

FEB 4 2005
WAYS AND MEANS

HOUSE FILE 216
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 125)

Passed House, Date 2-14-05 Passed Senate, Date 2-24-05
Vote: Ayes 97 Nays 3 Vote: Ayes 48 Nays 1
Approved 3/15/05

A BILL FOR

1 An Act relating to motor vehicle regulation by the state
2 department of transportation, including motor vehicle
3 registration and titling, restricted and special driver's
4 licenses for minors, driver licensing, regulation of
5 commercial vehicles, the use of flashing lights on certain
6 vehicles, citations for child restraint violations, permits
7 for vehicles of excessive height or weight, procedures for
8 motor vehicle dealers, and persons with disabilities parking,
9 and relating to refunds of taxes on motor fuel used in
10 taxicabs and buses that provide certain services.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 216

1 Section 1. Section 299.1B, Code 2005, is amended to read
2 as follows:

3 299.1B FAILURE TO ATTEND -- LOSS-OF DRIVER'S LICENSE.

4 A person who does not attend a public school, an accredited
5 nonpublic school, competent private instruction in accordance
6 with the provisions of chapter 299A, an alternative school, or
7 ~~adult education classes, or who is not employed at least~~
8 ~~twenty hours per week~~ shall not receive a motor vehicle
9 operator's driver's license until age eighteen. A person
10 ~~under age eighteen who has been issued a motor vehicle~~
11 ~~operator's license who does not attend a public school, an~~
12 ~~accredited nonpublic school, competent private instruction in~~
13 ~~accordance with the provisions of chapter 299A, an alternative~~
14 ~~school, or adult education classes, shall surrender the~~
15 ~~license and be issued a temporary restricted license under~~
16 ~~section 321.215.~~

17 Sec. 2. Section 321.1, Code 2005, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 6A. "Bona fide business address" means
20 the current street or highway address of a firm, association,
21 or corporation.

22 NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide
23 address" means the current street or highway address of an
24 individual's residence. The bona fide residence of a homeless
25 person is a primary nighttime residence meeting one of the
26 criteria listed in section 48A.2, subsection 2.

27 Sec. 3. Section 321.1, subsection 61, Code 2005, is
28 amended by striking the subsection.

29 Sec. 4. Section 321.9, Code 2005, is amended to read as
30 follows:

31 321.9 AUTHORITY TO ADMINISTER OATHS.

32 Officers and employees of the department designated by the
33 director, county officials authorized under this chapter to
34 issue motor vehicle registrations and titles, and county
35 officials authorized under chapter 321M to issue driver's

1 licenses are authorized, for the purpose of administering the
2 motor vehicle laws, ~~authorized~~ to administer oaths and
3 acknowledge signatures, and shall do so without fee.

4 Sec. 5. Section 321.12, subsection 4, Code 2005, is
5 amended to read as follows:

6 4. The director shall not destroy any operating records
7 pertaining to arrests or convictions for operating while
8 intoxicated, in violation of section 321J.2 or operating
9 records pertaining to revocations for violations of section
10 321J.2A, except that a conviction or revocation under section
11 321J.2 or 321J.2A that is not subject to 49 C.F.R. § 383 shall
12 be deleted from the operating records twelve years after the
13 date of conviction or the effective date of revocation.
14 Convictions or revocations that are retained in the operating
15 records for more than twelve years under this subsection shall
16 be considered only for purposes of disqualification actions
17 under 49 C.F.R. § 383.

18 Sec. 6. Section 321.23, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. If the vehicle to be registered is a specially
21 constructed, reconstructed, ~~remanufactured~~, or foreign
22 vehicle, such fact shall be stated in the application. A fee
23 of ten dollars shall be paid by the person making the
24 application upon issuance of a certificate of title by the
25 county treasurer. ~~With-reference-to-every~~ For a specially
26 constructed or reconstructed motor vehicle subject to
27 registration, the application shall be accompanied by a
28 statement from the department authorizing the motor vehicle to
29 be titled and registered in this state. The department shall
30 cause a physical inspection to be made of all specially
31 constructed or reconstructed motor vehicles, upon application
32 for a certificate of title by the owner, to determine whether
33 the motor vehicle complies with the definition of specially
34 constructed motor vehicle or reconstructed motor vehicle in
35 this chapter and to determine that the integral component

1 parts are properly identified and that the rightful ownership
2 is established before issuing the owner the authority to have
3 the motor vehicle registered and titled. The purpose of the
4 physical inspection under this section is not to determine
5 whether the motor vehicle is in a condition safe to operate.
6 ~~With-reference-to-every~~ The owner of a specially constructed
7 or reconstructed vehicle shall apply for a certificate of
8 title and registration for the vehicle at the county
9 treasurer's office within thirty days of the inspection. For
10 a foreign vehicle which has been registered outside of this
11 state, the owner shall surrender to the treasurer all
12 registration plates, registration cards, and certificates of
13 title, or, if the vehicle to be registered is from a nontitle
14 state, the evidence of foreign registration and ownership as
15 may be prescribed by the department except as provided in
16 subsection 2.

17 Sec. 7. Section 321.24, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. Upon receipt of the application for title and payment
20 of the required fees for a motor vehicle, trailer, or
21 semitrailer, the county treasurer or the department shall,
22 when satisfied as to the application's genuineness and
23 regularity, and, in the case of a mobile home or manufactured
24 home, that taxes are not owing under chapter 435, issue a
25 certificate of title and, except for a mobile home or
26 manufactured home, a registration receipt, and shall file the
27 application, the manufacturer's or importer's certificate, the
28 certificate of title, or other evidence of ownership, as
29 prescribed by the department. The registration receipt shall
30 be delivered to the owner and shall contain upon its face the
31 date issued, the name and address of the owner, the
32 registration number assigned to the vehicle, the amount of the
33 fee paid, the amount of tax paid pursuant to section 423.26,
34 the type of fuel used, and a description of the vehicle as
35 determined by the department, and ~~upon-the-reverse-side~~ a form

1 for notice of transfer of the vehicle. The name and address
2 of any lessee of the vehicle shall not be printed on the
3 registration receipt or certificate of title. Up to three
4 owners may be listed on the registration receipt and
5 certificate of title.

6 Sec. 8. Section 321.24, subsection 11, Code 2005, is
7 amended to read as follows:

8 11. If the county treasurer or department is not satisfied
9 as to the ownership of the vehicle or that there are no
10 undisclosed security interests in it, or a junking certificate
11 has been issued for the vehicle but a certificate of title
12 will not be reissued under section 321.52, subsection 3, and
13 the vehicle qualifies as an antique vehicle under section
14 321.115, subsection 1, the county treasurer or department may
15 register the vehicle but shall, as a condition of issuing a
16 certificate of title and registration receipt, require the
17 applicant to file with the department a bond in the form
18 prescribed by the department and executed by the applicant,
19 and either accompanied by the deposit of cash with the
20 department or also executed by a person authorized to conduct
21 a surety business in this state. The owner of a vehicle
22 subject to the bond requirements of this subsection shall
23 apply for a certificate of title and registration for the
24 vehicle at the county treasurer's office within thirty days of
25 issuance of written authorization from the department. The
26 bond shall be in an amount equal to one and one-half times the
27 current value of the vehicle as determined by the department
28 and conditioned to indemnify any prior owner and secured party
29 and any subsequent purchaser of the vehicle or person
30 acquiring any security interest in it, and their respective
31 successors in interest, against any expense, loss, or damage,
32 including reasonable attorney fees, by reason of the issuance
33 of the certificate of title of the vehicle or on account of
34 any defect in or undisclosed security interest upon the right,
35 title, and interest of the applicant in and to the vehicle.

1 Any such interested person has a right of action to recover on
2 the bond for any breach of its conditions, but the aggregate
3 liability of the surety to all persons shall not exceed the
4 amount of the bond. The bond, and any deposit accompanying
5 it, shall be returned at the end of three years or prior
6 thereto if the vehicle is no longer registered in this state
7 and the currently valid certificate of title is surrendered to
8 the department, unless the department has been notified of the
9 pendency of an action to recover on the bond. The department
10 may authorize issuance of a certificate of title as provided
11 in this subsection for a vehicle with an unreleased security
12 interest upon presentation of satisfactory evidence that the
13 security interest has been extinguished and the holder of the
14 security interest cannot be located to release the security
15 interest as provided in section 321.50.

