

Senate File 2381 - Introduced

SENATE FILE 2381

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3252)

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department
3 of transportation, including allocation and use of moneys
4 from the road use tax fund and the primary road fund,
5 providing for properly related matters, and making penalties
6 applicable.

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

DIVISION I
APPROPRIATIONS

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Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:
..... \$ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for subsequent fiscal years for the purposes specified in this subsection.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:
..... \$ 6,654,962

b. Planning:
..... \$ 506,127

c. Motor vehicles:
..... \$ 35,604,012

3. For payments to the department of administrative services for utility services:
..... \$ 225,000

4. Unemployment compensation:
..... \$ 7,000

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:
..... \$ 137,000

6. For payment to the general fund of the state for indirect

- 1 cost recoveries:
- 2 \$ 78,000
- 3 7. For reimbursement to the auditor of state for audit
- 4 expenses as provided in section 11.5B:
- 5 \$ 67,319
- 6 8. For automation, telecommunications, and related costs
- 7 associated with the county issuance of driver's licenses and
- 8 vehicle registrations and titles:
- 9 \$ 1,406,000
- 10 9. For transfer to the department of public safety for
- 11 operating a system providing toll-free telephone road and
- 12 weather conditions information:
- 13 \$ 100,000
- 14 10. For costs associated with the participation in the
- 15 Mississippi river parkway commission:
- 16 \$ 40,000
- 17 11. For membership in North America's supercorridor
- 18 coalition:
- 19 \$ 50,000
- 20 12. For motor vehicle division field facility maintenance
- 21 projects at various locations:
- 22 \$ 200,000

23 For purposes of section 8.33, unless specifically provided
 24 otherwise, moneys appropriated in this subsection that remain
 25 unencumbered or unobligated shall not revert but shall remain
 26 available for expenditure for the purposes designated until
 27 the close of the fiscal year that ends three years after the
 28 end of the fiscal year for which the appropriation was made.
 29 However, if the projects for which the appropriation was
 30 made are completed in an earlier fiscal year, unencumbered
 31 or unobligated moneys shall revert at the close of that same
 32 fiscal year.

33 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
 34 primary road fund created in section 313.3 to the department of
 35 transportation for the fiscal year beginning July 1, 2010, and

1 ending June 30, 2011, the following amounts, or so much thereof
2 as is necessary, to be used for the purposes designated:
3 1. For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:
6 a. Operations:
7 \$ 40,951,274
8 FTEs 312.00
9 b. Planning:
10 \$ 9,610,960
11 FTEs 131.00
12 c. Highways:
13 \$237,565,726
14 FTEs 2,452.00
15 d. Motor vehicles:
16 \$ 1,555,005
17 FTEs 478.00
18 2. For payments to the department of administrative
19 services for utility services:
20 \$ 1,382,000
21 3. Unemployment compensation:
22 \$ 138,000
23 4. For payments to the department of administrative
24 services for paying workers' compensation claims under
25 chapter 85 on behalf of the employees of the department of
26 transportation:
27 \$ 3,278,000
28 5. For disposal of hazardous wastes from field locations and
29 the central complex:
30 \$ 800,000
31 6. For payment to the general fund of the state for indirect
32 cost recoveries:
33 \$ 572,000
34 7. For reimbursement to the auditor of state for audit
35 expenses as provided in section 11.5B:

1	.....	\$	415,181
2	8. For costs associated with producing transportation maps:		
3	.....	\$	242,000
4	9. For inventory and equipment replacement:		
5	.....	\$	2,250,000
6	10. For utility improvements at various locations:		
7	.....	\$	400,000
8	11. For roofing projects at various locations:		
9	.....	\$	200,000
10	12. For heating, cooling, and exhaust system improvements		
11	at various locations:		
12	.....	\$	200,000
13	13. For deferred maintenance projects at field facilities		
14	throughout the state:		
15	.....	\$	1,000,000
16	14. For federal Americans With Disabilities Act		
17	improvements at various locations:		
18	.....	\$	120,000
19	15. For elevator upgrades at the Ames complex:		
20	.....	\$	100,000
21	16. For wastewater treatment improvements at various		
22	locations:		
23	.....	\$	1,000,000

24 For purposes of section 8.33, unless specifically provided
25 otherwise, moneys appropriated in subsections 10 through 16
26 that remain unencumbered or unobligated shall not revert
27 but shall remain available for expenditure for the purposes
28 designated until the close of the fiscal year that ends
29 three years after the end of the fiscal year for which the
30 appropriation was made. However, if the project or projects
31 for which such appropriation was made are completed in an
32 earlier fiscal year, unencumbered or unobligated moneys shall
33 revert at the close of that same fiscal year.

34 DIVISION II

35 MISCELLANEOUS STATUTORY CHANGES

1 Sec. 3. Section 321.234A, subsection 1, paragraph a, Code
2 2009, is amended to read as follows:

3 a. The operation is between sunrise and sunset and is
4 incidental to the vehicle's use for agricultural purposes. For
5 purposes of this paragraph, "incidental to the vehicle's use
6 for agricultural purposes" includes stopping in the course of
7 agricultural use to obtain fuel for the all-terrain vehicle or
8 to obtain food or a nonalcoholic beverage for the operator.

9 Sec. 4. Section 321.445, subsection 2, Code 2009, is amended
10 to read as follows:

11 2. a. The driver and front seat occupants of a type of
12 motor vehicle that is subject to registration in Iowa, except a
13 motorcycle or a motorized bicycle, shall each wear a properly
14 adjusted and fastened safety belt or safety harness any time
15 the vehicle is in forward motion on a street or highway in this
16 state except that a child under ~~eleven~~ eighteen years of age
17 shall be secured as required under section 321.446.

