

order or similar order executed prior to July 1, 2002, is valid and shall be honored in accordance with the then-applicable provisions of law.

Approved April 4, 2002

CHAPTER 1062

DRY FIRE HYDRANT AND RURAL WATER SUPPLY EDUCATION AND DEMONSTRATION PROJECT

S.F. 2160

AN ACT relating to the dry fire hydrant and rural water supply education and demonstration project.

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

Section 1. DRY FIRE HYDRANTS. For purposes of the dry fire hydrant and rural water supply education and demonstration project created in 1998 Iowa Acts, chapter 1219, and administered by the department of economic development, "dry fire hydrant" means a water supply system permanently installed in existing lakes, ponds, streams, holding tanks, or other water sources that provide a ready means of water to be transported by a fire tanker truck.

Approved April 4, 2002

CHAPTER 1063

HIGHWAYS AND MOTOR VEHICLES — MISCELLANEOUS PROVISIONS

S.F. 2192

AN ACT relating to highways and motor vehicles and condemnation, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates.

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

DIVISION I HIGHWAYS

Section 1. Section 6B.2A, subsection 4, Code 2001, is amended to read as follows:
4. This section shall not apply to a condemnation of property by the state department of transportation or a county for right-of-way that is contiguous to an existing road right-of-way

and necessary for the maintenance, safety improvement, or repair, or upgrade of the existing road. Notwithstanding section 6B.2C, a condemnation of property by the state department of transportation pursuant to this subsection shall be approved by the director of the department of transportation. For purposes of this subsection, "upgrade" means to bring a road or bridge up to currently acceptable standards, including improved geometrics, passing lanes, turning lanes, climbing lanes, and improved shoulders. "Upgrade" does not include expanding a highway from two lanes to four lanes.

Sec. 2. Section 6B.18, Code 2001, is amended to read as follows:

6B.18 NOTICE OF APPRAISEMENT — APPEAL OF AWARD — NOTICE OF APPEAL.

1. After the appraisal of damages has been delivered to the sheriff by the compensation commission, the sheriff shall give written notice, by ordinary mail, to the condemner and the condemnee of the date on which the appraisal of damages was made, the amount of the appraisal, and that any interested party may, within thirty days from the date of mailing the notice of the appraisal of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken. The sheriff shall endorse the date of mailing of notice upon the original appraisal of damages. At the time of appeal, the appellant shall give written notice that the appeal has been taken to the adverse party, or the adverse party's agent or attorney, lienholders, and the sheriff.

2. An appeal of appraisal of damages is deemed to be perfected upon filing of a notice of appeal with the district court within thirty days from the date of mailing the notice of appraisal of damages. The notice of appeal shall be served on the adverse party, or the adverse party's agent or attorney, any lienholders and encumbrancers of the property in the same manner as an original notice within thirty days from the date of filing the notice of appeal unless, for good cause shown, the court grants more than thirty days. If after reasonable diligence, the notice cannot be personally served, the court may prescribe an alternative method of service consistent with due process of law.

3. In case of condemnation proceedings instituted by the state department of transportation, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general, or the department general counsel to the state department of transportation, or the chief highway engineer for the department.

Sec. 3. Section 6B.22, Code 2001, is amended to read as follows:

6B.22 PLEADINGS ON APPEAL.

A written petition shall be filed by the plaintiff within ~~twenty~~ thirty days after perfection of the appeal, stating specifically the items of damage and the amount thereof. The court may for good cause shown grant additional time for the filing of the petition. The defendant shall file a written answer to plaintiff's petition, or such other pleadings as may be proper.

Sec. 4. Section 6B.24, Code 2001, is amended to read as follows:

6B.24 REDUCTION OF DAMAGES — INTEREST ON INCREASED AWARD.

If the amount of damages awarded by the commissioners is decreased on appeal, the reduced amount shall be paid to the landowner. If the amount of damages awarded by the commissioners is increased on appeal, interest shall be paid from the date of the condemnation. Interest shall not be paid on any amount which was previously paid. Interest shall be calculated at an annual rate equal to the ~~coupon issue yield equivalent, as determined by the United States secretary of the treasury, of the average accepted auction price for the last auction of fifty-two week United States treasury bills~~ treasury constant maturity index published by the federal reserve in the H15 Report settled immediately before the date of the award.

