in addition to any
2 22 revocation of the person's driver's license or nonresident
2 23 operating privilege which may be applicable under this
2 24 chapter.

2 25 Sec. 7. Section 321J.13, subsection 6, paragraphs a and c,
2 26 Code 2009, are amended to read as follows:

2 27 a. The department shall grant a request for a hearing to
2 28 rescind the revocation if the person whose motor vehicle
2 29 license or operating privilege has been or is being revoked
2 30 under section 321J.9 or 321J.12 submits a petition containing
2 31 information relating to the discovery of new evidence that
2 32 provides grounds for ~~recision~~ rescission of the revocation.

2 33 c. Such a holding by the court in the criminal action is
2 34 binding on the department, and the department shall rescind
2 35 the revocation. If the offense for which the revocation was
3 1 imposed was committed while the person was operating a
3 2 noncommercial motor vehicle and holding a commercial driver's
3 3 license and the department disqualified the person from
3 4 operating a commercial motor vehicle under section 321.208,
3 5 subsection 2, paragraph "a" or "b", as a result of the
3 6 revocation, the department shall also rescind the
3 7 disqualification.

3 8 Sec. 8. Section 321.192, Code 2009, is repealed.

3 9 DIVISION III
3 10 VEHICLES

3 11 Sec. 9. Section 312.2, subsection 19, paragraph a, Code
3 12 2009, is amended by striking the paragraph and inserting in
3 13 lieu thereof the following:

3 14 a. The treasurer of state, before making the allotments
3 15 provided for in this section, shall credit monthly to the
3 16 TIME=21 fund created in section 312A.2 the following amounts:
3 17 (1) One-half of the amount received by the treasurer from
3 18 trailer registration fees pursuant to section 321.123,
3 19 subsection 1, paragraph "a", subparagraph (1).

3 20 (2) Two-thirds of the amount received by the treasurer
3 21 from trailer registration fees collected pursuant to section
3 22 321.123, subsection 1, paragraph "a", subparagraph (2).

3 23 (3) One-third of the amount received by the treasurer from
3 24 trailer registration fees collected pursuant to section
3 25 321.123, subsection 2.

3 26 Sec. 10. Section 321.1, subsection 17, Code 2009, is
3 27 amended to read as follows:

3 28 17. "Dealer" means every person engaged in the business of
3 29 buying, selling, or exchanging vehicles of a type required to
3 30 be registered hereunder and who has an established place of
3 31 business for such purpose in this state. "Dealer" includes
3 32 those persons required to be licensed as dealers under
3 33 chapters 322 and 322C.

3 34 Sec. 11. Section 321.18, subsection 7, Code 2009, is
3 35 amended to read as follows:

4 1 7. Any school bus in this state used exclusively for the
4 2 transportation of pupils to and from school or a school
4 3 function or for the purposes provided in section 285.1,
4 4 subsection 1, and section 285.10, subsection 9, or used
4 5 exclusively for the transportation of children enrolled in a
4 6 federal head start program. Upon application the department
4 7 shall, without charge, issue a registration certificate and
4 8 ~~shall also issue registration plates, which shall have~~
4 9 ~~imprinted thereon the words "Private School Bus" and a~~
4 10 ~~distinguishing number assigned to the applicant. Such The~~
4 11 plates shall be attached to the front and rear of each bus
4 12 exempt from registration under this subsection.

4 13 Sec. 12. Section 321.22, Code 2009, is amended to read as
4 14 follows:

4 15 321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT CERTIFICATES
4 16 AND PLATES.

4 17 1. An urban transit company or system having a franchise
4 18 to operate in any city and any regional transit system may
4 19 make application to the department, upon forms furnished by
4 20 the department, for a certificate containing a distinguishing
4 21 number and for one or more pairs of ~~transit bus registration~~
4 22 plates to be attached to the front and rear of buses owned or
4 23 operated by the transit company or system.

4 24 2. The department shall issue to the applicant a
4 25 certificate, or certificates, containing, but not limited to,
4 26 the applicant's name and address, the distinguishing number
4 27 assigned to the applicant, and such other information deemed

4 28 necessary by the department for proper identification of the
4 29 buses.

4 30 3. The department shall issue ~~transit bus~~ registration
4 31 plates ~~as applied for, which shall be imprinted with the words~~
~~4 32 "Transit Bus" and the distinguishing number assigned to the~~
4 33 applicant.

