

CHAPTER 1075

TRANSPORTATION — MISCELLANEOUS PROVISIONS

S.F. 2257

AN ACT relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

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

DIVISION I

STATE FUNCTIONAL CLASSIFICATION SYSTEM

Section 1. Section 306.3, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

306.3 DEFINITION THROUGHOUT CODE.

As used in this chapter or in any chapter of the Code relating to highways:

1. "Area service" or "area service system" means those secondary roads that are not part of the farm-to-market road system.
2. "County conservation parkways" or "county conservation parkway system" means those parkways located wholly within the boundaries of county lands operated as parks, forests, or public access areas.
3. "Farm-to-market roads" or "farm-to-market road system" means those county jurisdiction intracounty and intercounty roads which serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market roads and area service roads, and includes those secondary roads which are federal aid eligible. The farm-to-market road system shall not exceed thirty-five thousand miles.
4. "Interstate roads" or "interstate road system" means those roads and streets of the primary road system that are designated by the secretary of the United States department of transportation as the national system of interstate and defense highways in Iowa.
5. "Municipal street system" means those streets within municipalities that are not primary roads.
6. "Primary roads" or "primary road system" means those roads and streets both inside and outside the boundaries of municipalities which are under department jurisdiction.
7. "Public road right-of-way" means an area of land, the right to possession of which is secured or reserved by the state or a governmental subdivision for roadway purposes. The right-of-way for all secondary roads is sixty-six feet in width, unless otherwise specified by the county board of supervisors of the respective counties.
8. "Road" or "street" means the entire width between property lines through private property or the designated width through public property of every way or place of whatever nature if any part of such way or place is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
9. "Secondary roads" or "secondary road system" means those roads under county jurisdiction.
10. "State park, state institution, and other state land road system" consists of those roads

and streets wholly within the boundaries of state lands operated as parks, or on which institutions or other state governmental agencies are located.

Sec. 2. Section 306.5, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

306.5 CONTINUITY OF FARM-TO-MARKET ROAD SYSTEM IN MUNICIPALITIES, PARKS, AND INSTITUTIONS.

The farm-to-market road system shall be a continuous interconnected system and provision shall be made for continuity by the designation of extensions within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas. The mileage of such extensions of the system shall be included in the total mileage of the farm-to-market road system.

Sec. 3. Section 306.6, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

306.6 FARM-TO-MARKET REVIEW BOARD.

A farm-to-market review board is created. Members shall be appointed by the Iowa county engineers association. This board shall select a chairperson from among its members by majority vote of the total membership.

The farm-to-market review board shall review any and all farm-to-market system modification proposals. The farm-to-market review board shall make final administrative determinations based on sound farm-to-market road system designation principles for all modifications relative to the farm-to-market road system.

Sec. 4. NEW SECTION. **306.6A FARM-TO-MARKET ROAD SYSTEM MODIFICATIONS.**

1. Modifications to the existing farm-to-market road system and designation of farm-to-market routes on new alignment shall be accomplished in accordance with procedural rules adopted by the farm-to-market review board, subject to the following procedures:

a. Counties shall initiate system modifications by submitting a resolution from the board of supervisors to the department.

b. The department shall submit the resolution to the farm-to-market review board and provide additional material as requested by the board.

c. Upon receipt of a county's resolution requesting a farm-to-market system modification, the farm-to-market review board shall review the proposed system modification and shall consider, but not be limited to consideration of, the following factors:

- (1) Intracounty and intercounty continuity of systems.
- (2) Properly integrated systems.
- (3) Existing and potential traffic.
- (4) Land use.
- (5) Location.
- (6) Equitable distribution of farm-to-market mileage among the counties.

2. Upon completion of the review process, the farm-to-market review board may do any of the following:

a. Approve the requested modifications to the farm-to-market road system and submit the modifications to the department for processing.

b. Deny the requested modifications.

c. Request additional information for further review.

Sec. 5. Section 306.8, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

306.8 TRANSFER OF JURISDICTION.

Prior to a change in jurisdiction of a road or street, the unit of government having jurisdiction shall either place the road or street and any structures on the road or street in good repair or provide for the transfer of money to the appropriate jurisdiction in an amount sufficient for the repairs to the road or street and any structures on the road or street.

Transfers of the jurisdiction and control of roads and streets may take place if agreements are entered into between the jurisdictions of government involved in the transfer of such roads and streets.

Sec. 6. Section 306.9, unnumbered paragraph 3, Code 1997, is amended to read as follows:

It is the policy of the state of Iowa that ~~on construction of roads classified as freeway expressway and which are~~ in constructing primary highways designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary, as determined by the department, to ensure the safe and efficient movement of traffic or to comply with federal aid requirements.

Sec. 7. Section 307A.2, subsection 11, Code 1997, is amended to read as follows:

11. Construct, reconstruct, improve, and maintain state institutional roads and state park roads, which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as defined in chapter 173, and the roads and bridges located on community college property as defined in chapter 260C, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the ratio that the needs of the state ~~institution~~ institutional roads and bridges, park roads and bridges, or community college roads and bridges bear to the total needs of these facilities based upon the most recent quadrennial park and institution need study. The commission shall conduct a study of the road and bridge facilities in state parks, state institutions, state fairgrounds, and on community college property. The study shall evaluate the construction and maintenance needs and projected needs based upon estimated growth for each type of facility to provide a quadrennially updated standard upon which to allocate funds appropriated for the purposes of this subsection.