Sec. 5. Section 6B.33, Code 2001, is amended to read as follows:

6B.33 COSTS AND ATTORNEY FEES.

The applicant shall pay all costs of the assessment made by the commissioners and reason-

able attorney fees and costs incurred by the condemnee as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the applicant prior to condemnation. The condemnee shall submit an application for fees and costs prior to adjournment of the final meeting of the compensation commission held on the matter. The applicant shall file with the sheriff an affidavit setting forth the most recent offer made to the person whose property is sought to be condemned. Members of such commissions shall receive a per diem of two hundred dollars and actual and necessary expenses incurred in the performance of their official duties. The applicant shall reimburse the county sheriff for the per diem and expense amounts paid by the sheriff to the members. The applicant shall reimburse the owner for the expenses the owner incurred for recording fees, penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering the property, and for similar expenses incidental to conveying the property to the applicant. The applicant shall also pay all costs occasioned by the appeal, including reasonable attorney fees to be taxed by the court, unless on the trial thereof the same or a lesser amount of damages is awarded than was allowed by the tribunal from which the appeal was taken.

Sec. 6. Section 307.22, Code 2001, is amended by adding the following new subsections:
NEW SUBSECTION. 6. 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.

NEW SUBSECTION. 7. Prepare, adopt, and cause to be published the results of a study of secondary roads in the state. The study shall be designed to investigate present deficiencies and future twenty-year maintenance and construction needs of the roads. The study shall be referred to as the "quadrennial need study" for the purposes of this chapter, chapter 307A, and chapter 312. The department shall report the results of the study to the general assembly by July 1, 2002, and the study results shall take effect July 1, 2003.

NEW SUBSECTION. 8. Annually recalculate the construction and maintenance needs of roads under the jurisdiction of each county to take into account the needs of a road whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. The recalculation shall be reported by January 1 of the year following the transfer and shall take effect the following July 1 for the purposes of allocating moneys under sections 312.3 and 312.5.

Sec. 7. Section 307A.2, subsection 11, Code 2001, 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 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 307A.2, subsections 14 and 14A, Code 2001, are amended by striking the subsections.

Sec. 9. Section 312.3, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

For the purposes of this subsection, "latest quadrennial need study report" includes the annual recalculation of construction and maintenance needs of roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year as recalculated pursuant to ~~section 307A.2, subsection 14A~~ 307.22, subsection 8.

Sec. 10. Section 309.57, unnumbered paragraph 5, Code 2001, is amended to read as follows:

A road with an area service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

Sec. 11. NEW SECTION. 312.3B IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU SUPPORT FUND.

Prior to the allocation to the counties under section 312.3, subsection 1, the department is authorized to set aside each year twenty-five hundredths of one percent from the secondary road fund for deposit in a fund to be known as the Iowa county engineers association service bureau support fund. The Iowa county engineers association service bureau support fund shall be used by the department solely for the purpose of supporting the Iowa county engineers association service bureau. Unobligated funds remaining in the Iowa county engineers association service bureau support fund on June 30 of the fiscal year shall revert to the secondary road fund. On or before January 31 of each year, the Iowa county engineers association service bureau shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the activity accomplished under this section.

Sec. 12. NEW SECTION. 312.3C SECONDARY ROAD FUND DISTRIBUTION ADVISORY COMMITTEE.

A secondary road fund distribution advisory committee is established to consider methodologies for distribution of moneys in the secondary road fund and farm-to-market road fund. The committee shall be comprised of representatives appointed by the president of the Iowa county engineers association, the president of the Iowa county supervisors association, and the department. The committee shall recommend to the general assembly, for the general assembly's consideration and adoption, one or more alternative methodologies for distribution of moneys in the secondary road fund and the farm-to-market road fund.

Sec. 13. Section 312.5, subsection 4, unnumbered paragraph 2, Code 2001, is amended to read as follows:

"Latest quadrennial need study report" includes the annual recalculation of construction and maintenance needs of roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the prior year as recalculated pursuant to ~~section 307A.2, subsection 14A~~ 307.22, subsection 8.

