

**NEW SUBSECTION. 18.** An acupuncturist registered under chapter 148E may use the words "registered acupuncturist" after the person's name.

Sec. 14. Section 147.80, Code 1993, is amended by adding the following new subsection after subsection 23 and renumbering the remaining subsections:

**NEW SUBSECTION. 24.** Registration to practice acupuncture, registration to practice acupuncture under a reciprocal agreement, or renewal of registration to practice acupuncture.

Approved May 3, 1993

## CHAPTER 87

### TRANSPORTATION AND RELATED PROVISIONS

*H.F. 354*

**AN ACT** relating to the state department of transportation by requiring federal and state cooperation regarding federal funding of transportation, by permitting a credit for certain registration fees on leased vehicles purchased by the lessee, concerning motor vehicle license suspension or revocation for drug-related offenses, by eliminating liens on public property and providing for retroactive application, by changing inspection requirements of railroads, by providing for the length of buses, by changing the transportation habitual offender statute and providing for additional penalties, by providing for safety standards for privately owned, public use airports, and by providing for the preapplication process for federal funding for airports and providing an effective date.

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

Section 1. Section 6A.10, subsection 1, Code 1993, is amended to read as follows:

1. The railway corporation shall apply to the department of transportation for permission to condemn. The railway corporation shall serve notice of the application and hearing and provide a copy of the legal description of the property to be condemned to the owner and any recordholders of liens and encumbrances on any land described in the application. The department may, after hearing, report to the district court clerk of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the authority.

#### DIVISION I

Sec. 2. Section 307.44, unnumbered paragraph 1, Code 1993, is amended to read as follows:

If funds are allotted or appropriated by the government of the United States for the improvement of streets and highways transportation facilities and services in this state, ~~and the federal statutes or the rules and regulations of the federal government provide or contemplate that the work shall be under the supervision of the director, the director may let the necessary contracts for the construction work, supervise and direct the construction work, the department may cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, contract letting, construction, improvement, maintenance, and operation of transportation facilities and services in this state; may comply with the federal statutes and rules;~~ and may cooperate with the federal government in the expenditure of the federal funds.

Sec. 3. Section 321.46, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 7.** If a motor vehicle is leased and the lessee purchases the vehicle upon termination of the lease, the lessor shall, upon claim by the lessee with the lessor within

fifteen days of the purchase, assign the registration fee credit and registration plates for the leased motor vehicle to the lessee. Credit shall be applied as provided in subsection 3.

Sec. 4. Section 321.205, Code 1993, as amended by 1993 Iowa Acts, Senate File 373,\* section 3, is amended to read as follows:

**321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER STATE.**

The department is authorized to suspend or revoke the motor vehicle license of a resident of this state upon receiving notice of the conviction of the resident in another state ~~or for a conviction under federal jurisdiction~~ for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license in this state.

The department shall suspend or revoke for one hundred eighty days the motor vehicle license of a resident of this state upon receiving notice of conviction in another state or under federal jurisdiction for an a drug or drug-related offense enumerated under section 321.209, subsection 8.

Sec. 5. Section 328.13, Code 1993, is repealed.

**DIVISION II**

Sec. 6. Section 321.213, Code 1993, is amended to read as follows:

**321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.**

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 321A or chapter 321J for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or chapter 321A or chapter 321J constitutes a final conviction of a violation of a provision of this chapter or chapter 321A or chapter 321J for purposes of section 321.189, subsection 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 7. Section 321.457, subsection 2, paragraph b, Code 1993, is amended to read as follows:

b. A single bus, ~~unladen or with load~~, shall not have an overall length, inclusive of front and rear bumpers, in excess of ~~forty~~ forty-five feet, except that buses constructed so as to contain a flexible part allowing articulation shall not exceed sixty-one feet.

Sec. 8. Section 321.555, subsection 1, paragraph c, Code 1993, is amended to read as follows:

c. Driving a motor vehicle while the person's motor vehicle license is suspended, ~~or~~ revoked, or barred.

**DIVISION III**

Sec. 9. Section 327C.4, Code 1993, is amended to read as follows:

**327C.4 INSPECTION — NOTICE TO REPAIR.**

The department shall inspect the condition of each ~~railroad, its railroad's rail track, and may inspect the condition of each railroad's rail facilities~~, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request. If found unsafe, the department shall immediately notify the railroad corporation whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad

\*Chapter 16 herein

corporation shall be subject to a schedule "two" penalty for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to co-operate in removing the safety hazard. Notwithstanding the provisions of chapter 669, the state shall not be held liable for damages for any act or failure to act under the provisions of this section.

