

House Study Bill 632 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BYRNES)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
AUTOCYCLES

Section 1. Section 321.1, subsection 40, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* "Autocycle" means a motorcycle with two front wheels and one rear wheel, a steering wheel, one or more permanent seats that do not require the operator or a passenger to straddle or sit astride a seat, and foot pedals that control the brakes, acceleration, and clutch, where applicable.

Sec. 2. Section 321.180, subsection 1, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) However, if the permittee is operating a motorcycle that is not an autocycle with two or more seats in accordance with [this section](#) or [section 321.180B](#), the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

Sec. 3. Section 321.180B, subsection 1, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) If the permittee is operating a motorcycle that is not an autocycle with two or more seats in accordance with this section, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

Sec. 4. Section 321.189, subsection 1, paragraph a, subparagraphs (3) and (5), Code 2016, are amended to read as follows:

(3) Class C — Valid for the operation of a vehicle, other than a motorcycle that is not an autocycle, or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided the towing vehicle has a gross vehicle weight rating of less than twenty-six thousand

1 one pounds and each towed vehicle has a gross vehicle weight
2 rating of less than ten thousand one pounds, or a combination
3 of vehicles with a gross vehicle weight rating or gross
4 combination weight rating of less than twenty-six thousand
5 one pounds, and also valid for the operation of any vehicle,
6 other than a motorcycle that is not an autocycle, for which
7 the operator is exempt from commercial driver's license
8 requirements under section 321.176A, and also valid for the
9 operation of an autocycle.

10 (5) Class M — Valid for the operation of a motorcycle that
11 is not an autocycle.

12 Sec. 5. Section 321.191, subsection 5, Code 2016, is amended
13 to read as follows:

14 5. *Licenses valid for motorcycles.* An additional fee of two
15 dollars per year of license validity is required to issue a
16 license valid to operate a motorcycle that is not an autocycle.

17 Sec. 6. Section 321.275, subsection 2, paragraph b, Code
18 2016, is amended to read as follows:

19 *b. Motorcycles.* A person shall not operate or ride
20 a motorcycle on the highways with another person on the
21 motorcycle unless the motorcycle is designed to carry more than
22 one person. ~~The~~ If the motorcycle is not an autocycle, the
23 additional passenger may ride upon the motorcycle's permanent
24 and regular seat if the seat is designed for two persons, or
25 upon another seat firmly attached to the motorcycle at the
26 rear of the operator. If the motorcycle is an autocycle, the
27 passenger may ride in a permanent and regular seat within
28 the autocycle designed for a passenger. ~~The~~ A motorcycle
29 that is not an autocycle shall be equipped with footrests for
30 the passenger unless the passenger is riding in a sidecar or
31 enclosed cab. The motorcycle operator shall not carry any
32 person nor shall any other person ride in a position that will
33 interfere with the operation or control of the motorcycle or
34 the view of the operator.

35 Sec. 7. Section 321.275, subsections 3, 5, and 6, Code 2016,

1 are amended to read as follows:

2 3. *Sitting position.* A person operating a motorcycle or
3 motorized bicycle shall ride only upon the vehicle's permanent
4 and regular attached seat. Every person riding upon ~~the~~
5 vehicle a motorcycle that is not an autocycle shall be sitting
6 astride the seat, facing forward with one leg on either side
7 of the vehicle.

8 5. *Headlights on.* A person shall not operate a 1977
9 or later model year motorcycle that is not an autocycle or
10 any model year motorized bicycle upon the highways without
11 displaying at least one lighted headlamp of the type described
12 in [section 321.409](#). A person shall not operate any model year
13 autocycle upon the highways without displaying at least two
14 lighted headlamps of the type described in section 321.409.
15 However, [this subsection](#) is subject to the exceptions with
16 respect to parked vehicles as provided in [this chapter](#).

17 6. *Packages.* The operator of a ~~motorcycle~~ or motorized
18 bicycle or motorcycle that is not an autocycle shall not carry
19 any package, bundle, or other article which prevents the
20 operator from keeping both hands on the handlebars.

21 Sec. 8. Section 321.385, Code 2016, is amended to read as
22 follows:

23 **321.385 Headlamps on motor vehicles.**

24 Every motor vehicle other than a ~~motorcycle~~ or motorized
25 bicycle or motorcycle that is not an autocycle shall be
26 equipped with at least two headlamps with at least one on each
27 side of the front of the motor vehicle, which headlamps shall
28 comply with the requirements and limitations set forth in this
29 chapter.

30 Sec. 9. Section 321.386, Code 2016, is amended to read as
31 follows:

32 **321.386 Headlamps on motorcycles and motorized bicycles.**

33 Every ~~motorcycle~~ and motorized bicycle and motorcycle
34 that is not an autocycle shall be equipped with at least one
35 and not more than two headlamps which shall comply with the

1 requirements and limitations of [this chapter](#).