Sec. 14. Section 314.8, Code 2001, is amended to read as follows:

314.8 GOVERNMENT MARKERS PRESERVED.

~~1. Whenever~~ If it may become is necessary in grading the highways a highway to make a

cut ~~which that~~ will disturb, or fill ~~which that~~ will cover up, a government or other established corner or land monument, ~~it shall be the duty of the engineer to in charge of the project shall~~ establish permanent witness corners or monuments, and make a record of the same, ~~which shall that~~ show the distance and direction the witness corner is from the corner disturbed or covered up. When ~~said the~~ construction work is completed the engineer shall permanently re-establish ~~said reestablish the~~ corner or monument. ~~A failure to perform said duties shall subject the engineer to a fine of not less than ten dollars nor more than fifty dollars to be collected on the engineer's bond.~~

2. If the duties in subsection 1 are not performed, the agency in control of the highway on which a project described in subsection 1 has been or is being completed shall pay the costs of restoring the original position of the established corner or land monument.

Sec. 15. Section 6B.19, Code 2001, is repealed.

Sec. 16. EFFECTIVE DATE. The sections of this division of this Act amending sections 307.22, 307A.2, and 312.3, enacting sections 312.3B and 312.3C, and amending section 312.5, being deemed of immediate importance, take effect upon enactment.

DIVISION II MOTOR VEHICLES

Sec. 17. Section 321.1, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 20B. "Electric personal assistive mobility device" means a self-balancing device powered by an electric propulsion system that averages seven hundred fifty watts, has two nontandem wheels, and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles per hour. The maximum speed shall be calculated based on operation of the device by a person who weighs one hundred seventy pounds when the device is powered solely by the electric propulsion system.

Sec. 18. Section 321.1, subsection 40, paragraph b, Code Supplement 2001, is amended to read as follows:

b. "Motorized bicycle" or "motor bicycle" means a motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters and not capable of operating at a speed in excess of ~~twenty-five~~ thirty miles per hour on level ground unassisted by human power.

Sec. 19. Section 321.57, subsections 1, 2, and 4, Code Supplement 2001, are amended to read as follows:

1. A ~~manufactured home retailer~~ dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move the vehicle upon the highways solely for purposes of transporting, testing, demonstrating, or selling the vehicle without registering the vehicle, upon condition that the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to the owner as provided in sections 321.58 to 321.62. Additionally, a new car dealer or a used car dealer may operate or move upon the highways a new or used car or trailer owned by the dealer for either private or business purposes without registering it if the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and there is displayed on it a special plate issued to the dealer as provided in sections 321.58 to 321.62.

2. In addition, while a service customer is having the customer's own vehicle serviced or repaired by the ~~manufactured home retailer~~ dealer, the service customer of the ~~manufactured home retailer~~ dealer may operate upon the highways a motor vehicle owned by the ~~manufactured home retailer~~ dealer, except a motor truck or truck tractor, upon which there is displayed

a special plate issued to the ~~manufactured home retailer dealer~~, provided all of the requirements of this section are complied with.

4. The provisions of this section and sections 321.58 to 321.62, shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or ~~manufactured home retailer dealer~~.

Sec. 20. Section 321.58, Code Supplement 2001, is amended to read as follows:

321.58 APPLICATION.

All ~~manufactured home retailers dealers~~, transporters, new motor vehicle wholesalers licensed under chapter 322, and manufactured home retailers licensed under chapter 322B, upon payment of a fee of 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, new motor vehicle wholesaler licensed under chapter 322, manufactured home retailer licensed under chapter 322B, or ~~manufactured home retailer 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.

Sec. 21. Section 321.69, subsection 7, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the information required in subsection 2, a separate disclosure document shall state whether the vehicle's certificate of title indicates the existence of damage prior to the period of the transferor's ownership of the vehicle, and the amount of that damage if the transferor knows or reasonably should know of the prior damage, and whether the vehicle was titled as a salvage vehicle during the period of the transferor's ownership of the vehicle.

