

Senate File 513 - Reprinted

SENATE FILE 513

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1175)

(As Amended and Passed by the Senate March 15, 2023)

A BILL FOR

1 An Act relating to motor vehicle enforcement duties of
2 the department of public safety and the department of
3 transportation, providing transfers of moneys, and including
4 effective date provisions.

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

1 Section 1. Section 80.5, subsection 2, Code 2023, is amended
2 to read as follows:

3 2. The state patrol is established in the department. The
4 patrol shall be under the direction of the commissioner. The
5 number of supervisory officers shall be in proportion to the
6 membership of the state patrol. The department shall maintain
7 a vehicle theft unit in the state patrol to investigate
8 and assist in the examination and identification of stolen,
9 altered, or forfeited vehicles. In addition to other duties,
10 powers, and responsibilities prescribed by law, the state
11 patrol shall conduct enforcement activities that ensure the
12 safe and lawful movement and operation of commercial motor
13 vehicles and vehicles transporting loads, including but not
14 limited to the enforcement of motor vehicle laws relating to
15 the operating authority, registration, size, weight, and load
16 of motor vehicles and trailers.

17 Sec. 2. Section 80.5, Code 2023, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 10. The department of public safety shall
20 adopt, after consultation with the department of natural
21 resources and the department of transportation, rules relating
22 to enforcement of the rules regarding transportation of
23 hazardous wastes adopted by the department of natural resources
24 and the department of transportation. The state patrol shall
25 carry out the enforcement of the rules, in accordance with
26 state law.

27 NEW SUBSECTION. 11. The department shall submit a report to
28 the general assembly on or before December 1 of each year that
29 details the nature and scope of enforcement activities that
30 ensure the safe and lawful movement and operation of commercial
31 motor vehicles and vehicles transporting loads conducted by
32 members of the state patrol assigned to such enforcement
33 activities in the previous year. The report shall include
34 a comparison of commercial and noncommercial motor vehicle
35 enforcement activities conducted by such members of the state

1 patrol.

2 Sec. 3. Section 80B.6, subsection 1, paragraph k, Code 2023,
3 is amended to read as follows:

4 *k.* A member of ~~the office of motor vehicle enforcement of~~
5 the department of transportation involved with the enforcement
6 activities set forth in section 321.477.

7 Sec. 4. Section 97B.42B, Code 2023, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 4A. *a.* Commencing July 1, 2023, a
10 person who is a designated peace officer in the department of
11 transportation under section 321.477, Code 2023, as of June 30,
12 2023, who has fewer than ten years of membership service, and
13 who is transferred to the department of public safety pursuant
14 to this Act, shall be a member of the Iowa department of public
15 safety peace officers' retirement, accident, and disability
16 system established in chapter 97A.

17 *b.* Commencing July 1, 2023, a person who is a designated
18 peace officer in the department of transportation under section
19 321.477, Code 2023, as of June 30, 2023, who has ten or more
20 years of membership service, and who is transferred to the
21 department of public safety pursuant to this Act, shall remain
22 a member of the Iowa public employees' retirement system.

23 Sec. 5. Section 97B.49B, subsection 1, paragraph e,
24 subparagraph (5), Code 2023, is amended to read as follows:

25 (5) (a) An employee of the state department of
26 transportation who is designated as a "*peace officer*" by
27 resolution under [section 321.477](#), but only if the employee
28 retires on or after July 1, 1990. For purposes of this
29 subparagraph, service as a traffic weight officer employed
30 by the highway commission prior to the creation of the state
31 department of transportation or as a peace officer employed by
32 the Iowa state commerce commission prior to the creation of
33 the state department of transportation shall be included in
34 computing the employee's years of membership service.

35 (b) An employee of the department of public safety described

1 in section 97B.42B, subsection 4A, paragraph "b".

2 Sec. 6. Section 152C.5B, subsection 1, paragraph b,
3 subparagraph (5), Code 2023, is amended by striking the
4 subparagraph.

5 Sec. 7. Section 157.4A, subsection 1, paragraph b,
6 subparagraph (5), Code 2023, is amended by striking the
7 subparagraph.