4 34 4. The department shall issue the certificates and plates
4 35 without fee.

5 1 Sec. 13. Section 321.166, subsection 9, Code 2009, is
5 2 amended to read as follows:

5 3 9. Special registration plates issued pursuant to section
5 4 321.34 ~~beginning January 1, 1997, other than gold star, medal~~
5 5 of honor, collegiate, fire fighter, and natural resources
5 6 registration plates, shall be consistent with the design and
5 7 color of regular registration plates but shall provide a space
5 8 on a portion of the plate for the purpose of allowing the
5 9 placement of a distinguishing processed emblem. Special
5 10 registration plates shall also comply with the requirements
5 11 for regular registration plates as provided in this section to
5 12 the extent the requirements are consistent with the section
5 13 authorizing a particular special vehicle registration plate.

5 14 Sec. 14. Section 321F.9, Code 2009, is amended to read as
5 15 follows:

5 16 321F.9 OPTION TO PURCHASE == DEALER'S LICENSE.

5 17 Any person engaged in business in this state shall not
5 18 enter into any agreement for the use of a motor vehicle under
5 19 the terms of which that person grants to another an option to
5 20 purchase the motor vehicle without first having obtained a
5 21 motor vehicle dealer's license under the provisions of chapter
5 22 322, and all sales of motor vehicles under such options shall
5 23 be subject to sales or use taxes imposed under the provisions
5 24 of chapter 423. Nothing contained in this section shall
5 25 require such person to have a place of business as provided by
5 26 section 322.6, subsection 8 1, paragraph "h".

5 27 Sec. 15. Section 321H.2, subsections 6, 8, and 9, Code
5 28 2009, are amended to read as follows:

5 29 6. "Used vehicle parts dealer" means a person engaged in
5 30 the business of selling bodies, parts of bodies, frames or
5 31 component parts of used vehicles subject to registration ~~under~~
~~5 32 chapter 321.~~

5 33 8. "Vehicle rebuilder" means a person engaged in the
5 34 business of rebuilding or restoring to operating condition
5 35 vehicles subject to registration ~~under chapter 321~~, which have
6 1 been damaged or wrecked.

6 2 9. "Vehicle salvager" means a person engaged in the
6 3 business of scrapping, recycling, dismantling, or storing
6 4 wrecked or damaged vehicles or selling reusable parts of
6 5 vehicles or storing vehicles not currently registered which
6 6 vehicles are vehicles subject to registration ~~under chapter~~
~~6 7 321.~~

6 8 Sec. 16. Section 321H.2, Code 2009, is amended by adding
6 9 the following new subsection:
6 10 NEW SUBSECTION. 9A. "Vehicle subject to registration"
6 11 means any vehicle that is of a type required to be registered
6 12 under chapter 321 when operated on a public highway, including
6 13 but not limited to a vehicle that is inoperable, salvage, or
6 14 rebuilt.

6 15 Sec. 17. Section 321H.3, Code 2009, is amended to read as
6 16 follows:

6 17 321H.3 PROHIBITIONS.

6 18 Except for educational institutions, ~~people; persons~~
6 19 licensed as new vehicle dealers under chapter 322, ~~people;~~
~~6 20 persons~~ engaged in a hobby not for profit, ~~people; persons~~
6 21 engaged in the business of purchasing bodies, parts of bodies,
6 22 frames, or component parts of vehicles only for sale as scrap
6 23 metal; or a ~~person~~ persons licensed under the provisions of
6 24 this chapter as an authorized vehicle ~~recycler recyclers~~, a
6 25 person in this state shall not engage in the business of any
~~6 26 of the following:~~

6 27 1. Selling or offering for sale used bodies, parts of
6 28 bodies, frames, or component parts of more than six used
6 29 vehicles subject to registration ~~under chapter 321~~ in a
6 30 ~~calendar year; or twelve-month period.~~

6 31 2. ~~Wrecking or dismantling in a calendar year~~ Dismantling,
~~6 32 scrapping, recycling, salvaging, or obtaining a junking~~
~~6 33 certificate for more than six vehicles or the parts of more~~
~~6 34 than six vehicles~~ subject to registration ~~under chapter 321~~
~~6 35 for resale; or in a twelve-month period.~~

