

Senate File 386 - Introduced

SENATE FILE 386

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1224)

A BILL FOR

1 An Act relating to matters under the purview of the
2 department of transportation, including the use of
3 information contained in electronic driver and nonoperator
4 identification records, the form of motor vehicle financial
5 liability coverage cards, motor truck registration
6 periods, grounds for disqualification of commercial
7 vehicle operators, provisions for the issuance of temporary
8 restricted licenses for persons convicted of operating while
9 intoxicated, county issuance of driver's licenses, and the
10 administration of highway contracts.

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

1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 65. Personal information contained on
4 electronic driver's license or nonoperator's identification
5 card records that is provided by the licensee or card holder to
6 the department of transportation for use by law enforcement,
7 first responders, emergency medical service providers, and
8 other medical personnel responding to or assisting with an
9 emergency.

10 Sec. 2. Section 321.1, subsection 60, Code 2013, is amended
11 to read as follows:

12 60. "*Registration year*" means the period of twelve
13 consecutive months beginning on the first day of the month
14 following the month of the birth of the owner of the vehicle
15 for vehicles registered by the county treasurer, except that
16 "*registration year*" means the calendar year for motor trucks
17 and truck tractors ~~with a combined gross weight exceeding~~
18 ~~five tons~~ which are registered by the county treasurer in two
19 equal semiannual installments pursuant to sections 321.120,
20 321.121, and 321.122, and "*registration year*" means the period
21 of twelve consecutive months, as determined by the owner,
22 for motor trucks and truck tractors that are registered by
23 the county treasurer on an annual basis pursuant to sections
24 321.120, 321.121, and 321.122. For leased vehicles registered
25 by the county treasurer, except for motor trucks and truck
26 tractors ~~with a combined gross weight exceeding five tons~~
27 registered pursuant to sections 321.120, 321.121, and 321.122,
28 "*registration year*" means the period of twelve consecutive
29 months beginning on the first day of the month following the
30 month in which the lease expires. For vehicles registered
31 under chapter 326, "*registration year*" means the twelve-month
32 period determined by the department pursuant to section 326.14.

33 Sec. 3. Section 321.20B, subsection 1, paragraph a, Code
34 2013, is amended to read as follows:

35 a. Notwithstanding chapter 321A, which requires certain

1 persons to maintain proof of financial responsibility, a
2 person shall not drive a motor vehicle on the highways of
3 this state unless financial liability coverage, as defined
4 in section 321.1, subsection 24B, is in effect for the motor
5 vehicle and unless the driver has in the motor vehicle the
6 proof of financial liability coverage card issued for the motor
7 vehicle, or if the vehicle is registered in another state,
8 other evidence that financial liability coverage is in effect
9 for the motor vehicle. A proof of financial liability coverage
10 card may be produced in paper or electronic format. Acceptable
11 electronic formats include electronic images displayed on a
12 cellular telephone or any other portable electronic device that
13 has a display screen with touch input or a miniature keyboard.

14 Sec. 4. Section 321.20B, subsection 2, paragraph a, Code
15 2013, is amended to read as follows:

16 a. An insurance company transacting business in this
17 state shall issue to its insured owners of motor vehicles
18 registered in this state a financial liability coverage card
19 for each motor vehicle insured. Each financial liability
20 coverage card shall identify the registration number or vehicle
21 identification number of the motor vehicle insured and shall
22 indicate the expiration date of the applicable insurance
23 coverage. The financial liability coverage card shall also
24 contain the name and address of the insurer or the name of the
25 insurer and the name and address of the insurance agency, the
26 name of the insured, and an emergency telephone number of the
27 insurer or emergency telephone number of the insurance agency.
28 An insurance company may issue a financial liability coverage
29 card in either paper format or, if requested by the insured,
30 electronic format.

31 Sec. 5. Section 321.26, subsection 3, Code 2013, is amended
32 to read as follows:

33 3. Vehieles Except for motor trucks or truck tractors
34 registered by the county treasurer pursuant to sections
35 321.120, 321.121, and 321.122, vehicles subject to registration

1 which are owned by a person other than a natural person shall
2 be registered for a registration year as determined by the
3 county treasurer.

4 Sec. 6. Section 321.106, subsection 1, Code 2013, is amended
5 to read as follows:

6 1. When a motor truck, truck tractor, or road tractor is
7 registered by the county treasurer ~~for a combined gross weight~~
8 ~~exceeding five tons~~ pursuant to section 321.120, 321.121, or
9 321.122 and there is no delinquency and the registration is
10 made in February or succeeding months through November, the
11 annual registration fee shall be prorated for the remaining
12 unexpired months of the registration year. A fee shall not be
13 required for the month of December for a vehicle registered
14 on a calendar year basis on which there is no delinquency.
15 However, when such a vehicle is registered in November, the
16 vehicle may be registered for the remaining unexpired months of
17 the registration year or for the remaining unexpired months of
18 the registration year and for the next registration year, upon
19 payment of the applicable registration fees.