Sec. 22. Section 321.127, subsection 4, Code 2001, is amended to read as follows:

4. Refunds ~~and credits~~ for motor vehicles registered for proportional registration under chapter 326 shall be paid ~~or credited~~ on the basis of unexpired complete calendar months remaining in the registration year from the date the claim ~~or application is filed with~~ for refund, license plate, and registration receipt are received by the department.

Sec. 23. Section 321.182, subsections 1 and 3, Code Supplement 2001, are amended to read as follows:

1. a. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule. Pursuant to procedures established by the department and for an applicant who is a foreign national temporarily present in this state, the department may waive the requirement that the application include the applicant's social security number.

b. A licensee shall notify the department when the licensee's mailing address changes and provide the new address within thirty days of obtaining the new address. The application provided by the department shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change. The penalty under section 321.482 shall not apply to a licensee's failure to notify the department of such an address change.

3. Certify that the applicant has no other driver's license and certify that the applicant is a resident of this state as provided in section 321.1A. However, certification of residency is not required for an applicant for a nonresident commercial driver's license who is a foreign national temporarily present in this state, as determined by the department.

Sec. 24. Section 321.190, subsection 1, paragraphs a and d, Code Supplement 2001, are amended to read as follows:

a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator's identification card. To be valid the card shall bear a distinguishing number assigned to the card holder, the full name, date of birth, sex, residence address, a physical description and a colored photograph of the card holder, the usual signature of the card holder, and such other information as the department may require by rule. An applicant for a nonoperator's identification card shall apply for the card in the manner provided in section 321.182, subsections 1 through 3. The card shall be issued to the applicant at the time of application pursuant to procedures established by rule.

d. The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for a period of ~~four~~ five years from the date of issuance. A nonoperator's identification card shall be issued without expiration to anyone age seventy or over. If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. ~~No~~ An issuance fee shall not be charged for a person whose driver's license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "c".

The nonoperator's identification card fees shall be transmitted by the department to the treasurer of state who shall credit the fees to the road use tax fund.

Sec. 25. Section 321.191, subsections 2 through 4, Code 2001, are amended to read as follows:

2. NONCOMMERCIAL DRIVER'S LICENSES. The fee for a noncommercial driver's license, other than a class D driver's license or any type of instruction permit, ~~valid for two years is eight~~ four dollars per year of license validity.

3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial class D driver's license ~~valid for two years is sixteen~~ eight dollars per year of license validity.

4. COMMERCIAL DRIVER'S LICENSES. ~~An additional~~ The fee of eight dollars is required ~~to issue for a commercial~~ driver's license, other than an instruction permit, ~~valid for two years for the operation of a commercial motor vehicle is eight~~ dollars per year of license validity.

Sec. 26. Section 321.191, subsection 7, Code 2001, is amended by striking the subsection.

Sec. 27. Section 321.191, subsection 8, Code 2001, is amended to read as follows:

8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS. The fee for a double/triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver's license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the ~~length of the time~~ period of the license ~~regardless of whether the license is issued for two or four years.~~ Upon renewal of a commercial driver's license ~~there is no fee is payable~~ for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

Sec. 28. Section 321.196, Code Supplement 2001, is amended to read as follows:

321.196 EXPIRATION OF LICENSE — RENEWAL.

1. Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, ~~at the option of the applicant, two or four~~ five years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is

effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years.

2. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without written examination or penalty within a period of sixty days after its expiration date and without a driving test within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. ~~Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years.~~

3. For the purposes of this section, the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1.

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department or files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

5. ~~Any~~ A resident of Iowa holding a valid driver's license who is temporarily absent from the state, or incapacitated, may, at the time for renewal ~~for~~ of such license, apply to the department for a temporary extension of the license. The department upon receipt of the application shall, upon a showing of good cause, issue a temporary extension of the driver's license for a period not to exceed six months.

