

6 truck hauling less than one thousand pounds on said truck nor to a
7 farm tractor pulling or towing a four-wheeled trailer.”

Approved April 8, 1943.

CHAPTER 163

MOTOR TRUCK LOADS

H. F. 30

AN ACT to amend section one (1) of chapter one hundred seventy-eight (178), acts of the 49th General Assembly, relating to the maximum loads on motor trucks.

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

1 SECTION 1. Section one (1) of chapter one hundred seventy-
2 eight (178), Acts of the 49th General Assembly, is amended by
3 striking from line four (4) the word, “license” and inserting in
4 lieu thereof the word, “registration”.

Approved February 16th, 1943.

CHAPTER 164

PROCEDURE IN MISDEMEANOR VIOLATIONS OF MOTOR VEHICLE LAWS

H. F. 478

AN ACT to repeal sections five thousand thirty-seven and two hundredths (5037.02), five thousand thirty-seven and three hundredths (5037.03), and five thousand thirty-seven and four hundredths (5037.04), code, 1939, and to enact substitutes therefor; to amend chapter two hundred fifty-one and one-tenth (251.1), code, 1939, and section thirteen thousand four hundred sixty (13460), code, 1939, relating to making arrests, the issuance of summons, and memoranda for violations of said chapter, stopping of vehicles by peace officers, the issuance of summons in lieu of warrants for arrest by magistrates in case of misdemeanor and the procedure thereunder.

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

1 SECTION 1. Section five thousand thirty-seven and two hundredths
2 (5037.02), Code, 1939, is hereby repealed and the following enacted
3 in lieu thereof:

4 “Whenever a peace officer has reasonable cause to believe that a
5 person has violated any provision of this chapter punishable as a
6 misdemeanor, such officer may:

7 1. Immediately arrest such person and take him before a magistrate
8 of the county in which the apparent violation occurred; or

9 2. Without arresting the person, either

10 a. Prepare in triplicate a written summons to appear in court
11 containing the name and address of such person, the operator
12 or chauffeur license number if any, the registration number
13 if any of his vehicle, the offense charged, and the time when
14 and place where such person shall appear in court, which
15 shall be within the county in which the offense charged is
16 alleged to have been committed; or

17 b. Prepare in triplicate a memorandum of the alleged traffic
18 violation containing the name and address of such person,

19 the registration number if any of his vehicle, the offense
20 alleged to have been committed, and such other information
21 as may be prescribed by the commissioner."

1 SEC. 2. Section five thousand thirty-seven and three hundredths
2 (5037.03), Code, 1939, is hereby repealed and the following enacted
3 in lieu thereof:

4 "In lieu of bail the magistrate may release the arraigned person
5 upon his written promise to appear in court for trial at time and
6 place designated by such magistrate.

7 "If the officer prepares either a summons or a memorandum as
8 provided in the preceding section, the alleged offender shall be
9 requested to sign the same in triplicate, and if he does sign may be
10 released without arrest. In case a summons is issued, the signing
11 shall constitute a written promise to appear as stated in said
12 summons. The duplicate summons shall be presented to the person
13 named therein. If memorandum is prepared, the original shall be
14 retained by the officer, the duplicate sent to the department, and the
15 triplicate presented to the person named therein."

1 SEC. 3. Section five thousand thirty-seven and four hundredths
2 (5037.04), Code, 1939, is hereby repealed and the following enacted
3 in lieu thereof:

4 "Any person wilfully violating a summons to appear in court given
5 as provided in this chapter, is guilty of a misdemeanor, punishable as
6 provided in section 5036.01 regardless of the disposition of the charge
7 upon which he was summoned.

8 "An appearance in response to such summons may be made either
9 in person or by counsel."