16 Sec. 9. Section 321.34, subsection 8A, unnumbered
17 paragraph 1, Code 2005, is amended to read as follows:

18 The owner of a motor vehicle subject to registration under
19 section 321.109, subsection 1, motorcycle, trailer, or motor
20 truck who was a prisoner of war during the-Second-World-War-at
21 ~~any-time-between-December-7,1941-and-December-31,1946-the~~
22 ~~Korean-Conflict-at-any-time-between-June-25,1950-and-January~~
23 ~~31,1955-or-the-Vietnam-Conflict-at-any-time-between-August~~
24 ~~5,1964-and-June-30,1973-all-dates-inclusive,~~ a time of
25 military conflict may, upon written application to the
26 department, order only one set of special registration plates
27 with an ex-prisoner of war processed emblem. The emblem shall
28 be designed by the department in cooperation with the adjutant
29 general and shall signify that the owner was a prisoner of war
30 as described in this subsection. The application is subject
31 to approval by the department, in consultation with the
32 adjutant general. The special plates shall be issued at no
33 charge and are subject to an annual registration fee of
34 fifteen dollars. The county treasurer shall validate the
35 special plates in the same manner as regular registration

1 plates are validated under this section.

2 Sec. 10. Section 321.43, Code 2005, is amended to read as
3 follows:

4 321.43 NEW IDENTIFYING NUMBERS.

5 The department may assign a distinguishing number to a
6 vehicle when the serial number on the vehicle is destroyed or
7 obliterated and issue to the owner a special plate bearing the
8 distinguishing number which shall be affixed to the vehicle in
9 a position to be determined by the director. The vehicle
10 shall be registered and titled under the distinguishing number
11 in lieu of the former serial number within thirty days of
12 issuance of the distinguishing number.

13 Sec. 11. Section 321.52, subsections 1 and 2, Code 2005,
14 are amended to read as follows:

15 1. When a vehicle is sold outside the state for purposes
16 other than for junk, the owner, dealer or otherwise, shall
17 detach the registration plates and registration card and shall
18 indicate on the ~~reverse-side-of-such~~ registration card the
19 name and address of the foreign purchaser or transferee over
20 the person's signature. ~~The~~ Unless the registration plates
21 are legally attached to another vehicle, the owner shall
22 surrender the registration plates and registration card to the
23 county treasurer, unless-the-registration-plates-are-properly
24 attached-to-another-vehicle, who shall cancel the records, and
25 ~~shall~~ destroy the registration plates, and forward the
26 registration card to the department. The department shall
27 make a notation on the records of the out-of-state sale, and,
28 after a reasonable period, may destroy the files ~~to~~ for that
29 particular vehicle. The department is not authorized to make
30 a refund of ~~license~~ registration fees on a vehicle sold out of
31 state unless it receives the registration card completed as
32 provided in this section.

33 2. The purchaser or transferee of a motor vehicle for
34 which a certificate of title is issued which is sold for scrap
35 or junk shall surrender the certificate of title, properly

1 endorsed and signed by the previous owner, to the county
2 treasurer of the county of residence of the transferee, and
3 shall apply for a junking certificate from the county
4 treasurer, within thirty days after assignment of the
5 certificate of title. The county treasurer shall issue to
6 such person without fee a junking certificate. A junking
7 certificate shall authorize the holder to possess, transport,
8 or transfer by endorsement the ownership of the junked
9 vehicle. A certificate of title shall not again be issued for
10 the vehicle subsequent to the issuance of a junking
11 certificate except as provided in subsection 3. The county
12 treasurer shall cancel the record of the vehicle. The junking
13 certificate shall be printed on the registration receipt form
14 and shall be imprinted with the words "junking certificate",
15 as prescribed by the department. A space for transfer by
16 endorsement shall be on the ~~reverse-side-of-the~~ junking
17 certificate. A separate form for the notation of the transfer
18 of component parts shall be attached to the junking
19 certificate when the certificate is issued.

20 Sec. 12. Section 321.109, subsection 2, unnumbered
21 paragraph 1, Code 2005, is amended to read as follows:

22 Dealers may, in addition to other provisions of this
23 section, purchase from the department in-transit ~~stickers~~
24 permits, for which a fee of two dollars per ~~sticker~~ permit
25 shall be paid at time of purchase. One such ~~sticker~~ permit
26 shall be displayed on each vehicle purchased from a dealer by
27 a nonresident for removal to the state of the nonresident's
28 residence, and one such ~~sticker~~ permit shall also be displayed
29 on each vehicle not currently registered in Iowa and purchased
30 by an Iowa dealer for removal to the dealer's place of
31 business in this state. The ~~stickers~~ permits shall be void
32 fifteen days after issuance by the selling dealer. Each
33 ~~sticker~~ permit shall contain the following information:

34 Sec. 13. Section 321.109, subsection 2, unnumbered
35 paragraph 2, Code 2005, is amended to read as follows:

1 ~~This information shall be on the gummed side of the sticker~~
2 ~~and the sticker shall be made of a type of material which is~~
3 ~~self-destructive when the sticker is removed.~~ The sales
4 invoice verifying the sale shall be in the possession of the
5 driver of the vehicle in transit and shall be signed by the
6 owner or an authorized individual of the issuing dealership.

7 Sec. 14. Section 321.176A, subsection 3, Code 2005, is
8 amended to read as follows:

9 3. ~~Military personnel while on active duty and operating~~
10 ~~equipment owned or operated by the United States department of~~
11 ~~defense.~~ The following persons when operating commercial
12 motor vehicles for military purposes:

- 13 a. Active duty military personnel.
- 14 b. Members of the military reserves.
- 15 c. Members of the national guard on active duty, including
16 personnel on full-time national guard duty, personnel on part-
17 time national guard training, and national guard military
18 technicians.
- 19 d. Active duty United States coast guard personnel.

20 Sec. 15. Section 321.177, subsection 1, Code 2005, is
21 amended to read as follows:

22 1. To any person who is under the age of eighteen years
23 except as provided in section 321.180B. However, the
24 department may issue a driver's license to certain minors as
25 provided in section ~~321.178~~ or 321.194, or a driver's license
26 restricted to motorized bicycles as provided in section
27 321.189.

28 Sec. 16. Section 321.178, subsection 2, Code 2005, is
29 amended by striking the subsection.

30 Sec. 17. Section 321.180B, unnumbered paragraph 1, Code
31 2005, is amended to read as follows:

32 Persons under age eighteen shall not be issued a license or
33 permit to operate a motor vehicle except under the provisions
34 of this section. However, the department may issue ~~restricted~~
35 ~~and special driver's licenses~~ to certain minors as provided in

1 ~~sections-321.178-and~~ section 321.194, and driver's licenses
2 restricted to motorized bicycles as provided in section
3 321.189. A license or permit shall not be issued under this
4 section or section ~~321.178-or~~ 321.194 without the consent of a
5 parent or guardian. An additional consent is required each
6 time a license or permit is issued under this section or
7 section ~~321.178-or~~ 321.194. The consent must be signed by at
8 least one parent or guardian on an affidavit form provided by
9 the department.

10 Sec. 18. Section 321.191, subsections 6 and 7, Code 2005,
11 are amended to read as follows:

12 6. SPECIAL MINORS' LICENSES. Notwithstanding subsection
13 2, the fee for a driver's license issued to a minor under
14 section 321.194 ~~or-a-restricted-license-issued-to-a-minor~~
15 ~~under-section-321.178,-subsection-2,~~ is eight dollars.

16 7. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.
17 The fee for a double/triple trailer endorsement, tank vehicle
18 endorsement, and hazardous materials endorsement is five
19 dollars for each endorsement. The fee for a passenger
20 endorsement or a school bus endorsement is ten dollars. The
21 fee for removal of an air brake restriction on a commercial
22 driver's license is ten dollars. Fees imposed under this
23 subsection for endorsements or removal of restrictions are
24 valid for the period of the license. Upon renewal of a
25 commercial driver's license, no fee is payable for retaining
26 endorsements or the removal of the air brake restriction for
27 those endorsements or restrictions which do not require the
28 taking of either a knowledge or a driving skills test for
29 renewal.