2 Sec. 10. Section 321.409, subsection 1, unnumbered
3 paragraph 1, Code 2016, is amended to read as follows:

4 Except as hereinafter provided, the headlamps or the
5 auxiliary driving lamp or the auxiliary passing lamp or
6 combination thereof on motor vehicles other than ~~motorcycles~~
7 ~~or~~ motorized bicycles or motorcycles that are not autocycles
8 shall be so arranged that the driver may select at will between
9 distributions of light projected to different elevations and
10 the lamps may, in addition, be so arranged that selection can
11 be made automatically, subject to the following limitations:

12 Sec. 11. Section 321.409, subsection 2, Code 2016, is
13 amended to read as follows:

14 2. Every new motor vehicle, other than a ~~motorcycle or~~
15 motorized bicycle or motorcycle that is not an autocycle, which
16 has multiple-beam road-lighting equipment shall be equipped
17 with a beam indicator, which shall be lighted whenever the
18 uppermost distribution of light from the headlamps is in use,
19 and shall not otherwise be lighted. The indicator shall be
20 so designed and located that when lighted it will be readily
21 visible without glare to the driver of the vehicle.

22 Sec. 12. Section 321.415, subsection 2, Code 2016, is
23 amended to read as follows:

24 2. The provisions of [subsection 1](#), paragraphs "a" and
25 "b", do not apply to ~~motorcycles or~~ motorized bicycles or
26 motorcycles that are not autocycles being operated between
27 sunrise and sunset.

28 Sec. 13. Section 321.430, subsections 1 and 2, Code 2016,
29 are amended to read as follows:

30 1. Every motor vehicle, other than a ~~motorcycle, or~~
31 motorized bicycle or motorcycle that is not an autocycle, when
32 operated upon a highway shall be equipped with brakes adequate
33 to control the movement of and to stop and hold such vehicle,
34 including two separate means of applying the brakes, each of
35 which means shall be effective to apply the brakes to at least

1 two wheels. If these two separate means of applying the brakes
2 are connected in any way, they shall be so constructed that
3 failure of any one part of the operating mechanism shall not
4 leave the motor vehicle without brakes on at least two wheels.

5 2. Every ~~motorcycle~~ and motorized bicycle and motorcycle
6 that is not an autocycle, when operated upon a highway, shall
7 be equipped with at least one brake, which may be operated by
8 hand or foot.

9 Sec. 14. Section 321.430, subsection 4, paragraph a, Code
10 2016, is amended to read as follows:

11 a. Any ~~motorcycle~~ or motorized bicycle or motorcycle that is
12 not an autocycle.

13 Sec. 15. Section 321.445, subsection 1, Code 2016, is
14 amended to read as follows:

15 1. Except for ~~motorcycles~~ or motorized bicycles or
16 motorcycles that are not autocycles, 1966 model year or
17 newer motor vehicles subject to registration in Iowa shall be
18 equipped with safety belts and safety harnesses which conform
19 with federal motor vehicle safety standard numbers 209 and 210
20 as published in 49 C.F.R. §571.209 - 571.210 and with prior
21 federal motor vehicle safety standards for seat belt assemblies
22 and seat belt assembly anchorages applicable for the motor
23 vehicle's model year.

24 Sec. 16. Section 321.445, subsection 2, paragraph a, Code
25 2016, is amended to read as follows:

26 a. The driver and front seat occupants of a type of motor
27 vehicle that is subject to registration in Iowa, except a
28 ~~motorcycle~~ or a motorized bicycle or motorcycle that is not an
29 autocycle, shall each wear a properly adjusted and fastened
30 safety belt or safety harness any time the vehicle is in
31 forward motion on a street or highway in this state except
32 that a child under eighteen years of age shall be secured as
33 required under [section 321.446](#).

34 Sec. 17. Section 321.446, subsections 1 and 2, Code 2016,
35 are amended to read as follows:

1 1. *a.* A child under one year of age and weighing less
2 than twenty pounds who is being transported in a motor vehicle
3 subject to registration, except a school bus or motorcycle
4 that is not an autocycle, shall be secured during transit in a
5 rear-facing child restraint system that is used in accordance
6 with the manufacturer's instructions.

7 *b.* A child under six years of age who does not meet the
8 description in paragraph "a" and who is being transported in a
9 motor vehicle subject to registration, except a school bus or a
10 motorcycle that is not an autocycle, shall be secured during
11 transit by a child restraint system that is used in accordance
12 with the manufacturer's instructions.

13 2. A child at least six years of age but under eighteen
14 years of age who is being transported in a motor vehicle
15 subject to registration, except a school bus or a motorcycle
16 that is not an autocycle, shall be secured during transit by
17 a child restraint system that is used in accordance with the
18 manufacturer's instructions or by a safety belt or safety
19 harness of a type approved under [section 321.445](#).

20 Sec. 18. Section 322D.1, subsection 7, Code 2016, is amended
21 by striking the subsection and inserting in lieu thereof the
22 following:

23 7. "*Motorcycle*" means a motorcycle, including an autocycle,
24 as those terms are defined in section 321.1. "*Motorcycle*" does
25 not include an all-terrain vehicle.