7 1 3. Rebuilding or restoring for sale ~~six or more than six~~
7 2 wrecked or salvage vehicles subject to registration ~~under~~
~~7 3 chapter 321~~ in a ~~calendar year; or twelve-month period.~~

7 4 4. Storing more than six vehicles not currently registered
7 5 or storing damaged vehicles except where such storing of
7 6 damaged vehicles is incidental to the primary purpose of the
7 7 repair of motor vehicles for others, ~~scrapping, disposing,~~
~~7 8 salvaging or recycling more than six vehicles or parts of more~~
~~7 9 than six vehicles subject to registration under chapter 321 in~~
~~7 10 a calendar year.~~

7 11 Sec. 18. Section 321H.4, subsections 2 and 3, Code 2009,
7 12 are amended to read as follows:

7 13 2. a. Application for a license as an authorized vehicle
7 14 recycler shall be made to the department on forms provided by
7 15 the department. The application shall be accompanied by a fee
7 16 of seventy dollars for a two-year period or part thereof. The
7 17 license shall be approved or disapproved within thirty days
7 18 after application for the license. A license expires on
7 19 December 31 of even-numbered years. A licensee shall have the
7 20 month of expiration and the month after the month of
7 21 expiration to renew the license. A person who fails to renew
7 22 a license by the end of this time period and desires to hold a
7 23 license shall file a new license application and pay the
7 24 required fee. A separate license shall be obtained for each
7 25 county in which an applicant conducts operations.

7 26 b. The applicant shall specify which business or
7 27 businesses, as enumerated in subsection 1, the applicant is
7 28 applying for a license to engage in. An applicant shall have
7 29 or demonstrate that the applicant will have the facilities and
7 30 equipment necessary to engage in the business or businesses
7 31 for which the applicant is applying for a license. The
7 32 license shall specify which business or businesses the
7 33 applicant has been authorized to engage in.

7 34 3. Each licensee shall file with the department a
7 35 supplemental statement form when the licensee's principal
8 1 place of business, an extension, or the operation of business
8 2 in the county is changed to differ from the information
8 3 contained on the initial license application form within
~~8 4 fifteen days after each at least ten days prior to any~~
8 5 operational change. The department shall notify each licensee
8 6 of the approval of a change in license status. If a change in
8 7 license status is approved by the department the licensee
8 8 shall surrender the old license to the department together
8 9 with a thirty-five dollar fee. The department shall issue a
8 10 new license modified to reflect the principal place of
8 11 business, each extension, and the operations of the licensee.

8 12 Sec. 19. Section 321H.6, Code 2009, is amended to read as
8 13 follows:

8 14 321H.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

8 15 The license of a person issued under the provisions of this
8 16 chapter may be denied, revoked, or suspended if the department
8 17 finds ~~that the licensee has any of the following:~~

8 18 1. ~~Violated~~ The licensee has violated any provisions
8 19 provision of this chapter ~~or.~~

8 20 2. ~~Made~~ The licensee has made any material
8 21 misrepresentation to the department in connection with an
8 22 application for a license, junking certificate, salvage
8 23 certificate, certificate of title, or registration of a
8 24 vehicle ~~or.~~

8 25 3. ~~Been~~ The licensee has been convicted of a fraudulent
8 26 practice in connection with selling or offering for sale
~~8 27 vehicles or parts of vehicles subject to registration under~~
~~8 28 chapter 321, or any other indictable offense in connection~~
8 29 with selling or other activity relating to motor vehicles, in
8 30 this state or any other state.

8 31 4. ~~Failed~~ The licensee has failed to maintain an
8 32 established principal place of business in the county without
8 33 notification to the department ~~or.~~

8 34 5. ~~Had~~ The licensee has had a license issued under the
8 35 provisions of this chapter denied, suspended, or revoked
9 1 within the previous three years ~~or.~~

9 2 6. ~~Been convicted of violation of any of sections 321.52,~~
~~9 3 321.71, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or~~
~~9 4 714.16.~~

9 5 Sec. 20. Section 321H.8, Code 2009, is amended to read as
9 6 follows:

9 7 321H.8 PENALTIES.

9 8 1. A person convicted of violating a provision of this
9 9 chapter is guilty of a serious misdemeanor.

