

House File 2437 - Introduced

HOUSE FILE 2437

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2383)

(SUCCESSOR TO HSB 615)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, providing fees, and making penalties
3 applicable.

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

1 DIVISION I
2 AUTOCYCLES

3 Section 1. Section 321.1, Code 2016, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 06A. "*Autocycle*" means a motor vehicle
6 with two front wheels and one rear wheel, a steering wheel,
7 one or more permanent seats that do not require the operator
8 or a passenger to straddle or sit astride a seat, and foot
9 pedals that control the brakes, acceleration, and clutch, where
10 applicable. An autocycle is not a motorcycle or a motorized
11 bicycle.

12 Sec. 2. Section 321.34, subsection 1, Code 2016, is amended
13 to read as follows:

14 1. *Plates issued.* The county treasurer upon receiving
15 application, accompanied by proper fee, for registration of a
16 vehicle shall issue to the owner one registration plate for
17 a motorcycle, motorized bicycle, autocycle, truck tractor,
18 trailer, or semitrailer and two registration plates for every
19 other motor vehicle. The registration plates, including
20 special registration plates, shall be assigned to the owner of
21 a vehicle. When the owner of a registered vehicle transfers or
22 assigns ownership of the vehicle to another person, the owner
23 shall remove the registration plates from the vehicle. The
24 owner shall forward the plates to the county treasurer where
25 the vehicle is registered or the owner may have the plates
26 assigned to another vehicle within thirty days after transfer,
27 upon payment of the fees required by law. The owner shall
28 immediately affix registration plates retained by the owner to
29 another vehicle owned or acquired by the owner, providing the
30 owner complies with [section 321.46](#). The department shall adopt
31 rules providing for the assignment of registration plates to
32 the transferee of a vehicle for which a credit is allowed under
33 section 321.46, subsection 6.

34 Sec. 3. Section 321.37, subsection 1, Code 2016, is amended
35 to read as follows:

1 1. Registration plates issued for a motor vehicle other
2 than a an autocycle, motorcycle, motorized bicycle, or a truck
3 tractor shall be attached to the motor vehicle, one in the
4 front and the other in the rear. The registration plate issued
5 for a an autocycle, motorcycle, or other vehicle required to
6 be registered hereunder shall be attached to the rear of the
7 vehicle. The registration plate issued for a truck tractor
8 shall be attached to the front of the truck tractor. The
9 special plate issued to a dealer shall be attached on the rear
10 of the vehicle when operated on the highways of this state.

11 Sec. 4. Section 321.109, subsection 3, Code 2016, is amended
12 to read as follows:

13 3. The owner of an unregistered motor vehicle or motor
14 vehicle for which the registration is delinquent may make
15 application to the county treasurer of the county of residence
16 or, if the unregistered or delinquent motor vehicle is
17 purchased by a nonresident of the state, to the county
18 treasurer in the county of purchase, for a temporary thirty-day
19 permit for a fee of twenty-five dollars. The permit shall
20 authorize the motor vehicle to be driven or towed upon the
21 highway, but shall not authorize a motor truck or truck tractor
22 to haul or tow a load. The permit fee shall not be considered
23 a registration fee or exempt the owner from payment of all
24 other fees, registration fees, and penalties due. If the
25 annual registration fee for the motor vehicle is delinquent,
26 the annual registration fee and penalty shall continue to
27 accrue until paid. The permit fee shall not be prorated,
28 refunded, or used as credit as provided under [section 321.46](#).
29 The permit shall be displayed in the upper left-hand corner of
30 the rear window of all motor vehicles, except motorcycles and
31 autocycles. Permits issued for a motorcycle or autocycle shall
32 be attached to the rear of the motorcycle or autocycle.

33 Sec. 5. Section 321.166, subsections 1, 3, and 4, Code 2016,
34 are amended to read as follows:

35 1. a. Registration plates shall be of metal and of a size

1 not to exceed six inches by twelve inches, except that the size
2 of plates issued for use on autocycles, motorized bicycles,
3 motorcycles, motorcycle trailers, and trailers with an empty
4 weight of two thousand pounds or less shall be established by
5 the department.

6 b. Trailers with empty weights of two thousand pounds or
7 less may, upon request, be licensed with regular-sized license
8 plates.

9 3. The registration plate number shall be displayed in
10 characters which shall not exceed a height of four inches nor a
11 stroke width exceeding five-eighths of an inch. Special plates
12 issued to dealers shall display the alphabetical character
13 "D", which shall be of the same size as the characters in the
14 registration plate. The registration plate number issued for
15 autocycles, motorized bicycles, motorcycles, trailers with an
16 empty weight of two thousand pounds or less, and motorcycle
17 trailers shall be a size prescribed by the department.

