

CHAPTER 54
NOTICE FOR VACATING AND CLOSING ROADS
S.F. 141

AN ACT relating to notice for vacating and closing roads.

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

Section 1. Section 306.12, Code 1995, is amended to read as follows:

306.12 NOTICE – SERVICE.

Notice of the hearing under section 306.11 shall be published in a newspaper of general circulation in the county or counties where the road is located, not less than four nor more than twenty days prior to the date of hearing. The agency which is holding the hearing shall notify all adjoining property owners, all utility companies whose facilities adjoin the road right of way or are on the road right of way, and the department, boards of supervisors, or agency in control of affected state lands, of the time and place of the hearing, by certified mail, and shall notify all property owners located outside the boundary of a city, who own ten or more acres of land within one mile of the road by regular mail.

Approved April 24, 1995

CHAPTER 55
SUSPENSION AND REVOCATION OF DRIVER'S LICENSES
S.F. 233

AN ACT relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

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

Section 1. Section 321.1, subsection 8, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If authorized to transport students or clients by the superintendent of the Iowa braille and sight saving school or of the Iowa school for the deaf, or the superintendent's respective designee, an employee of the Iowa braille and sight saving school or the Iowa school for the deaf is not a chauffeur when transporting the students or clients.

Sec. 2. Section 321.1, subsection 11, Code 1995, is amended by adding the following new paragraph and relettering the remaining paragraphs:

NEW PARAGRAPH. d. "Commercial motor carrier" means a person responsible for the safe operation of a commercial motor vehicle.

Sec. 3. Section 321.12, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The director shall destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2, which are more than twelve years old. The twelve-year period shall commence with the date of the arrest or conviction for the offense, whichever first occurs. However, the director shall not destroy operating records which pertain to arrests or convictions for operating while intoxicated after the

expiration of twelve years when the motor vehicle being operated was a commercial motor vehicle or if all of the provisions of the court order have not been satisfied.

Sec. 4. Section 321.30, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 12. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

Sec. 5. Section 321.101, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

Sec. 6. Section 321.208, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. A person is disqualified from operating a commercial motor vehicle:

a. For ninety days upon conviction for the first violation of an out-of-service order; for one year, upon conviction for a second violation of an out-of-service order in separate incidents within a ten-year period; and for not less than three and not more than five years upon conviction for a third or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

b. For one year upon conviction for the first violation and for not less than three years and not more than five years upon conviction for a second or subsequent violation of an out-of-service order while transporting hazardous materials required to be placarded, or while operating a commercial motor vehicle designed to transport more than fifteen passengers including the driver.

Sec. 7. Section 321.208A, Code 1995, is amended to read as follows:

321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. An employer shall not allow an employee to drive a commercial motor vehicle in violation of such out-of-service order. The department shall adopt out-of-service rules which shall be consistent with 49 C.F.R. § 392.5 adopted as of a specific date by the department. A person who violates this section shall be subject to a penalty of one hundred dollars.

Sec. 8. Section 321.213, Code 1995, 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 124, 126, 321A, 321J, or 453B 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 section 124.401, 124.402, 124.403, chapter 124, a drug offense under section 126.3, or chapter 321A, 321J, or 453B~~ constitutes a final conviction ~~of a violation of a provision of this chapter or section 124.401, 124.402, 124.403, a drug offense under section 126.3, or chapter 321A, 321J, or 453B~~ 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. However, suspensions for

violations of chapter 124, section 126.3, or chapter 453B shall be in accordance with section 321.213A.

Sec. 9. Section 321.213A, Code 1995, is amended to read as follows:

321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, ~~or~~ chapter 124, section 126.3, chapter 453B, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license as provided in section 321.215.

Sec. 10. Section 321.215, subsections 1 and 2, Code 1995, are amended to read as follows:

1. The department, on application, may issue a temporary restricted license to a person whose motor vehicle license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

- a. The person's full-time or part-time employment.
- b. The person's continuing health care or the continuing health care of another who is dependent upon the person.
- c. The person's continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion.
- d. The person's substance abuse treatment.
- e. The person's court-ordered community service responsibilities.

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.205 for a drug or drug-related offense or under section 321.209, subsections 1 through 5 or subsection 7 or 8 or to a juvenile whose license has been suspended under section 321.213A for a violation of chapter 124 or 453B, or section 126.3. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

2. Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.205 for a drug or drug-related offense; 321.209, subsection 5, 6, or 8; 321.210; 321.210A; 321.513; or 321.555, subsection 2; or a juvenile, whose license has been suspended under section 321.213A for a violation of chapter 124 or 453B, or section 126.3, and upon the denial by the director of an application for a temporary restricted license, a person may apply to the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

- a. The temporary restricted permit is requested only for a case of extreme hardship or compelling circumstances where alternative means of transportation do not exist.
- b. The permit applicant has not made an application for a temporary restricted permit in any district court in the state which was denied.
- c. The temporary restricted permit is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the permit.
- d. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the motor vehicle license was suspended under section 321.210A

or 321.513 or revoked under section 321.209, subsection 8, or suspended or revoked under section 321.205 for a drug or drug-related offense.

The district court shall forward a record of each application for such temporary restricted permit to the department, together with the results of the disposition of the request by the court. A temporary restricted permit is valid only if the department is in receipt of records required by this section.

Sec. 11. Section 321A.17, subsection 5, Code 1995, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.205 for a drug or drug-related offense, section 321.209, subsection 8, section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 12. Section 321J.4, subsection 2, Code 1995, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, ~~the court shall order the department to~~ shall revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 or has not otherwise been revoked for the occurrence from which the arrest arose. ~~The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.~~

Approved April 24, 1995

CHAPTER 56

IMPLEMENTS OF HUSBANDRY

S.F. 298

AN ACT relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

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

Section 1. Section 321.1, subsection 32, paragraph f, Code 1995, is amended to read as follows:

f. Self-propelled machinery or machinery towed by a motor vehicle or farm tractor operated at speeds of less than thirty miles per hour. The machinery must be specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage. In addition, the machinery must be used exclusively for the mixing and dispensing of nutrients to bovine animals fed at a feedlot, or the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals. However, the machinery shall not be specifically designed or intended for the transportation of such nutrients, plant food materials, agricultural limestone, or agricultural chemicals. ~~The machinery shall be operated in compliance with section 321.463.~~

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