30 Sec. 19. Section 321.191, subsection 9, unnumbered
31 paragraph 2, Code 2005, is amended to read as follows:

32 As used in this subsection "to upgrade a license class
33 privilege" means to add any privilege to a valid driver's
34 license. The addition of a privilege includes converting from
35 a noncommercial to a commercial license, converting from a

1 noncommercial class C to a class D license, converting an
2 instruction permit to a class license, adding any privilege to
3 a section 321.189, subsection 7, license, adding an
4 instruction permit privilege, adding a section 321.189,
5 subsection 7, license to an instruction permit, and adding any
6 privilege relating to a driver's license issued to a minor
7 under section 321.194 ~~or-section-321-178-subsection-2~~.

8 Sec. 20. Section 321.194, subsection 1, paragraph a,
9 subparagraph (1), Code 2005, is amended to read as follows:

10 (1) During the hours of 6 a.m. to 10 p.m. over the most
11 direct and accessible route between the licensee's residence
12 and schools of enrollment or the closest school bus stop or
13 public transportation service, and between schools of
14 enrollment, for the purpose of attending duly scheduled
15 courses of instruction and extracurricular activities within
16 the school district.

17 Sec. 21. Section 321.198, unnumbered paragraph 1, Code
18 2005, is amended to read as follows:

19 The effective date of a valid driver's license ~~to the~~
20 ~~extent that it permits the operation of a motor vehicle other~~
21 ~~than a commercial motor vehicle and other than as a chauffeur,~~
22 issued under the laws of this state, held by any person at the
23 time of entering the military service of the United States or
24 of the state of Iowa, notwithstanding the expiration of the
25 license according to its terms, is hereby extended without fee
26 until six months following the initial separation from active
27 duty of the person from the military service, provided the
28 person is not suffering from physical disabilities which
29 impair the person's competency as an operator and provided
30 further that the licensee shall ~~upon demand of any peace~~
31 ~~officer furnish,~~ upon demand of any peace officer,
32 satisfactory evidence of the person's military service.

33 However, a person entitled to the benefits of this section
34 who is charged with operating a motor vehicle without an
35 operator's a valid driver's license, shall not be convicted if

1 the person produces in court, within a reasonable time, a
2 valid driver's license previously issued to that person along
3 with evidence of the person's military service as above
4 mentioned provided in this paragraph.

5 Sec. 22. Section 321.200, Code 2005, is amended to read as
6 follows:

7 321.200 CONVICTION AND ACCIDENT FILE.

8 The department shall also file all accident reports and
9 abstracts of court records of convictions received by it under
10 the laws of this state or any other state or foreign
11 jurisdiction and in connection therewith maintain convenient
12 records or make suitable notations in order that an individual
13 record of each licensee showing the convictions of such
14 licensee and the traffic accidents in which the licensee has
15 been involved shall be readily ascertainable and available for
16 the consideration of the department upon any application for
17 renewal of license and at other suitable times.

18 Sec. 23. Section 321.205, Code 2005, is amended to read as
19 follows:

20 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
21 JURISDICTION.

22 The department is authorized to suspend or revoke the
23 driver's license of a resident of this state upon or
24 disqualify a resident of this state from operating a
25 commercial motor vehicle for any of the following reasons:

26 1. Upon receiving notice of the conviction of the resident
27 in another state for an offense which, if committed in this
28 state, would be grounds for the suspension or revocation of
29 the license or upon disqualification of the person from
30 operating a commercial motor vehicle.

31 2. Upon receiving notice of a final administrative
32 decision in another state that the resident has acted in a
33 manner which would be grounds for suspension or revocation of
34 the license or disqualification of the person from operating a
35 commercial motor vehicle in this state.

1 Sec. 24. Section 321.208, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. A person is disqualified from operating a commercial
4 motor vehicle for one year upon a conviction or final
5 administrative decision that the person ~~while-operating-a~~
6 ~~commercial-motor-vehicle~~ has committed any of the following
7 acts or offenses in any state or foreign jurisdiction while
8 operating a commercial motor vehicle:

9 ~~a.--Operating-a-commercial-motor-vehicle-while-under-the~~
10 ~~influence-of-an-alcoholic-beverage-or-other-drug-or-controlled~~
11 ~~substance-or-a-combination-of-such-substances.~~

12 b. a. Operating a commercial motor vehicle with an
13 alcohol concentration, as defined in section 321J.1, of 0.04
14 or more.

15 ~~c.--Refusal-to-submit-to-chemical-testing-required-under~~
16 ~~chapter-321d.~~

17 ~~d.--Failure-to-stop-and-render-aid-at-the-scene-of-an~~
18 ~~accident-involving-the-person's-vehicle.~~

19 ~~e.--A-felony-or-aggravated-misdemeanor-involving-the-use-of~~
20 ~~a-commercial-motor-vehicle-other-than-an-offense-involving~~
21 ~~manufacturing, distributing, or dispensing a controlled~~
22 ~~substance.~~

23 f. b. Operating a commercial motor vehicle while any
24 amount of a controlled substance is present in the person, as
25 measured in the person's blood or urine.

26 c. Operating a commercial motor vehicle when, as a result
27 of prior violations committed while operating a commercial
28 motor vehicle, the person's commercial driver's license is
29 revoked, suspended, or canceled or the person is disqualified
30 from operating a commercial motor vehicle.

31 d. Operating a commercial motor vehicle involved in a
32 fatal accident and being convicted of a moving traffic
33 violation that contributed to the fatality, or manslaughter or
34 vehicular homicide.

35 ~~However, a person is disqualified for three years if the~~

1 ~~act-or-offense-occurred-while-the-person-was-operating-a~~
2 ~~commercial-motor-vehicle-transporting-hazardous-material-of-a~~
3 ~~type-or-quantity-requiring-vehicle-placarding-~~

4 Sec. 25. Section 321.208, Code 2005, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 1A. A person is disqualified from
7 operating a commercial motor vehicle for one year upon a
8 conviction or final administrative decision that the person
9 has committed any of the following acts or offenses in any
10 state or foreign jurisdiction while operating a commercial
11 motor vehicle or while operating a noncommercial motor vehicle
12 and holding a commercial driver's license:

13 a. Operating a motor vehicle while under the influence of
14 an alcoholic beverage or other drug or controlled substance or
15 a combination of such substances.

16 b. Refusal to submit to chemical testing required under
17 chapter 321J.

18 c. Leaving the scene or failure to stop or render aid at
19 the scene of an accident involving the person's vehicle.

20 d. A felony or aggravated misdemeanor involving the use of
21 a commercial motor vehicle other than an offense involving
22 manufacturing, distributing, or dispensing a controlled
23 substance.

24 NEW SUBSECTION. 1B. A person is disqualified from
25 operating a commercial motor vehicle for three years if an act
26 or offense described in subsection 1 or 1A occurred while the
27 person was operating a commercial motor vehicle transporting
28 hazardous material of a type or quantity requiring vehicle
29 placarding.

30 Sec. 26. Section 321.208, subsections 2, 3, and 4, Code
31 2005, are amended to read as follows:

32 2. A person is disqualified from operating a commercial
33 motor vehicle for life if convicted or found to have committed
34 two or more of the above acts or offenses described in
35 subsection 1 or 1A arising out of two or more separate

1 incidents. However, a disqualification for life is subject to
2 a reduction to a ten-year disqualification as provided in 49
3 C.F.R. § 383.51 as adopted by rule by the department.

4 3. A person is disqualified from operating a commercial
5 motor vehicle for ~~the person's~~ life upon a conviction that the
6 person used a commercial or noncommercial motor vehicle in the
7 commission of a felony or aggravated misdemeanor involving the
8 manufacturing, distributing, or dispensing of a controlled
9 substance as defined in section 124.101 and held a commercial
10 driver's license at the time the offense was committed.

