

CHAPTER 158

EXECUTIVE COUNCIL

S. F. 774.

AN ACT authorizing the executive council in any investigation before it, to subpoena witnesses and require the production of records and other matters of evidence and providing for punishment of a witness for contempt.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Witnesses—fees. That in any investigation before
2 the executive council, the council shall have authority to summon wit-
3 nesses and compel their attendance and to require the production of
4 records, books, papers and other evidence. They shall pay witnesses,
5 other than those in the employ of the state, the same compensation
6 as is paid witnesses in the district court.

1 SEC. 2. Contempt—procedure. In case of the failure or refusal
2 of any person summoned as a witness to appear or to answer any
3 question propounded, such person may be punished for contempt and
4 in such case the executive council shall certify the fact of the wit-
5 ness' failure to appear or refusal to testify to the district court of
6 the county wherein any hearing is being held by the council and the
7 court shall hear and determine the matter and all proceedings in
8 court in connection with such matter shall be the same as in cases
9 of contempt of court.

1 SEC. 3. Publication clause. This act being deemed of immedi-
2 ate importance shall take effect and be in force on and after its pub-
3 lication in the Des Moines Register and the Des Moines Capital,
4 newspapers published in Des Moines, Iowa.

Approved April 8, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Register and the Des Moines Capital April 12, 1921.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 159

MOTOR VEHICLES

S. F. 777.

AN ACT to amend the law as it appears in chapters two hundred seventy-five (275), and three hundred seventy (370), acts of the thirty-eighth general assembly, (C. C. Secs. 3045 to 3081, inc.), relating to the licensing and regulation of motor vehicles.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. "Chauffeur"—"used car dealer". That the law as
2 it appears in chapter two hundred seventy-five (275), acts of the thir-
3 ty-eighth general assembly be amended as follows: By inserting after
4 the word "hire" in the twenty-eighth (28) line of section two (2) of

5 chapter two hundred seventy-five (275) acts of the thirty-eighth gen-
6 eral assembly (C. C. Sec. 3045), the following words: "including
7 drivers of hearses, ambulances, consolidated school busses, passenger
8 cars, trucks, light delivery and similar conveyances".

9 Also amend by inserting after the semicolon (;) following the word
10 "act" and before the word "garage" in the fifty-sixth (56) line of said
11 section, the following: "a 'used car dealer' shall, for the purpose of
12 this act, include a person, firm, association, or corporation, regularly
13 engaged in the business of having in his, its, or their possession, sec-
14 ond-hand motor vehicles for sale or trade and operation pursuant
15 thereto, and shall be considered owners of motor vehicles dealt in by
16 them, for the purpose of this act, prior to sale and delivery thereof,
17 and all motor vehicles in their possession and operated or driven by
18 them, or by their agents and employees, provided, however, that any-
19 thing to the contrary herein notwithstanding, the determination of
20 the department shall be final and conclusive upon the question as to
21 whether or not an applicant for registration shall be a 'used car deal-
22 er' within the meaning of this act."

23 Also amend by striking out the word "or" in the ninetieth (90) line
24 where it appears between the word "manufacturer" and the word
25 "dealer" and inserting a comma (,) in lieu thereof, and inserting after
26 the word "dealer" the words "or used car dealer".

1 SEC. 2. License fee. Amend the law as it appears in section three
2 (3) of chapter two hundred seventy-five (275), acts of the thirty-eighth
3 general assembly, (C. C. Sec. 3046), by striking out the last seven
4 words of said section and inserting in lieu thereof, "pay a license fee
5 in advance as herein further provided."

1 SEC. 3. Duplicate receipts—county treasurer. Amend section
2 five (5) of chapter two hundred seventy-five (275), acts of the thirty-
3 eighth general assembly (C. C. Sec. 3048), by striking out the word
4 "application" where the same appears in the eighteenth (18) line of
5 said section, and inserting in lieu thereof the words "duplicate receipt",
6 and by striking out the word "department" where the same appears in
7 the nineteenth (19) line of said section, and inserting in lieu thereof
8 the words "county treasurer".

