

Senate File 2248 - Reprinted

SENATE FILE 2248

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3110)

(As Amended and Passed by the Senate March 9, 2016)

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 three-wheeled
6 motor vehicle originally designed with two front wheels and
7 one rear wheel, a steering wheel rather than handlebars, no
8 more than two permanent seats that do not require the operator
9 or a passenger to straddle or sit astride the vehicle, and
10 foot pedals that control the brakes, acceleration, and clutch,
11 where applicable. A motor vehicle meeting the definition of
12 "*autocycle*" is an autocycle even if the vehicle bears a vehicle
13 identification number, or is accompanied by a manufacturer's
14 certificate of origin, that identifies the vehicle as a
15 motorcycle.

16 Sec. 2. Section 321.1, subsection 40, paragraph a, Code
17 2016, is amended to read as follows:

18 a. "*Motorcycle*" means every motor vehicle having a saddle or
19 seat for the use of the rider and designed to travel on not more
20 than three wheels in contact with the ground including a motor
21 scooter but excluding a tractor, an autocycle, and a motorized
22 bicycle.

23 Sec. 3. Section 321.34, subsection 1, Code 2016, is amended
24 to read as follows:

25 1. *Plates issued.* The county treasurer upon receiving
26 application, accompanied by proper fee, for registration of a
27 vehicle shall issue to the owner one registration plate for
28 a motorcycle, motorized bicycle, autocycle, truck tractor,
29 trailer, or semitrailer and two registration plates for every
30 other motor vehicle. The registration plates, including
31 special registration plates, shall be assigned to the owner of
32 a vehicle. When the owner of a registered vehicle transfers or
33 assigns ownership of the vehicle to another person, the owner
34 shall remove the registration plates from the vehicle. The
35 owner shall forward the plates to the county treasurer where

1 the vehicle is registered or the owner may have the plates
2 assigned to another vehicle within thirty days after transfer,
3 upon payment of the fees required by law. The owner shall
4 immediately affix registration plates retained by the owner to
5 another vehicle owned or acquired by the owner, providing the
6 owner complies with [section 321.46](#). The department shall adopt
7 rules providing for the assignment of registration plates to
8 the transferee of a vehicle for which a credit is allowed under
9 [section 321.46](#), subsection 6.

10 Sec. 4. Section 321.34, subsection 5, paragraph a, Code
11 2016, is amended to read as follows:

12 a. Upon application and the payment of a fee of twenty-five
13 dollars, the director may issue to the owner of a motor
14 vehicle registered in this state or a trailer or travel trailer
15 registered in this state, personalized registration plates
16 marked with up to seven initials, letters, or combination
17 of numerals and letters requested by the owner. However,
18 personalized registration plates for autocycles, motorcycles,
19 and motorized bicycles shall be marked with no more than six
20 initials, letters, or combinations of numerals and letters.
21 Upon receipt of the personalized registration plates, the
22 applicant shall surrender the regular registration plates to
23 the county treasurer. The fee for issuance of the personalized
24 registration plates shall be in addition to the regular annual
25 registration fee.

26 Sec. 5. Section 321.34, subsection 8, paragraph a, Code
27 2016, is amended to read as follows:

28 a. The owner of a motor vehicle subject to registration
29 under [section 321.109, subsection 1](#), autocycle, motorcycle,
30 trailer, or motor truck who has been awarded the medal of
31 honor may, upon written application to the department, order
32 special registration plates which shall be red, white, and blue
33 in color and shall bear an emblem of the medal of honor and
34 an identifying number. Each applicant applying for special
35 registration plates under [this subsection](#) may order only

1 one set of registration plates under [this subsection](#). The
2 application is subject to approval by the department and the
3 special registration plates shall be issued at no charge to the
4 applicant in exchange for the registration plates previously
5 issued to the person. A person who is issued special plates
6 under [this subsection](#) is exempt from payment of any annual
7 registration fee for the motor vehicle bearing the special
8 plates. The department shall validate the special plates in
9 the same manner as regular registration plates are validated
10 under [this section](#). The department shall not issue special
11 registration plates until service organizations in the state
12 have furnished the department either the special dies or the
13 cost of the special dies necessary for the manufacture of the
14 special registration plate.