18 b. This subsection does not apply to:

19 ~~a.~~ (1) The driver or front seat occupants of a motor
20 vehicle which is not required to be equipped with safety belts
21 or safety harnesses.

22 ~~b.~~ (2) The driver and front seat occupants of a motor
23 vehicle who are actively engaged in work which requires them
24 to alight from and reenter the vehicle at frequent intervals,
25 providing the vehicle does not exceed twenty-five miles per
26 hour between stops.

27 ~~c.~~ (3) The driver of a motor vehicle while performing
28 duties as a rural letter carrier for the United States postal
29 service. This exemption applies only between the first
30 delivery point after leaving the post office and the last
31 delivery point before returning to the post office.

32 ~~d.~~ (4) Passengers on a bus.

33 ~~e.~~ (5) A person possessing a written certification from
34 a health care provider licensed under chapter 148 or 151 on a
35 form provided by the department that the person is unable to

1 wear a safety belt or safety harness due to physical or medical
2 reasons. The certification shall specify the time period for
3 which the exemption applies. The time period shall not exceed
4 twelve months, at which time a new certification may be issued
5 unless the certifying health care provider is from a United
6 States military facility, in which case the certificate may
7 specify a longer period of time or a permanent exemption.

8 ~~f.~~ (6) Front seat occupants of an authorized emergency
9 vehicle while they are being transported in an emergency.
10 However, this exemption does not apply to the driver of the
11 authorized emergency vehicle.

12 c. The department, in cooperation with the department of
13 public safety and the department of education, shall establish
14 educational programs to foster compliance with the safety belt
15 and safety harness usage requirements of this subsection.

16 Sec. 5. Section 321.446, subsections 2 and 3, Code 2009, are
17 amended to read as follows:

18 2. A child at least six years of age but under
19 ~~eleven~~ eighteen years of age who is being transported in
20 a motor vehicle subject to registration, except a school
21 bus or motorcycle, shall be secured during transit by a
22 child restraint system that is used in accordance with the
23 manufacturer's instructions or by a safety belt or safety
24 harness of a type approved under section 321.445.

25 3. This section does not apply to ~~peace~~ the following:

26 a. Peace officers acting on official duty. ~~This~~
27 ~~section also does not apply to the~~

28 b. The transportation of children in 1965 model year or
29 older vehicles, authorized emergency vehicles, buses, or motor
30 homes, except when a child is transported in a motor home's
31 passenger seat situated directly to the driver's right. ~~This~~
32 ~~section does not apply to the~~

33 c. The transportation of a child who has been certified
34 by a physician licensed under chapter 148 as having a
35 medical, physical, or mental condition that prevents or makes

1 inadvisable securing the child in a child restraint system,
2 safety belt, or safety harness.

3 d. A back seat occupant of a motor vehicle for whom no
4 safety belt is available because all safety belts are being
5 used by other occupants or cannot be used due to the use of a
6 child restraint system in the seating position for which a belt
7 is provided.

8 EXPLANATION

9 This bill makes and limits appropriations for FY 2010-2011
10 from the road use tax fund and the primary road fund to the
11 department of transportation and contains miscellaneous
12 statutory changes relating to transportation matters. The bill
13 is organized by divisions.

14 DIVISION I — APPROPRIATIONS. Appropriations from the
15 road use tax fund include appropriations for driver's
16 license production costs, salaries, operations, planning,
17 motor vehicles, utility services provided by the department
18 of administrative services, unemployment and workers'
19 compensation, indirect cost recoveries, audits, county issuance
20 of driver's licenses and vehicle registration and titling, a
21 system providing toll-free telephone road and weather reports,
22 participation in the Mississippi river parkway commission,
23 membership in North America's supercorridor coalition, and
24 motor vehicle division field facility maintenance projects.

25 Appropriations from the primary road fund include
26 appropriations for salaries, operations, planning, highways,
27 motor vehicles, utility services provided by the department
28 of administrative services, unemployment and workers'
29 compensation, hazardous waste disposal, indirect cost
30 recoveries, audits, production of transportation maps,
31 inventory and equipment replacement, utility projects,
32 roofing projects, heating and cooling improvements, deferred
33 maintenance at field facilities, various federal Americans With
34 Disabilities Act improvements, elevator upgrades at the Ames
35 complex, and wastewater treatment improvements.

1 DIVISION II — MISCELLANEOUS STATUTORY CHANGES. Current
2 law allows a person to operate an all-terrain vehicle on a
3 highway if the operation is incidental to the use of the
4 vehicle for agricultural purposes. The division specifies that
5 such incidental use includes stopping to obtain fuel for the
6 all-terrain vehicle or food or a nonalcoholic beverage for the
7 operator.

8 The division requires that all persons under 18 years of
9 age who are being transported in a motor vehicle, other than
10 a school bus or motorcycle, be secured by an approved child
11 restraint system or a seat belt regardless of seating position.

12 The division provides an exemption from child restraint
13 requirements in situations where a child occupying a back seat
14 is not restrained because all safety belts in the vehicle are
15 in use or cannot be used because a child restraint system is
16 occupying the seating position for which a belt is provided.

17 Pursuant to existing law, a motor vehicle operator who
18 violates child restraint requirements commits a simple
19 misdemeanor subject to a scheduled fine of \$25. However, such
20 offenses are not considered for purposes of determining a
21 habitual offender of motor vehicle laws.