20 Sec. 7. Section 321.134, subsections 2 and 3, Code 2013, are
21 amended to read as follows:

22 2. The annual registration fee for trucks, truck tractors,
23 and road tractors registered by the county treasurer, as
24 provided in sections 321.120, 321.121, and 321.122, may be
25 payable in two equal semiannual installments if the annual
26 registration fee exceeds the annual registration fee for a
27 vehicle with a gross weight exceeding five tons. The penalties
28 provided in subsection 1 shall be computed on the amount of
29 the first installment only and on the first day of the seventh
30 month of the registration period the same rate of penalty shall
31 apply to the second installment, until the fee is paid.

32 3. If a penalty applies to an annual vehicle registration
33 fee provided for in sections 321.120, 321.121, and 321.122,
34 the same penalty shall be assessed on the fees collected to
35 increase the registered gross weight of the vehicle, if the

1 increased gross weight is requested within forty-five days from
2 the date the delinquent vehicle is registered for the current
3 registration period.

4 Sec. 8. Section 321.208, subsection 6, unnumbered paragraph
5 1, Code 2013, is amended to read as follows:

6 A person is disqualified from operating a commercial motor
7 vehicle if the person receives convictions for committing
8 within any three-year period two or more of the following
9 offenses while operating a commercial motor vehicle, or
10 while operating a noncommercial motor vehicle and holding
11 a commercial driver's license if the convictions result in
12 the revocation, cancellation, or suspension of the person's
13 commercial driver's license or noncommercial motor vehicle
14 driving privileges:

15 Sec. 9. Section 321.208, subsection 6, Code 2013, is amended
16 by adding the following new paragraphs:

17 NEW PARAGRAPH. *i.* Violating a state or local law or
18 ordinance on motor vehicle traffic control prohibiting texting
19 while driving a commercial motor vehicle.

20 NEW PARAGRAPH. *j.* Violating a state or local law or
21 ordinance on motor vehicle traffic control restricting or
22 prohibiting the use of a hand-held mobile telephone while
23 driving a commercial motor vehicle.

24 Sec. 10. Section 321.466, subsection 1, Code 2013, is
25 amended by striking the subsection.

26 Sec. 11. Section 321.466, subsection 2, Code 2013, is
27 amended to read as follows:

28 ~~2. During or after the seventh month of a current~~
29 ~~registration year, the~~ The owner of a motor truck, truck
30 tractor, or road tractor, if the owner's operation has not
31 resulted in a conviction or action pending under this section,
32 may increase the gross weight registration of the vehicle to
33 a higher gross weight registration by payment of one-twelfth
34 of the difference between the annual fee for the higher gross
35 weight and the amount of the fee for the gross weight at

1 which the vehicle is registered, multiplied by the number of
2 unexpired months of the registration year. If the owner's
3 operation has resulted in a conviction or action pending under
4 this section, any increase in the gross weight registration
5 shall be obtained by payment of the difference between the
6 annual fee for the higher gross weight and the amount of the
7 fee for the gross weight at which the vehicle is registered.

8 Sec. 12. Section 321J.17, subsections 1 and 3, Code 2013,
9 are amended to read as follows:

10 1. If the department revokes a person's driver's license
11 or nonresident operating privilege under this chapter, the
12 department shall assess the person a civil penalty of two
13 hundred dollars. The money collected by the department under
14 this section shall be transmitted to the treasurer of state
15 who shall deposit one-half of the money in the separate fund
16 established in section 915.94 and one-half of the money in the
17 general fund of the state. A temporary restricted license
18 shall not be issued unless an ignition interlock device has
19 been installed pursuant to section 321J.4. ~~A driver's license~~
20 ~~or nonresident operating privilege shall not be reinstated~~
21 ~~unless proof of deinstallation of an ignition interlock device~~
22 ~~installed pursuant to section 321J.4 has been submitted to~~
23 ~~the department.~~ Except as provided in section 321.210B, a
24 temporary restricted license shall not be issued or a driver's
25 license or nonresident operating privilege reinstated until
26 the civil penalty has been paid. A person assessed a penalty
27 under this section may remit the civil penalty along with a
28 processing fee of five dollars to a county treasurer authorized
29 to issue driver's licenses under chapter 321M, or the civil
30 penalty may be paid directly to the department.