15 Sec. 6. Section 321.34, subsection 8A, paragraph a, Code
16 2016, is amended to read as follows:

17 *a.* The owner of a motor vehicle subject to registration
18 under [section 321.109, subsection 1, autocycle](#), motorcycle,
19 trailer, or motor truck who was a prisoner of war during a
20 time of military conflict may, upon written application to the
21 department, order only one set of special registration plates
22 with an ex-prisoner of war processed emblem. The emblem shall
23 be designed by the department in cooperation with the adjutant
24 general and shall signify that the owner was a prisoner of war
25 as described in [this subsection](#). The application is subject to
26 approval by the department, in consultation with the adjutant
27 general. The special plates shall be issued at no charge and
28 are subject to an annual registration fee of fifteen dollars.
29 The county treasurer shall validate the special plates in the
30 same manner as regular registration plates are validated under
31 this section.

32 Sec. 7. Section 321.34, subsection 11, paragraph a, Code
33 2016, is amended to read as follows:

34 *a.* Upon application and payment of the proper fees, the
35 director may issue natural resources plates to the owner of a

1 motor vehicle subject to registration under section 321.109,
2 subsection 1, autocycle, motor truck, motor home, multipurpose
3 vehicle, motorcycle, trailer, or travel trailer.

4 Sec. 8. Section 321.34, subsection 11A, paragraph a, Code
5 2016, is amended to read as follows:

6 a. Upon application and payment of the proper fees, the
7 director may issue "love our kids" plates to the owner of a
8 motor vehicle subject to registration under section 321.109,
9 subsection 1, autocycle, motor truck, motor home, multipurpose
10 vehicle, motorcycle, trailer, or travel trailer.

11 Sec. 9. Section 321.34, subsection 11B, paragraph a, Code
12 2016, is amended to read as follows:

13 a. Upon application and payment of the proper fees, the
14 director may issue "motorcycle rider education" plates to the
15 owner of a motor vehicle subject to registration under section
16 321.109, subsection 1, autocycle, motor truck, motor home,
17 multipurpose vehicle, motorcycle, trailer, or travel trailer.

18 Sec. 10. Section 321.34, subsection 12, paragraphs a and d,
19 Code 2016, are amended to read as follows:

20 a. The owner of a motor vehicle subject to registration
21 pursuant to [section 321.109, subsection 1, autocycle](#),
22 motor truck, motor home, multipurpose vehicle, motorcycle,
23 trailer, or travel trailer may, upon written application to
24 the department, order special registration plates with a
25 distinguishing processed emblem as authorized by [this section](#)
26 or as approved by the department. The fee for the issuance of
27 special registration plates is twenty-five dollars for each
28 vehicle, unless otherwise provided by [this section](#), which fee
29 is in addition to the regular annual registration fee. The
30 county treasurer shall validate special registration plates
31 with a distinguishing processed emblem in the same manner as
32 regular registration plates, upon payment of five dollars in
33 addition to the regular annual registration fee.

34 d. A special registration plate issued for a motorcycle,
35 autocycle, or motorized bicycle under [this section](#) shall be

1 designated in the manner provided for personalized registration
2 plates under [subsection 5](#), paragraph "a".

3 Sec. 11. Section 321.34, subsection 15, paragraph a, Code
4 2016, is amended to read as follows:

5 a. The owner of a motor vehicle subject to registration
6 under [section 321.109, subsection 1](#), autocycle, motorcycle,
7 trailer, or motor truck who has been awarded the legion
8 of merit shall be issued one set of special registration
9 plates with a legion of merit processed emblem, upon written
10 application to the department and presentation of satisfactory
11 proof of the award of the legion of merit as established by the
12 Congress of the United States. The emblem shall be designed
13 by the department in cooperation with the adjutant general and
14 shall signify that the owner was awarded the legion of merit.
15 The application is subject to approval by the department, in
16 consultation with the adjutant general. The special plates
17 shall be issued at no charge and are subject to an annual
18 registration fee of fifteen dollars. The county treasurer
19 shall validate the special plates in the same manner as regular
20 registration plates are validated under [this section](#).

