

3 tional or invalid, such decision shall not affect the validity of the re-  
 4 maining portions of this act. The legislature hereby declares that it  
 5 would have passed this act and each section, subsection, clause, sen-  
 6 tence, or phrase hereof, irrespective of whether any one or more of  
 7 the sections, subsections, clauses, sentences or phrases be declared un-  
 8 constitutional or invalid.

1 SEC. 101. This act being of immediate importance shall become ef-  
 2 fective upon publication in the Hardin County Index, a newspaper  
 3 published at Eldora, Iowa, and the Allison Tribune, a newspaper pub-  
 4 lished at Allison, Iowa.\*

Approved April 12, 1939.

I hereby certify that the foregoing act was published in the Hardin County Index,  
 Eldora, Iowa, April 20, 1939, and the Allison Tribune, Allison, Iowa, April 19, 1939.

EARL G. MILLER, *Secretary of State.*

## CHAPTER 121 MOTOR VEHICLES

S. F. 498

AN ACT to amend senate file three hundred seventy-nine (379), acts of the 48th General Assembly, relating to the department of public safety of the state of Iowa, transferring the supervision of registration of motor vehicles and the enforcement of motor vehicle law to said department, and providing that the funds heretofore appropriated be made available to the department of public safety on the effective date of this act, and to designate the commissioner of public safety as the process agent of nonresident motorists; and to amend section two thousand eleven (2011), code, 1935, and chapter one hundred thirty-four (134), and chapter one hundred thirty-five (135), acts of the 47th General Assembly, relating to the motor vehicle law.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two (2) of Senate File three hundred seventy-  
 2 nine (379), Acts of the 48th General Assembly, is hereby amended by  
 3 striking the word "sixth" appearing in line three (3) of said section in  
 4 the enrolled act, and substituting in lieu thereof the word "fourth".

1 SEC. 2. Section thirty-two (32) of Senate File three hundred seven-  
 2 ty-nine (379), Acts of the 48th General Assembly, is hereby amended  
 3 by striking all of lines four (4) to ten (10) inclusive of said section in  
 4 the enrolled act and inserting in lieu thereof the following:

5 "30. Commissioner means the commissioner of public safety of the  
 6 state."

1 SEC. 3. Section thirty-three (33), of Senate File three hundred  
 2 seventy-nine (379), Acts of the 48th General Assembly, is hereby  
 3 amended by striking all of lines four (4) to ten (10), inclusive, of said  
 4 section in the enrolled act, and inserting in lieu thereof the following:

5 "31. Department means the motor vehicle department under the  
 6 commissioner of public safety."

1 SEC. 4. Section ninety-five (95) of Senate File three hundred sev-  
 2 enty-nine (379), Acts of the 48th General Assembly, is hereby amended

\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, by inserting changes herein and adding new sections hereto. See chapter 121.

3 by adding after the period (.) in the last line of said section the fol-  
4 lowing:

5 "But the Commissioner of public safety shall, upon the requisition  
6 of the attorney general, from time to time assign for service in the  
7 department of justice such of its officers, not to exceed six in number,  
8 as may be requisitioned by the attorney general for special service  
9 in the department of justice, and when so assigned such officers shall  
10 be under the exclusive direction and control of the attorney general."

1 SEC. 5. Senate File three hundred seventy-nine (379), Acts of the  
2 48th General Assembly, is hereby amended by adding thereto the fol-  
3 lowing section:

4 "The unexpired balance in the three per cent maintenance fund for  
5 the motor vehicle department provided for in section one hundred  
6 seventy-five (175) of chapter one hundred thirty-four (134), Acts of  
7 the 47th General Assembly, and the unexpended balance in the main-  
8 tenance fund from operator's and chauffeur's licenses, provided for in  
9 section two hundred twenty-three (223) of said act, are hereby trans-  
10 ferred to the general fund of the state."

1 SEC. 6. Senate File three hundred seventy-nine (379), Acts of the  
2 48th General Assembly, is hereby amended by adding thereto the fol-  
3 lowing section:

4 "The unused portion of the appropriations allocated to the various  
5 departments consolidated by this act shall be, upon the effective date  
6 of this act, transferred to the department of safety for the purpose of  
7 maintaining said department until June 30, 1939, and for the trust  
8 department so transferred there is hereby appropriated from any  
9 money in the state treasury not otherwise appropriated, an amount  
10 sufficient to pay salaries and other administration expenses to June  
11 30, 1939."

1 SEC. 7. Senate File three hundred seventy-nine (379), Acts of the  
2 48th General Assembly, is hereby amended by inserting the following:

3 "Sections two (2) to fifteen (15), inclusive, of chapter one hundred  
4 thirty-four (134), Acts of the 47th General Assembly, are hereby  
5 repealed and the following enacted in lieu thereof:

6 "The department of public safety, under the commissioner thereof,  
7 shall constitute the motor vehicle department for the administration  
8 and enforcement of this chapter'."

