

CHAPTER 1175**MOTOR VEHICLE LAWS — MISCELLANEOUS PROVISIONS***S.F. 2343*

AN ACT relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle-related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, creating a penalty for violating a license restriction, relating to the operation of new motor vehicle models by a dealer licensed as a wholesaler, requiring consideration of safety concerns for location of roadways, allowing special registration plates for leased motor vehicles, relating to the sale of certain antique vehicles, relating to lighting devices and citations issued for failing to have certain lighting devices, increasing the penalty for failure to have a valid license or permit, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, exempting certain commercial vehicles from motor carrier safety regulations, eliminating a yield to honking passer requirement, and making other technical changes.

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

DIVISION I

Section 1. Section 321.57, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A dealer licensed as a wholesaler for a new motor vehicle model under chapter 322 may operate a new motor vehicle of that model, owned by the wholesaler, upon the highway when there is displayed on the vehicle a special plate issued to the wholesaler as provided in sections 321.58 through 321.62 and when operated solely for the purposes of demonstration, show, or exhibition.

Sec. 2. Section 321.58, Code 1991, is amended to read as follows:

321.58 APPLICATION.

All dealers, transporters, and mobile home dealers licensed under chapter 322B may, upon payment of a fee of thirty-five seventy dollars for two years, one hundred forty dollars for four years, or two hundred ten dollars for six years, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, mobile home dealer licensed under chapter 322B, or dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership. A dealer licensed as a wholesaler for a new motor vehicle model pursuant to chapter 322, shall furnish satisfactory evidence of valid written authorization from the manufacturer of the new motor vehicle of the dealer's status as a wholesaler of the new motor vehicle model.

Sec. 3. Section 321.60, Code 1991, is amended to read as follows:

321.60 ISSUANCE OF SPECIAL PLATES.

The department shall also issue special plates as applied for, which shall display the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the plate and distinguishing it from every other plate bearing the same general distinguishing number. The fee for each special plate shall be twenty is forty dollars for two years, eighty dollars for four years, or one hundred twenty dollars for six years.

Special plates may be validated in the same manner as regular registration plates under this chapter at an annual fee of twenty dollars.

Sec. 4. Section 321.61, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

321.61 EXPIRATION OF SPECIAL PLATES.

A special plate shall expire at midnight on the last day of the last month of the dealer's license expiration period, and upon application and payment of the fee the department shall validate the special plate in the same manner as regular registration plates.

Sec. 5. NEW SECTION. 321.64 IMPLEMENTATION OF MULTIYEAR LICENSING AND ISSUANCE OF SPECIAL PLATES.

To implement the change from a calendar year to multiyear certificate as provided in section 321.58 and to implement the change from calendar year to multiyear special plates as provided in section 321.60, each certificate or special plate shall have an expiration month as established by the department with fees prorated based upon the number of months for which the certificate or special plate was issued.

Sec. 6. Section 321F.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

321F.4 FEES AND EXPIRATION.

1. The license fee for a license to engage in the business of leasing vehicles in this state is thirty dollars for a two-year license, sixty dollars for a four-year license, and ninety dollars for a six-year license, to be paid at the time the application for a license is filed. If the application is denied, the amount of the fee shall be refunded to the applicant.

2. A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable.

Sec. 7. NEW SECTION. 321F.4A IMPLEMENTATION OF MULTIYEAR LICENSING.

To implement the change from calendar year to multiyear licensing provided in section 321F.4, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 8. Section 321F.6, Code 1991, is amended to read as follows:

321F.6 CERTIFICATE OF RESPONSIBILITY.

Within ten days after delivery of a motor vehicle under a lease entered into by a lessor, ~~such~~ the lessor shall file with the director evidence of financial responsibility and a copy of the lease, ~~together with a certificate on forms to be provided by the director,~~ setting forth the name and address of the lessee, the period of the lease, and ~~such~~ other information as the director may require, except if the lessor has on file with the director evidence of financial responsibility covering all motor vehicles which may be leased by the lessor, the lessor shall not be required to furnish further evidence of financial responsibility after delivery of the motor vehicle under a lease. ~~In addition if~~ If a lessor has filed with the director a lease form under which motor vehicles are to be leased, the lessor shall not be required to file a copy of each lease.