21 Sec. 12. Section 321.37, subsections 1 and 2, Code 2016, are
22 amended to read as follows:

23 1. Registration plates issued for a motor vehicle other
24 than a an autocycle, motorcycle, motorized bicycle, or a truck
25 tractor shall be attached to the motor vehicle, one in the
26 front and the other in the rear. The registration plate issued
27 for a an autocycle, motorcycle, or other vehicle required to
28 be registered hereunder shall be attached to the rear of the
29 vehicle. The registration plate issued for a truck tractor
30 shall be attached to the front of the truck tractor. The
31 special plate issued to a dealer shall be attached on the rear
32 of the vehicle when operated on the highways of this state.

33 2. Registration plates issued for a motor vehicle which
34 is model year 1948 or older, and reconstructed or specially
35 constructed vehicles built to resemble a model year 1948

1 vehicle or older, other than a truck registered for more than
2 five tons, autocycle, motorcycle, or truck tractor, may display
3 one registration plate on the rear of the vehicle if the other
4 registration plate issued to the vehicle is carried in the
5 vehicle at all times when the vehicle is operated on a public
6 highway.

7 Sec. 13. Section 321.69, subsection 9, Code 2016, is amended
8 to read as follows:

9 9. Except for subsections 10 and 11, this section does not
10 apply to motor trucks and truck tractors with a gross vehicle
11 weight rating of sixteen thousand pounds or more, vehicles more
12 than seven model years old, autocycles, motorcycles, motorized
13 bicycles, and special mobile equipment. This section does
14 apply to motor homes. The requirement in subsection 1 that
15 the new certificate of title and registration receipt shall
16 state on the face whether a prior owner had disclosed that the
17 vehicle was damaged to the extent that it was a wrecked or
18 salvage vehicle as defined in section 321.52, subsection 4,
19 paragraph "d", does not apply to a vehicle with a certificate
20 of title bearing a designation that the vehicle was previously
21 titled on a salvage certificate of title pursuant to section
22 321.52, subsection 4, paragraph "b", or to a vehicle with
23 a certificate of title bearing a "REBUILT" or "SALVAGE"
24 designation pursuant to section 321.24, subsection 4 or 5.
25 Except for subsections 10 and 11, this section does not apply
26 to new motor vehicles with a true mileage, as defined in
27 section 321.71, of one thousand miles or less, unless such
28 vehicle has incurred damage as described in subsection 2.

29 Sec. 14. Section 321.105A, subsection 2, paragraph c,
30 subparagraph (6), Code 2016, is amended to read as follows:

31 (6) Vehicles, excluding autocycles, motorcycles, and
32 motorized bicycles, subject to registration in any state when
33 purchased for rental or registered and titled by a motor
34 vehicle dealer licensed pursuant to chapter 322 for rental use,
35 and held for rental for a period of one hundred twenty days or

1 more and actually rented for periods of sixty days or less by a
2 person regularly engaged in the business of renting vehicles,
3 including but not limited to motor vehicle dealers licensed
4 pursuant to [chapter 322](#) who rent automobiles to users, if the
5 rental of the vehicles is subject to taxation under section
6 423.2 or [chapter 423C](#).

7 Sec. 15. Section 321.109, subsection 1, paragraph a, Code
8 2016, is amended to read as follows:

9 a. The annual fee for all motor vehicles including vehicles
10 designated by manufacturers as station wagons, 1993 and
11 subsequent model year multipurpose vehicles, and 2010 and
12 subsequent model year motor trucks with an unladen weight of
13 ten thousand pounds or less, except motor trucks registered
14 under [section 321.122](#), business-trade trucks, special trucks,
15 motor homes, motorsports recreational vehicles, ambulances,
16 hearses, autocycles, motorcycles, motorized bicycles, and 1992
17 and older model year multipurpose vehicles, shall be equal
18 to one percent of the value as fixed by the department plus
19 forty cents for each one hundred pounds or fraction thereof
20 of weight of vehicle, as fixed by the department. The weight
21 of a motor vehicle, fixed by the department for registration
22 purposes, shall include the weight of a battery, heater,
23 bumpers, spare tire, and wheel. Provided, however, that for
24 any new vehicle purchased in this state by a nonresident
25 for removal to the nonresident's state of residence the
26 purchaser may make application to the county treasurer in
27 the county of purchase for a transit plate for which a fee
28 of ten dollars shall be paid. And provided, however, that
29 for any used vehicle held by a registered dealer and not
30 currently registered in this state, or for any vehicle held
31 by an individual and currently registered in this state,
32 when purchased in this state by a nonresident for removal to
33 the nonresident's state of residence, the purchaser may make
34 application to the county treasurer in the county of purchase
35 for a transit plate for which a fee of three dollars shall

