

**Senate File 2248 - Introduced**

SENATE FILE 2248

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3110)

**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:

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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  
4 be a certification that the vehicle is safe to be operated.  
5 There shall be no cause of action against the peace officer  
6 or the agency conducting the examination or the county  
7 treasurer for failure to discover or note safety defects. If  
8 the vehicle passes the theft examination, the peace officer  
9 shall indicate that the vehicle passed examination on the  
10 salvage theft examination certificate. The permit and salvage  
11 theft examination certificate shall be on controlled forms  
12 prescribed and furnished by the department. The owner shall  
13 pay a fee of ~~thirty~~ fifty dollars ~~upon completion of~~ at the  
14 time the examination is scheduled. The agency performing the  
15 examinations shall retain ~~twenty~~ forty dollars of the fee and  
16 shall pay five dollars of the fee to the department and five  
17 dollars of the fee to the treasurer of state for deposit in the  
18 general fund of the state. Moneys deposited to the general  
19 fund under this paragraph are subject to the requirements of  
20 section 8.60 and shall be used by the Iowa law enforcement  
21 academy to provide for the special training, certification, and  
22 recertification of 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. The  
24 bill increases the fee to \$50 and requires the fee to be paid at  
25 the time the 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.