

7 pursuant to section seven hundred fifty point one (750.1) of the Code or shall
 8 notify a peace officer of the county, township, or municipality in which the
 9 accident occurs. When a local law enforcement agency is informed of the
 10 accident, the agency shall notify the Iowa highway safety patrol. For purposes of
 11 this section "hazardous substances" shall mean hazardous substances as defined
 12 in the federal Transportation Safety Act of 1974 (Public Law ninety-three dash
 13 six hundred thirty-three (93-633), section one hundred three (103)). A person who
 14 violates any provision of this section shall, upon conviction, be guilty of a
 15 misdemeanor.

1 SEC. 2. House File seven hundred thirty-six (736), as enacted by the Sixty-
 2 sixth General Assembly, 1976 Session, is repealed.

Approved June 23, 1976

CHAPTER 1174

VEHICLE TRANSPORTATION

H. F. 1432

AN ACT relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations.

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

1 SECTION 1. Section three hundred twenty-one point four hundred eighty-six
 2 (321.486), Code 1975, is amended by striking unnumbered paragraph two (2) and
 3 inserting in lieu thereof the following:

4 When bail is required to guarantee appearance for any offense charged under
 5 this chapter, the following nonexclusive forms shall be permitted subject to the
 6 following limitations:

7 1. A current guaranteed arrest bond certificate as defined in section three
 8 hundred twenty-one point one (321.1), subsection seventy-one (71) of the Code
 9 shall be considered sufficient surety if the defendant is charged with an offense
 10 where the penalty does not exceed two hundred dollars.

11 2. A valid credit card, as defined in section five hundred thirty-seven point one
 12 thousand three hundred one (537.1301), subsection seventeen (17) of the Code
 13 may be used and shall be sufficient surety when the defendant is charged with
 14 any scheduled offense under section seven hundred fifty-three point fifteen
 15 (753.15) of the Code. The defendant may use a credit card for bail purposes only
 16 in accordance with rules of the department of public safety adopted pursuant to
 17 chapter seventeen A (17A) of the Code.

1 SEC. 2. Chapter three hundred twenty-one (321), Code 1975, is amended by
 2 adding the following new section:

3 NEW SECTION. Fines for scheduled traffic violations enumerated in section
 4 seven hundred fifty-three point fifteen (753.15) of the Code may be paid by credit
 5 cards, as defined in section five hundred thirty-seven point one thousand three
 6 hundred one (537.1301), subsection seventeen (17) of the Code, approved for that
 7 purpose by the commissioner of public safety. The commissioner shall enter
 8 agreements with financial institutions extending credit through the use of credit

9 cards to insure reimbursement of the amount of the fine plus appropriate costs to
10 the proper traffic violations office in the state. The commissioner shall adopt rules
11 pursuant to chapter seventeen A (17A) of the Code to implement the provisions
12 of this section.

1 SEC. 3. Section three hundred twenty-one E point three (321E.3), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 All movements of mobile homes and other vehicles the width of which,
4 including any load, exceeds the roadway lane width of the highway or street being
5 traversed, shall be under escort. Permits for the movement of indivisible loads
6 and single-trip permits for construction equipment being moved temporarily on
7 highways and streets exceeding ~~thirteen~~ fourteen feet in width or mobile homes of
8 widths including appurtenances exceeding twelve feet, five inches shall be
9 restricted to maximum trip distances in accordance with the following schedule:

1 SEC. 4. Section three hundred twenty-one E point nine (321E.9), subsection
2 seven (7), Code 1975, is amended to read as follows:

3 7. Vehicles or combinations of vehicles consisting of construction machinery
4 being temporarily moved on streets, roads, and highways with a maximum total
5 gross weight limitation and a single axle weight limitation prescribed in section
6 321E.7, an overall width not to exceed ~~thirteen~~ fourteen feet, an overall length not
7 to exceed eighty feet, may be moved for unlimited distances over specified routes
8 when accompanied by official escort approved by the issuing authority. The
9 height of the vehicle or combination of vehicles shall be limited only to the height
10 limitations of underpasses, bridges, power lines, and other established height
11 restrictions on the specified route.