9 10 2. A person convicted of a fraudulent practice or any
9 11 other indictable offense in connection with selling or other
9 12 activity relating to motor vehicles, in this state or any
9 13 other state, shall not for a period of five years from the
9 14 date of conviction be an owner, salesperson, employee, officer

9 15 of a corporation, or representative of a licensed motor
9 16 vehicle recycler or represent themselves as an owner,
9 17 salesperson, employee, officer of a corporation, or
9 18 representative of a licensed motor vehicle recycler.
9 19 Sec. 21. Section 322.3, subsection 12, Code 2009, is
9 20 amended to read as follows:
9 21 12. A person convicted of a fraudulent practice or any
9 22 other indictable offense in connection with selling,
9 23 bartering, or otherwise dealing in or other activity relating
9 24 to motor vehicles, in this state or any other state, shall not
9 25 for a period of five years from the date of conviction be an
9 26 owner, salesperson, employee, officer of a corporation, or
9 27 ~~dealer~~ representative of a licensed motor vehicle dealer or
9 28 represent themselves as an owner, salesperson, employee, or
9 29 ~~dealer~~ representative of a licensed motor vehicle dealer.
9 30 Sec. 22. Section 322.6, Code 2009, is amended to read as
9 31 follows:
9 32 322.6 DENIAL OF LICENSE.
9 33 1. The department may deny the application of ~~any~~ a person
9 34 for a license as a motor vehicle dealer and refuse to issue a
9 35 license to the person ~~as such~~, if, after reasonable notice and
10 1 a hearing, the department determines ~~that such applicant any~~
10 2 of the following:
10 3 1- ~~a. Has~~ The applicant made a material false statement in
10 4 the application for the license ~~or~~.
10 5 2- ~~b. Has~~ The applicant has not complied with the
10 6 provisions of this chapter or any rules or regulations
10 7 promulgated adopted by the department ~~thereunder~~ pursuant to
10 8 this chapter, except as otherwise provided ~~or~~.
10 9 3- ~~c. Is~~ The applicant is of bad business reputation ~~or~~.
10 10 4- ~~d. Has~~ The applicant has been ~~guilty~~ convicted of a
10 11 fraudulent ~~act~~ practice in connection with selling, ~~bartering~~,
10 12 ~~or otherwise dealing in or other activity relating to motor~~
10 13 ~~vehicles or in this or any other state.~~
10 14 5- ~~e. Is~~ The applicant is about to engage in ~~any~~ a
10 15 fraudulent practice or other indictable offense in connection
10 16 with the sale, barter, or otherwise dealing in selling or
10 17 ~~other activity relating to motor vehicles, which is fraudulent~~
10 18 ~~or in violation of the law or in this or any other state.~~
10 19 6- ~~f. Has~~ The applicant has entered into a contract or
10 20 agreement or is about to enter into a contract or agreement
10 21 with ~~any~~ a manufacturer or distributor of motor vehicles which
10 22 is contrary to any provision of this chapter ~~or~~.
10 23 7- ~~g. Has~~ The applicant has a contract or agreement with
10 24 ~~any~~ a manufacturer or distributor of motor vehicles or is
10 25 about to enter into a contract or agreement with ~~any~~ a
10 26 manufacturer or distributor of motor vehicles, who, without
10 27 just, reasonable, and lawful cause ~~therefor~~, has terminated
10 28 within ninety days from the date of application a contract or
10 29 agreement with a motor vehicle dealer in any county of the
10 30 state in which the applicant proposes to engage in business ~~+~~.
10 31 8- ~~h. Does~~ The applicant does not have a place of business
10 32 within the meaning of this chapter, unless the applicant is a
10 33 person referred to in ~~subsection 7 of section 322.3+~~
10 34 ~~subsection 7.~~
10 35 9- ~~i. Has~~ The applicant has violated any of the provisions
11 1 provision of ~~sections section~~ section 321.78, 321.81, 321.92, 321.97,
11 2 321.98, 321.99, 321.100, 539.4, 714.1, and ~~or~~ 714.16 ~~or~~.
11 3 10- ~~j. If it has been judicially determined~~ Following a
11 4 judicial determination that the licensee has applicant
11 5 intentionally violated any of the provisions provision of the
11 6 Iowa consumer credit code, chapter 537, ~~and the licensee the~~
11 7 applicant continues to make consumer credit sales, consumer
11 8 loans, or consumer leases in violation of the Iowa consumer
11 9 credit code, chapter 537.
11 10 k. The applicant is or will be acting on behalf of a
11 11 person whose dealer license has been revoked as provided in
11 12 this chapter.
11 13 2. It shall be sufficient cause for refusal or revocation
11 14 of a license as a motor vehicle dealer in the case of a
11 15 partnership or corporation if any member of the partnership or
11 16 any officer or director of the corporation has committed ~~any~~
11 17 an act or omission which would be cause for refusing to issue
11 18 a license to, or revoking a license ~~to of~~, such person as an
11 19 individual.
11 20 3. In considering whether or not a contract or agreement
11 21 between a motor vehicle dealer and a manufacturer or
11 22 distributor of motor vehicles has been terminated by such the
11 23 manufacturer or distributor without just and reasonable cause
11 24 ~~therefor~~, the department shall take into consideration the
11 25 circumstances existing at the time of such the termination,