1 SEC. 4. Used car—lettering. Amend the law as it appears in
2 section seven (7) of chapter two hundred seventy-five (275), acts of
3 the thirty-eighth general assembly, (C. C. Sec. 3050), by inserting
4 after the letter "D" and before the word "each" in the twenty-third
5 (23) line of said section, the words "and, in case of a motor vehicle
6 registered by a used car dealer, the letters "U. D.",".

7 Also amend section seven (7) by inserting between the word "of"
8 and the word "such" where the same appear in line twenty-four (24)
9 of said section seven (7), the word "each".

1 SEC. 5. Dismantled vehicle. Amend section nine (9) of chap-
2 ter two hundred seventy-five (275), acts of the thirty-eighth general
3 assembly (C. C. Sec. 3052), by striking out the word "or" where the
4 same appears in the second (2) line of said section, and inserting in
5 lieu thereof the words "and can", and by inserting after the word
6 "longer" where the same appears in the second (2) line, the word "be",
7 and after the word "highway" where the same appears in the second

8 (2) line insert the words "or when same is sold outside the state", and
 9 after the word "plates" where the same appears in the third (3) line
 10 of said section, insert the words "and certificate of registration".

1 **SEC. 6. Trailers—metal plates.** Amend section ten (10) of chap-
 2 ter two hundred seventy-five (275), acts of the thirty-eighth general
 3 assembly (C. C. Sec. 3053), by inserting after the word "passengers"
 4 where the same appears in the ninety-third (93) line of said section,
 5 the following words: "and the personal effects of said passengers".

1 **SEC. 7. Exemptions.** Amend section fourteen (14) of chapter
 2 two hundred seventy-five (275), acts of the thirty-eighth general as-
 3 sembly, (C. C. Sec. 3057), by inserting after the word "owned" in
 4 the first line of said section, the words "by the government".

1 **SEC. 8. Delinquent fees and lists—county treasurer.** Amend
 2 section sixteen (16) of chapter two hundred seventy-five (275), acts
 3 of the thirty-eighth general assembly, (C. C. Sec. 3059), by inserting
 4 after the word "paid" in the sixteenth (16) line of said section, the
 5 following: "Such delinquencies shall begin and penalty accrue the
 6 first of the month following the purchase of a new vehicle, and the
 7 first of the month following the date cars are brought into the state,
 8 except as herein otherwise provided."

9 Also amend section sixteen (16) by striking out the paragraph be-
 10 ginning with the words "on April 1st" where the same appear in line
 11 seventeen (17) to and including the words "disclosed by the records"
 12 where the same appear in the twenty-second (22) line of said section.

13 Also amend section sixteen (16) by inserting after the word "May"
 14 where the same appears in the twenty-third (23) line, the following:
 15 "1921, and"; and also by inserting after the word "year" where the
 16 same appears in the twenty-third (23) line of said section, the word
 17 "thereafter".

18 Also amend by changing the period (.) in line twenty-six (26) of
 19 said section to a comma (,) and inserting "except such motor vehicles
 20 held by used car dealers and listed by them with the county treasurer,
 21 as herein elsewhere provided."

22 Also amend section sixteen (16) by inserting the following after
 23 the period in line thirty-eight (38): "The county treasurer shall
 24 each month during the year 1921 remit to the department one-half of
 25 one per cent of all fees and penalties collected for 1921 and as provid-
 26 ed above each year thereafter, to be used as a working fund to cover
 27 refunds necessary to be made: any surplus remaining to be accounted
 28 for and delivered to the state treasurer at the end of each fiscal year."

29 Also amend section sixteen (16) by striking out of line forty-four,
 30 the following words: "in the same manner as provided by section
 31 1459 of the code", and by inserting in lieu thereof the following: "and
 32 the department shall check and audit such fees and penalties collected,
 33 and shall effect a settlement with the county treasurer annually."