~~The lessor shall pay a filing fee of fifty cents for each motor vehicle to be leased upon the filing of each certificate provided for in this section.~~

Sec. 9. Section 321F.7, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

321F.7 CERTIFICATE CARRIED IN VEHICLE.

A certificate on a form prescribed by the director shall be carried in the leased vehicle to identify the name and address of the lessee and the make, year, and vehicle identification number of the leased vehicle in addition to the vehicle's registration card. The certificate shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request.

Sec. 10. Section 321H.4, subsections 1 and 2, Code 1991, are amended to read as follows:

1. Upon application and payment of a ~~thirty-five dollar~~ fee, a person may apply for a license to operate as an authorized vehicle recycler to engage in the business as one or more of the following:

- a. A vehicle rebuilder; ~~or.~~

- b. A used vehicle parts dealer; or
- c. A vehicle salvager.

2. Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by the a fee of seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. The license shall be approved or disapproved within thirty days after application for the license. ~~Each license shall expire, unless revoked or suspended by the department, on December 31 of the calendar year for which the license was granted~~ A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A separate license shall be obtained for each county in which an applicant conducts operations.

Sec. 11. NEW SECTION. 321H.4A IMPLEMENTATION OF MULTIYEAR LICENSING.

To implement the change from calendar year to multiyear licensing provided in section 321H.4, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 12. Section 322.1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction to exchange information on dealer activity in order to pursue legal action for violations.

Sec. 13. Section 322.5, subsection 1, Code 1991, is amended to read as follows:

1. The license fee for a motor vehicle dealer ~~for each calendar year or part thereof shall be~~ is the sum of thirty-five seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license for the licensee's principal place of business in each city or township and an additional ~~ten twenty~~ forty dollars for four years, or sixty dollars for six years for each car lot which is in the city or township in which the principal place of business is located and which is not adjacent to ~~such that~~ such that place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of ~~such the~~ such the fee to the applicant. For the purposes of this section "adjacent" means that the principal place of business and each additional lot are adjoining parcels of property.

Sec. 14. Section 322.7, subsections 3 and 4, Code 1991, are amended to read as follows:

3. The license of a motor vehicle dealer ~~shall expire and terminate,~~ is valid for a two-year, four-year, or six-year time period and expires unless ~~sooner~~ sooner revoked or suspended, ~~at the end of the calendar year in which it is granted on the last day of the last month of the two-year, four-year, or six-year period, as applicable.~~

4. The motor vehicle dealer license provided for in this chapter shall be renewed annually upon application in ~~such the~~ such the form and content as prescribed by the department and upon payment of the required fee. ~~Such renewal shall take effect on the first day of January of each year.~~

Sec. 15. NEW SECTION. 322.7A IMPLEMENTATION OF MULTIYEAR LICENSING.

To implement the change from calendar year to multiyear licensing provided in section 322.7, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 16. Section 322B.3, subsection 2, Code 1991, is amended to read as follows:

2. LICENSE FEES. The license fee for a mobile home dealer ~~for each calendar year is~~ thirty-five seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. If the application is denied, the department shall refund the fee. Fees and funds accruing from the administration of this chapter shall be accounted for and paid by the department to the treasurer of state monthly for deposit in the road use tax fund of the state.

To implement the change from calendar year to multiyear licensing provided in this section, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 17. Section 322C.4, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Upon application and payment of a ~~thirty-five dollar~~ fee, a person may be licensed as a travel trailer dealer. The fee is seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. The person shall pay an additional ~~ten-dollar~~ fee of twenty dollars for two years, forty dollars for four years, or sixty dollars for six years for each travel trailer lot in addition to the principal place of business unless the lot is adjacent to the principal place of business. For purposes of this subsection, "adjacent" means that the principal place of business and each additional lot are adjoining parcels of property. The applicant shall file in the office of the department a verified application for license as a travel trailer dealer in the form the department prescribes, which shall include the following:

Sec. 18. Section 322C.4, subsection 2, Code 1991, is amended to read as follows:

2. ~~The license shall be granted or refused within thirty days after application. Each license~~ A license is valid for a two-year, four-year, or six-year period and expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license is granted on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

To implement the change from calendar year to multiyear licensing provided in this section, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

DIVISION II

Sec. 19. Section 321.1, subsection 25, paragraph b, Code Supplement 1991, is amended to read as follows:

b. "Gross combination weight rating" means the combined ~~weights specified by the manufacturer as the loaded weight of gross vehicle weight ratings~~ weights specified by the manufacturer as the loaded weight of gross vehicle weight ratings for each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle ~~shall be~~ is its gross weight.

Sec. 20. Section 321.176A, subsection 1, Code 1991, is amended to read as follows:

1. A farmer or a person working for a farmer while operating a ~~special truck commercial motor vehicle owned by the farmer~~ special truck commercial motor vehicle owned by the farmer within one hundred fifty air miles of the farmer's farm to transport ~~the farmer's own agricultural products, farm machinery, or farm supplies to or from the farm.~~ the farmer's own agricultural products, farm machinery, or farm supplies to or from the farm. The exemption provided in this subsection shall apply to farmers who assist each other through an exchange of services and shall include operation of a commercial motor vehicle between the farms of the farmers who are exchanging services.

Sec. 21. Section 321.188, subsection 3, Code 1991, is amended to read as follows:

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 adopted as of a specific date by rule by the department to obtain or retain the endorsement. However, an applicant for license ~~upgrade issuance who was previously issued a commercial driver's license from another state~~ upgrade issuance who was previously issued a commercial driver's license from another state may retain the ~~hazardous material endorsement from the previously issued license~~ hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months.

Sec. 22. Section 321.189, subsection 1, paragraphs a and b, Code 1991, are amended to read as follows:

a. Class A — Valid for the operation of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if ~~one of the towed vehicle or vehicles has~~ one of the towed vehicle or vehicles has

a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds, and also valid for the operation of vehicles with lower gross combination weight ratings and other vehicles except motorcycles.

b. Class B — Valid for the operation of a vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided if the towing vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds and each the towed vehicle has or vehicles have a gross vehicle weight rating or gross combination weight rating of less than ten thousand one pounds, and also valid for the operation of vehicles with lower gross vehicle weight ratings or gross combination weight ratings except motorcycles.

Sec. 23. Section 321.189, subsection 2, paragraph b, Code 1991, is amended to read as follows:

b. A commercial driver's license shall include the licensee's address as required under federal regulations, and the licensee's social security number, and the word words "commercial driver's license" or "CDL" shall appear prominently on the face of the license. If the applicant is a nonresident, the license must conspicuously display the word "nonresident".

Sec. 24. Section 321.208, subsection 1, paragraph b, Code 1991, is amended to read as follows:

b. Operating a commercial motor vehicle with a blood an alcohol concentration, as defined in section 321J.1, of 0.04 or more.

Sec. 25. Section 321.208, subsection 7, Code 1991, is amended to read as follows:

7. A person is disqualified from operating a commercial motor vehicle if the person either refuses to submit to chemical testing required under chapter 321J or submits to chemical testing and the results show a blood an alcohol concentration as defined in section 321J.1 of 0.04 or more. The department, upon receipt of the peace officer's certification, subject to penalty for perjury, that the peace officer had reasonable grounds to believe the person to have been operating a commercial motor vehicle with a blood an alcohol concentration of 0.04 or more and that the person refused to submit to the chemical testing or submitted to chemical testing and the results show a blood an alcohol concentration as defined in section 321J.1 of 0.04 or more, shall, without preliminary hearing and upon twenty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

Sec. 26. Section 321.208, subsection 7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The effective date of disqualification shall be twenty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or the department may notify the person by certified mail. If immediate notice is served, the peace officer shall take the commercial driver's license or permit of the driver, if issued within the state, and issue a temporary commercial driver's license effective for only twenty days. The peace officer shall immediately send the person's commercial driver's license to the department in addition to the officer's certification required by this subsection.