11 26 including the amount of business transacted by the motor
11 27 vehicle dealer pursuant to the contract or agreement and prior
11 28 to ~~such the~~ termination; the investment necessarily made and
11 29 the obligation necessarily incurred by the motor vehicle
11 30 dealer in the performance of the dealer's part of ~~such the~~
11 31 contract; the permanency of such investment; the reasons for
11 32 ~~such the~~ termination by ~~such the~~ manufacturer or distributor;
11 33 and the fact that it is injurious to the public welfare for
11 34 the business of a motor vehicle dealer to be disrupted by
11 35 termination of ~~such a~~ contract without just and reasonable
12 1 cause.

12 2 4. Whenever the department determines to deny the
12 3 application of ~~any a~~ person for a license as a motor vehicle
12 4 dealer and refuses to issue a license to the person ~~as such,~~
12 5 the department shall enter a final order ~~thereof~~ with its
12 6 findings relating ~~thereto to the determination~~ within thirty
12 7 days from the date of the hearing ~~thereon~~.

12 8 Sec. 23. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
12 9 The section of this division of this Act amending section
12 10 312.2, subsection 19, being deemed of immediate importance,
12 11 takes effect upon enactment and applies retroactively to
12 12 January 1, 2009.

12 13 DIVISION IV
12 14 ENFORCEMENT

12 15 Sec. 24. Section 321.95, Code 2009, is amended to read as
12 16 follows:

12 17 321.95 RIGHT OF INSPECTION.

12 18 1. Peace officers shall have the authority to inspect any
12 19 vehicle or component part in possession of a vehicle
12 20 rebuilder, vehicle salvager, used vehicle parts dealer, or any
12 21 person licensed under chapter 322, or found upon the public
12 22 highway or in any public garage, enclosure, or property in
12 23 which vehicles or component parts are kept for sale, storage,
12 24 hire, or repair and for that purpose may enter any such public
12 25 garage, enclosure, or property. Every vehicle rebuilder,
12 26 vehicle salvager, used vehicle parts dealer, or any person
12 27 licensed under chapter 322, or a person having used engines or
12 28 transmissions which are component parts for sale shall keep an
12 29 accurate and complete record of all vehicles demolished and of
12 30 such component parts purchased or received for resale as
12 31 component parts in the course of business. These records shall
12 32 contain the name and address of the person from whom each such
12 33 vehicle or component part was purchased or received and the
12 34 date when the purchase or receipt occurred or the junking
12 35 certificate if required for the vehicle. These records shall
13 1 be open for inspection by any peace officer at any time during
13 2 normal business hours. Records required by this section shall
13 3 be kept for at least three years after the transaction which
13 4 they record.

13 5 2. A person convicted of a violation of this section is
13 6 guilty of a simple misdemeanor punishable as a scheduled
13 7 violation under section 805.8A, subsection 14, paragraph "j".