1 be paid. The county treasurer shall issue a nontransferable
2 certificate of registration for which no refund shall be
3 allowed; and the transit plates shall be void thirty days
4 after issuance. Such purchaser may apply for a certificate
5 of title by surrendering the manufacturer's or importer's
6 certificate or certificate of title, duly assigned as provided
7 in [this chapter](#). In this event, the treasurer in the county
8 of purchase shall, when satisfied with the genuineness and
9 regularity of the application, and upon payment of a fee of
10 twenty dollars, issue a certificate of title in the name and
11 address of the nonresident purchaser delivering the title
12 to the owner. If there is a security interest noted on the
13 title, the county treasurer shall mail to the secured party an
14 acknowledgment of the notation of the security interest. The
15 county treasurer shall not release a security interest that
16 has been noted on a title issued to a nonresident purchaser
17 as provided in this paragraph. The application requirements
18 of [section 321.20](#) apply to a title issued as provided in this
19 subsection, except that a natural person who applies for a
20 certificate of title shall provide either the person's social
21 security number, passport number, or driver's license number,
22 whether the license was issued by this state, another state, or
23 another country. The provisions of [this subsection](#) relating to
24 multipurpose vehicles are effective for all 1993 and subsequent
25 model years. The annual registration fee for multipurpose
26 vehicles that are 1992 model years and older shall be in
27 accordance with [section 321.124](#).

28 Sec. 16. Section 321.117, Code 2016, is amended to read as
29 follows:

30 **321.117 Motorcycle, autocycle, ambulance, and hearse fees.**

31 For all motorcycles and autocycles the annual registration
32 fee shall be twenty dollars. For all motorized bicycles the
33 annual registration fee shall be seven dollars. When the
34 motorcycle or autocycle is more than five model years old,
35 the annual registration fee shall be ten dollars. The annual

1 registration fee for ambulances and hearses shall be fifty
2 dollars. Passenger car plates shall be issued for ambulances
3 and hearses.

4 Sec. 17. Section 321.166, subsections 1, 3, and 4, Code
5 2016, are amended to read as follows:

6 1. a. Registration plates shall be of metal and of a size
7 not to exceed six inches by twelve inches, except that the size
8 of plates issued for use on autocycles, motorized bicycles,
9 motorcycles, motorcycle trailers, and trailers with an empty
10 weight of two thousand pounds or less shall be established by
11 the department.

12 b. Trailers with empty weights of two thousand pounds or
13 less may, upon request, be licensed with regular-sized license
14 plates.

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

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

29 Sec. 18. Section 322.2, Code 2016, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 1A. "Autocycle" means as defined in section
32 321.1.

33 Sec. 19. Section 322.5, subsection 6, paragraph a,
34 unnumbered paragraph 1, Code 2016, is amended to read as
35 follows:

1 Upon application for and receipt of a temporary permit
2 issued by the department under [this subsection](#), a motor vehicle
3 dealer authorized to sell used motorcycles or autocycles
4 may display, offer for sale, and negotiate sales of used
5 motorcycles or autocycles at a motorcycle rally located in this
6 state that meets all of the following conditions:

7 Sec. 20. Section 322.5, subsection 6, paragraph b,
8 subparagraph (1), Code 2016, is amended to read as follows:

9 (1) The person presents the department with a current motor
10 vehicle dealer license valid for the sale of used motorcycles
11 or autocycles at retail in the person's state of residence.

12 Sec. 21. Section 322.5, subsection 6, paragraph d, Code
13 2016, is amended to read as follows:

14 *d.* A sale of a motorcycle or autocycle at a motorcycle
15 rally shall not be completed and an agreement for the sale of
16 a motorcycle or autocycle shall not be signed at a motorcycle
17 rally. All such sales shall be consummated at the motor
18 vehicle dealer's principal place of business.