1 SEC. 5. Section three hundred twenty-one E point eleven (321E.11), Code
2 1975, is amended to read as follows:

3 **321E.11 Daylight movement only—holidays.** Movements by permit in
4 accordance with this chapter shall be permitted only during the hours from
5 sunrise to sunset unless it is established by the issuing authority that the
6 movement can be better accomplished at another period of time because of traffic
7 volume conditions.

8 Except as provided in section 321.457, no movement by permit shall be
9 permitted on ~~Sunday~~, holidays, ~~after twelve o'clock noon on Saturdays~~, or after
10 twelve o'clock noon on days preceding holidays and holiday weekends, or special
11 events when abnormally high traffic volumes can be expected. Such restrictions
12 shall not be applicable to urban transit systems as defined in section 321.19,
13 subsection 2. For the purposes of this chapter, holidays shall include ~~New Year's~~
14 ~~Day~~, Memorial Day, Independence Day, ~~Veterans Day~~, and Labor Day;
15 ~~Thanksgiving Day~~, and ~~Christmas Day~~.

1 SEC. 6. Section three hundred twenty-one E point sixteen (321E.16), Code
2 1975, is amended to read as follows:

3 **321E.16 Violations—penalties.** *A person shall not commit any act forbidden or*
4 *fail to perform any act required by the provisions of this chapter or any provision of*
5 *rules adopted pursuant to section three hundred twenty-one E point fifteen (321E.15)*
6 *of the Code. Any person who is convicted of a violation of any provision other*
7 *than length, height, width, or weight of any permit issued under this chapter shall*
8 *be punished by a fine of not less than one hundred dollars, nor more than five*
9 *hundred dollars. The fine for violation of the length, height, width, and weight*
10 *allowed by permit shall be based upon the difference between the actual length,*
11 *height, width, and weight of the vehicle and load and the maximum allowable by*
12 *permit and in accordance with section 321.482 for violations of length, height, or*
13 *width limitations and sections 321.482 and 321.463 for violation of weight*
14 *limitations. If a vehicle with indivisible load traveling under permit is found to be*
15 *in violation of weight limitations, the vehicle operator shall be allowed a*
16 *reasonable amount of time to remove any ice, mud, snow, and other weight*

17 attributable to climatic conditions accumulated along the route prior to
18 application of the penalties prescribed in sections 321.463 and 321.482.

1 SEC. 7. Section three hundred twenty-five point thirteen (325.13), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the following:

3 **325.13 Protests against applications.**

4 1. Upon the filing of the application, the board shall publish a notice to the
5 citizens of each county in which the proposed service will be rendered. The notice
6 shall be published once in a newspaper of general circulation in each county.

7 2. Any person, firm, corporation, city, or county whose rights or interests may
8 be affected may file written objections with the board.

9 3. A protest against the granting of the application shall state specifically the
10 grounds upon which it is made and contain a concise statement of the interest of
11 the person filing a protest in the proceeding.

12 4. A protest shall be filed with the board not later than thirty days from the
13 date of the publication of notice.

14 5. Upon receipt of any protests complying with subsection three (3) of this
15 section, the board shall set the matter for hearing not less than ten days following
16 the expiration of the time in which protests may be made and shall give notice to
17 all persons who have filed protests of the time and place of the hearing.

1 SEC. 8. Section three hundred twenty-five point seventeen (325.17), Code
2 1975, is amended to read as follows:

3 **325.17 Testimony receivable.** *¶ The board shall consider the application and*
4 *any objections filed thereto and may hear testimony to aid it in determining the*
5 *propriety of granting the application.*

1 SEC. 9. Section three hundred twenty-five point nineteen (325.19), Code 1975,
2 is amended to read as follows:

3 **325.19 Expense of hearing.** *The applicant shall pay all the costs and*
4 *expenses of the hearing and necessary preliminary investigation in connection*
5 *therewith before his application shall be granted. The board shall establish*
6 *appropriate fees which shall be paid to the department at the time the application is*
7 *filed.*