Sec. 29. Section 321.208, subsection 7, paragraphs a through c, Code Supplement 2001, are amended to read as follows:

a. A person is disqualified from operating a commercial motor vehicle for sixty days if the person is convicted of a first railroad crossing at grade violation under section ~~321.341 or~~ 321.343 and the violation occurred while the person was operating a commercial motor vehicle.

b. A person is disqualified from operating a commercial motor vehicle for one hundred twenty days if the person is convicted of a second railroad crossing at grade violation under section ~~321.341 or~~ 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation.

c. A person is disqualified from operating a commercial motor vehicle for one year if the person is convicted of a third or subsequent railroad crossing at grade violation under section ~~321.341 or~~ 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation.

Sec. 30. NEW SECTION. 321.235A ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

An electric personal assistive mobility device may be operated by a person at least sixteen years of age on sidewalks and bikeways in accordance with this section.

1. None of the following are required for operation of an electric personal assistive mobility device:

a. Licensure or registration of the electric personal assistive mobility device under this chapter.

- b. Possession of a driver's license or permit by the operator of the electric personal assistive mobility device.
- c. Proof of financial responsibility.
2. A person operating an electric personal assistive mobility device on a sidewalk or bike-way shall do all of the following:
 - a. Yield the right-of-way to pedestrians and human-powered devices.
 - b. Give an audible signal before overtaking and passing a pedestrian or human-powered device.
3. A person shall not operate an electric personal assistive mobility device at the times specified in section 321.384 unless the person or the electric personal assistive mobility device is equipped with a headlight visible from the front of the electric personal assistive mobility device and at least one red reflector visible from the rear of the electric personal assistive mobility device.
4. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 9A.

Sec. 31. Section 321.236, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Regulating or prohibiting the operation of electric personal assistive mobility devices authorized pursuant to section 321.235A.

Sec. 32. Section 321.266, subsection 2, Code 2001, is amended to read as follows:

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of one thousand dollars or more shall also, within seventy-two hours after the accident, forward a written report of the accident to the department. However, such report is not required when the accident is investigated by a law enforcement agency.

Sec. 33. Section 321.463, subsection 5, paragraph c, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this section to the contrary, the maximum gross weight allowed to be carried on a noninterstate highway by a livestock vehicle with five axles, a minimum distance in feet between the centers of the first and fifth axles of sixty-one feet, and a minimum distance between the two rear axles of at least eight feet and one inch is eighty-six thousand pounds.

Sec. 34. Section 321A.17, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 35. Section 321A.17, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9. This section does not apply to an individual whose privilege to operate a motor vehicle has been suspended or revoked when the period of suspension or revocation has ended and the individual provides evidence satisfactory to the department that the individual has established residency in another state. The individual may not apply for an Iowa driver's license for two years from the effective date of the person's last suspension or revocation unless proof of financial responsibility is filed with the department, as required by this section.

Sec. 36. Section 321E.8, Code Supplement 2001, is amended to read as follows:

321E.8 ANNUAL PERMITS.

Subject to the discretion and judgment provided for in section 321E.1, annual permits shall be issued in accordance with the following provisions:

1. Vehicles with indivisible loads, ~~having an overall width not to exceed twelve feet five inches~~ or mobile homes including appurtenances, ~~having an overall width not to exceed twelve sixteen feet five zero inches, and an overall length not to exceed seventy-five one hundred twenty~~

feet zero inches, an overall height not to exceed fifteen feet five inches, and a total gross weight not to exceed eighty thousand pounds, may be moved for unlimited distances. ~~The vehicle and load shall not exceed the height of thirteen feet ten inches and the total gross weight as prescribed in section 321.463. as follows:~~

a. Vehicles with indivisible loads, or mobile homes including appurtenances, having an overall width not to exceed twelve feet five inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed thirteen feet ten inches may be moved for unlimited distances without route approval from the permitting authority.

b. Vehicles with indivisible loads, or mobile homes including appurtenances, having an overall width not to exceed fourteen feet six inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed fifteen feet five inches may be moved on the interstate highway system and primary highways with more than one lane traveling in each direction for unlimited distances and no more than fifty miles from the point of origin on all other highways without route approval from the permit issuing authority.

c. All other vehicles with indivisible loads operating under this subsection shall obtain route approval from the permitting authority.

d. Vehicles with indivisible loads may operate under an all systems permit in compliance with paragraph "a", "b", or "c".