31 3. The department shall also require certification of
32 installation of an ignition interlock device of a type approved
33 by the commissioner of public safety on all motor vehicles
34 owned or operated by any person seeking reinstatement following
35 a second or subsequent revocation under section 321J.4, 321J.9,

1 or 321J.12, ~~unless such a person has previously received a~~
 2 ~~temporary restricted license during the term of the revocation~~
 3 ~~as authorized by this chapter.~~ The requirement for the
 4 installation of an approved ignition interlock device shall be
 5 for one year from the date of reinstatement unless a ~~different~~
 6 longer time period is required by statute. The one-year
 7 period a person is required to maintain an ignition interlock
 8 device under this subsection shall be reduced by any period
 9 of time the person held a valid temporary restricted license
 10 during the revocation for the occurrence from which the arrest
 11 arose. The person shall not operate any motor vehicle which
 12 is not equipped with an approved ignition interlock device
 13 during the period in which an ignition interlock device must be
 14 maintained, and the department shall not grant reinstatement
 15 unless the person certifies installation of an ignition
 16 interlock device as required in this subsection.

17 Sec. 13. Section 321J.20, subsection 1, paragraph d, Code
 18 2013, is amended to read as follows:

19 *d.* Following the applicable minimum period of ineligibility,
 20 a temporary restricted license under this subsection shall
 21 not be issued until the applicant installs an ignition
 22 interlock device of a type approved by the commissioner of
 23 public safety on all motor vehicles owned or operated by the
 24 applicant in accordance with section 321J.2, 321J.4, 321J.9,
 25 or 321J.12. Installation of an ignition interlock device
 26 under this subsection shall be required for the period of time
 27 for which the temporary restricted license is issued and for
 28 such additional period of time following reinstatement as is
 29 required under section 321J.17, subsection 3.

30 Sec. 14. Section 321J.20, subsection 2, Code 2013, is
 31 amended to read as follows:

32 2. *a.* Notwithstanding section 321.560, the department may,
 33 on application, and upon the expiration of the minimum period
 34 of ineligibility for a temporary restricted license provided
 35 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a

1 temporary restricted license to a person whose noncommercial
 2 driver's license has either been revoked under this chapter, or
 3 revoked or suspended under chapter 321 solely for violations
 4 of this chapter, or who has been determined to be a habitual
 5 offender under chapter 321 based solely on violations of this
 6 chapter or on violations listed in section 321.560, subsection
 7 1, paragraph "b", and who is not eligible for a temporary
 8 restricted license under subsection 1. However, the department
 9 may not issue a temporary restricted license under this
 10 subsection for a violation of section 321J.2A or to a person
 11 under the age of twenty-one whose license is revoked under
 12 section 321J.4, 321J.9, or 321J.12. A temporary restricted
 13 license issued under this subsection may allow the person to
 14 drive to and from the person's home and specified places at
 15 specified times which can be verified by the department and
 16 which are required by the person's full-time or part-time
 17 employment; continuing education while enrolled in an
 18 educational institution on a part-time or full-time basis and
 19 while pursuing a course of study leading to a diploma, degree,
 20 or other certification of successful educational completion;
 21 or substance abuse treatment.

22 ~~b. Notwithstanding paragraph "a", a temporary restricted~~
 23 ~~license issued to a person whose noncommercial driver's license~~
 24 ~~has been revoked under section 321J.4, subsection 2, section~~
 25 ~~321J.9, subsection 1, paragraph "b", or section 321J.12,~~
 26 ~~subsection 1, paragraph "b", shall provide for but not exceed~~
 27 ~~the uses permitted by 23 U.S.C. § 164. This restriction~~
 28 ~~applies only during the first three hundred sixty-five days of~~
 29 ~~the person's revocation.~~

30 ~~e.~~ b. A temporary restricted license issued under this
 31 subsection shall be conditioned upon the installation of not
 32 be issued until the applicant installs an approved ignition
 33 interlock device on all motor vehicles owned or operated by
 34 the person applicant. Installation of an ignition interlock
 35 device under this subsection shall be required for the period

1 of time for which the temporary restricted license is issued,
2 and for such additional period of time following reinstatement
3 as is required under section 321J.17, subsection 3. However,
4 a person whose driver's license or nonresident operating
5 privilege has been revoked under section 321J.21 may apply to
6 the department for a temporary restricted license without the
7 requirement of an ignition interlock device if at least twelve
8 years have elapsed since the end of the underlying revocation
9 period for a violation of section 321J.2.