#### DIVISION IV

Sec. 10. Section 328.35, subsection 2, Code 1993, is amended by striking the subsection.

Sec. 11. Section 328.35, subsection 3, Code 1993, is amended to read as follows:

3. No registration or site approval is required for an airport maintained solely for personal private use and not for hire.

#### DIVISION V

Sec. 12. Section 330.13, Code 1993, is amended to read as follows:

##### 330.13 FEDERAL AID.

Any subdivision of government is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, and other air navigation facilities, and sites ~~therefor~~ for airports and other navigation facilities, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon ~~such~~ airports and other air navigation facilities.

All preapplications for funds authorized to be received pursuant to this section by any governmental subdivision, commission, or authority, whether acting alone or jointly with another governmental or private entity, shall be approved by the state transportation commission prior to being submitted to any federal agency or department. Approval shall be based on criteria consistent with the Iowa aviation system plan. However, this paragraph does not apply to preapplications from airports which receive federal primary commercial service entitlement funds if the airport making the preapplication files a copy of the preapplication with the state department of transportation.

#### DIVISION VI

Sec. 13. NEW SECTION. 626.109 PUBLIC PROPERTY.

A judgment against a department, agency, division, or official of the state does not create or constitute a lien against public property held by the state.

Sec. 14. RETROACTIVE APPLICABILITY. Section 13 of this Act is retroactively applicable to all judgments against a department, agency, division, or official of the state.

Sec. 15. EFFECTIVE DATE. Sections 10 and 11 of this Act take effect on January 1, 1994.

Approved May 3, 1993

**CHAPTER 88****INSURANCE REGULATION AND WORKERS' COMPENSATION***H.F. 495*

**AN ACT** relating to regulation of insurance, including the authority of the division to regulate certain policies and contracts and the parties to such policies and contracts, establishing fees, and providing a penalty.

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

Section 1. Section 85.61, subsection 11, unnumbered paragraph 3, Code 1993, is amended to read as follows:

"Worker" or "employee" includes a basic emergency medical care provider as defined in section 147.1, ~~or~~ an advanced emergency medical care provider as defined in section 147A.1, a volunteer ambulance driver, or an emergency medical technician trainee, only if an agreement is reached between the ~~basic or advanced emergency medical care provider~~ such worker or employee and the employer for whom the volunteer services are provided that workers' compensation coverage under chapters 85, 85A, and 85B is to be provided by the employer. A basic or advanced emergency medical care provider who is a worker or employee under this paragraph is not a casual employee. "Volunteer ambulance driver" means a person performing services as a volunteer ambulance driver at the request of the person in charge of a fire department or ambulance service of a municipality. "Emergency medical technician trainee" means a person enrolled in and training for emergency medical technician certification.

Sec. 2. **NEW SECTION. 87.23A INSURANCE TRADE PRACTICES COVERED.**

A workers' compensation coverage plan regulated under this chapter shall be considered a person for purposes of chapter 507B.

Sec. 3. Section 505.7, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 7.** The insurance division shall, by January 15 of each year, prepare estimates of projected receipts, refunds, and reimbursements to be generated by the examinations function of the division during the calendar year in which the report is due, and such receipts, refunds, and reimbursements shall be treated in the same manner as repayment receipts, as defined in section 8.2, subsection 8, and shall be available to the division to pay the expenses of the division's examination function.

Sec. 4. Section 507B.4, subsection 1, Code 1993, is amended by adding the following new paragraph:

**NEW PARAGRAPH. j.** Is a misrepresentation, including any intentional misquote of premium rate, for the purpose of inducing or tending to induce the purchase of an insurance policy.

Sec. 5. Section 507C.3, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** Prepaid health care delivery plans which are regulated by the commissioner.

Sec. 6. Section 507C.14, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 7. Section 507C.26, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** A person receiving property from an insurer or any benefit from an insurer which is a fraudulent transfer under subsection 1 is personally liable for the property or benefit and shall account to the liquidator.

Sec. 8. Section 507C.42, subsections 3 and 4, Code 1993, are amended to read as follows:

3. **CLASS 3.** Claims under policies, including claims of the federal or any state or local government, for losses incurred, including third-party claims, claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which are not under