2. ~~Vehicles with indivisible loads, having an overall width not to exceed thirteen feet five inches or mobile homes, including appurtenances, having an overall width not to exceed thirteen feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the permitting authority for unlimited distances if the height of the vehicle and load does not exceed fifteen feet five inches and the total gross weight of the vehicle does not exceed one hundred thirty-six~~ fifty-six thousand pounds. The vehicle owner or operator shall verify with the permitting authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system. Vehicles with indivisible loads operating under the permit provisions of this subsection may operate under the permit provisions of subsection 1 provided the vehicle and load comply with the limitations described in subsection 1.

3. ~~Vehicles with indivisible loads, including mobile homes and factory-built structures, having an overall width not to exceed sixteen feet zero inches and an overall length not to exceed one hundred twenty feet zero inches may be moved under an annual or all-systems permit and must have a route specified by the issuing authority prior to the movement. However, vehicles with indivisible loads, including mobile homes and factory-built structures, with an overall width not exceeding fourteen feet six inches may exceed fifty miles under an annual and all-systems permit when prior approval for trip routing is obtained from the issuing authority. A vehicle and load being moved according to this paragraph shall not exceed fifteen feet five inches in height and shall not exceed the total gross weight as prescribed in section 321.463.~~

Sec. 37. Section 321E.14, Code Supplement 2001, is amended to read as follows:

321E.14 FEES FOR PERMITS.

The department or local authorities issuing permits shall charge a fee of twenty-five dollars for an annual permit issued under section 321E.8, subsection 1 ~~or~~ 3, a fee of three hundred dollars for an annual permit issued under section 321E.8, subsection 2, a fee of two hundred dollars for a multi-trip permit, and a fee of ten dollars for a single-trip permit, and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one

governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 2, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

The annual fee for an all-system permit is one hundred twenty dollars which shall be deposited in the road use tax fund.

Sec. 38. Section 322.5, subsection 5, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A temporary permit shall not be issued under this subsection to a nonresident manufacturer, distributor, or dealer unless the state in which the nonresident manufacturer, distributor, or dealer is licensed extends by reciprocity similar privileges to a manufacturer, distributor, or dealer licensed by this state.

Sec. 39. Section 322A.12, Code 2001, is amended to read as follows:
322A.12 SALE OR TRANSFER OF OWNERSHIP.

1. Notwithstanding the terms, provisions, or conditions of any ~~an~~ agreement or franchise, subject to the provisions of ~~subsection 2 of section 322A.11, subsection 2,~~ in the event of the sale or transfer of ownership of ~~the a~~ franchisee's dealership by sale or transfer of the business or by stock transfer or in the event of ~~a~~ change in the executive management of ~~the a~~ franchisee's dealership, the franchiser shall give effect to ~~such a~~ the change in the franchise unless the transfer of the franchisee's license under chapter 322 is denied or the new owner is unable to obtain a license under said ~~that~~ chapter, ~~as the case may be.~~

2. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, the sale or transfer, or the proposed sale or transfer, of a franchisee's dealership, or the change or proposed change in the executive management of a franchisee's dealership shall not make applicable any right of first refusal of the franchiser.

Sec. 40. Section 326.10A, Code 2001, is amended to read as follows:
326.10A PAYMENT BY CHECK.

The department shall accept payment of fees under this chapter by personal or corporate check. The fee shall be deemed to have been paid upon receipt of the check. ~~However, the department shall not issue plates, stickers or other identification of vehicles subject to proportional registration until sufficient time has elapsed to ensure that payment of the check has cleared the bank upon which it is drawn. If the check is not honored, all fees and penalties shall accumulate as if the fee was not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored check has been received from an applicant, payments submitted by the applicant during the following year must be made with guaranteed funds.~~

Sec. 41. Section 326.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Vehicles acquired by a fleet owner after the commencement of the registration year and subsequently added to the fleet shall be prorated by applying the mileage percentage used in the original application for such fleet for such registration period to registration fees due under chapter 321 ~~but in no case less than that required by section 326.10. A supplemental report~~ An application for registration shall be filed with the department not later than ten days after such addition to the fleet pursuant to the provisions of chapter 321.