19 Sec. 22. Section 322.36, Code 2016, is amended to read as
20 follows:

21 **322.36 Motorcycle and autocycle dealer business hours.**

22 A person in the business of selling motorcycles or
23 autocycles under [chapter 322D](#) is not required to maintain
24 regular business hours at the dealer's principal place of
25 business or other place of business.

26 Sec. 23. Section 322D.1, subsection 2, Code 2016, is amended
27 to read as follows:

28 2. "*Attachment*" means a machine or part of a machine
29 designed to be used on and in conjunction with a farm
30 implement, motorcycle, autocycle, all-terrain vehicle, or
31 snowmobile.

32 Sec. 24. Section 322D.1, Code 2016, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 2A. "*Autocycle*" means as defined in section
35 321.1.

1 Sec. 25. Section 322D.1, subsection 4, paragraphs b and e,
2 Code 2016, are amended to read as follows:

3 **b.** The franchisee is granted the right to offer and sell
4 farm implements, motorcycles, autocycles, all-terrain vehicles,
5 snowmobiles, or related parts or attachments manufactured or
6 distributed by the franchiser.

7 **e.** The operation of the franchisee's business is
8 substantially reliant on the franchiser for the continued
9 supply of farm implements, motorcycles, autocycles, all-terrain
10 vehicles, snowmobiles, or related parts or attachments.

11 Sec. 26. Section 322D.1, subsections 5, 6, and 7, Code 2016,
12 are amended to read as follows:

13 5. "*Franchisee*" means a person who receives farm implements,
14 motorcycles, autocycles, all-terrain vehicles, snowmobiles,
15 or related parts or attachments from the franchiser under
16 a franchise and who offers and sells the farm implements,
17 motorcycles, autocycles, all-terrain vehicles, snowmobiles, or
18 related parts or attachments to the general public.

19 6. "*Franchiser*" means a person who manufactures, wholesales,
20 or distributes farm implements, motorcycles, autocycles,
21 all-terrain vehicles, snowmobiles, or related parts or
22 attachments, and who enters into a franchise.

23 7. "*Motorcycle*" means a motor vehicle as defined in section
24 321.1 other than an all-terrain vehicle, which has a saddle
25 or seat for the use of a rider and that is designed to travel
26 on not more than two wheels in contact with the ground, but
27 excluding a motorized bicycle or autocycle as defined in
28 section 321.1.

29 Sec. 27. Section 322D.2, Code 2016, is amended to read as
30 follows:

31 **322D.2 Franchisee's rights to payment.**

32 1. A franchisee who enters into a written franchise with a
33 franchiser to maintain a stock of farm implements, motorcycles,
34 autocycles, all-terrain vehicles, snowmobiles, or related parts
35 or attachments has the following rights to payment, at the

1 option of the franchisee, if the franchise is terminated:

2 *a.* One hundred percent of the net cost of new, unused,
3 complete farm implements, motorcycles, autocycles, all-terrain
4 vehicles, snowmobiles, or related attachments, which were
5 purchased from the franchiser. In addition, the franchisee
6 shall have a right of payment for transportation charges on the
7 farm implements, motorcycles, autocycles, all-terrain vehicles,
8 or snowmobiles, which have been paid by the franchisee.

9 *b.* Eighty-five percent of the net prices of any repair
10 parts, including superseded parts, which were purchased from
11 the franchiser and held by the franchisee on the date that the
12 franchise terminated.

13 *c.* Five percent of the net prices of parts resold under
14 paragraph "b" for handling, packing, and loading of the parts.
15 However, this payment shall not be due to the franchisee if
16 the franchiser elects to perform the handling, packing, and
17 loading.

18 2. Upon receipt of the payments due under [subsection 1](#),
19 the franchiser is entitled to possession of and title to the
20 farm implements, motorcycles, autocycles, all-terrain vehicles,
21 snowmobiles, or related parts or attachments.

22 3. The cost of farm implements, motorcycles, autocycles,
23 all-terrain vehicles, snowmobiles, or related attachments and
24 the price of repair parts shall be determined by reference to
25 the franchiser's price list or catalog in effect at the time
26 of the franchise termination.