1 SEC. 8. Senate File three hundred seventy-nine (379), Acts of the  
2 48th General Assembly, is hereby amended by inserting the following:

3 "Section sixteen (16) of chapter one hundred thirty-four (134), Acts  
4 of the 47th General Assembly, is hereby amended by striking from  
5 lines one (1) to two (2) the words, 'Subject to the approval of the  
6 secretary of state'."

1 SEC. 9. Senate File three hundred seventy-nine (379), Acts of the  
2 48th General Assembly, is hereby amended by inserting the following:

3 "Section seventeen (17) of chapter one hundred thirty-four (134),  
4 Acts of the 47th General Assembly, is hereby amended by striking  
5 from lines one (1) and two (2) the words, 'Subject to the approval of  
6 the secretary of state'."

1 SEC. 10. Senate File three hundred seventy-nine (379), Acts of the  
2 48th General Assembly, is hereby amended by inserting the following:  
3 "Section nineteen (19) of chapter one hundred thirty-four (134),  
4 Acts of the 47th General Assembly, is repealed and the following  
5 enacted in lieu thereof:

6 '19. The department may adopt an official seal.'"

1 SEC. 11. Section one hundred seven (107) of chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly, is hereby re-  
3 pealed.

1 SEC. 12. Section one hundred eighteen (118) of chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly, as amended by  
3 Senate File 379, Acts of the 48th General Assembly, is amended by  
4 striking all of said section after the second word "county" in line five  
5 (5).

1 SEC. 13. Section one hundred twenty-seven (127) of chapter one  
2 hundred thirty-four (134), Acts of the 47th General Assembly is  
3 amended by striking the words "motor vehicle" in line two (2).

1 SEC. 14. Section one hundred fifty-five (155) of chapter one hun-  
2 dred thirty-four (134), Acts of the 47th General Assembly, is amended  
3 by striking the words "motor vehicle" in line eight (8).

1 SEC. 15. Section one hundred fifty-eight (158) of chapter one hun-  
2 dred thirty-four (134), Acts of the 47th General Assembly, is amend-  
3 ed by striking the words "motor vehicle" in lines six (6) and seven (7).

1 SEC. 16. Section one hundred eighty-four (184) of chapter one  
2 hundred thirty-four (134), Acts of the 47th General Assembly, is  
3 amended by striking all of said section after the word "report" in line  
4 six (6).

1 SEC. 17. Section one hundred ninety-one (191) of chapter one hun-  
2 dred thirty-four (134), Acts of the 47th General Assembly, is amended  
3 by striking all of said section after the word "state" in line fifteen  
4 (15).

• 1 SEC. 18. Section five hundred thirteen (513) of chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly, is amended  
3 by striking the words "motor vehicle" in line nine (9) and inserting  
4 in lieu thereof the words "public safety".

1 SEC. 19. Section five hundred fifteen (515) of chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly, is amended by  
3 striking the words "motor vehicle" in line nine (9) and inserting in  
4 lieu thereof the words "public safety".

1 SEC. 20. Section five hundred seventeen (517) of chapter one hun-  
2 dred thirty-four (134), Acts of the 47th General Assembly, is amend-  
3 ed by striking the words "motor vehicle" in line nine (9) and inserting  
4 in lieu thereof the words "public safety".

1 SEC. 21. Section five hundred twenty-eight (528) of chapter one  
2 hundred thirty-four (134), Acts of the 47th General Assembly, is  
3 amended by striking the words "motor vehicles" in line four (4) and  
4 inserting in lieu thereof the words "public safety".

1 SEC. 22. Section two thousand eleven (2011), Code, 1935, is amend-  
2 ed by striking all of said section after the word "county" in line seven  
3 (7), as amended.

1 SEC. 23. Section seven (7) of Senate File 379, Acts of the 48th Gen-  
2 eral Assembly, is amended by striking the word "now" where it appears  
3 in lines four (4) and seven (7) and inserting in lieu thereof in each  
4 case the word "heretofore".

1 SEC. 24. Section one (1) of chapter one hundred thirty-five (135),  
2 Acts of the 47th General Assembly, is hereby repealed and the follow-  
3 ing enacted in lieu thereof:

4 "The administration of this act shall be vested in the commissioner  
5 of public safety. The commissioner may employ such employees as are  
6 necessary for the administration of this act, provided the amount ex-  
7 pended in any one year shall not exceed the revenue derived from the  
8 provisions of this act."

1 SEC. 25. Section two (2) of chapter one hundred thirty-five (135),  
2 Acts of the 47th General Assembly, is amended by striking from line  
3 six (6) the words "secretary of state" and inserting in lieu thereof  
4 the word "department of public safety".