8 Sec. 8. Section 307.12, subsection 1, paragraph n, Code
9 2023, is amended by striking the paragraph.

10 Sec. 9. Section 307.48, Code 2023, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3. An employee of the office of motor
13 vehicle enforcement of the department of transportation on June
14 30, 2023, who is transferred to the department of public safety
15 pursuant to this Act, retains all rights to longevity pay.

16 Sec. 10. Section 321.2, subsection 2, Code 2023, is amended
17 to read as follows:

18 2. The division of state patrol of the department of public
19 safety shall enforce the provisions of [this chapter](#) relating to
20 traffic on the public highways of the state, including those
21 relating to the safe and legal operation of passenger cars,
22 motorcycles, motor trucks, and buses, and other commercial
23 motor vehicles, and to see that proper safety rules are
24 observed.

25 Sec. 11. Section 321.266, subsection 4, Code 2023, is
26 amended to read as follows:

27 4. Notwithstanding [section 455B.386](#), a carrier transporting
28 hazardous material upon a public highway in this state, in
29 the case of an accident involving the transportation of the
30 hazardous material, shall immediately notify the police radio
31 broadcasting system established pursuant to [section 693.1](#) or
32 shall notify a peace officer of the county or city in which
33 the accident occurs. When a local law enforcement agency is
34 informed of the accident, the agency shall notify the state
35 patrol ~~and the state department of transportation office of~~

1 ~~motor vehicle enforcement~~. A person who violates a provision
2 of [this subsection](#) is guilty of a serious misdemeanor.

3 Sec. 12. Section 321.449, subsection 1, paragraphs a and b,
4 Code 2023, are amended to read as follows:

5 a. A person shall not operate a commercial vehicle on the
6 highways of this state except in compliance with rules adopted
7 by the department of public safety, in consultation with the
8 department of transportation, under [chapter 17A](#). The rules
9 shall be consistent with the federal motor carrier safety
10 regulations promulgated under United States Code, Tit. 49,
11 and found in [49 C.F.R. pts. 385, 390 – 399](#) and adopted under
12 chapter 17A.

13 b. The department of public safety, in consultation with the
14 department of transportation, shall also adopt rules concerning
15 hours of service for drivers of vehicles operated for hire
16 and designed to transport seven or more persons, including
17 the driver. The rules shall not apply to vehicles offered to
18 the public for hire that are used principally in intracity
19 operation and that are regulated by local authorities pursuant
20 to [section 321.236](#).

21 Sec. 13. Section 321.449, subsection 4, paragraph c, Code
22 2023, is amended to read as follows:

23 c. A driver or a driver-salesperson for a private carrier,
24 who is not for hire and who is engaged exclusively in
25 intrastate commerce, may drive twelve hours, be on duty sixteen
26 hours in a twenty-four-hour period, and be on duty seventy
27 hours in seven consecutive days or eighty hours in eight
28 consecutive days. A “*driver-salesperson*” means as defined in [49](#)
29 [C.F.R. §395.2](#), as adopted by the department of public safety
30 by rule.

31 Sec. 14. Section 321.449, subsection 8, Code 2023, is
32 amended to read as follows:

33 8. In the course of enforcing the motor carrier safety
34 rules adopted by the department of public safety under chapter
35 17A, the ~~department’s~~ department of public safety’s peace

1 officers are authorized, at reasonable times and places and
2 with reasonable notice, to enter a motor carrier's place of
3 business for the purpose of performing a motor carrier safety
4 audit or compliance review. Nothing in [this subsection](#) by
5 itself permits the seizure of the property of a motor carrier.
6 Any audit or review shall be conducted in compliance with the
7 federal motor carrier safety regulations in 49 C.F.R. pts. 105
8 - 185, 382, 383, 385, and 390 - 399. A peace officer of the
9 department of public safety is authorized to inspect and copy
10 motor carrier records required by 49 C.F.R. pts. 105 - 185,
11 382, 383, 385, and 390 - 399.

12 Sec. 15. Section 321.449B, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. *a.* A person subject to rules adopted by the department
15 of public safety pursuant to [section 321.449](#) shall not
16 operate a commercial motor vehicle while engaged in texting as
17 prohibited by [49 C.F.R. §392.80](#), except in an emergency or as
18 otherwise permitted under [49 C.F.R. §392.80](#).