27 Sec. 28. Section 322D.3, subsections 7 and 9, Code 2016, are
28 amended to read as follows:

29 7. A farm implement, motorcycle, autocycle, all-terrain
30 vehicle, or snowmobile which is not in new, unused, undamaged,
31 or complete condition.

32 9. A farm implement, motorcycle, autocycle, all-terrain
33 vehicle, or snowmobile which was purchased twenty-four months
34 or more prior to the termination of the franchise.

35 Sec. 29. Section 322D.8, Code 2016, is amended to read as

1 follows:

2 **322D.8 Application — motorcycle or autocycle franchise**
3 **agreements.**

4 The rights under [section 322D.2, subsection 1](#), apply to
5 motorcycle or autocycle franchise agreements in effect on July
6 1, 1985, which have no expiration date and are continuing
7 agreements, and to those entered into or renewed after July 1,
8 1985, but only to motorcycles, autocycles, and motorcycle or
9 autocycle attachments and parts purchased after July 1, 1985.

10 Sec. 30. Section 322G.2, subsection 13, Code 2016, is
11 amended to read as follows:

12 13. "*Motor vehicle*" means a self-propelled vehicle purchased
13 or leased in this state, except as provided in [section 322G.15](#),
14 and primarily designed for the transportation of persons or
15 property over public streets and highways, but does not include
16 mopeds, motorcycles, autocycles, motor homes, or vehicles over
17 fifteen thousand pounds gross vehicle weight rating.

18 DIVISION II

19 REPAIRED SALVAGE MOTOR VEHICLES

20 Sec. 31. Section 321.24, subsection 5, Code 2016, is amended
21 to read as follows:

22 5. If the prior certificate of title is from another state
23 and indicates that the vehicle was junked, an Iowa junking
24 certificate shall be issued according to section 321.52,
25 subsections 2 and 3. If the prior certificate of title
26 from another state indicates that the vehicle is salvaged
27 and not rebuilt or is a salvage certificate of title, an
28 Iowa salvage certificate of title shall be issued and a
29 "SALVAGE" designation shall be retained on all subsequent
30 Iowa certificates of title and registration receipts for
31 the vehicle, except unless the owner has surrendered the
32 prior certificate of title and a salvage theft examination
33 certificate, as provided under [section 321.52, subsection 4](#),
34 paragraph "b", and the salvage theft examination certificate
35 was properly executed within thirty days of the date the owner

1 was assigned the prior certificate of title. The department
2 may require that subsequent Iowa certificates of title retain
3 other states' designations which indicate that a vehicle had
4 incurred prior damage. The department shall determine the
5 manner in which other states' rebuilt, salvage, or other
6 designations are to be indicated on Iowa titles.

7 Sec. 32. Section 321.52, subsection 4, paragraph c, Code
8 2016, is amended to read as follows:

9 c. A salvage theft examination shall be made by a peace
10 officer who has been specially certified and recertified when
11 required by the Iowa law enforcement academy to do salvage
12 theft examinations. The Iowa law enforcement academy shall
13 determine standards for training and certification, conduct
14 training, and may approve alternative training programs
15 which satisfy the academy's standards for training and
16 certification. The owner of the salvage vehicle shall make
17 the vehicle available for examination at a time and location
18 designated by the peace officer doing the examination. The
19 owner may obtain a permit to drive the vehicle to and from the
20 examination location by submitting a repair affidavit to the
21 agency performing the examination stating that the vehicle is
22 reasonably safe for operation and listing the repairs which
23 have been made to the vehicle. The owner must be present
24 for the examination and have available for inspection the
25 salvage title, bills of sale for all essential parts changed,
26 if applicable, and the repair affidavit. The examination
27 shall be for the purposes of determining whether the vehicle
28 or repair components have been stolen. The examination is not
29 a safety inspection and a signed salvage theft examination
30 certificate shall not be construed by any court of law to
31 be a certification that the vehicle is safe to be operated.
32 There shall be no cause of action against the peace officer
33 or the agency conducting the examination or the county
34 treasurer for failure to discover or note safety defects. If
35 the vehicle passes the theft examination, the peace officer

1 shall indicate that the vehicle passed examination on the
2 salvage theft examination certificate. The permit and salvage
3 theft examination certificate shall be on controlled forms
4 prescribed and furnished by the department. The owner shall
5 pay a fee of ~~thirty~~ fifty dollars ~~upon completion of~~ at the
6 time the examination is scheduled. The agency performing the
7 examinations shall retain ~~twenty~~ forty dollars of the fee and
8 shall pay five dollars of the fee to the department and five
9 dollars of the fee to the treasurer of state for deposit in the
10 general fund of the state. Moneys deposited to the general
11 fund under this paragraph are subject to the requirements of
12 section 8.60 and shall be used by the Iowa law enforcement
13 academy to provide for the special training, certification, and
14 recertification of officers as required by this subsection.