1 **SEC. 9. Blank forms—index.** Amend section seventeen (17) of
 2 chapter two hundred seventy-five (275), acts of the thirty-eighth gen-
 3 eral assembly, (C. C. Sec. 3060), by striking out beginning with the
 4 word "which" where the same appears in line nine (9) of said section
 5 up to and including the word "collected" where the same appears in
 6 line eleven (11) of said section, and insert in lieu thereof the follow-
 7 ing: "in such form as the department may prescribe".

8 Also amend section seventeen (17) by striking out the word "card"
 9 where the same appears in the eighteenth (18) line of said section,
 10 and inserting after the word "index" where the same appears in the
 11 eighteenth (18) line of said section, the following: "using for such
 12 numerical index the duplicate registration receipt and compiling there-
 13 from the county or alphabetical index".

14 Also amend section seventeen (17) by striking out the word "du-
 15 plicate" where the same appears in line eight (8) of said section, and
 16 inserting in lieu thereof the word "original".

1 SEC. 10. **Transfers.** Amend the law as it appears in section eight-
 2 een (18) of chapter two hundred seventy-five (275), acts of the thirty-
 3 eighth general assembly, (C. C. Sec. 3061), by inserting after the
 4 word "thereof" in the seventeenth (17) line of said section, the fol-
 5 lowing: ", for the purpose of this act,".

6 Also amend by striking out the period (.) at the end of said section
 7 eighteen (18) and inserting after the word "dealers" the words "or
 8 used car dealers".

1 SEC. 11. **Fees in lieu of tax—"used cars."** Amend the law as
 2 it appears in section nineteen (19) of chapter two hundred seventy-
 3 five (275), acts of the thirty-eighth general assembly, (C. C. Sec.
 4 3062), by striking out the comma (,) after the word "dealers" in line
 5 three (3) of said section and inserting immediately thereafter the
 6 words "and used car dealers".

1 SEC. 12. **Second-hand cars—penalty.** Amend section twenty
 2 (20) of chapter two hundred seventy-five (275), acts of the thirty-
 3 eighth general assembly, (C. C. Sec. 3063), by inserting after the
 4 word "corporation" where the same appears in line two (2) of said
 5 section "or agent", and by inserting after the word "corporation"
 6 where the same appears in line fourteen (14) of said section the words
 7 "or agent", and by striking out the word "of" where the same appears
 8 before the word "certificate" in line sixteen (16) of said section and
 9 inserting in lieu thereof the word "on".

10 Also amend by adding at the end of section twenty (20), as section
 11 twenty-a (20-a), the following:

12 "Used car dealers having on hand January 1st of any year for sale
 13 or trade, used motor vehicles upon which license in Iowa for the pre-
 14 vious year has been paid, as hereinafter provided, may operate such
 15 motor vehicles as provided by section twenty-three of this act. Used
 16 car dealers licensed under the provision of this act must, on or before
 17 January 5th of each year, furnish the county treasurer with a list of
 18 all used motor vehicles held by them for sale or trade, and upon which
 19 the license fee for the current year is not paid, giving license num-
 20 ber, initials of state issuing license plates, the year, together with the
 21 factory number, description and previous ownership at the time such
 22 motor vehicle was transferred to the used car dealer and all motor
 23 vehicles owned or controlled by licensed manufacturer, dealer or
 24 used car dealer acquired from other states must list same with the
 25 county treasurer as herein provided: such listing to be made within
 26 forty-eight (48) hours after said motor vehicle comes within the bor-
 27 der of the state. Blanks or forms for such listing shall be prepared
 28 by the state department and placed in the hands of county treasurers
 29 not later than December 15th of any year.

30 "Any person, firm or corporation found guilty, personally or by
31 agent, of violating any of the provisions of this section, shall be guilty
32 of a misdemeanor and punished accordingly."

1 **SEC. 13. Car in transit.** Amend the chapter as it appears in
2 section twenty-one (21) of chapter two hundred seventy-five (275),
3 acts of the thirty-eighth general assembly, (C. C. Sec. 3064), by in-
4 serting after the comma (,) after the word "herein" and before the
5 word "may", where the same appear in line twenty-three (23) of
6 said section, the following: "or a motor vehicle manufactured or
7 assembled within the state, or a motor vehicle brought into the state
8 by a manufacturer or dealer and sold to another manufacturer or
9 dealer,".