Sec. 42. Section 326.12, Code 2001, is amended to read as follows:

326.12 VEHICLES DELETED — REGISTRATION TRANSFERRED.

Fleet owners who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with the provisions of this section. Iowa shall allow credit for non-Iowa based deleted vehicles only if the state designated by the fleet owner as the base state of the deleted vehicle permits transfer of registration credit to the replacement vehicle. ~~The fleet owner shall notify the department not later than ten days after such deletion and replacement.~~ Allowance of credit for deleted vehicles shall be subject to the following conditions:

1. ~~No additional registration fee shall be assessed on a replacement vehicle upon which the registration fee would have been the same as that for the deleted vehicle.~~ The fee for reissuance or registration credentials or for transfer of credentials shall be seven dollars.

2. No deletion shall be made nor credit allowed toward registration of a replacement vehicle unless the vehicle to be removed from service has been sold, junked, repossessed, foreclosed by mechanic's lien, title transferred by operation of law, or cancellation or expiration of a lease arrangement. The deleted vehicle shall have been disposed of on or before the date the replacement vehicle was acquired or in the possession of the applicant.

3. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall ~~certify to the department that~~ refund any unexpired registration fees paid by the lessor to the lessee ~~have been refunded to the lessor prior to the date of the supplemental application requesting credit for registration fees paid on the deleted vehicle on the transferred vehicle.~~

4. Credit shall be given for unexpired months.

5. The registration of the vehicle being added to the fleet is not delinquent under chapter 321.

Sec. 43. Section 326.14, Code 2001, is amended to read as follows:

326.14 PLATES AND RECEIPTS — REGISTRATION PERIOD AND RENEWAL — PENALTY.

1. The department shall issue a single registration plates plate and receipts registration receipt for each vehicle pursuant to apportionment agreements or arrangements provisions authorized under this chapter. The registration period for a vehicle registered pursuant to this chapter is from January 1 through December 31 of each year.

2. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than January 31. A five percent late filing penalty shall be assessed to an application for renewal postmarked or received on or after February 1, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is March 15 at 12:01 a.m.

Sec. 44. Section 326.15, subsection 2, Code 2001, is amended to read as follows:

2. If the motor vehicle is removed from the apportioned fleet, the owner in whose name the motor vehicle was registered shall return the plates registration plate and registration receipt to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle.

Sec. 45. Section 326.15, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 46. Section 326.15, subsection 5, Code 2001, is amended to read as follows:

~~5. 4. If as a result of an audit the motor vehicle registration fees are found to have been paid in error, a claim for refund shall be filed with satisfactory evidence of the error the applicant shall be entitled to a refund.~~

Sec. 47. Section 326.15, unnumbered paragraph 4, Code 2001, is amended to read as follows:

Refunds of proportional registration fees shall be paid on the basis of unexpired complete calendar months remaining from the date the claim is filed with for refund, the registration plate, and the registration receipt are postmarked or received by the department. Refunds for trailers and semitrailers issued a multiyear registration plate shall be paid on the basis of unexpired complete registration years remaining from the date the claim is filed.

Sec. 48. Section 326.16, Code 2001, is amended to read as follows:

326.16 DELINQUENT FEES.

1. If the fees for ~~such~~ proportional registration are not paid to each contracting jurisdiction entitled thereto on the basis of the proportional registration application and supporting documents filed with the department by the fleet owner within a reasonable amount of time as determined by the department, the department shall ~~redetermine fees due this state~~ calculate late payment penalties. The fleet owner shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of the invoice date. ~~If any additional fees due this state are not paid by and penalties are not received,~~ the fleet owner ~~within twenty days after the mailing to the owner of a notice shall be notified~~ by certified mail of the additional fees due, ~~such that the owner's registration in this state shall be canceled~~ has been suspended.