15 DIVISION III

16 SPECIAL MINOR'S DRIVER'S LICENSES

17 Sec. 33. Section 321.194, Code 2016, is amended to read as
18 follows:

19 **321.194 Special minors' licenses.**

20 1. ~~Driver's license issued for travel to and from school~~
21 Persons eligible. Upon certification of a special need by the
22 school board, superintendent of the applicant's school, or
23 principal, if authorized by the superintendent, the department
24 may issue a class C or M driver's license to a person between
25 the ages of fourteen and eighteen years ~~whose~~ if all of the
26 following apply:

27 a. The person's driving privileges have not been suspended,
28 revoked, or barred under this chapter or chapter 321J during,
29 and ~~who~~ the person has not been convicted of a moving traffic
30 violation or involved in a motor vehicle accident for, the
31 six-month period immediately preceding the application for the
32 special minor's license ~~and who~~.

33 b. The person has successfully completed an approved driver
34 education course. However, the completion of a course is not
35 required if the applicant demonstrates to the satisfaction

1 of the department that completion of the course would impose
2 a hardship upon the applicant. The department shall adopt
3 rules defining the term "*hardship*" and establish procedures for
4 the demonstration and determination of when completion of the
5 course would impose a hardship upon an applicant.

6 2. Driving privileges.

7 a. Permitted operations. The driver's license entitles the
8 holder, while having the license in immediate possession, to
9 operate a motor vehicle other than a commercial motor vehicle
10 or as a chauffeur:

11 (1) During the hours of 5:00 a.m. to 10:00 p.m. over
12 the most direct and accessible route between the licensee's
13 residence and schools of enrollment or the closest school bus
14 stop or public transportation service, and between schools of
15 enrollment, for the purpose of attending duly scheduled courses
16 of instruction and extracurricular activities within the school
17 district of enrollment.

18 (2) During the hours of 5:00 a.m. to 10:00 p.m. over
19 the most direct and accessible route between the licensee's
20 residence or school of enrollment and a site, facility,
21 or school that is not the ~~student's~~ licensee's school of
22 enrollment for the purpose of participating in extracurricular
23 activities conducted under a sharing agreement with the
24 ~~student's~~ licensee's school of enrollment or conducted
25 at a site or facility designated by the licensee's school
26 district for the accommodation of the school's extracurricular
27 activities, provided the site, facility, or school is within
28 the licensee's school district of enrollment or is within a
29 school district contiguous to the licensee's school district
30 of enrollment.

31 (3) To a service station for the purpose of refueling, so
32 long as the service station is the station closest to the route
33 the licensee is traveling on under subparagraph (1) or (2).

34 (4) At any time when the licensee is accompanied in
35 accordance with [section 321.180B, subsection 1.](#)

1 *b. Restrictions.*

2 (1) Passengers. Unless accompanied in accordance with
3 section 321.180B, subsection 1, a person issued a driver's
4 license pursuant to [this section](#) must limit the number of
5 unrelated minor passengers in the motor vehicle when the
6 licensee is operating the motor vehicle to one. For purposes
7 of [this section](#), "unrelated minor passenger" means a passenger
8 who is under eighteen years of age and who is not a sibling of
9 the driver, a stepsibling of the driver, or a child who resides
10 in the same household as the driver.

11 (2) Electronic communication devices. A person issued a
12 driver's license under this section shall not use an electronic
13 communication device or an electronic entertainment device
14 while driving a motor vehicle unless the motor vehicle is at a
15 complete stop off the traveled portion of the roadway. This
16 subparagraph does not apply to the use of electronic equipment
17 which is permanently installed in the motor vehicle or to a
18 portable device which is operated through permanently installed
19 equipment. The department, in cooperation with the department
20 of public safety, shall establish educational programs to
21 foster compliance with the requirements of this subparagraph.

