

CHAPTER 103

TRANSPORTATION — MISCELLANEOUS CHANGES

S.F. 386

AN ACT relating to matters under the purview of the department of transportation, including the use of information contained in electronic driver and nonoperator identification records, the form of motor vehicle financial liability coverage cards, motor truck registration periods, regulation of glider kit vehicles, grounds for disqualification of commercial vehicle operators, provisions for the issuance of temporary restricted licenses for persons convicted of operating while intoxicated, county issuance of driver's licenses, and the administration of highway contracts, and including effective date provisions.

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

Section 1. Section 22.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 65. Personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department of transportation for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency.

Sec. 2. Section 321.1, subsections 12A, 37, 59, and 74, Code 2013, are amended to read as follows:

12A. "*Completed motor vehicle*" means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. "*Completed motor vehicle*" also includes a glider kit vehicle.

37. "*Manufacturer*" means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. It "*Manufacturer*" does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle. It "*Manufacturer*" includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124.

59. "*Reconstructed vehicle*" means every vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used. "*Reconstructed vehicle*" does not include a street rod, or replica vehicle, or glider kit vehicle.

74. "*Specially constructed vehicle*" means every vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. A "*specially*" "*Specially constructed vehicle*" does not include a street rod, or replica vehicle, or glider kit vehicle.

Sec. 3. Section 321.1, subsection 60, Code 2013, is amended to read as follows:

60. "*Registration year*" means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the county treasurer, except that "*registration year*" means the calendar year for motor trucks and truck tractors with a combined gross weight exceeding five tons which are registered by the county treasurer in two equal semiannual installments pursuant to sections 321.120, 321.121, and 321.122, and "*registration year*" means the period of twelve consecutive months, as determined by the owner, for motor trucks and truck tractors that are registered by the county treasurer on an annual basis pursuant to sections 321.120, 321.121, and 321.122. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors with a combined gross weight exceeding five tons registered pursuant to sections 321.120, 321.121, and 321.122, "*registration year*" means the period of twelve consecutive months beginning on the first day of the month following the month in which

the lease expires. For vehicles registered under chapter 326, “*registration year*” means the twelve-month period determined by the department pursuant to section 326.14.

Sec. 4. Section 321.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 28B. “Glider kit vehicle” means a commercial motor vehicle, as defined in subsection 11, that is a combination of a new cab and a new frame with an engine, transmission, and drive axle that are not new such that the resulting vehicle is not a newly manufactured vehicle pursuant to 49 C.F.R. § 571.7(e).

Sec. 5. Section 321.20B, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Notwithstanding chapter 321A, which requires certain persons to maintain proof of financial responsibility, a person shall not drive a motor vehicle on the highways of this state unless financial liability coverage, as defined in section 321.1, subsection 24B, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle, or if the vehicle is registered in another state, other evidence that financial liability coverage is in effect for the motor vehicle. A proof of financial liability coverage card may be produced in paper or electronic format. Acceptable electronic formats include electronic images displayed on a cellular telephone or any other portable electronic device that has a display screen with touch input or a miniature keyboard.

Sec. 6. Section 321.20B, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a financial liability coverage card for each motor vehicle insured. Each financial liability coverage card shall identify the registration number or vehicle identification number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The financial liability coverage card shall also contain the name and address of the insurer or the name of the insurer and the name and address of the insurance agency, the name of the insured, and an emergency telephone number of the insurer or emergency telephone number of the insurance agency. An insurance company may issue a financial liability coverage card in either paper format or, if requested by the insured, electronic format.

Sec. 7. Section 321.26, subsection 3, Code 2013, is amended to read as follows:

3. Vehicles Except for motor trucks or truck tractors registered by the county treasurer pursuant to sections 321.120, 321.121, and 321.122, vehicles subject to registration which are owned by a person other than a natural person shall be registered for a registration year as determined by the county treasurer.

Sec. 8. Section 321.45, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding paragraph “c”, a glider kit vehicle shall take the identity of the new cab and the new frame used in the assembly of the glider kit vehicle.

Sec. 9. Section 321.106, subsection 1, Code 2013, is amended to read as follows:

1. When a motor truck, truck tractor, or road tractor is registered by the county treasurer for a combined gross weight exceeding five tons pursuant to section 321.120, 321.121, or 321.122 and there is no delinquency and the registration is made in February or succeeding months through November, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency. However, when such a vehicle is registered in November, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

Sec. 10. Section 321.134, subsections 2 and 3, Code 2013, are amended to read as follows:

2. The annual registration fee for trucks, truck tractors, and road tractors registered by the county treasurer, as provided in sections 321.120, 321.121, and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the annual registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid.