DIVISION III

Sec. 27. Section 204B.3, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. A motor vehicle operator's license containing the purchaser's photograph and residential or mailing address, other than a post office box number, or any other official state-issued identification containing this information.

Sec. 28. Section 321.1, subsection 77, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under chapters 321, 321A, 321C, and 321J, "motor vehicle license" includes any privilege to operate a motor vehicle.

Sec. 29. Section 321.34, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 15. LEASED VEHICLES. Registration plates under this section may be issued to the lessee of a motor vehicle if the lessee provides evidence of a lease for a period of more than sixty days and if the lessee complies with the requirements, under this section, for issuance of the specific registration plates.

Sec. 30. Section 321.50, subsection 4, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a title is presented for transfer, and the lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, the county of transfer shall notify the county of record that the lien has been released as of the specified date, and shall make entry upon the computer system, and shall proceed to transfer the title. Notification to the county of record shall be made by an automated statewide system, or by sending a photocopy of the released title to the county of record.

Sec. 31. Section 321.115, subsection 2, Code 1991, is amended to read as follows:

2. The sale of a motor vehicle ~~twenty-five~~ twenty years old or older which is primarily of value as a collector's item and not as transportation is not subject to chapter 322 and any person may sell such a vehicle at retail or wholesale without a license as required under chapter 322.

Sec. 32. Section 321.186, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A physician licensed under chapter 148, 150, or 150A, may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician under this section shall be kept confidential. Information regulated by chapter 141 shall be subject to the provisions of sections 141.23 and 141.24.

Sec. 33. Section 321.193, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section.

Sec. 34. **NEW SECTION. 321.385A CITATION FOR UNLIGHTED HEADLAMP.** A citation issued for failure to have head lamps as required under section 321.385 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp. If the person complies with the directive to replace or repair the headlamp within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.

A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light. If the person complies with the directive to replace or repair the lamps or light within

the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.

Sec. 35. Section 321.387, Code 1991, is amended to read as follows:
321.387 REAR LAMPS.

Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp or lamps, exhibiting a red light plainly visible from a distance of five hundred feet to the rear. All lamps and lighting equipment originally manufactured on a motor vehicle shall be kept in working condition or shall be replaced with equivalent equipment.

Sec. 36. Section 321.415, subsections 1 and 2, Code 1991, are amended to read as follows:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within ~~five hundred one~~ thousand feet, the driver shall use a distribution of light, or composite beam, so aimed ~~that~~ the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 2, shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within ~~two~~ four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1.

Sec. 37. Section 321.445, subsection 2, paragraph e, Code 1991, is amended to read as follows:

e. A person possessing a written certification from a physician on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying physician is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

Sec. 38. Section 321.449, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Rules adopted under this section concerning periodic inspections shall not apply to special trucks as defined in section 321.1, subsection 71, and registered under section 321.123.

NEW UNNUMBERED PARAGRAPH. Rules adopted under this section shall not apply to vehicles used in combination provided the gross vehicle weight rating of the towing unit is ten thousand pounds or less and the gross combination weight rating is twenty-six thousand pounds or less.

Sec. 39. Section 321A.1, subsection 1, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Department" means the state department of transportation.

Sec. 40. Section 805.8, subsection 2, paragraph i, Code 1991, is amended to read as follows:

i. For violations involving failures to yield or to observe pedestrians and other vehicles under sections 321.257, subsection 2, 321.288, 321.298, ~~321.300~~, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and 321.367, the scheduled fine is twenty dollars.

Sec. 41. Section 805.8, subsection 2, paragraph r, Code 1991, is amended to read as follows:

r. For failure to have a valid license or permit for operating a motor vehicle on the highways of this state, the scheduled fine is ~~fifteen~~ twenty dollars.

Sec. 42. Sections 321.300 and 321.301, Code 1991, are repealed.

Sec. 43. The Code editor shall amend chapter 321A by striking the word "director" and inserting in lieu thereof the word "department" throughout the chapter.