11 4. A person is disqualified from operating a commercial
12 motor vehicle if the person receives convictions for
13 committing within any three-year period two or more of the
14 following offenses while operating a commercial motor vehicle:

15 ~~a. --Speeding-fifteen-miles-per-hour-or-more-over-the-legal~~
16 ~~speed-limit.~~

17 ~~b. --Reckless-driving.~~

18 ~~c. --Any-violation-of-the-traffic-laws,--except-a-parking~~
19 ~~violation-or-a-vehicle-weight-violation,--which-arises-in~~
20 ~~connection-with-a-fatal-traffic-accident.~~

21 ~~d. a. Operating a commercial motor vehicle upon a highway~~
22 ~~when not issued a commercial driver's license ~~valid-for-the~~~~
23 ~~vehicle-operated.~~

24 ~~e. b. Operating a commercial motor vehicle upon a highway~~
25 ~~when disqualified not issued the proper class of commercial~~
26 ~~driver's license or endorsements for the specific vehicle~~
27 ~~group being operated or for the passengers or type of cargo~~
28 ~~being transported.~~

29 ~~f. c. Operating a commercial motor vehicle upon a highway~~
30 ~~without immediate possession of a driver's license valid for~~
31 ~~the vehicle operated.~~

32 ~~g. --Following-another-motor-vehicle-too-closely.~~

33 ~~h. --Improper-lane-changes-in-violation-of-section-321-306.~~

34 ~~The-period-of-disqualification-under-this-subsection-shall~~
35 ~~be-sixty-days-for-two-offenses-within-any-three-year-period~~

1 ~~and-one-hundred-twenty-days-for-three-offenses-within-any~~
2 ~~three-year-period.~~

3 Sec. 27. Section 321.208, Code 2005, is amended by adding
4 the following new subsections:

5 NEW SUBSECTION. 4A. A person is disqualified from
6 operating a commercial motor vehicle if the person receives
7 convictions for committing within any three-year period two or
8 more of the following offenses while operating a commercial
9 motor vehicle or while operating a noncommercial motor vehicle
10 and holding a commercial driver's license if the convictions
11 result in the revocation, cancellation, or suspension of the
12 person's commercial driver's license or noncommercial motor
13 vehicle driving privileges:

14 a. Speeding fifteen miles per hour or more over the legal
15 speed limit.

16 b. Reckless driving.

17 c. Any violation of the traffic laws, except a parking
18 violation or a vehicle weight violation, which arises in
19 connection with a fatal traffic accident.

20 d. Following another motor vehicle too closely.

21 e. Improper lane changes in violation of section 321.306.

22 NEW SUBSECTION. 4B. The period of disqualification under
23 subsections 4 and 4A shall be sixty days for two offenses
24 within any three-year period and one hundred twenty days for
25 three offenses within any three-year period.

26 Sec. 28. Section 321.213B, Code 2005, is amended to read
27 as follows:

28 321.213B SUSPENSION FOR FAILURE TO ATTEND.

29 The department shall establish procedures by rule for
30 suspending the license of a juvenile who ~~is-in-violation~~ has
31 been issued a driver's license and is not in compliance with
32 the requirements of section 299.1B or-issuing-the-juvenile-a
33 temporary-restricted-license-under-section-321-215-if-the
34 juvenile-is-employed-at-least-twenty-hours-per-week.

35 Sec. 29. Section 321.215, subsection 1, unnumbered

1 paragraph 2, Code 2005, is amended to read as follows:

2 However, a temporary restricted license shall not be issued
3 to a person whose license is revoked pursuant to a court order
4 issued under section 901.5, subsection 10, or under section
5 321.209, subsections 1 through 5 or subsection ~~7-01~~_i; to a
6 juvenile whose license has been suspended or revoked pursuant
7 to a dispositional order under section 232.52, subsection 2,
8 paragraph "a", for a violation of chapter 124 or 453B~~7~~ or
9 section 126.3; or to a juvenile whose license has been
10 suspended under section 321.213B. A temporary restricted
11 license may be issued to a person whose license is revoked
12 under section 321.209, subsection 6, only if the person has no
13 previous drag racing convictions. A person holding a
14 temporary restricted license issued by the department under
15 this section shall not operate a motor vehicle for pleasure.

16 Sec. 30. Section 321.218, subsections 4 and 5, Code 2005,
17 are amended to read as follows:

18 4. A person who operates a commercial motor vehicle upon
19 the highways of this state when disqualified from operating
20 the commercial motor vehicle under section 321.208 or the
21 imminent hazard provisions of 49 C.F.R. § 383.52 commits a
22 serious misdemeanor if a commercial driver's license is
23 required for the person to operate the commercial motor
24 vehicle.

25 5. The department, upon receiving the record of a
26 conviction of a person under this section upon a charge of
27 operating a commercial motor vehicle while the person is
28 disqualified, shall extend the period of disqualification for
29 an additional like period or for the time period specified in
30 section 321.208, whichever is longer.

31 Sec. 31. Section 321.423, subsection 2, paragraph g, Code
32 2005, is amended to read as follows:

33 g. A Flashing red and amber warning lights on a school bus
34 as described in section 321.372, and a white flashing strobe
35 light mounted on a school bus as permitted under section

1 321.373, subsection 7.

2 Sec. 32. Section 321.423, subsection 2, Code 2005, is
3 amended by adding the following new paragraphs:

4 NEW PARAGRAPH. h. A flashing amber light is permitted on
5 a towing or recovery vehicle, a utility maintenance vehicle, a
6 municipal maintenance vehicle, a highway maintenance vehicle,
7 or a vehicle operated in accordance with subsection 6 or
8 section 321.398 or 321.453.

9 NEW PARAGRAPH. i. Modulating headlamps in conformance
10 with 49 C.F.R. § 571.108 S7.9.4. are permitted on a
11 motorcycle.

12 Sec. 33. Section 321.423, subsection 7, unnumbered
13 paragraph 1, Code 2005, is amended to read as follows:

14 Except as provided in section 321.373, subsection 7, and
15 subsection 2, paragraph paragraphs "c" and "i" of this
16 section, a flashing white light shall only be used on a
17 vehicle in the following circumstances:

18 Sec. 34. Section 321.446, subsection 4, paragraph a, Code
19 2005, is amended to read as follows:

20 a. An operator who violates subsection 1 or 2 is guilty of
21 a simple misdemeanor and subject to the penalty provisions of
22 section 805.8A, subsection 14, paragraph "c". However, if a
23 child is being transported in a taxicab in a manner that is
24 not in compliance with subsection 1 or 2, the parent, legal
25 guardian, or other responsible adult traveling with the child
26 shall be served with a citation for a violation of this
27 section in lieu of the taxicab operator.

28 Sec. 35. Section 321.449, subsection 7, Code 2005, is
29 amended by striking the subsection.

30 Sec. 36. Section 321.451, subsection 1, Code 2005, is
31 amended by adding the following new paragraph:

32 NEW PARAGRAPH. f. A towing or recovery vehicle, subject
33 to rules adopted by the department.

34 Sec. 37. Section 321.451, subsection 2, Code 2005, is
35 amended to read as follows:

1 2. The application for a certificate of designation must
2 include the name ~~and-occupation~~ of the owner of the vehicle,
3 vehicle identification information, a description of the
4 vehicle's equipment, and a description of ~~the-use-of-the~~
5 ~~vehicle-when-its-red-light-is-flashing,-and-a-photograph~~
6 ~~showing-a-side-view-of-the-vehicle~~ how the vehicle will be
7 used as an authorized emergency vehicle.

8 Sec. 38. Section 321.456, Code 2005, is amended to read as
9 follows:

10 321.456 HEIGHT OF VEHICLES ---PERMITS---EXEMPTION.