1 **SEC. 14. Certificate container—data.** Amend section twenty-
2 two (22) of chapter two hundred seventy-five (275), acts of the thirty-
3 eighth general assembly, (C. C. Sec. 3065), by striking out where
4 the same appears in lines seventeen (17) and eighteen (18) of said
5 section the following words: "The department may prescribe the ex-
6 act location of such certificate container", and inserting in lieu there-
7 of the following: "such certificate container shall be attached to
8 the vehicle in the front of the driver's compartment so that same may
9 be seen by anyone passing on the right of the vehicle".

10 Also amend section twenty-two (22) by striking out the word
11 "date" where the same appears in line thirty-two (32) of said sec-
12 tion, and inserting in lieu thereof the word "data".

1 **SEC. 15. Used vehicles—duplicate plate fee.** Amend the law
2 as it appears in section twenty-three (23) of chapter two hundred
3 seventy-five (275), acts of the thirty-eighth general assembly, (C. C.
4 Sec. 3066), by inserting after the comma (,) at the end of line two
5 (2) and before the word "may" where the same appear in line three
6 (3) of said section, the following: "including used motor vehicles."

7 Also amend by striking out the word "or" following the word "man-
8 ufacturer" and the comma (,) or period (.) as it may appear follow-
9 ing the word "dealer" wherever the same appear in section twenty-
10 three (23), and inserting in lieu thereof after "manufacturer" a com-
11 ma (,) and after "dealer" the words "or used car dealer."

12 Also amend by striking out the words and figures "fifteen dollars
13 (\$15.00)" where the same appear in line seventeen (17) of said sec-
14 tion twenty-three (23), and inserting in lieu thereof the words and
15 figures "three dollars (\$3.00).".

16 Also amend section twenty-three (23) by striking out the period
17 (.) at the end of line twenty-four (24), following the word "act" and
18 inserting a comma (,) in lieu thereof, and by adding "it being ex-
19 pressly understood that motor vehicles owned by a manufacturer, deal-
20 er, or used car dealer, when such motor vehicles are equipped with "D"
21 or "U.D." plates, as herein provided, may be operated in the conduct
22 of the business of such manufacturer, dealer, or used car dealer.
23 Provided further that no "D" or "U.D." plates shall be used upon
24 motor vehicles for any purpose other than the transaction of busi-
25 ness incident to the automotive industry of such licensed manufact-
26 turer, dealer, or used car dealer, nor shall said "D" or "U.D." plates
27 be used upon so called service cars or service trucks of such licensed

28 manufacturer, dealer, or used car dealer, nor upon the sales cars
29 of a manufacturer or wholesale dealer in accessories.

30 Also amend by inserting at the end of section twenty-three (23)
31 of said act an additional paragraph as section twenty-three-a (23-a),
32 in the following words: "In case of the use of "U.D." plates by
33 used car dealers, such plates shall be displayed in the same manner
34 as prescribed herein for dealers' plates, except that the "U.D." plate
35 shall be of such length and so attached that that portion of the num-
36 ber plate of the last registration, showing the initials of the state
37 where registered, and the year shall be visible, provided, however,
38 that the "U.D." plates shall not be used upon a motor vehicle upon
39 which the current year's license fee in this state has been paid. Any
40 violation of this section shall constitute a misdemeanor, and, upon
41 conviction, shall be punished accordingly."

42 Also amend by inserting after section twenty-three-a (23-a) the
43 following as section twenty-three-b (23-b): "Where any manufac-
44 turer, dealer and used car dealer are one and the same person, firm
45 or corporation, and apply for both "D" and "U.D." number plates,
46 there shall be assigned to such person, firm or corporation the same
47 number for both his "D" and "U.D." number plates."