Sec. 8. Section 308.9, subsection 1, Code 1997, is amended to read as follows:

1. When, as a result of its investigations and studies, the state transportation commission, in co-operation with the department of natural resources, finds that there may be a need in the future for the development and construction or reconstruction of segments of the great river road, and when the state transportation commission determines that in order to prevent conflicting costly economic development on areas of lands to be available for the great river road when needed for future development, there is need to establish and to inform the public of the approximate location and widths of new or improved segments of the great river road to be needed, the state transportation commission may proceed to establish the location and the approximate widths in the manner provided in this section.

PARAGRAPH DIVIDED. The state transportation commission shall give notice and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of right of way needed. The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of the map shall be recorded by reference in the state transportation commission's minutes, and a notice of the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the county recorder of that county.

Notice of the action and of the filing shall be published once in a newspaper of general circulation in the county, and within sixty days following the filing, notice of the filing shall be served by registered mail on the owners of record on the date of filing ~~and on the functional classification board of the county~~. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation commission may amend the map.

Sec. 9. Section 309.3, Code 1997, is amended to read as follows:

309.3 SECONDARY BRIDGE SYSTEM.

The secondary bridge system of a county shall embrace all bridges and culverts on secondary roads as defined in section 306.3, ~~subsection 11~~.

Sec. 10. Section 310.10, Code 1997, is amended to read as follows:

310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED.

The farm-to-market road system ~~shall embrace those roads~~ means the farm-to-market road system as defined in section 306.3, ~~subsection 2~~. ~~However, a road which is classified as being part of the arterial or arterial connector system under chapter 306 but whose jurisdiction still vests in the county in which it is located, shall be deemed to be part of the farm-to-market road system until the time the jurisdiction of the road is transferred to the department.~~

Sec. 11. Section 312.2, subsection 10, Code 1997, is amended by striking the subsection.

Sec. 12. Section 312.11, Code 1997, is amended to read as follows:

312.11 ACCOUNTS OF EXPENDITURES.

Each city shall keep accounts showing the amount spent on street construction and reconstruction on extensions of rural systems, ~~municipal arterial and municipal collector systems as classified pursuant to section 306.6 and the amount spent on street construction and reconstruction on municipal service systems and city streets~~. Such amounts spent on extensions of rural systems, municipal arterial, and municipal collector systems and such amounts spent on municipal service systems The amount spent shall be shown on the annual street report required by section 312.14.

Sec. 13. Section 313.2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The roads and streets of the state are, for the purpose of this chapter, ~~assigned to the functional classification systems~~ those roads and streets established under chapter 306.

Sec. 14. Section 317.18, Code 1997, is amended to read as follows:

317.18 ORDER FOR DESTRUCTION ON ROADS.

The board of supervisors may order all noxious weeds, within the right-of-way of all ~~county trunk and local county~~ roads under county jurisdiction to be cut, burned or otherwise controlled to prevent seed production, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan, and the order shall define the roads along which noxious weeds are required to be cut, burned or otherwise controlled and shall require the weeds to be cut, burned or otherwise controlled within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan. The order shall provide that spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

Sec. 15. Section 317.19, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise controlling weeds or brush within the right-of-way of ~~county trunk~~

~~roads and local county roads~~ under county jurisdiction in time to prevent reseeding or in a manner consistent with the county's roadside vegetation management plan, if the county has adopted such a plan. The moneys appropriated shall not be spent on spraying for control of weeds except in those circumstances when it is not practical to mow or otherwise control the weeds.

Sec. 16. Section 331.321, subsection 1, paragraph j, Code 1997, is amended by striking the paragraph.

Sec. 17. Sections 306.1, 306.7, 306.43, and 309.11, Code 1997, are repealed.

DIVISION II TRANSPORTATION

Sec. 18. NEW SECTION. 306.45 EASEMENTS ON HIGHWAY RIGHTS-OF-WAY.

The department may grant easements across land under its jurisdiction if the department determines that the easement will not adversely affect the construction and maintenance of the highway system. Written conveyances containing any easement conditions prescribed by the department shall be made in the name of the state and signed by the governor and the secretary of state, with the seal of the state of Iowa affixed.

Sec. 19. Section 306C.11, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The publication title of a newspaper on a delivery receptacle attached to a mailbox or mailbox support.

Sec. 20. Section 321.1, subsection 32, paragraph b, Code Supplement 1997, is amended to read as follows:

b. Any vehicle which is principally designed for agricultural purposes and which is moved during daylight hours for a distance not to exceed one hundred miles by a person ~~either in~~ any of the following ways:

(1) From a place at which the vehicles are manufactured, fabricated, repaired, or sold to a farm site or a retail seller or from a retail seller to a farm site;

(2) To a place at which the vehicles are manufactured, fabricated, repaired, or sold from a farm site or a retail seller or to a retail seller from a farm site; ~~or~~

(3) From a place where the vehicles are housed, maintained, or stored to a farm site, retail seller, place of repair, or marketplace.