26 DIVISION II

27 REPAIRED SALVAGE MOTOR VEHICLES

28 Sec. 19. Section 321.24, subsection 5, Code 2016, is amended
29 to read as follows:

30 5. If the prior certificate of title is from another state
31 and indicates that the vehicle was junked, an Iowa junking
32 certificate shall be issued according to section 321.52,
33 subsections 2 and 3. If the prior certificate of title
34 from another state indicates that the vehicle is salvaged
35 and not rebuilt or is a salvage certificate of title, an

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

15 Sec. 20. Section 321.52, subsection 4, paragraph c, Code
16 2016, is amended to read as follows:

17 c. A salvage theft examination shall be made by a peace
18 officer who has been specially certified and recertified when
19 required by the Iowa law enforcement academy to do salvage
20 theft examinations. The Iowa law enforcement academy shall
21 determine standards for training and certification, conduct
22 training, and may approve alternative training programs
23 which satisfy the academy's standards for training and
24 certification. The owner of the salvage vehicle shall make
25 the vehicle available for examination at a time and location
26 designated by the peace officer doing the examination. The
27 owner may obtain a permit to drive the vehicle to and from the
28 examination location by submitting a repair affidavit to the
29 agency performing the examination stating that the vehicle is
30 reasonably safe for operation and listing the repairs which
31 have been made to the vehicle. The owner must be present
32 for the examination and have available for inspection the
33 salvage title, bills of sale for all essential parts changed,
34 if applicable, and the repair affidavit. The examination
35 shall be for the purposes of determining whether the vehicle

1 or repair components have been stolen. The examination is not
2 a safety inspection and a signed salvage theft examination
3 certificate shall not be construed by any court of law to be a
4 certification that the vehicle is safe to be operated. There
5 shall be no cause of action against the peace officer or the
6 agency conducting the examination or the county treasurer
7 for failure to discover or note safety defects. If the
8 vehicle passes the theft examination, the peace officer shall
9 indicate that the vehicle passed examination on the salvage
10 theft examination certificate. The permit and salvage theft
11 examination certificate shall be on controlled forms prescribed
12 and furnished by the department. The owner shall pay a fee of
13 thirty dollars ~~upon completion of~~ at the time the examination
14 is scheduled. The agency performing the examinations shall
15 retain twenty dollars of the fee and shall pay five dollars
16 of the fee to the department and five dollars of the fee to
17 the treasurer of state for deposit in the general fund of
18 the state. Moneys deposited to the general fund under this
19 paragraph are subject to the requirements of [section 8.60](#) and
20 shall be used by the Iowa law enforcement academy to provide
21 for the special training, certification, and recertification of
22 officers as required by [this subsection](#).

23 DIVISION III

24 SPECIAL MINOR'S DRIVER'S LICENSES

25 Sec. 21. Section 321.194, subsection 1, paragraph a,
26 subparagraph (2), Code 2016, is amended to read as follows:

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

35 DIVISION IV

1 OVERSIZE AND OVERWEIGHT MOTOR VEHICLES

2 Sec. 22. Section 321E.7, subsection 1, Code 2016, is amended
3 by adding the following new paragraph:

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

11 DIVISION V

12 AIRCRAFT

13 Sec. 23. Section 328.24, subsection 1, Code 2016, is amended
14 to read as follows:

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

27 EXPLANATION

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

30 DIVISION I — AUTOCYCLES. This bill defines an autocycle
31 as a motorcycle with two front wheels and one rear wheel, a
32 steering wheel, one or more permanent seats that do not require
33 the operator or a passenger to straddle or sit astride a seat,
34 and foot pedals that control the brakes, acceleration, and
35 clutch. Under the bill, autocycles are treated as motorcycles

1 under the Code, including for purposes of registration and
2 display of one license plate, except that autocycles are
3 required to operate with two front headlamps, may transport
4 packages in the vehicle, must be operated under a class C
5 driver's license instead of a class M driver's license, are not
6 exempt from lighting equipment requirements, are not exempt
7 from brake requirements generally applicable to motor vehicles,
8 and are not exempt from safety belt and child restraint
9 requirements generally applicable to motor vehicles.

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

22 Under current law, the \$30 fee for a salvage theft
23 examination is due upon completion of the examination.
24 The bill requires the \$30 fee to be paid at the time the
25 examination is scheduled.

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

34 DIVISION IV — OVERSIZE AND OVERWEIGHT MOTOR VEHICLES.
35 Current law limits the weight of a vehicle operating under a

1 permit related to excessive size and weight to 20,000 pounds
2 per axle, or 40,000 pounds per tandem axle. The bill allows
3 such vehicles to have a weight of 46,000 pounds on a single
4 tandem axle of the truck tractor and 46,000 pounds on a single
5 tandem axle of the trailer or semitrailer if each axle of each
6 tandem group has at least four tires.

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