13 8 Sec. 25. Section 321.449, subsection 4, Code 2009, is
13 9 amended to read as follows:

13 10 4. Notwithstanding other provisions of this section, rules
13 11 adopted under this section for drivers of commercial vehicles
13 12 shall not apply to a driver of a commercial vehicle who is
13 13 engaged exclusively in intrastate commerce, when the
13 14 commercial vehicle's gross vehicle weight rating is twenty=six
13 15 thousand pounds or less, unless the vehicle is used to
13 16 transport hazardous materials requiring a placard or if the
13 17 vehicle is designed to transport more than fifteen passengers,
13 18 including the driver. For the purpose of complying with the
13 19 hours of service recordkeeping requirements under 49 C.F.R. ~~†~~
13 20 ~~395.1(e)(5) } 395.1(e)(1)(v)(A=D),~~ a driver's report of daily
13 21 beginning and ending on=duty time submitted to the motor
13 22 carrier at the end of each workweek shall be considered
13 23 acceptable motor carrier time records. In addition, rules
13 24 adopted under this section shall not apply to a driver
13 25 operating intrastate for a farm operation as defined in
13 26 section 352.2, or for an agricultural interest when the
13 27 commercial vehicle is operated between the farm as defined in
13 28 section 352.2 and another farm, between the farm and a market
13 29 for farm products, or between the farm and an agribusiness
13 30 location. A driver or a driver=salesperson for a private
13 31 carrier, who is not for hire and who is engaged exclusively in
13 32 intrastate commerce, may drive twelve hours, be on duty
13 33 sixteen hours in a twenty=four=hour period and be on duty
13 34 seventy hours in seven consecutive days or eighty hours in
13 35 eight consecutive days. For=hire drivers who are engaged
14 1 exclusively in intrastate commerce and who operate trucks and

14 2 truck tractors exclusively for the movement of construction
14 3 materials and equipment to and from construction projects may
14 4 also drive twelve hours, be on duty sixteen hours in a
14 5 twenty-four-hour period, and be on duty seventy hours in seven
14 6 consecutive days or eighty hours in eight consecutive days. A
14 7 "driver-salesperson" means as defined in 49 C.F.R. } 395.2, as
14 8 adopted by the department by rule.

14 9 Sec. 26. Section 321.449, Code 2009, is amended by adding
14 10 the following new subsection:

14 11 NEW SUBSECTION. 8. a. In the course of enforcing the
14 12 motor carrier safety rules adopted by the department under
14 13 chapter 17A, the department's peace officers are authorized,
14 14 at reasonable times and places and under reasonable
14 15 circumstances, to enter upon, to inspect, and to examine any
14 16 and all vehicles and loads carried, land, buildings, and
14 17 equipment of any person subject to the federal motor carrier
14 18 safety regulations in 49 C.F.R. pts. 105=185, 382, 383, 385,
14 19 and 390=399, and to inspect and copy any and all accounts,
14 20 records, memoranda, correspondence, and other documents
14 21 including those maintained in an electronic format.

14 22 b. Upon request of a department peace officer acting
14 23 within the scope of official duties and authority with respect
14 24 to the federal motor carrier safety regulations in 49 C.F.R.
14 25 pts. 105=185, 382, 383, 385, and 390=399, at reasonable times
14 26 and places and under reasonable circumstances, and after being
14 27 furnished appropriate identification by that officer, a person
14 28 subject to the federal motor carrier safety regulations in 49
14 29 C.F.R. pts. 105=185, 382, 383, 385, and 390=399 shall submit
14 30 to the peace officer the person's accounts, books, records,
14 31 memoranda, correspondence, and other documents, including
14 32 those maintained in an electronic format, for inspection and
14 33 copying and shall submit the person's vehicles, loads, land,
14 34 buildings, and equipment for examination.

14 35 Sec. 27. Section 805.6, subsection 1, paragraph a,
15 1 subparagraphs (1) and (2), Code 2009, are amended to read as
15 2 follows:

15 3 (1) The commissioner of public safety, the director of
15 4 transportation, and the director of the department of natural
15 5 resources, acting jointly, shall adopt a uniform, combined
15 6 citation and complaint which shall be used for charging all
15 7 traffic violations in Iowa under state law or local regulation
15 8 or ordinance, and which shall be used for charging all other
15 9 violations which are designated by sections 805.8A, 805.8B,
15 10 and 805.8C to be scheduled violations. The filing fees and
15 11 court costs in cases of parking meter and overtime parking
15 12 violations which are denied are as stated in section 602.8106,
15 13 subsection 1. The court costs in scheduled violation cases
15 14 where a court appearance is not required are as stated in
15 15 section 602.8106, subsection 1. The court costs in scheduled
15 16 violation cases where a court appearance is required are as
15 17 stated in section 602.8106, subsection 1. This subsection
15 18 does not prevent the charging of any of those violations by
15 19 information, by private complaint filed under chapter 804, or
15 20 by a simple notice of fine where permitted by section 321.236,
15 21 subsection 1. Each uniform citation and complaint shall be
15 22 serially numbered and shall be in quintuplicate, and the
15 23 officer shall deliver the original and a copy to the court
15 24 where the defendant is to appear, two copies to the defendant,
15 25 and a copy to the law enforcement agency of the officer. If
15 26 the uniform citation and complaint is created electronically,
15 27 the issuing agency shall cause the uniform citation and
15 28 complaint to be transmitted to the court, and the officer
15 29 shall deliver a document to the defendant which contains a
15 30 section for the defendant and a section which may be sent to
15 31 the court. The court shall forward an abstract of the uniform
15 32 citation and complaint in accordance with section 321.491 when
15 33 applicable.

15 34 (2) The uniform citation and complaint shall contain
15 35 spaces for the parties' names; the address of the alleged
16 1 offender; the registration number of the offender's vehicle;
16 2 the information required by section 805.2, a warning which
16 3 states, "I hereby swear and affirm that the information
16 4 provided by me on this citation is true under penalty of
16 5 providing false information"; and a statement that providing
16 6 false information is a violation of section 719.3; a list of
16 7 the scheduled fines prescribed by sections 805.8A, 805.8B, and
16 8 805.8C, either separately or by group, and a statement of the
16 9 court costs payable in scheduled violation cases, whether or
16 10 not a court appearance is required or is demanded; a brief
16 11 explanation of sections 805.9 and 805.10; and a space where
16 12 the defendant may sign an admission of the violation when

16 13 permitted by section 805.9; and the uniform citation and
16 14 complaint shall require that the defendant appear before a
16 15 court at a specified time and place. The uniform citation and
16 16 complaint also may contain a space for the imprint of a credit
16 17 card, and may contain any other information which the
16 18 commissioner of public safety, the director of transportation,
16 19 and the director of the department of natural resources may
16 20 determine.

16 21 Sec. 28. Section 805.8A, subsection 14, Code 2009, is
16 22 amended by adding the following new paragraph:

16 23 NEW PARAGRAPH. j. VEHICLE COMPONENT PARTS RECORDS
16 24 VIOLATIONS. For violations under section 321.95, the
16 25 scheduled fine is fifty dollars.

16 26 EXPLANATION

16 27 This bill contains miscellaneous provisions concerning the
16 28 administration of the department of transportation and matters
16 29 regulated by the department.

16 30 DIVISION I == ADMINISTRATION. The bill strikes language
16 31 prohibiting the director of transportation from serving on or
16 32 under a committee of a political party or from making campaign
16 33 contributions.

16 34 The bill strikes language authorizing the use of moneys in
16 35 the statutory allocation fund for expenditures for projects on
17 1 bridges over rivers bordering the state which are not payable
17 2 from the primary road fund.

17 3 DIVISION II == DRIVER LICENSING. The bill amends
17 4 provisions relating to disqualification of a commercial motor
17 5 vehicle operator for operating while intoxicated. Under
17 6 current law, a person is disqualified from operating a
17 7 commercial motor vehicle for one year if the person is found
17 8 to have operated a commercial motor vehicle while any amount
17 9 of a controlled substance is present in the person or if the
17 10 person is found to have operated a commercial or noncommercial
17 11 motor vehicle while under the influence of an alcoholic
17 12 beverage or other drug or controlled substance. The bill
17 13 replaces those provisions with a single requirement that a
17 14 person is disqualified from operating a commercial motor
17 15 vehicle for one year if the person is found to have operated a
17 16 commercial or noncommercial motor vehicle while intoxicated,
17 17 as that term applies for all motor vehicle operators under
17 18 Code chapter 321J. The bill makes a conforming amendment
17 19 relating to the information required in a peace officer's
17 20 statement to a person requested to submit to a chemical test.
17 21 Finally, the bill requires that when a person's driver's
17 22 license has been administratively revoked upon a charge of
17 23 operating while intoxicated and a criminal decision on the
17 24 evidence leads to rescission of the revocation, the department
17 25 shall also rescind a disqualification from operating a
17 26 commercial motor vehicle that resulted from the same
17 27 circumstances that lead to the revocation if the person was
17 28 operating a noncommercial motor vehicle and holding a
17 29 commercial driver's license when the incident occurred.