(4) From a farm site, retail seller, place of repair, or marketplace to a place where the vehicles are housed, maintained, or stored.

~~(5)~~ (5) From one farm site to another farm site.

(6) From a farm site to market or from a market to a farm site.

For the purpose of this subsection and sections 321.383 and 321.453, "farm site" means a place or location at which vehicles principally designed for agricultural purposes are used or intended to be used in agricultural operations or for the purpose of exhibiting, demonstrating, testing, or experimenting with the vehicles.

Sec. 21. Section 321.10, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any records or certified copies of records prepared pursuant to this section and any certified abstract, or a copy of a certified abstract, of the operating record of a driver or a motor vehicle owner prepared pursuant to chapter 321, 321A, or 321J, shall be received in evidence if determined to be relevant, in any court, preliminary hearing, grand jury proceeding, civil proceeding, administrative hearing, or forfeiture proceeding in the same manner and with the same force and effect as if the director or the director's designee had testified in person.

Sec. 22. Section 321.275, subsection 7, Code 1997, is amended by striking the subsection.

Sec. 23. Section 321.354, subsection 2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

Sec. 24. Section 321.457, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. A single truck, unladen or with load, shall not have an overall length, inclusive of front and rear bumpers, in excess of forty feet.

When determining the overall length of a single truck the following shall be excluded:

(1) Cargo extending not more than three feet beyond the front bumper and not more than four feet beyond the rear bumper when transporting motor vehicles, boats, and chassis.

(2) An unladen cargo carrying device extending no greater than twenty-four inches from the rear of the bed of the truck.

(3) A cargo carrying device with load.

Sec. 25. Section 321J.17, subsection 1, Code Supplement 1997, is amended to read as follows:

1. If the department revokes a person's ~~motor vehicle~~ driver's license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of two hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 912.14 and one-half of the money ~~shall be deposited~~ in the general fund of the state. A ~~motor vehicle~~ temporary restricted license shall not be issued unless an ignition interlock device has been installed pursuant to section 321J.4 and the civil penalty has been paid. A driver's license or nonresident operating privilege shall not be reinstated ~~until~~ unless proof of deinstallation of an ignition interlock device installed pursuant to section 321J.4 has been submitted to the department and the civil penalty has been paid.

Sec. 26. Section 322.3, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 12. A person convicted of a fraudulent practice in connection with selling, bartering, or otherwise dealing in motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, officer of a corporation, or dealer representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, or dealer representative of a licensed motor vehicle dealer.

Sec. 27. Section 322A.11, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The fact that the dealership moved to another facility and location within the dealership's community which are equal to or superior to the dealership's former location and facility or the fact that the dealership added an additional line-make to the dealership if the dealership's facility is adequate to accommodate the additional line-make.

Sec. 28. Section 322B.3, subsection 2, unnumbered paragraph 2, Code 1997, is amended by striking the unnumbered paragraph.

Sec. 29. Section 322C.4, subsection 2, unnumbered paragraph 2, Code Supplement 1997, is amended by striking the unnumbered paragraph.

Sec. 30. Section 328.12, subsection 11, Code 1997, is amended to read as follows:

11. SUFFICIENCY ~~RATINGS~~ REPORTS. Issue sufficiency ~~ratings~~ reports for all airports in the state, which are owned and operated by a governmental subdivision, based on the functional classification of those airports as set out in the department's ~~annual~~ transportation plan.

Sec. 31. Section 805.8, subsection 2, paragraph k, Code Supplement 1997, is amended to read as follows:

k. For violations by operators of school buses and emergency vehicles, and for violations by other motor vehicle operators when in vicinity, under sections 321.231, 321.324, and 321.372, subsections 1 and 2, the scheduled fine is twenty-five dollars. For violations of section 321.372, subsection 3, the scheduled fine is one hundred dollars.

For violations by operators of school buses under section 321.285, the scheduled fine is twenty-five dollars. However, excessive speed by a school bus in excess of ten miles over the limit is not a scheduled violation.

Sec. 32. Sections 321.64, 321F.4A, 321H.4A, and 322.7A, Code 1997, are repealed.

Approved April 10, 1998

CHAPTER 1076

PAYMENT OF SNOWMOBILE AND ALL-TERRAIN VEHICLE FEES

S.F. 2294

AN ACT relating to the payment of snowmobile and all-terrain vehicle title fees.

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

Section 1. Section 321G.15, Code Supplement 1997, is amended to read as follows:
321G.15 OPERATION PENDING REGISTRATION.

The commission shall furnish snowmobile and all-terrain vehicle dealers with paste-board cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle or snowmobile sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for ten days immediately following the purchase. The purchaser of a registered all-terrain vehicle or snowmobile may operate it for ten days immediately following the purchase, without having completed a transfer of registration. A snowmobile or all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile or all-terrain vehicle.

Approved April 10, 1998