22 ~~e.~~ 3. Certification of need and issuance of license. Each
23 application shall be accompanied by a statement from the
24 school board, superintendent, or principal, if authorized by
25 the superintendent, of the applicant's school. The statement
26 shall be upon a form provided by the department. The school
27 board, superintendent, or principal, if authorized by the
28 superintendent, shall certify that a need exists for the
29 license and that the board, superintendent, or principal
30 authorized by the superintendent is not responsible for
31 actions of the applicant which pertain to the use of the
32 driver's license. Upon receipt of a statement of necessity,
33 the department shall issue the driver's license provided the
34 applicant is otherwise eligible for issuance of the license.
35 The fact that the applicant resides at a distance less than one

1 mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. The school board shall develop and adopt a policy establishing the criteria that shall be used by a school district administrator to approve or deny certification that a need exists for a license. The student may appeal to the school board the decision of a school district administrator to deny certification. The decision of the school board is final. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

(1) a. The district of residence of the parent or guardian of the student.

(2) b. A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in [chapter 282](#).

~~d. (1) A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment.~~

~~(2) The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).~~

2. 4. *Suspension and revocation.* A driver's license issued under [this section](#) is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may

1 also suspend a driver's license issued under [this section](#) upon
 2 receiving satisfactory evidence that the licensee has violated
 3 the restrictions of the license or has been involved in one
 4 or more accidents chargeable to the licensee. The department
 5 may suspend a driver's license issued under [this section](#)
 6 upon receiving a record of the licensee's conviction for one
 7 violation. The department shall revoke the license upon
 8 receiving a record of conviction for two or more violations
 9 of a law of this state or a city ordinance regulating the
 10 operation of motor vehicles on highways other than parking
 11 violations as defined in [section 321.210](#). After a person
 12 licensed under [this section](#) receives two or more convictions
 13 which require revocation of the person's license under this
 14 section, the department shall not grant an application for a
 15 new driver's license until the expiration of thirty days.

16 ~~3.~~ 5. *Citations for violation of restrictions.* A person who
 17 violates the restrictions imposed under [subsection 1](#), ~~paragraph~~
 18 ~~"a" or "d"~~, 2 may be issued a citation under [this section](#) and
 19 shall not be issued a citation under [section 321.193](#). A
 20 violation of the restrictions imposed under [subsection 1](#),
 21 ~~paragraph "a" or "d"~~, 2 shall not be considered a moving
 22 violation.

23 Sec. 34. Section 321.482A, unnumbered paragraph 1, Code
 24 2016, is amended to read as follows:

25 Notwithstanding [section 321.482](#), a person who is convicted
 26 of operating a motor vehicle in violation of [section 321.178](#),
 27 [subsection 2](#), [paragraph "a"](#), [subparagraph \(2\)](#), [section](#)
 28 [321.180B](#), [subsection 6](#), [section 321.194](#), [subsection 1](#) 2,
 29 [paragraph "d"](#) ["b"](#), [subparagraph \(2\)](#), [section 321.256](#), [section](#)
 30 [321.257](#), [section 321.275](#), [subsection 4](#), [section 321.276](#),
 31 [321.297](#), [321.298](#), [321.299](#), [321.302](#), [321.303](#), [321.304](#), [321.305](#),
 32 [321.306](#), [321.307](#), [321.308](#), [section 321.309](#), [subsection 2](#), or
 33 [section 321.311](#), [321.319](#), [321.320](#), [321.321](#), [321.322](#), [321.323](#),
 34 [321.324](#), [321.324A](#), [321.327](#), [321.329](#), [321.333](#), or [321.372](#),
 35 [subsection 3](#), causing serious injury to or the death of another

1 person may be subject to the following penalties in addition
2 to the penalty provided for a scheduled violation in section
3 805.8A or any other penalty provided by law:

4 DIVISION IV

5 OVERSIZE AND OVERWEIGHT MOTOR VEHICLES

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

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

15 DIVISION V

16 AIRCRAFT

17 Sec. 36. Section 328.24, subsection 1, Code 2016, is amended
18 to read as follows:

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