

tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked. A person holding a temporary restricted license issued under this subsection shall not operate a commercial motor vehicle, as defined in section 321.1, on a highway if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Sec. 23. Section 328.26, Code 1995, is amended to read as follows:

328.26 APPLICATION FOR REGISTRATION.

Every application for registration pursuant to sections 328.19 to 328.22 shall be made upon such forms, and shall contain such information, as the department may prescribe, and every application shall be accompanied by the full amount of the registration fee.

When an aircraft is registered to a person for the first time the ~~application for registration shall be accompanied by evidence that fee submitted to the department shall include~~ the tax imposed by section 422.43 or section 423.2 ~~has been paid~~ or evidence of the exemption of the aircraft from the tax imposed under section 422.43 or 423.2.

Sec. 24. Section 328.46, Code 1995, is amended to read as follows:

328.46 PENALTY FOR DELAY.

If a transfer of ownership of an aircraft subject to registration is not completed, ~~as herein provided~~, within ~~five~~ thirty days of the actual change of possession, a penalty of five dollars shall accrue against ~~said~~ the aircraft and ~~no~~ a certificate of registration ~~therefor~~ shall ~~thereafter issue~~ not be issued until ~~said~~ the penalty is paid.

Sec. 25. Section 328.51, Code 1995, is amended to read as follows:

328.51 ACCRUAL OF PENALTY.

Failure to register shall be considered delinquent and a penalty shall accrue ~~from~~ the first day of the ~~second~~ month following thirty days from the date of the purchase of a new aircraft or from the first day of the second month following the date an aircraft is brought into the state, except as otherwise provided in this chapter.

Sec. 26. Sections 321.240 and 321E.30, Code 1995, are repealed.

Sec. 27. EFFECTIVE DATE. Sections 1, 4, 7, and 8 of this Act take effect January 1, 1997.

Approved April 23, 1996

CHAPTER 1153

JUDICIAL ADMINISTRATION – MISCELLANEOUS PROVISIONS

S.F. 2413

AN ACT relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge.

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

Section 1. Section 4.1, subsection 12, Code Supplement 1995, is amended to read as follows:

12. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate

judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.9206.

Sec. 2. Section 602.1101, subsection 8, Code 1995, is amended to read as follows:

8. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.9206.

Sec. 3. Section 602.1211, subsection 3, Code 1995, is amended to read as follows:

3. A chief judge may appoint from among the other ~~district judges~~ judicial officers of the district, excluding the magistrates, one or more assistants to serve throughout the judicial district. A chief judge may remove a person from the position of assistant. An assistant shall have administrative duties as specified in court rules or in the order of appointment. An appointment or removal shall be made by judicial order and shall be filed with the clerk of the district court in each county in the judicial district.

Sec. 4. Section 602.1213, subsection 1, Code 1995, is amended to read as follows:

1. The ~~district judges~~ judicial officers within a judicial district, excluding the magistrates, may convene as an administrative body as necessary to:

- Prescribe local court procedures, subject to the approval of the supreme court.
- Advise the chief judge respecting supervision and administration of the judicial district.
- Exercise other duties, as established by law or by the supreme court.

Sec. 5. Section 602.1610, subsection 1, paragraph c, Code 1995, is amended to read as follows:

c. The mandatory retirement age is seventy-two years for all district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates. However, the mandatory retirement age does not apply to an associate juvenile judge or associate probate judge who is seventy-two years of age or older on July 1, 1996.

Sec. 6. Section 602.6404, subsection 1, Code 1995, is amended to read as follows:

1. A magistrate shall be a resident of the county of appointment during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county of the magistrate's residence ~~only if it is necessary~~ for the orderly administration of justice. A magistrate is subject to reassignment under section 602.6108.

Sec. 7. Section 633.18, subsection 2, Code 1995, is amended to read as follows:

2. The ~~district judges~~ judicial officers of a judicial district, excluding the magistrates, acting under section 602.1213 may prescribe rules for probate actions and proceedings within the district, but these rules must be consistent with this chapter, and are subject to the approval of the supreme court.

Approved April 23, 1996