11 A vehicle unladen or with load shall not exceed a height of
12 thirteen feet, six inches, except ~~by-permit-as-provided-in~~
13 ~~this-section;--However,~~ that a vehicle or combination of
14 vehicles coupled together and used exclusively for the
15 transportation of passenger vehicles, light delivery trucks,
16 panel delivery trucks, pickup trucks, or recreational vehicle
17 chassis may operate ~~without-a-permit-provided-that-the-height~~
18 ~~of-the-vehicle-or-vehicles-coupled-together-does-not~~ with a
19 height not to exceed fourteen feet. This section shall not be
20 construed to require any railroad or public authorities to
21 provide sufficient vertical clearance to permit the operation
22 of such vehicle upon the highways of this state. Any damage
23 to highways, highway or railroad structures, or underpasses
24 caused by the height of any vehicle provided for by this
25 section shall be borne by the operator or owner of the
26 vehicle. ~~Vehicles-unladen-or-with-load-exceeding-a-height-of~~
27 ~~thirteen-feet,-six-inches-but-not-exceeding-fourteen-feet-may~~
28 ~~be-operated-with-a-permit-issued-by-the-department-or~~
29 ~~jurisdictional-local-authorities.--The-permits-shall-be-issued~~
30 ~~annually-for-a-fee-of-twenty-five-dollars-and-subject-to-rules~~
31 ~~adopted-by-the-department.--The-state-or-a-political~~
32 ~~subdivision-shall-not-be-liable-for-damage-to-any-vehicle-or~~
33 ~~its-cargo-if-changes-in-vertical-clearance-of-a-structure-are~~
34 ~~made-subsequent-to-the-issuance-of-a-permit-during-the-term-of~~
35 ~~the-permit.~~

1 Sec. 39. Section 321A.39, unnumbered paragraph 3, Code
2 2005, is amended to read as follows:

3 The seller shall print or stamp ~~said~~ the statement
4 conspicuously on the purchase order or invoice ~~in-distinctive~~
5 ~~color-ink-and-with-clearly-visible-letters~~. ~~Said~~ The
6 statement shall be signed by the purchaser in the space
7 provided ~~therein~~ on or before the date of delivery of the
8 motor vehicle described in the purchase order or invoice and a
9 copy ~~thereof~~ of the statement shall be given to the purchaser
10 by the seller.

11 Sec. 40. Section 321E.12, Code 2005, is amended to read as
12 follows:

13 321E.12 REGISTRATION MUST BE CONSISTENT.

14 A vehicle traveling under permit shall be properly
15 registered for the gross weight of the vehicle and load. A
16 trip permit issued according to section 326.23 shall not be
17 used in lieu of the registration provided for in this section.

18 A person owning special mobile equipment may use a transport
19 vehicle registered for the gross weight of the transport
20 without a load. Vehicles, while being used for the
21 transportation of buildings, except mobile homes and factory-
22 built structures, may be registered for the combined gross
23 weight of the vehicle and load on a single-trip basis. The
24 fee is five cents per ton exceeding the weight registered
25 under section 321.122 per mile of travel. Fees shall not be
26 prorated for fractions of miles. This provision does not
27 exempt these vehicles from any other provision of this
28 chapter.

29 Sec. 41. Section 321L.2, subsection 5, Code 2005, is
30 amended by striking the subsection.

31 Sec. 42. Section 321L.2A, subsection 4, Code 2005, is
32 amended by striking the subsection.

33 Sec. 43. Section 326.11, unnumbered paragraph 2, Code
34 2005, is amended to read as follows:

35 The director may issue temporary written authorization to

1 carriers for vehicles acquired by a fleet owner and added to
2 the fleet owner's prorate fleet after the beginning of the
3 registration year. The temporary authority shall permit the
4 operation of a commercial vehicle until permanent
5 identification is issued, except that the temporary authority
6 shall expire after ninety sixty days.

7 Sec. 44. Section 326.23, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. The owner of a commercial vehicle which is properly
10 registered and licensed in some other jurisdiction and is to
11 be operated occasionally on highways in this state, may, in
12 lieu of payment of the annual registration fee for such
13 vehicle, obtain a trip permit authorizing operation of the
14 vehicle on the highways of this state ~~in-interstate-commerce~~
15 for a period of not to exceed seventy-two hours. The fee for
16 the trip permit shall be ten dollars.

17 Sec. 45. Section 452A.17, subsection 1, paragraph a, Code
18 2005, is amended by adding the following new subparagraph:

19 NEW SUBPARAGRAPH. (11) Motor fuel or undyed special fuel
20 placed in taxicabs or buses when used pursuant to a service
21 contract to provide transportation services for public and
22 nonpublic schools, hospitals, governmental entities of the
23 state or its political subdivisions, or nonprofit
24 organizations exempt from federal income tax under section
25 501(c)(3) of the Internal Revenue Code.

26 Sec. 46. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW --
27 VALIDITY. A restricted license issued under section 321.178,
28 subsection 2, Code 2005, prior to the effective date of this
29 Act remains in effect, subject to the provisions of that
30 subsection, for as long as the license remains valid or until
31 the minor reaches the age of eighteen.

32 Sec. 47. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.

33 1. The legislative council is requested to establish a
34 special minor's license interim study committee to review the
35 provisions of Code section 321.194 concerning special minor's

1 (school) licenses and make recommendations for revisions. The
2 primary goals of the committee shall be to eliminate
3 ambiguities in existing language, ensure the safe
4 transportation of Iowa's youth, and improve highway safety.

5 2. The membership of the committee shall include the
6 following:

7 a. Two members of the senate standing committee on
8 transportation.

9 b. Two members of the house standing committee on
10 transportation.

11 c. Two members of the senate standing committee on
12 education.

13 d. Two members of the house standing committee on
14 education.

15 e. Representatives of the governor's office, the state
16 department of transportation, the department of education, the
17 department of public safety, the office of the attorney
18 general, the Iowa prosecuting attorneys council, the Iowa
19 association of chiefs of police, the Iowa state sheriffs and
20 deputies association, and the Iowa association of safety
21 educators.

22 3. The committee shall report its findings and
23 recommendations, including proposed legislation, to the
24 general assembly no later than January 1, 2006.

25 EXPLANATION

26 This bill amends provisions relating to the regulation of
27 motor vehicles by the state department of transportation.

28 The bill amends Code sections 299.1B, 321.177, 321.178,
29 321.180B, 321.191, 321.213B, and 321.215 to eliminate obsolete
30 provisions relating to temporary restricted and restricted
31 driver's licenses for minors. The amendments reflect that a
32 person under age 18 must be attending public or nonpublic
33 school, competent private instruction, an alternative school,
34 or adult education classes to be eligible for a driver's
35 license. Minors who have been issued a restricted license

1 under current law will retain that license, subject to the
2 conditions and restrictions that currently apply.

3 Amendments to Code section 321.1 provide definitions for
4 "bona fide residence", "bona fide address", and "bona fide
5 business address" for the purpose of administering motor
6 vehicle laws. The bill eliminates the obsolete term
7 "remanufactured vehicle" from Code language.

8 The bill amends Code section 321.9 to allow county
9 officials who issue driver's licenses, motor vehicle
10 registrations, and titles to administer oaths and acknowledge
11 signatures, as department officers and employees do, for the
12 purpose of administering motor vehicle laws.

13 The bill makes several changes to provisions relating to
14 drivers of commercial motor vehicles to comply with federal
15 requirements. Code section 321.12 is amended to allow for the
16 retention of records of convictions or revocations for
17 operating while intoxicated for purposes of disqualification
18 actions. The exemption from commercial driver licensing
19 requirements for military personnel operating United States
20 military equipment in Code section 321.176A is broadened to
21 include certain national guard and United States coast guard
22 personnel. Code section 321.191 is amended to establish a \$10
23 fee for a school bus endorsement for a driver's license. Code
24 section 321.200 is amended to require the department to file
25 accident and conviction reports received from other
26 jurisdictions, to be used when considering applications for
27 renewal of licensure. Amendments to Code section 321.205
28 authorize the department to use a conviction or administrative
29 decision from another state as grounds for disqualification
30 from operating a commercial motor vehicle in this state.
31 Amendments to Code sections 321.208 and 321.218 mandate
32 disqualification from operating a commercial motor vehicle for
33 specified periods of time based on a conviction or
34 administrative decision for certain offenses committed in any
35 state. The amendment to Code section 321.449 strikes the

1 exemption for special trucks from inspections required under
2 motor carrier safety rules. A special truck is a motor truck
3 or truck tractor with a gross weight of six through 32 tons
4 used in connection with farming.

5 The bill amends Code sections 321.23 and 321.24 to provide
6 that the owner of a specially constructed or reconstructed
7 vehicle is required to title and register the vehicle within
8 30 days of state inspection, and the owner of a vehicle
9 subject to bonding requirements must register the vehicle
10 within 30 days of receipt of authorization from the
11 department.

12 Code sections 321.24 and 321.52 are amended to reflect that
13 motor vehicle title and registration information will appear
14 on the front rather than the reverse side of motor vehicle
15 registration receipts, registration cards, and junking
16 certificates.

17 The bill amends Code section 321.34 to allow special ex-
18 prisoner of war motor vehicle registration plates to be issued
19 to the owner of a motor vehicle who was a prisoner of war
20 during any time of military conflict, rather than during
21 specified wars and conflicts.