10 Sec. 15. Section 321M.9, subsection 4, Code 2013, is amended
11 by striking the subsection.

12 Sec. 16. REPEAL. 1984 Iowa Acts, chapter 1229, section 2,
13 is repealed.

14 EXPLANATION

15 This bill contains provisions relating to a variety of
16 matters administered by the department of transportation.

17 The bill amends Code section 22.7 to provide that personal
18 information contained on electronic driver's license or
19 nonoperator's identification card records that is provided by
20 the licensee or card holder for use by certain law enforcement
21 and medical personnel responding to or assisting with an
22 emergency constitutes a confidential record.

23 The bill provides that a proof of financial liability
24 coverage card required to be carried in a motor vehicle may
25 be produced in paper or electronic format. An electronic
26 image displayed on the screen of a cellular telephone or other
27 portable electronic device with a touch screen or miniature
28 keyboard is an acceptable electronic format. The bill allows
29 insurance companies to issue a financial liability coverage
30 card in paper format or, at the request of the insured, in
31 electronic format.

32 Under current law, commercial vehicles operated in
33 interstate commerce are registered by the department on a
34 staggered schedule for registration years determined by the
35 department. The bill amends the definition of "registration

1 year" in Code section 321.1 and related provisions in Code
2 sections 321.26 and 321.106 to permit staggered registration,
3 at the option of the owner, for any motor truck registered for
4 six tons or more. Code section 321.134 is amended to include
5 business-trade trucks in provisions allowing for semiannual
6 payment of registration fees.

7 Under current law, a person is disqualified from operating
8 a commercial motor vehicle if the person has two or more
9 convictions within a three-year period for certain specified
10 offenses committed while operating a commercial motor vehicle,
11 or committed while operating a noncommercial motor vehicle and
12 holding a commercial driver's license if the convictions result
13 in a sanction of the person's driving privileges. Code section
14 321.208 is amended to add texting and using a hand-held mobile
15 telephone in violation of a state or local law while operating
16 a commercial motor vehicle to that list of specified offenses.

17 Currently, the owner of a vehicle may increase the gross
18 weight registration of a vehicle by paying the difference
19 between the fee for the higher gross weight and the fee for the
20 gross weight for which the vehicle is registered. Beginning
21 in the seventh month of a registration year, the gross weight
22 registration fee is determined by prorating the difference in
23 the fee for the remaining months. Under the bill, proration
24 of the fee applies at any time in the registration year
25 that the owner applies for an increased weight registration.
26 However, if the owner has a conviction or action pending for
27 a weight registration violation, the fee for increased weight
28 registration is the difference between the annual fee for the
29 higher gross weight and the fee for the gross weight at which
30 the vehicle is registered.

31 Under current law, a person whose driver's license is
32 revoked upon conviction of a second offense of operating while
33 intoxicated may apply for a temporary restricted license 45
34 days after the effective date of revocation if the person
35 submitted to chemical testing, and 90 days after revocation

1 if the person refused testing. The issuance of a temporary
2 restricted license is conditioned upon the installation of
3 an ignition interlock device on all motor vehicles owned
4 or operated by the person. At the end of the period of
5 revocation, an ignition interlock device is required for a
6 period of one year, unless a different period is required
7 by statute; however, an ignition interlock device is not
8 required for reinstatement if the person had a temporary
9 restricted license during the revocation period. The bill
10 amends Code sections 321J.17 and 321J.20 to provide that a
11 person is required to maintain an ignition interlock device
12 for one year or longer following reinstatement. The one-year
13 period is reduced by any period of time the person held a
14 valid temporary restricted license during the revocation
15 for the occurrence from which the arrest arose. A person
16 is prohibited from operating any motor vehicle not equipped
17 with an ignition interlock device during the period in which
18 a device is required to be maintained, and a person must
19 certify installation of an ignition interlock device before
20 the department can grant reinstatement. The bill also strikes
21 a provision in current law that ties the permissible use of
22 certain temporary restricted licenses to uses permitted under
23 federal law. Finally, the bill strikes the current requirement
24 that a person who was issued a temporary restricted license
25 must submit proof of deinstallation of an ignition interlock
26 device as a condition for reinstatement of a full driver's
27 license.

28 The bill strikes a provision in Code section 321M.9
29 requiring the auditor of state to conduct periodic studies of
30 the county driver's license issuance program.

31 The bill repeals a provision in 1984 Acts, chapter 1229,
32 that linked the contingent repeal of Code section 314.14, as it
33 existed at that time, to the repeal or expiration of a federal
34 statute relating to set-aside contracts for disadvantaged
35 business enterprises. Due to subsequent substantive amendments

1 to the Code section, the contingent repeal provision is no
2 longer relevant.