19 *b.* A person subject to rules adopted by the department of
20 public safety pursuant to [section 321.449](#) shall not operate
21 a commercial motor vehicle while using a hand-held mobile
22 telephone as prohibited by [49 C.F.R. §392.82](#), except in an
23 emergency or as otherwise permitted under [49 C.F.R. §392.82](#).

24 Sec. 16. Section 321.450, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. A person shall not transport or have transported or
27 shipped within this state any hazardous material except in
28 compliance with rules adopted by the department of public
29 safety under [chapter 17A](#). The rules shall be consistent with
30 the federal hazardous materials regulations adopted under
31 United States Code, Tit. 49, and found in 49 C.F.R. pts. 107,
32 171 to 173, 177, 178, and 180.

33 Sec. 17. Section 321.463, subsection 5, paragraph b, Code
34 2023, is amended to read as follows:

35 *b.* Notwithstanding any provision of law to the contrary,

1 a motor vehicle described in paragraph "a" equipped with an
2 auxiliary power or idle reduction technology unit that reduces
3 fuel use and emissions during engine idling may exceed any
4 applicable maximum gross weight limit under this chapter by
5 five hundred fifty pounds or the weight of the auxiliary power
6 or idle reduction technology unit, whichever is less. This
7 paragraph "b" ~~shall~~ does not apply unless the operator of
8 the vehicle provides to the department of public safety a
9 written certification of the weight of the auxiliary power
10 or idle reduction technology unit, demonstrates or certifies
11 to the department of public safety that the idle reduction
12 technology unit is fully functional at all times, and carries
13 with the operator the written certification of the weight of
14 the auxiliary power or idle reduction technology unit in the
15 vehicle at all times to present to law enforcement in the event
16 the vehicle is suspected of violating any applicable weight
17 restrictions.

18 Sec. 18. Section 321.476, subsection 1, Code 2023, is
19 amended to read as follows:

20 1. ~~a. Authority is hereby given to the~~ A member of the
21 state patrol of the department to stop of public safety is
22 authorized to do any of the following:

23 a. Stop any motor vehicle or trailer on the highways for the
24 purposes of weighing and inspection, to weigh and inspect the
25 same and to enforce the provisions of the motor vehicle laws
26 relating to the registration, size, weight, and load of motor
27 vehicles and trailers.

28 ~~b. Authority is also hereby granted to subject to weighing~~
29 ~~and inspection,~~ Weigh and inspect vehicles which have moved
30 from a highway onto private property under circumstances which
31 indicate that the load of the vehicle, if any, is substantially
32 the same as the load which the vehicle carried before moving
33 onto the private property.

34 Sec. 19. Section 321.477, Code 2023, is amended to read as
35 follows:

1 **321.477 Employees as peace officers — maximum age.**

2 1. The department may designate by resolution certain of its
3 employees upon each of whom there is conferred the authority
4 of a peace officer to ~~enforce all laws of the state including~~
5 ~~but not limited to the rules and regulations of the department~~
6 investigate and enforce all of the following:

7 a. Laws relating to motor vehicle records, documents,
8 credentials, procedures, and revenues, including but not
9 limited to crimes and abuse of authority associated with
10 fraud, identity theft, vehicle titles and registration, dealer
11 licenses, and authorized vehicle recycler licenses.

12 b. Laws relating to motor vehicle fraud including but not
13 limited to the state and federal odometer laws, including as
14 provided in sections 307.37 and 321.71.

15 2. Employees designated as peace officers pursuant to this
16 section shall have the same powers conferred by law on peace
17 officers for the ~~enforcement of all laws of this state~~ use
18 of force in emergent circumstances and the apprehension of
19 violators.

20 ~~2. Employees designated as peace officers pursuant to this~~
21 ~~section who are assigned to the supervision of the highways~~
22 ~~of this state shall spend the preponderance of their time~~
23 ~~conducting enforcement activities that assure the safe and~~
24 ~~lawful movement and operation of commercial motor vehicles and~~
25 ~~vehicles transporting loads, including but not limited to the~~
26 ~~enforcement of motor vehicle laws relating to the operating~~
27 ~~authority, registration, size, weight, and load of motor~~
28 ~~vehicles and trailers, and registration of a motor carrier's~~
29 ~~interstate transportation service with the department.~~

30 3. Employees designated as peace officers pursuant to
31 this section shall not exercise the ~~general~~ powers of a peace
32 officer set forth in this section within the limits of any
33 city, except as follows:

34 a. When so ordered by the direction of the governor.