48 Also amend by inserting after section twenty-three-b (23-b) the
49 following as section twenty-three-c (23-c):

50 "That any manufacturer, dealer, or used car dealer operating a
51 motor vehicle upon the public highways of the state which has not
52 been registered according to law or has not displayed thereon two
53 number plates issued by the automobile department showing the
54 payment of a license fee for the current year, or which has not dis-
55 played thereon, "car in transit" cards or "license applied for" cards
56 where the same may lawfully be driven with such cards attached,
57 shall be guilty of a misdemeanor and punished accordingly. Upon
58 a second conviction such license may be revoked by the secretary
59 of state, if, after hearing, the secretary of state determines that such
60 manufacturer, dealer, or used car dealer has wilfully violated the
61 law with reference to the operation of motor vehicles upon the pub-
62 lic highway without proper number plates or identification cards
63 attached.

SEC. 16. Approved head light lenses—examination—fee.

1 Amend the law as it appears in section twenty-five (25) of chapter
2 two hundred seventy-five (275) acts of the thirty-eighth general as-
3 sembly, (C. C. Sec. 3068), by inserting after the period (.) at the
4 end of line seventy-nine (79), the following:

5 "It shall be the duty of the state highway commission to examine
6 all headlight lenses submitted to it by manufacturers and dealers,
7 and any such lenses so submitted which, when in operation with an
8 electric bulb or other lighting device of a capacity not in excess of
9 that provided by this act, casts a light which complies with the pro-
10 visions of this act, shall be placed upon the approved list of the state
11 department. The fee for each such examination shall be twenty-five
12 dollars (\$25.00), and the state highway commission is hereby au-
13 thorized to collect and remit to the state treasurer said fee and credit
14 to the account of the primary road fund. It shall also be the duty of
15 the state department to furnish county treasurers with a list of such
16 lenses as are upon the approved list of the department, and such

17 lenses used on any motor vehicle operated in this state equipped with
 18 a lighting device of a candle power not exceeding the provisions of
 19 this act, together with the lenses so approved by the department,
 20 shall be conclusively presumed to be lawful."

1 **SEC. 17. Load on wheels—penalty.** Amend the law as it ap-
 2 pears in section twenty-seven (27) of chapter two hundred seventy-
 3 five (275), acts of the thirty-eighth general assembly, (C. C. Sec.
 4 3070), by striking out all the words in line forty (40) of said sec-
 5 tion following the period (.); also striking out lines forty-one (41)
 6 to forty-seven (47) inclusive, and inserting in lieu thereof the fol-
 7 lowing: "The total load on any wheel of any motor vehicle shall be
 8 limited to eight hundred (800) pounds per inch width of tire meas-
 9 ured between flanges of the rims, and the enforcement of this pro-
 10 vision is hereby made the duty of the state highway commission.
 11 Any violation of this provision is hereby made a misdemeanor and
 12 shall be punished accordingly."

1 **SEC. 18. Garage record.** Amend section thirty-six (36) of chap-
 2 ter two hundred seventy-five (275), acts of the thirty-eighth general
 3 assembly, (C. C. Sec. 3079), by inserting after the word "shall" where
 4 the same appears in the seventh (7) line of said section the follow-
 5 ing: "be filled out and signed personally by the owner or driver of the
 6 motor vehicle taking such vehicle to the garage and if signed by other
 7 than the owner, then the owner's name must be signed first followed
 8 by the name of the driver, and shall".

9 Also amend section 36 by inserting after the word "thereof" where
 10 the same appears in the tenth (10) line of said section the following
 11 "and records shall be verified by the operator of the garage".

1 **SEC. 19. "Chauffeur."** Amend chapter three hundred seventy,
 2 acts of the thirty-eighth general assembly, by striking out the words
 3 "mercantile and" as they appear in the fourth line of section one (1).

1 **SEC. 20. Publication clause.** The following sections 1-3-5-6-7-8-
 2 9-12-13-14-16-17-18 and 19 of this act, being deemed of immediate
 3 importance, shall be in full force and effect after the passage of this
 4 act and their publication in the Des Moines Capital and the Des Moines
 5 Register, newspapers published in Des Moines, Iowa, and the remain-
 6 ing sections to take effect December 1, 1921.

Approved April 8, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Capital and
 the Des Moines Register April 13, 1921.

W. C. RAMSAY, *Secretary of State.*