1 SEC. 26. Section one (1) of chapter one hundred thirty-four (134),  
2 Acts of the 47th General Assembly, is amended by inserting in line  
3 one hundred sixty-two (162), subsection forty (40), after the word  
4 "owner" the following: "or operator".

1 SEC. 27. Section two hundred eight (208) of chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly, is amended by  
3 striking subsection three (3) thereof and inserting in lieu thereof the  
4 following:

5 To any person, as an operator or chauffeur whose license or driving  
6 privilege has been suspended during such suspension or to any person  
7 whose license, or driving privilege, has been revoked, until the expira-  
8 tion of one year after such revocation.

1 SEC. 28. Section two hundred nine (209) of chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly, is repealed and  
3 the following is enacted in lieu thereof:

4 No person who is under the age of twenty-one years shall drive any  
5 motor vehicle while in use as a carrier of flammables or combustibles,  
6 or as a public or common carrier of persons, except a school bus.

1 SEC. 29. Section two hundred eighteen (218) of chapter one hun-  
2 dred thirty-four (134), Acts of the 47th General Assembly, is repealed  
3 and the following is enacted in lieu thereof:

4 The department may examine every new applicant for an operator's  
5 or chauffeur's license or any person holding a valid operator's or  
6 chauffeur's license when the department has reason to believe that  
7 such person may be physically or mentally incompetent to operate a  
8 motor vehicle. Such examinations shall be held in every county within  
9 periods not to exceed fifteen days. It shall include a test of the appli-  
10 cant's eyesight, his ability to read and understand highway signs regu-  
11 lating, warning, and directing traffic, his knowledge of the traffic laws

12 of this state, and shall include an actual demonstration of ability to  
 13 exercise ordinary and reasonable control in the operation of a motor  
 14 vehicle and such further physical and mental examinations as the de-  
 15 partment finds necessary to determine the applicant's fitness to oper-  
 16 ate a motor vehicle safely upon the highways.

1 SEC. 30. Section two hundred twenty-four (224) of chapter one  
 2 hundred thirty-four (134), Acts of the 47th General Assembly, is  
 3 amended by inserting in line four (4) after the words "type of" the  
 4 word "vehicle".

1 SEC. 31. Section two hundred forty (240) of chapter one hundred  
 2 thirty-four (134), Acts of the 47th General Assembly, is amended by  
 3 striking the first four (4) lines thereof and inserting in lieu thereof  
 4 the following:

5 The department shall forthwith revoke the license of any operator or  
 6 chauffeur, or driving privilege, upon receiving a record of such oper-  
 7 ator's or chauffeur's conviction of any of the following offenses, when  
 8 such conviction has become final:".

1 SEC. 32. Section two hundred forty-five (245) of chapter one hun-  
 2 dred thirty-four (134), Acts of the 47th General Assembly, is amended  
 3 by striking from line two (2) thereof the words "or right".

1 SEC. 33. Section three hundred ten (310) of chapter one hundred  
 2 thirty-four (134), Acts of the 47th General Assembly, is amended by  
 3 striking from line three (3) the word "right" and inserting in lieu  
 4 thereof the word "privilege".

1 SEC. 34. Chapter one hundred thirty-four (134), Acts of the 47th  
 2 General Assembly, is further amended by adding thereto, after sec-  
 3 tion four hundred forty-nine (449), the following;

4 No person shall have for sale, sell or offer for sale any motor vehicle,  
 5 trailer, or semi-trailer which is in such unsafe condition as to endanger  
 6 any person or which does not contain those parts or is not at all times  
 7 equipped with such lamps and brakes and other equipment in proper  
 8 condition and adjustment as required in this chapter, or which is  
 9 equipped in any manner in violation of this chapter.

1 SEC. 35. Section four hundred sixty-two (462) of chapter one hun-  
 2 dred thirty-four (134), Acts of the 47th General Assembly, is repealed  
 3 and the following is enacted in lieu thereof:

4 No person shall drive any motor vehicle equipped with a windshield  
 5 which does not permit clear vision, or with any sign, poster or other  
 6 nontransparent material upon the front windshield of such vehicle  
 7 other than a certificate or other paper required to be so displayed by  
 8 law, which shall be displayed in the upper right-hand corner.

1 SEC. 36. This act being deemed of immediate importance shall be  
 2 in full force and effect after its publication in The Movable Mail, a  
 3 newspaper published at Movable, Iowa, and the Clinton Herald, a news-  
 4 paper published at Clinton, Iowa.

Approved May 1, 1939.

I hereby certify that the foregoing act was published in The Movable Mail, May 4, 1939,  
 and the Clinton Herald, May 4, 1939.

EARL G. MILLER, *Secretary of State.*