18 4. The registration plate number, except on autocycles,
19 motorized bicycles, motorcycles, motorcycle trailers, and
20 trailers with an empty weight of two thousand pounds or less,
21 shall be of sufficient size to be readable from a distance of
22 one hundred feet during daylight.

23 DIVISION II

24 REPAIRED SALVAGE MOTOR VEHICLES

25 Sec. 6. Section 321.24, subsection 5, Code 2016, is amended
26 to read as follows:

27 5. If the prior certificate of title is from another state
28 and indicates that the vehicle was junked, an Iowa junking
29 certificate shall be issued according to section 321.52,
30 subsections 2 and 3. If the prior certificate of title
31 from another state indicates that the vehicle is salvaged
32 and not rebuilt or is a salvage certificate of title, an
33 Iowa salvage certificate of title shall be issued and a
34 "SALVAGE" designation shall be retained on all subsequent
35 Iowa certificates of title and registration receipts for

1 the vehicle, ~~except~~ unless the owner has surrendered the
2 prior certificate of title and a salvage theft examination
3 certificate, as provided under section 321.52, subsection 4,
4 paragraph "b", and the salvage theft examination certificate
5 was properly executed within thirty days of the date the owner
6 was assigned the prior certificate of title. The department
7 may require that subsequent Iowa certificates of title retain
8 other states' designations which indicate that a vehicle had
9 incurred prior damage. The department shall determine the
10 manner in which other states' rebuilt, salvage, or other
11 designations are to be indicated on Iowa titles.

12 Sec. 7. Section 321.52, subsection 4, paragraph c, Code
13 2016, is amended to read as follows:

14 c. A salvage theft examination shall be made by a peace
15 officer who has been specially certified and recertified when
16 required by the Iowa law enforcement academy to do salvage
17 theft examinations. The Iowa law enforcement academy shall
18 determine standards for training and certification, conduct
19 training, and may approve alternative training programs
20 which satisfy the academy's standards for training and
21 certification. The owner of the salvage vehicle shall make
22 the vehicle available for examination at a time and location
23 designated by the peace officer doing the examination. The
24 owner may obtain a permit to drive the vehicle to and from the
25 examination location by submitting a repair affidavit to the
26 agency performing the examination stating that the vehicle is
27 reasonably safe for operation and listing the repairs which
28 have been made to the vehicle. The owner must be present
29 for the examination and have available for inspection the
30 salvage title, bills of sale for all essential parts changed,
31 if applicable, and the repair affidavit. The examination
32 shall be for the purposes of determining whether the vehicle
33 or repair components have been stolen. The examination is not
34 a safety inspection and a signed salvage theft examination
35 certificate shall not be construed by any court of law to

1 be a certification that the vehicle is safe to be operated.
2 There shall be no cause of action against the peace officer
3 or the agency conducting the examination or the county
4 treasurer for failure to discover or note safety defects. If
5 the vehicle passes the theft examination, the peace officer
6 shall indicate that the vehicle passed examination on the
7 salvage theft examination certificate. The permit and salvage
8 theft examination certificate shall be on controlled forms
9 prescribed and furnished by the department. The owner shall
10 pay a fee of ~~thirty~~ fifty dollars ~~upon completion of~~ at the
11 time the examination is scheduled. The agency performing the
12 examinations shall retain ~~twenty~~ forty dollars of the fee and
13 shall pay five dollars of the fee to the department and five
14 dollars of the fee to the treasurer of state for deposit in the
15 general fund of the state. Moneys deposited to the general
16 fund under this paragraph are subject to the requirements of
17 section 8.60 and shall be used by the Iowa law enforcement
18 academy to provide for the special training, certification, and
19 recertification of officers as required by [this subsection](#).

20 DIVISION III

21 SPECIAL MINOR'S DRIVER'S LICENSES

22 Sec. 8. Section 321.194, subsection 1, paragraph a,
23 subparagraph (2), Code 2016, is amended to read as follows:

24 (2) During the hours of 5:00 a.m. to 10:00 p.m. over
25 the most direct and accessible route between the licensee's
26 residence or school of enrollment and a school that is not
27 the student's licensee's school of enrollment, but is within
28 or contiguous to the licensee's district of residence, for
29 the purpose of participating in extracurricular activities
30 conducted under a sharing agreement with the student's school
31 of enrollment.