3. If a penalty applies to an annual vehicle registration fee provided for in sections 321.120, 321.121, and 321.122, the same penalty shall be assessed on the fees collected to increase the registered gross weight of the vehicle, if the increased gross weight is requested within forty-five days from the date the delinquent vehicle is registered for the current registration period.

Sec. 11. Section 321.208, subsection 6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle, or while operating a noncommercial motor vehicle and holding a commercial driver's license if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license or noncommercial motor vehicle driving privileges:

Sec. 12. Section 321.208, subsection 6, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle.

NEW PARAGRAPH. j. Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle.

Sec. 13. Section 321.466, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 14. Section 321.466, subsection 2, Code 2013, is amended to read as follows:

2. ~~During or after the seventh month of a current registration year, the~~ The owner of a motor truck, truck tractor, or road tractor, if the owner's operation has not resulted in a conviction or action pending under this section, may increase the gross weight registration of the vehicle to a higher gross weight registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year. If the owner's operation has resulted in a conviction or action pending under this section, any increase in the gross weight registration shall be obtained by payment of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered.

Sec. 15. Section 321J.17, subsections 1 and 3, Code 2013, are amended to read as follows:

1. If the department revokes a person's 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 915.94 and one-half of the money in the general fund of the state. A temporary restricted license shall not be issued unless an ignition interlock device has been installed pursuant to section 321J.4. ~~A driver's license or nonresident operating privilege shall not be reinstated unless proof of deinstallation of an ignition interlock device installed pursuant to section 321J.4 has been submitted to the department.~~ Except as provided in section 321.210B, a temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county

treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent revocation under section 321J.4, 321J.9, or 321J.12, ~~unless such a person has previously received a temporary restricted license during the term of the revocation as authorized by this chapter.~~ The requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a different longer time period is required by statute. The one-year period a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the revocation for the occurrence from which the arrest arose. The person shall not operate any motor vehicle which is not equipped with an approved ignition interlock device during the period in which an ignition interlock device must be maintained, and the department shall not grant reinstatement unless the person certifies installation of an ignition interlock device as required in this subsection.

Sec. 16. Section 321J.20, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. Following the applicable minimum period of ineligibility, a temporary restricted license under this subsection shall not be issued until the applicant installs an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the applicant in accordance with section 321J.2, 321J.4, 321J.9, or 321J.12. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3.

Sec. 17. Section 321J.20, subsection 2, Code 2013, is amended to read as follows:

2. a. Notwithstanding section 321.560, the department may, on application, and upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary restricted license to a person whose noncommercial driver's license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph "b", and who is not eligible for a temporary restricted license under subsection 1. However, the department may not issue a temporary restricted license under this subsection for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under section 321J.4, 321J.9, or 321J.12. A temporary restricted license issued under this subsection may allow 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 the person's full-time or part-time employment; 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; or substance abuse treatment.

~~b. Notwithstanding paragraph "a", a temporary restricted license issued to a person whose noncommercial driver's license has been revoked under section 321J.4, subsection 2, section 321J.9, subsection 1, paragraph "b", or section 321J.12, subsection 1, paragraph "b", shall provide for but not exceed the uses permitted by 23 U.S.C. § 164. This restriction applies only during the first three hundred sixty-five days of the person's revocation.~~

~~e. b.~~ A temporary restricted license issued under this subsection shall be conditioned upon the installation of not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the person applicant. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the

requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

Sec. 18. Section 321M.9, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 19. Section 322.2, subsections 2 and 11, Code 2013, are amended to read as follows:

2. “*Completed motor vehicle*” means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. “*Completed motor vehicle*” also includes a glider kit vehicle as defined in section 321.1.

11. “*Manufacturer*” means any person engaged in the business of fabricating or assembling motor vehicles. It “*Manufacturer*” does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle as defined in section 321.1. It “*Manufacturer*” includes a person who uses a completed motor vehicle manufactured by another person to construct a class “B” motor home as defined in section 321.124.

Sec. 20. REPEAL. 1984 Iowa Acts, chapter 1229, section 2, is repealed.

Sec. 21. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 321.1, subsections 12A, 37, 59, and 74.
2. The section of this Act enacting section 321.1, subsection 28B.
3. The section of this Act enacting section 321.45, subsection 1, paragraph “d”.
4. The section of this Act amending section 322.2, subsections 2 and 11.

Approved May 15, 2013