1 SEC. 4. Chapter two hundred fifty-one and one-tenth (251.1),
2 Code, 1939, is hereby amended by adding thereto a new section as
3 follows:

4 "Any peace officer is authorized to stop any vehicle to require
5 exhibition of the driver's operator or chauffeur license, to serve a
6 summons or memorandum of traffic violation, to inspect the condition
7 of the vehicle, to inspect the vehicle with reference to size, weight,
8 cargo, bills of lading or other manifest of employment, and safety
9 equipment, or to inspect the registration certificate, the compensation
10 certificate, travel order, or permit of such vehicle."

1 SEC. 5. Section thirteen thousand four hundred sixty (13460),
2 Code, 1939, is hereby amended by adding thereto as new paragraphs,
3 the following:

4 "Whenever the preliminary information charges a misdemeanor
5 the magistrate may in his discretion issue a summons instead of a
6 warrant of arrest. The summons shall set forth substantially the
7 nature of the offense and shall command the person against whom
8 the complaint was made to appear before the magistrate issuing the
9 summons at a time and place stated therein.

10 "The summons may be served in the same manner as an original
11 notice in a civil action.

12 "If the person named in the summons is actually served as provided
13 herein and fails without good cause to appear as commanded by the
14 summons, he shall be considered in contempt of court and may be

15 punished by a fine of not more than twenty dollars. Upon such failure
 16 to appear, the magistrate shall issue a warrant of arrest for the offense
 17 originally charged, and institute proceedings in contempt as provided
 18 by chapter 536, Code, 1939.

19 "If after issuing a summons the magistrate becomes satisfied that
 20 the person to whom such summons has been directed will not appear,
 21 he may at once issue a warrant of arrest without waiting for the
 22 date mentioned in the summons."

Approved April 20, 1943.

CHAPTER 165

IOWA MOTOR VEHICLE FUEL TAX LAW

S. F. 323

AN ACT to amend, revise and codify chapter two hundred fifty-one and three-tenths (251.3), code, 1939, including sections five thousand ninety-three and one one-hundredths (5093.01) to five thousand ninety-three and thirty-nine one-hundredths (5093.39), both inclusive, and all acts and laws amendatory of said chapter and sections relating to the collection of license fees or taxes on motor vehicle fuel, including fuel oil and liquefied gas used or otherwise disposed of in the state of Iowa; to define motor vehicle fuel, motor fuel, fuel oil, liquefied gas, and other terms used in this act; to impose a license fee or tax of three cents (3c) per gallon or fraction thereof on motor vehicle fuel sold or used in the state of Iowa; to provide for reports for payment and collection of said license fee or tax; to provide for the licensing of distributors, dealers, retailers, station operators and transporters and the revocation of such licenses; to provide for the keeping of records and the making of reports on the part of persons handling said fuels and transporting same; to provide for refunding the license fee or tax paid under certain conditions when fuel is not used in propelling vehicles on the highways; to provide as to the purposes and objects for which the license fees or taxes collected shall be used, and to provide penalties for the violation of the provisions of this act.

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

1 SECTION 1. That Chapter two hundred fifty-one and three-tenths
 2 (251.3), Code, 1939, including sections five thousand ninety-three and
 3 one one-hundredths (5093.01) to five thousand ninety-three and
 4 thirty-nine one-hundredths (5093.39), both inclusive, and all acts
 5 and laws amendatory of said chapter and sections, are hereby amend-
 6 ed, revised and codified to read as follows.

1 SEC. 2 "5093.01. Purpose. It is the intent and purpose of this
 2 chapter to amend, revise, codify and supplement the existing laws of
 3 the State of Iowa relating to the collection of license fees on motor
 4 vehicle fuel, and to continue the policy of collecting for highway
 5 purposes an excise tax or license fee on all motor vehicle fuel used to
 6 propel motor vehicles on the highways of this State, and to provide
 7 such regulations as will prevent the evasion of the payment of such
 8 license fees and to insure the collection thereof and to that end to
 9 collect the license fee on all motor vehicle fuel in the State and from
 10 the first person receiving the same in this State for sale or use in this
 11 State and to require such person and all subsequent sellers to collect
 12 such license fee from purchasers to whom the same is sold for use
 13 or resale in this State so that said license fees shall be ultimately paid