17 30 The bill strikes the duty of the department of
17 31 transportation to determine whether a person has the ability
17 32 to pay a criminal penalty, fine, surcharge, or court costs
17 33 before the department suspends the person's driver's license
17 34 for failure to pay.

17 35 The bill repeals the department's administrative authority
18 1 to waive or refund driver's license fees.

18 2 DIVISION III == VEHICLES. Language allocating revenue from
18 3 trailer registration fees to the TIME=21 fund is revised to
18 4 account for fees that are prorated for a portion of a year,
18 5 and not just fees that are collected for the entire year.
18 6 This provision takes effect upon enactment and applies
18 7 retroactively to January 1, 2009.

18 8 The definition of "dealer" in Code chapter 321 is amended
18 9 to include persons required to be licensed as motor vehicle
18 10 dealers or as travel trailer dealers.

18 11 The bill eliminates specific requirements for the design of
18 12 registration plates issued for private school buses and
18 13 transit buses. Plates labeled "private school bus" or
18 14 "transit bus" will no longer be required.

18 15 The bill allows the department to issue special gold star
18 16 motor vehicle registration plates with a design and color that
18 17 varies from that of regular registration plates. Currently,
18 18 most special plates must conform to the design and color of
18 19 regular registration plates, except for a space to allow
18 20 placement of a distinguishing processed emblem.

18 21 The bill amends several provisions relating to vehicle
18 22 recyclers. The bill specifies that a license is required for
18 23 a person engaged in the business of dismantling, scrapping,

18 24 recycling, salvaging, or obtaining a junking certificate for
18 25 more than six vehicles subject to registration in a 12-month
18 26 period. The period for filing a supplemental statement form
18 27 with the department is changed from within 15 days after each
18 28 operational change to at least 10 days prior to any
18 29 operational change. The bill clarifies that grounds for
18 30 revocation of a license include conviction of a fraudulent
18 31 practice or any other indictable offense in connection with
18 32 selling or other activity relating to motor vehicles in this
18 33 or any other state. For five years following such a
18 34 conviction, a person shall not be, and shall not represent
18 35 themselves to be, an owner, salesperson, employee, officer of
19 1 a corporation, or representative of a licensed motor vehicle
19 2 recycler.

19 3 The bill makes revisions to Code sections 322.3 and 322.6
19 4 relating to prohibited acts regarding motor vehicle
19 5 manufacturing, distributing, and selling and to denial of an
19 6 application for a motor vehicle dealer's license,
19 7 respectively. The bill clarifies provisions regarding
19 8 prohibitions against, and denial of a motor vehicle dealer's
19 9 license for, acts which are fraudulent practices or other
19 10 indictable offenses in connection with selling or other
19 11 activity relating to motor vehicles in this or any other
19 12 state. In addition, the bill provides that a motor vehicle
19 13 dealer's license may be denied if the applicant is or will be
19 14 acting on behalf of a person whose dealer license has been
19 15 revoked.

19 16 DIVISION IV == ENFORCEMENT. Current law gives peace
19 17 officers inspection authority concerning vehicles and
19 18 component parts and establishes recordkeeping requirements for
19 19 vehicle rebuilders, vehicle salvagers, used vehicle parts
19 20 dealers, motor vehicle dealers, and certain other persons
19 21 engaged in related practices. Currently, a violation of those
19 22 provisions is a simple misdemeanor. The bill changes the
19 23 penalty to a simple misdemeanor punishable by a scheduled fine
19 24 of \$50.

19 25 The bill provides inspection authority for peace officers
19 26 to examine vehicles, loads, land, buildings, and equipment of
19 27 any person subject to federal motor carrier safety regulations
19 28 and requires those persons to permit such examinations and
19 29 submit required documents for inspection and copying.

19 30 The bill adds language to requirements for the processing
19 31 of a uniform citation and complaint that is created
19 32 electronically. Specifically, the issuing agency must
19 33 transmit the uniform citation and complaint to the court, and
19 34 the officer issuing the citation must deliver a document to
19 35 the defendant which contains a section for the defendant and a
20 1 section which may be sent to the court.

20 2 LSB 1312DP 83

20 3 dea/nh/8.1