22 Code section 321.43 is amended to require that a vehicle
23 that has been assigned a distinguishing number in lieu of a
24 serial number by the department must be titled and registered
25 within 30 days of issuance of the number.

26 The bill amends Code section 321.109 to replace in-transit
27 stickers with permits to be issued to automobile dealers
28 moving vehicles between Iowa and another state.

29 The bill amends Code section 321.194 to specify that
30 special minor's licenses, which are issued to persons 14 to 18
31 years of age to drive to and from school, may be used for
32 driving from the person's residence to the closest school bus
33 stop or public transportation service. The bill also requests
34 the legislative council to establish an interim study
35 committee to consider and report on the special minor's

1 license (school license) under Code section 321.194.

2 The bill amends Code section 321.198 to extend the validity
3 of commercial and chauffeur driver's licenses for six months
4 following a person's separation from active duty in military
5 service. This benefit is currently available to holders of
6 valid noncommercial driver's licenses.

7 The bill amends Code section 321.423 to specify that the
8 flashing light used on a towing or recovery vehicle or a
9 utility, municipal, or highway maintenance vehicle may be
10 amber in color. Code section 321.451 is amended to provide
11 that a privately owned towing or recovery vehicle may be
12 designated by the department as an authorized emergency
13 vehicle, subject to rules adopted by the department. Such
14 vehicles display flashing red or white lights during an
15 emergency or flashing blue lights when authorized for use by a
16 fire department. Code Section 321.423 is also amended to
17 specify that modulating headlamps that conform to federal
18 regulations are permitted on motorcycles.

19 Code section 321.446 is amended to provide that a parent,
20 legal guardian, or other responsible adult traveling with a
21 child in a taxicab shall be served a citation for a violation
22 of child restraint requirements in lieu of the taxi driver.

23 The bill amends Code section 321.456 to eliminate a permit
24 requirement for vehicles exceeding the maximum height limit of
25 13 feet 6 inches. A maximum height of 14 feet still applies
26 to a vehicle or combination of vehicles coupled together and
27 transporting other vehicles.

28 The bill makes a technical amendment to Code section
29 321A.39 to remove the requirement that a statement on the
30 purchase order for a motor vehicle advising the purchaser that
31 liability insurance is not included in the purchase must be in
32 a distinctive color of ink. The new language requires that
33 the statement be printed or stamped conspicuously on the
34 purchase order.

35 The bill amends Code section 326.23 by lifting the

1 restriction that 72-hour trip permits, which are issued to
2 commercial vehicles registered out-of-state, may only be used
3 for interstate commerce. The bill specifies in Code section
4 321E.12 that such a permit cannot be substituted for a permit
5 required in this state for a vehicle of excessive size and
6 weight. Code section 326.11 is amended to reduce a fleet
7 owner's authority to operate a commercial vehicle under a
8 temporary permit from 90 to 60 days.

9 The amendment to Code section 321L.2 eliminates the
10 requirement that removable windshield placards issued to
11 organizations or persons providing transportation to elderly
12 or disabled persons must be replaced every four years. The
13 bill also strikes the requirement in Code section 321L.2A that
14 the department provide a list of vendors who sell wheelchair
15 parking cones.

16 Code section 452A.17 is amended to allow refunds of motor
17 fuel taxes for fuel used in taxicabs or buses when used to
18 provide transportation services for certain entities.

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**EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 11, 2005

HOUSE FILE 216

H-1020

1 Amend House File 216 as follows:
2 1. Page 20, by striking lines 17 through 25 and
3 inserting the following:
4 "Sec. ____ . Section 452A.17, subsection 1,
5 paragraph a, subparagraph (2), Code 2005, is amended
6 to read as follows:
7 (2) An Iowa urban transit system, or a company
8 operating a taxicab service under contract with an
9 Iowa urban transit system, which is used for a purpose
10 specified in section 452A.57, subsection 6."

By HUSER of Polk

H-1020 FILED FEBRUARY 10, 2005

HOUSE FILE 216

H-1023

1 Amend the amendment, H-1022, to House File 216 as
2 follows:
3 1. Page 1, line 16, by inserting after the word
4 "~~available,~~" the following: "and has not met the
5 requirements described in section 299.2, subsection
6 1,".

By FORD of Polk

H-1023 FILED FEBRUARY 14, 2005
ADOPTED

EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
HOUSE CLIP SHEET

FEBRUARY 14, 2005

HOUSE FILE 216

H-1021

1 Amend House File 216 as follows:
2 1. Page 8, by striking lines 20 through 27.
3 2. By striking page 8, line 35, through page 9,
4 line 9, and inserting the following: "~~and special~~
5 driver's licenses to certain minors as provided in
6 sections 321.178 and 321.194, and driver's licenses
7 restricted to motorized bicycles as provided in
8 section 321.189. A license or permit shall not be
9 issued under this section or section 321.178 or
10 321.194 without the consent of a parent or guardian.
11 An additional consent is required each time a license
12 or permit is issued under this section or section
13 321.178 or 321.194. The consent must be signed by at
14 least one parent or guardian on an affidavit form
15 provided by the department."
16 3. By renumbering as necessary.

By HUSER of Polk

H-1021 FILED FEBRUARY 11, 2005

HOUSE FILE 216

H-1022

1 Amend House File 216 as follows:

2 1. Page 1, line 8, by striking the word "a" and
3 inserting the following: "a".

4 2. Page 1, line 9, by inserting after the word
5 "operator's" the following: "an intermediate or
6 full".

7 3. By striking page 8, line 20, through page 9,
8 line 15, and inserting the following:

9 "Sec. ____ . Section 321.178, subsection 2,
10 paragraph a, Code 2005, is amended to read as follows:

11 a. A person between sixteen and eighteen years of
12 age who has completed an approved driver's education
13 course and is not in attendance at school or who is in
14 attendance in a public or private school where an
15 approved driver's education course is not offered or
16 available, may be issued a restricted license only for
17 travel to and from work or to transport dependents to
18 and from temporary care facilities, if necessary for
19 the person to maintain the person's present
20 employment, ~~without having completed an approved~~
21 ~~driver's education course.~~ The restricted license
22 shall be issued by the department only upon
23 confirmation of the person's employment and need for a
24 restricted license to travel to and from work or to
25 transport dependents to and from temporary care
26 facilities if necessary to maintain the person's
27 employment ~~and upon receipt of a written statement~~
28 ~~from the public or private school that an approved~~
29 ~~course in driver's education was not offered or~~
30 ~~available to the person, if applicable.~~ The employer
31 shall notify the department if the employment of the
32 person is terminated before the person attains the age
33 of eighteen. ~~The person shall not have a restricted~~
34 ~~license revoked or suspended upon reentering school~~
35 ~~prior to age eighteen if the student enrolls in and~~
36 ~~completes the classroom portion of an approved~~
37 ~~driver's education course as soon as a course is~~
38 ~~available."~~

39 4. Page 10, line 7, by striking the words and
40 figure "~~or section 321.178~~" and inserting the
41 following: "~~or section 321.178~~".

42 5. Page 15, by striking lines 32 through 34 and
43 inserting the following: "the requirements of section
44 299.1B or issuing the juvenile a temporary restricted
45 license under section 321.215 if the juvenile is
46 employed at least twenty hours per week 321.178."

47 6. By renumbering as necessary.

By FORD of Polk

H-1022 FILED FEBRUARY 11, 2005

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 216 – Motor Vehicle Regulation (LSB 2384 HV)

Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 216 makes numerous technical changes relating to the Department of Transportation, including but not limited to the following:

- Allows ex-prisoner of war special license plates to be issued to the owner of a motor vehicle who was a prisoner of war during any time of military conflict, rather than during a specific war or conflict.
- Provides that a parent, legal guardian, or other adult traveling with a child in a taxicab, who does not have the child properly restrained, will be cited for violating child restraint requirements.
- Requires a \$10.00 one-time fee for a school bus endorsement for a driver's license.
- Allows for taxicabs and buses to receive fuel tax reimbursements when transportation services are provided, pursuant to a service contract, for public and non-public schools, and for hospitals and non-profit entities that are exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. The Bill also limits those eligible for such reimbursements to taxicabs and buses.
- Requires the Legislative Council to establish a special minor's license interim committee to review certain provisions relating to special minor's school licenses.