1 SEC. 10. Section three hundred twenty-six point ten (326.10), Code 1975, is
2 amended to read as follows:

3 **326.10 Minimum fee.** *The minimum fee for each vehicle registered with this*
4 *state under an apportionment agreement shall not be less than ten dollars for*
5 *each truck or truck tractor and two dollars for each trailer. If the department*
6 *enters into an apportionment agreement where minimum fees are not permitted, the*
7 *provisions of this section shall not apply. In addition to proportional registration*
8 *fees, the department shall collect the amounts of fees due as hereinafter provided*
9 *for the issuance of plates, stickers or other identification of all vehicles subject to*
10 *proportional registration.*

1 SEC. 11. Section seven hundred fifty-three point thirteen (753.13),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The commissioner of public safety shall adopt a uniform, combined traffic
4 citation and complaint, which shall be used for charging all traffic violations in
5 Iowa under state law or municipal ordinance, unless the defendant is charged by
6 information or section 321.236, subsection 1, is applicable. Each citation and
7 complaint shall be serially numbered and shall be in quadruplicate, and the
8 officer shall deliver the original and a copy to the court where the defendant is to
9 appear, a copy to the defendant, and a copy to the law enforcement agency of the
10 officer. The court shall forward the copy of the citation and complaint in
11 accordance with section 321.207. The citation and complaint shall contain, among
12 other things, spaces for the parties' names and for the information required by
13 section 321.485, subsection 2; a place where the defendant may sign the promise

14 to appear referred to in section 321.486; a list of the minimum fines prescribed by
 15 section 753.15, either separately or by groups; a brief explanation of sections
 16 753.16 and 753.17; and a space where the defendant may sign an admission of the
 17 violation when such section 753.16 is applicable. *The citation and complaint may*
 18 *contain a space for the imprint of a credit card.* Every citation and complaint shall
 19 require the defendant to appear before a court at a specified time and place.
 20 Notwithstanding section 321.485, subsection 2, the officer may arrest the
 21 defendant although a citation and complaint is used to charge the violation, if
 22 authorized by section 755.4.

1 SEC. 12. Section seven hundred fifty-three point fifteen (753.15), subsection
 2 six (6), Code 1975, is amended to read as follows:

3 6. Excess speed up to ten miles per hour over the legal limit, ~~twenty~~ ten dollars.

1 SEC. 13. Section seven hundred fifty-three point fifteen (753.15), Code 1975, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. No evidence or improper evidence of intrastate authority
 4 carried or displayed, twenty-five dollars.

5 NEW SUBSECTION. No evidence or improper evidence of interstate authority
 6 carried or displayed, one hundred dollars.

7 NEW SUBSECTION. No or improper carrier identification markings, fifteen
 8 dollars.

9 NEW SUBSECTION. Operation of vehicle by unqualified driver, twenty-five
 10 dollars.

11 NEW SUBSECTION. Operating a vehicle in violation of maximum hours of
 12 service or failure to maintain and display evidence of hours of service, twenty-five
 13 dollars.

1 SEC. 14. Section seven hundred fifty-three point sixteen (753.16), subsection
 2 three (3), paragraph a, Code 1975, is amended to read as follows:

3 a. If the defendant wishes to admit the violation, the officer may release the
 4 defendant upon observing him mail the citation and complaint, admission, and
 5 minimum fine, together with five dollars costs, to a traffic violations office in the
 6 county, in an envelope furnished by the officer. The officer may allow the
 7 defendant *to use a credit card pursuant to rules adopted pursuant to section two (2) of*
 8 *this Act by the department of public safety or to mail a check in the proper amount*
 9 *in lieu of cash.* If the check is not paid by the drawee for any reason, the
 10 defendant may be held in contempt of court. The officer shall advise the
 11 defendant of the penalty for nonpayment of the check.

1 SEC. 15. Sections three hundred twenty-five point fourteen (325.14), three
 2 hundred twenty-five point fifteen (325.15), three hundred twenty-five point
 3 sixteen (325.16) and three hundred twenty-five point twenty (325.20), Code 1975,
 4 are repealed.

Approved June 28, 1976