2. A five percent late payment penalty shall be assessed if an invoice is not paid within thirty days of the invoice date or within thirty days of January 31 of the registration year, whichever is later, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

Sec. 49. Section 326.19, Code 2001, is amended to read as follows:

326.19 RECORDS PRESERVED.

~~Any owner complying with and granted proportional registration privileges shall preserve the records upon which applications are made for a period of four full years following the year for which the application was made. A registrant whose application for apportioned registration has been accepted shall preserve the records upon which the registration is based for a period of three years after the close of the registration year.~~ Upon request of the department, all fleet owners shall make all such records available to the department at the office of the director for audit as to accuracy of computation and payment. ~~If the owner does not produce such records when so requested, the owner shall pay the costs of an audit by a duly appointed representative of the department at the home office of the owner. An audit shall be conducted at the office of the registrant during normal business hours. However, if circumstances dictate, the registrant may be required to present the records at the office of motor carrier services of the department. If the registrant's operational records are not located in the base state and it is necessary for the base state to send auditors to the location where the records are normally kept, the base state may require the registrant to reimburse the per diem and travel expenses incurred by the auditors in performing the audit.~~ The department may enter into agreements with authorized agencies or other contracting states jurisdictions for joint audits of any ~~sueh~~ owner registrant.

Sec. 50. Section 326.22, Code Supplement 2001, is amended to read as follows:

326.22 OPERATIONAL LAWS OF IOWA APPLICABLE.

A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration ~~number~~ plates, stickers, or other identification assigned and furnished to any vehicle for the current registration year by the state in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions

of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial registration receipt ~~or cab card~~ issued for each vehicle registered pursuant to an apportionment registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, ~~or other required~~ identification required, duplicate ~~or~~ registration receipts, and duplicate ~~cab cards~~.

Sec. 51. Section 326.23, subsection 2, Code Supplement 2001, is amended to read as follows:

2. The department may enter into agreements with owners and operators of truck stops to permit the owners and operators of truck stops to issue trip permits subject to any conditions imposed by the department. In addition to the trip permit fee, the owner or operator of a truck stop may charge an issuance fee of not more than one dollar which shall be disclosed to the purchaser. For the purposes of this section, "truck stop" means any place of business which sells fuel normally used by trucks and which is open twenty-four hours per day.

Sec. 52. Section 326.31, Code 2001, is amended to read as follows:

326.31 FILING INCORRECT INFORMATION — EFFECT.

~~Whenever~~ If the director has reason to believe that a fleet owner has filed incorrect information with the department ~~or the department of revenue and finance~~, for the purpose of reducing the fleet owner's obligation for registration fees or fuel taxes, the director may ~~cancel~~ revoke the apportioned registration privileges on all of the vehicles owned by ~~such~~ the person. ~~Any~~ A person who has such privileges ~~canceled~~ revoked shall be ~~subject to the payment of the full annual registration fee for all vehicles operated on the highways of this state required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of at least no less than one year and no more than five years thereafter. The director of revenue and finance shall co-operate with the department may use all reports pertaining to the registration fees and motor fuel taxes~~ in ascertaining the accuracy of ~~all~~ reports filed pertaining to registration fees and motor fuel taxes.

~~Any~~ A person whose privileges are ~~canceled~~ revoked may request an administrative hearing of said action ~~before the department of inspections and appeals in accordance with chapter 17A~~, and during the period pending the hearing the apportioned registration privileges shall be reinstated if the fleet owner posts security with the department ~~of transportation~~ in an amount sufficient to pay ~~such~~ the full annual fees if an adverse decision is rendered at the hearing. At such hearing the fleet owner shall have the burden of proof as to the accuracy of any report filed by the fleet owner with the department ~~of transportation or the department of revenue and finance~~. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 53. Section 805.8A, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE VIOLATIONS. For violations under section 321.235A, the scheduled fine is fifteen dollars.

Sec. 54. Sections 326.10 and 326.45, Code 2001, are repealed.

Sec. 55. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provisions amending sections 321.182, 321.190, and 321.196, relating solely to the issuance of a driver's license or nonoperator's identification card to foreign nationals.
2. The provision amending section 321.463, relating to the maximum gross weight allowed to be carried on a noninterstate highway by certain livestock vehicles.
3. The provision amending section 321E.8, relating to annual permits.

Approved April 4, 2002