32 DIVISION IV

33 OVERSIZE AND OVERWEIGHT MOTOR VEHICLES

34 Sec. 9. Section 321E.7, subsection 1, Code 2016, is amended
35 by adding the following new paragraph:

1 NEW PARAGRAPH. e. Vehicles operating under a permit issued
2 pursuant to section 321E.8, 321E.9, or 321E.9A may have a gross
3 weight not to exceed forty-six thousand pounds on a single
4 tandem axle of the truck tractor and a gross weight not to
5 exceed forty-six thousand pounds on a single tandem axle of the
6 trailer or semitrailer if each axle of each tandem group has at
7 least four tires.

8 DIVISION V
9 AIRCRAFT

10 Sec. 10. Section 328.24, subsection 1, Code 2016, is amended
11 to read as follows:

12 1. If, during the year for which an aircraft, except
13 ~~nonresident~~ aircraft used for the application of herbicides
14 and pesticides, was registered and the required fee paid, the
15 aircraft is destroyed by fire or accident or junked, and its
16 identity as an aircraft entirely eliminated, or the aircraft
17 is removed and continuously used beyond the boundaries of the
18 state, then the owner in whose name it was registered at the
19 time of destruction, dismantling, or removal from the state
20 shall return the certificate of registration to the department
21 within thirty days and make affidavit of the destruction,
22 dismantling, or removal and make claim for the refund. The
23 refund shall be paid from the general fund of the state.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 DIVISION I — AUTOCYCLES. The bill defines an autocycle
28 as a motor vehicle with two front wheels and one rear wheel,
29 a steering wheel, one or more permanent seats that do not
30 require the operator or a passenger to straddle or sit astride
31 a seat, and foot pedals that control the brakes, acceleration,
32 and clutch. An autocycle is not a motorcycle or a motorized
33 bicycle. Under the bill, autocycles are treated as motor
34 vehicles under the Code, except an autocycle is issued and
35 required to display one registration plate of a size determined

1 by the department of transportation on the rear of the
2 autocycle and is required to display a temporary registration
3 permit on the rear of the autocycle where applicable.

4 DIVISION II — REPAIRED SALVAGE MOTOR VEHICLES. Current
5 law requires the owner of a repaired vehicle with a salvage
6 certificate of title from another state to apply for and be
7 issued an Iowa salvage certificate of title before the owner
8 may apply for and be issued an Iowa certificate of title
9 indicating the repaired vehicle was previously titled as
10 salvage. The bill allows the owner of a repaired vehicle to
11 obtain an Iowa certificate of title indicating the repaired
12 vehicle was previously titled as salvage by surrendering the
13 foreign salvage certificate of title and a salvage theft
14 examination certificate properly executed within 30 days of the
15 date the owner was assigned the foreign certificate of title.

16 Under current law, the \$30 fee for a salvage theft
17 examination is due upon completion of the examination. The
18 bill increases the fee to \$50 and requires the fee to be paid at
19 the time the examination is scheduled.

20 DIVISION III — SPECIAL MINOR'S DRIVER'S LICENSES. Under
21 current law, a special minor's driver's license entitles the
22 licensee to travel between the licensee's residence or school
23 of enrollment and a school that is not the licensee's school of
24 enrollment for the purpose of participating in extracurricular
25 activities. The bill requires the school that is not the
26 licensee's school of enrollment to be within or contiguous to
27 the licensee's district of residence.

28 DIVISION IV — OVERSIZE AND OVERWEIGHT MOTOR VEHICLES.
29 Current law limits the weight of a vehicle operating under a
30 permit related to excessive size and weight to 20,000 pounds
31 per axle, or 40,000 pounds per tandem axle. The bill allows
32 such vehicles to have a weight of 46,000 pounds on a single
33 tandem axle of the truck tractor and 46,000 pounds on a single
34 tandem axle of the trailer or semitrailer if each axle of each
35 tandem group has at least four tires.

1 DIVISION V — AIRCRAFT. Under current law, the owner of an
2 aircraft may receive a registration refund if the aircraft is
3 destroyed by fire or accident or junked, and its identity as an
4 aircraft entirely eliminated, or the aircraft is removed and
5 continuously used beyond the boundaries of the state. However,
6 nonresident owners of aircraft used for the application of
7 herbicides and pesticides are prohibited from receiving a
8 refund. The bill prohibits all owners of aircraft used for
9 the application of herbicides and pesticides from receiving a
10 refund.