35 b. When request is made by the mayor of any city, with the

1 approval of the director.

2 *c.* When request is made by the sheriff or county attorney of
3 any county, with the approval of the director.

4 *d.* While in the pursuit of law violators or in investigating
5 law violations.

6 *e.* While making any inspection provided by [this chapter](#), or
7 any additional inspection ordered by the director.

8 ~~*f.* When engaged in the investigation and enforcement of laws
9 relating to narcotic, counterfeit, stimulant, and depressant
10 drugs.~~

11 4. The limitations specified in subsection 3 shall in no way
12 be construed as a limitation on the ~~power~~ ability of employees
13 designated as peace officers pursuant to this section ~~when a
14 public offense is being committed in their presence to use
15 force in defense of life or property.~~

16 ~~5. The department shall submit a report to the general
17 assembly on or before December 1 of each year that details the
18 nature and scope of enforcement activities conducted in the
19 previous fiscal year by employees designated as peace officers
20 pursuant to [this section](#) who are assigned to the supervision
21 of the highways of this state. The report shall include a
22 comparison of commercial and noncommercial motor vehicle
23 enforcement activities conducted by such employees.~~

24 ~~6.~~ 5. The maximum age for a person employed as a peace
25 officer pursuant to [this section](#) is sixty-five years of age.

26 Sec. 20. Section 321.481, Code 2023, is amended to read as
27 follows:

28 **321.481 No impairment of other authority.**

29 Nothing in [sections 321.476 through 321.480](#) [321.479](#) shall be
30 so construed as to limit or impair the authority or duties of
31 other peace officers in the enforcement of the motor vehicle
32 laws or any portion thereof.

33 Sec. 21. Section 325A.10, Code 2023, is amended to read as
34 follows:

35 **325A.10 Rules for operation.**

1 The department of public safety, in consultation with the
2 department of transportation, shall adopt rules pursuant to
3 chapter 17A as necessary to govern and control the operation,
4 maintenance, and inspection of vehicles covered by this chapter
5 upon the highways.

6 Sec. 22. Section 602.8108, subsection 8, Code 2023, is
7 amended to read as follows:

8 8. The state court administrator shall allocate all of the
9 fines and fees attributable to commercial vehicle violation
10 citations issued by ~~motor vehicle division~~ personnel of
11 the ~~state department of transportation~~ public safety to the
12 treasurer of state for deposit in the road use tax fund.

13 Sec. 23. REPEAL. 2017 Iowa Acts, chapter 149, section 4, as
14 amended by 2018 Iowa Acts, chapter 1170, section 3, 2019 Iowa
15 Acts, chapter 7, section 1, and 2022 Iowa Acts, chapter 1082,
16 section 1, is repealed.

17 Sec. 24. REPEAL. Sections 321.480 and 327B.2, Code 2023,
18 are repealed.

19 Sec. 25. TRANSFERS.

20 1. There is transferred from the department of
21 transportation's asset forfeiture fund to the department
22 of public safety's asset forfeiture fund the amount of
23 unencumbered or unobligated moneys remaining in the department
24 of transportation's asset forfeiture fund.

25 2. a. The Iowa public employees' retirement system
26 shall perform a trustee-to-trustee lump sum transfer to the
27 Iowa department of public safety peace officers' retirement,
28 accident, and disability system. The transfer shall include an
29 amount consisting of the accumulated contributions by members
30 transferred to the peace officers' retirement, accident, and
31 disability system pursuant to this Act and every transferred
32 member's share of the accumulated employer contributions as
33 defined in section 97B.53. The transfer shall not be deemed
34 to be a termination of a member's plan and an affected member
35 shall not be entitled to a distribution of the moneys as a

1 result of the member's transfer.