Assumptions

1. The number of additional ex-prisoner of war special plates that will be issued is unknown. There is no fee for the plate, and the Department estimates costs associated with making additional plates to be minimal.
2. There are currently 10,142 school bus drivers in Iowa. Federal law requires that all school bus drivers receive a school bus endorsement by September 30, 2005.
3. A school bus endorsement consists of a knowledge test and driving test at a cost of \$5.00 each. A driver who does not currently possess a passenger endorsement would be required to take both tests. A driver who possesses a passenger endorsement and passed a school bus driving test would be required to take the knowledge test only. A person who has a passenger endorsement and passed a driving test based on driving a vehicle other than a school bus will be required to take the driving test in addition to the knowledge test. The one-time fee for the endorsement will be \$10.00, regardless of whether the driver takes the driving test, knowledge test, or both.
4. The number of schools that will pay the school bus endorsement fee or will reimburse the driver for the fee is unknown. It is estimated that at least 90.0% of drivers will pay the fee and will not be reimbursed.

Correctional Impact

The number of citations that will be issued for improper restraint of a child in a taxicab is unknown, but is anticipated to be minimal.

Fiscal Impact

School Bus Endorsement

The estimated fiscal impact is an increase of between \$90,000 and \$100,000 to the Road Use Tax Fund in FY 2006. Programming costs associated with the Department adding the school bus endorsement are \$65 per hour, and are anticipated to be minimal. The fees would be paid from the Department of Transportation's Motor Vehicle Division's base budget, which consists of Road Use Tax Fund and Primary Road Fund moneys.

Fuel Tax Reimbursements

The fiscal impact associated with fuel tax reimbursements for taxicabs and buses cannot be determined, since the number of refunds that will be submitted is unknown.

Sources

Department of Transportation
Department of Education
Department of Revenue

/s/ Holly M. Lyons

February 14, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

*Chair - Huser
Arnold
Olsen S.
Rasmussen
Cohoon*

SUC *ended By 216*

HSB 125
TRANSPORTATION

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON ARNOLD)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to motor vehicle regulation by the state
2 department of transportation, including motor vehicle
3 registration and titling, restricted and special driver's
4 licenses for minors, driver licensing, regulation of
5 commercial vehicles, the use of flashing lights on certain
6 vehicles, citations for child restraint violations, permits
7 for vehicles of excessive height or weight, procedures for
8 motor vehicle dealers, and persons with disabilities parking,
9 and relating to refunds of taxes on motor fuel used in
10 taxicabs and buses that provide certain services.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____

H.F. _____

1 Section 1. Section 299.1B, Code 2005, is amended to read
2 as follows:

3 299.1B FAILURE TO ATTEND -- ~~LOSS-OF~~ DRIVER'S LICENSE.

4 A person who does not attend a public school, an accredited
5 nonpublic school, competent private instruction in accordance
6 with the provisions of chapter 299A, an alternative school, or
7 adult education classes, ~~or who is not employed at least~~
8 ~~twenty hours per week~~ shall not receive a motor vehicle
9 operator's driver's license until age eighteen. A person
10 ~~under age eighteen who has been issued a motor vehicle~~
11 ~~operator's license who does not attend a public school, an~~
12 ~~accredited nonpublic school, competent private instruction in~~
13 ~~accordance with the provisions of chapter 299A, an alternative~~
14 ~~school, or adult education classes, shall surrender the~~
15 ~~license and be issued a temporary restricted license under~~
16 ~~section 321.215.~~

17 Sec. 2. Section 321.1, Code 2005, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 6A. "Bona fide business address" means
20 the current street or highway address of a firm, association,
21 or corporation.

22 NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide
23 address" means the current street or highway address of an
24 individual's residence. The bona fide residence of a homeless
25 person is a primary nighttime residence meeting one of the
26 criteria listed in section 48A.2, subsection 2.

27 Sec. 3. Section 321.1, subsection 61, Code 2005, is
28 amended by striking the subsection.

29 Sec. 4. Section 321.9, Code 2005, is amended to read as
30 follows:

31 321.9 AUTHORITY TO ADMINISTER OATHS.

32 Officers and employees of the department designated by the
33 director, county officials authorized under this chapter to
34 issue motor vehicle registrations and titles, and county
35 officials authorized under chapter 321M to issue driver's

1 licenses are authorized, for the purpose of administering the
2 motor vehicle laws, authorized to administer oaths and
3 acknowledge signatures, and shall do so without fee.

4 Sec. 5. Section 321.12, subsection 4, Code 2005, is
5 amended to read as follows:

6 4. The director shall not destroy any operating records
7 pertaining to arrests or convictions for operating while
8 intoxicated, in violation of section 321J.2 or operating
9 records pertaining to revocations for violations of section
10 321J.2A, except that a conviction or revocation under section
11 321J.2 or 321J.2A that is not subject to 49 C.F.R. § 383 shall
12 be deleted from the operating records twelve years after the
13 date of conviction or the effective date of revocation.

14 Convictions or revocations that are retained in the operating
15 records for more than twelve years under this subsection shall
16 be considered only for purposes of disqualification actions
17 under 49 C.F.R. § 383.

18 Sec. 6. Section 321.23, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. If the vehicle to be registered is a specially
21 constructed, reconstructed, ~~remanufactured~~, or foreign
22 vehicle, such fact shall be stated in the application. A fee
23 of ten dollars shall be paid by the person making the
24 application upon issuance of a certificate of title by the
25 county treasurer. ~~With-reference-to-every~~ For a specially
26 constructed or reconstructed motor vehicle subject to
27 registration, the application shall be accompanied by a
28 statement from the department authorizing the motor vehicle to
29 be titled and registered in this state. The department shall
30 cause a physical inspection to be made of all specially
31 constructed or reconstructed motor vehicles, upon application
32 for a certificate of title by the owner, to determine whether
33 the motor vehicle complies with the definition of specially
34 constructed motor vehicle or reconstructed motor vehicle in
35 this chapter and to determine that the integral component

S.F. _____ H.F. _____

1 parts are properly identified and that the rightful ownership
2 is established before issuing the owner the authority to have
3 the motor vehicle registered and titled. The purpose of the
4 physical inspection under this section is not to determine
5 whether the motor vehicle is in a condition safe to operate.
6 With-reference-to-every The owner of a specially constructed
7 or reconstructed vehicle shall apply for a certificate of
8 title and registration for the vehicle at the county
9 treasurer's office within thirty days of the inspection. For
10 a foreign vehicle which has been registered outside of this
11 state, the owner shall surrender to the treasurer all
12 registration plates, registration cards, and certificates of
13 title, or, if the vehicle to be registered is from a nontitle
14 state, the evidence of foreign registration and ownership as
15 may be prescribed by the department except as provided in
16 subsection 2.

17 Sec. 7. Section 321.24, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. Upon receipt of the application for title and payment
20 of the required fees for a motor vehicle, trailer, or
21 semitrailer, the county treasurer or the department shall,
22 when satisfied as to the application's genuineness and
23 regularity, and, in the case of a mobile home or manufactured
24 home, that taxes are not owing under chapter 435, issue a
25 certificate of title and, except for a mobile home or
26 manufactured home, a registration receipt, and shall file the
27 application, the manufacturer's or importer's certificate, the
28 certificate of title, or other evidence of ownership, as
29 prescribed by the department. The registration receipt shall
30 be delivered to the owner and shall contain upon its face the
31 date issued, the name and address of the owner, the
32 registration number assigned to the vehicle, the amount of the
33 fee paid, the amount of tax paid pursuant to section 423.26,
34 the type of fuel used, and a description of the vehicle as
35 determined by the department, and ~~upon-the-reverse-side~~ a form

1 for notice of transfer of the vehicle. The name and address
2 of any lessee of the vehicle shall not be printed on the
3 registration receipt or certificate of title. Up to three
4 owners may be listed on the registration receipt and
5 certificate of title.