2 b. Upon completion of the transfer, the Iowa department
3 of public safety peace officers' retirement, accident, and
4 disability system shall engage an actuary to determine the
5 actuarial cost of the remaining transfer. For purposes of this
6 paragraph, "the actuarial cost of the remaining transfer" is an
7 amount determined by the peace officers' retirement, accident,
8 and disability system in accordance with actuarial tables which
9 reflects the actuarial cost necessary to fund the increased
10 retirement allowances less the amount transferred by the Iowa
11 public employees' retirement system.

12 c. Once the transfer is completed, the transferred members
13 shall forfeit all rights, including service credit and
14 benefits, under chapter 97B; shall be treated as members under
15 chapter 97A; and shall be vested in a benefit under chapter 97A
16 that shall not be less than the benefit to which the member was
17 entitled under chapter 97B at the time of the transfer.

18 Sec. 26. TRANSITION — RULES.

19 1. a. Effective July 1, 2023, peace officers of the
20 department of public safety shall assume the duties, powers,
21 and responsibilities of peace officers designated by the
22 department of transportation under section 321.477, Code
23 2023, who are assigned to the supervision of the highways
24 of this state. On or before July 1, 2023, the department
25 of transportation and the department of public safety, in
26 consultation with the department of administrative services,
27 shall identify and transfer affected positions and incumbent
28 peace officer and civilian employees from the department of
29 transportation to the department of public safety. Former
30 peace officer employees of the department of transportation
31 who are covered by a collective bargaining agreement and who
32 are reassigned shall be placed in an existing department of
33 public safety peace officer classification within the state
34 police officers council bargaining unit, without loss of
35 seniority or loss of pay accrued while serving as a peace

1 officer. Any peace officer so reassigned shall be entitled to
2 all rights, privileges, and benefits of the peace officer's new
3 classification, including longevity pay pursuant to section
4 80.6 as calculated based upon years of service in a peace
5 officer position, within the state police officers council
6 bargaining unit as of the effective date of the employee's
7 reassignment.

8 b. The department of public safety shall honor a final
9 offer of employment made by the department of transportation
10 to a person who has not accepted the offer by July 1, 2023,
11 if the employment offer is to fill a position that will be
12 transitioned to the department of public safety under this
13 Act. Such persons shall be assigned to the state patrol upon
14 completion of the department of public safety academy training,
15 and are entitled to all rights, privileges, and benefits of
16 similarly reassigned positions and transitioned incumbent peace
17 officer employees from the department of transportation.

18 2. On or before July 1, 2023, the department of
19 transportation shall provide all appropriate documentation
20 and data required for motor carrier safety assistance program
21 activities, including but not limited to those relating to
22 the reimbursement of expenses, for reporting purposes to the
23 department of public safety, and any other documentation and
24 data required by the department of public safety to comply with
25 federal law or for purposes of the transition provided for in
26 this Act.

27 3. On or before July 1, 2023, the department of
28 transportation shall cooperate with the department of public
29 safety to ensure the department of public safety is aware of
30 the rules the department of transportation adopted relating
31 to administering and enforcing commercial motor vehicle
32 violations. The department of public safety shall inform the
33 administrative code editor of the applicable rules that need
34 to be transferred. Any such rule adopted by the department of
35 transportation shall continue in full force and effect until

1 the rule is transferred to the department of public safety.

2 Sec. 27. REPORT TO GENERAL ASSEMBLY. The department
3 of public safety, in consultation with the department of
4 transportation, shall submit a report to the general assembly
5 on or before December 1, 2023, regarding the transfer of
6 peace officers from the department of transportation to the
7 department of public safety in accordance with this Act.
8 The report shall include but is not limited to the actual
9 expenditures already made and the anticipated remaining
10 expenditures to be made by both departments to complete the
11 transition, the moneys transferred from the department of
12 transportation's asset forfeiture fund to the department of
13 public safety's asset forfeiture fund, the moneys transferred
14 from the Iowa public employees' retirement system to the
15 Iowa department of public safety peace officers' retirement,
16 accident, and disability system, and any equipment costs
17 incurred by either department prior to the reporting date.

18 Sec. 28. EFFECTIVE DATE. The following, being deemed of
19 immediate importance, take effect upon enactment:

20 1. The section of this Act repealing 2017 Iowa Acts, chapter
21 149, section 4.

22 2. The section of this Act setting forth transition
23 provisions.