6 Sec. 8. Section 321.24, subsection 11, Code 2005, is
7 amended to read as follows:

8 11. If the county treasurer or department is not satisfied
9 as to the ownership of the vehicle or that there are no
10 undisclosed security interests in it, or a junking certificate
11 has been issued for the vehicle but a certificate of title
12 will not be reissued under section 321.52, subsection 3, and
13 the vehicle qualifies as an antique vehicle under section
14 321.115, subsection 1, the county treasurer or department may
15 register the vehicle but shall, as a condition of issuing a
16 certificate of title and registration receipt, require the
17 applicant to file with the department a bond in the form
18 prescribed by the department and executed by the applicant,
19 and either accompanied by the deposit of cash with the
20 department or also executed by a person authorized to conduct
21 a surety business in this state. The owner of a vehicle
22 subject to the bond requirements of this subsection shall
23 apply for a certificate of title and registration for the
24 vehicle at the county treasurer's office within thirty days of
25 issuance of written authorization from the department. The
26 bond shall be in an amount equal to one and one-half times the
27 current value of the vehicle as determined by the department
28 and conditioned to indemnify any prior owner and secured party
29 and any subsequent purchaser of the vehicle or person
30 acquiring any security interest in it, and their respective
31 successors in interest, against any expense, loss, or damage,
32 including reasonable attorney fees, by reason of the issuance
33 of the certificate of title of the vehicle or on account of
34 any defect in or undisclosed security interest upon the right,
35 title, and interest of the applicant in and to the vehicle.

1 Any such interested person has a right of action to recover on
2 the bond for any breach of its conditions, but the aggregate
3 liability of the surety to all persons shall not exceed the
4 amount of the bond. The bond, and any deposit accompanying
5 it, shall be returned at the end of three years or prior
6 thereto if the vehicle is no longer registered in this state
7 and the currently valid certificate of title is surrendered to
8 the department, unless the department has been notified of the
9 pendency of an action to recover on the bond. The department
10 may authorize issuance of a certificate of title as provided
11 in this subsection for a vehicle with an unreleased security
12 interest upon presentation of satisfactory evidence that the
13 security interest has been extinguished and the holder of the
14 security interest cannot be located to release the security
15 interest as provided in section 321.50.

16 Sec. 9. Section 321.34, subsection 8A, unnumbered
17 paragraph 1, Code 2005, is amended to read as follows:

18 The owner of a motor vehicle subject to registration under
19 section 321.109, subsection 1, motorcycle, trailer, or motor
20 truck who was a prisoner of war during ~~the Second World War at~~
21 ~~any time between December 7, 1941, and December 31, 1946, the~~
22 ~~Korean Conflict at any time between June 25, 1950, and January~~
23 ~~31, 1955, or the Vietnam Conflict at any time between August~~
24 ~~5, 1964, and June 30, 1973, all dates inclusive, a time of~~
25 military conflict may, upon written application to the
26 department, order only one set of special registration plates
27 with an ex-prisoner of war processed emblem. The emblem shall
28 be designed by the department in cooperation with the adjutant
29 general and shall signify that the owner was a prisoner of war
30 as described in this subsection. The application is subject
31 to approval by the department, in consultation with the
32 adjutant general. The special plates shall be issued at no
33 charge and are subject to an annual registration fee of
34 fifteen dollars. The county treasurer shall validate the
35 special plates in the same manner as regular registration

1 plates are validated under this section.

2 Sec. 10. Section 321.43, Code 2005, is amended to read as
3 follows:

4 321.43 NEW IDENTIFYING NUMBERS.

5 The department may assign a distinguishing number to a
6 vehicle when the serial number on the vehicle is destroyed or
7 obliterated and issue to the owner a special plate bearing the
8 distinguishing number which shall be affixed to the vehicle in
9 a position to be determined by the director. The vehicle
10 shall be registered and titled under the distinguishing number
11 in lieu of the former serial number within thirty days of
12 issuance of the distinguishing number.

13 Sec. 11. Section 321.52, subsections 1 and 2, Code 2005,
14 are amended to read as follows:

15 1. When a vehicle is sold outside the state for purposes
16 other than for junk, the owner, dealer or otherwise, shall
17 detach the registration plates and registration card and shall
18 indicate on the ~~reverse-side-of-such~~ registration card the
19 name and address of the foreign purchaser or transferee over
20 the person's signature. ~~The~~ Unless the registration plates
21 are legally attached to another vehicle, the owner shall
22 surrender the registration plates and registration card to the
23 county treasurer, unless-the-registration-plates-are-properly
24 attached-to-another-vehicle, who shall cancel the records, and
25 ~~shall~~ destroy the registration plates, and forward the
26 registration card to the department. The department shall
27 make a notation on the records of the out-of-state sale, and,
28 after a reasonable period, may destroy the files to for that
29 particular vehicle. The department is not authorized to make
30 a refund of ~~license~~ registration fees on a vehicle sold out of
31 state unless it receives the registration card completed as
32 provided in this section.

33 2. The purchaser or transferee of a motor vehicle for
34 which a certificate of title is issued which is sold for scrap
35 or junk shall surrender the certificate of title, properly

1 endorsed and signed by the previous owner, to the county
2 treasurer of the county of residence of the transferee, and
3 shall apply for a junking certificate from the county
4 treasurer, within thirty days after assignment of the
5 certificate of title. The county treasurer shall issue to
6 such person without fee a junking certificate. A junking
7 certificate shall authorize the holder to possess, transport,
8 or transfer by endorsement the ownership of the junked
9 vehicle. A certificate of title shall not again be issued for
10 the vehicle subsequent to the issuance of a junking
11 certificate except as provided in subsection 3. The county
12 treasurer shall cancel the record of the vehicle. The junking
13 certificate shall be printed on the registration receipt form
14 and shall be imprinted with the words "junking certificate",
15 as prescribed by the department. A space for transfer by
16 endorsement shall be on the ~~reverse-side-of-the~~ junking
17 certificate. A separate form for the notation of the transfer
18 of component parts shall be attached to the junking
19 certificate when the certificate is issued.

20 Sec. 12. Section 321.109, subsection 2, unnumbered
21 paragraph 1, Code 2005, is amended to read as follows:

22 Dealers may, in addition to other provisions of this
23 section, purchase from the department in-transit ~~stickers~~
24 permits, for which a fee of two dollars per ~~sticker~~ permit
25 shall be paid at time of purchase. One such ~~sticker~~ permit
26 shall be displayed on each vehicle purchased from a dealer by
27 a nonresident for removal to the state of the nonresident's
28 residence, and one such ~~sticker~~ permit shall also be displayed
29 on each vehicle not currently registered in Iowa and purchased
30 by an Iowa dealer for removal to the dealer's place of
31 business in this state. The ~~stickers~~ permits shall be void
32 fifteen days after issuance by the selling dealer. Each
33 ~~sticker~~ permit shall contain the following information:

34 Sec. 13. Section 321.109, subsection 2, unnumbered
35 paragraph 2, Code 2005, is amended to read as follows:

1 ~~This information shall be on the gummed side of the sticker~~
2 ~~and the sticker shall be made of a type of material which is~~
3 ~~self-destructive when the sticker is removed.~~ The sales
4 invoice verifying the sale shall be in the possession of the
5 driver of the vehicle in transit and shall be signed by the
6 owner or an authorized individual of the issuing dealership.

7 Sec. 14. Section 321.176A, subsection 3, Code 2005, is
8 amended to read as follows:

9 3. ~~Military personnel while on active duty and operating~~
10 ~~equipment owned or operated by the United States department of~~
11 ~~defense.~~ The following persons when operating commercial
12 motor vehicles for military purposes:

13 a. Active duty military personnel.

14 b. Members of the military reserves.

15 c. Members of the national guard on active duty, including
16 personnel on full-time national guard duty, personnel on part-
17 time national guard training, and national guard military
18 technicians.

19 d. Active duty United States coast guard personnel.

20 Sec. 15. Section 321.177, subsection 1, Code 2005, is
21 amended to read as follows:

22 1. To any person who is under the age of eighteen years
23 except as provided in section 321.180B. However, the
24 department may issue a driver's license to certain minors as
25 provided in section ~~321.178~~ or 321.194, or a driver's license
26 restricted to motorized bicycles as provided in section
27 321.189.

28 Sec. 16. Section 321.178, subsection 2, Code 2005, is
29 amended by striking the subsection.

30 Sec. 17. Section 321.180B, unnumbered paragraph 1, Code
31 2005, is amended to read as follows:

32 Persons under age eighteen shall not be issued a license or
33 permit to operate a motor vehicle except under the provisions
34 of this section. However, the department may issue restricted
35 and special driver's licenses to certain minors as provided in

1 ~~sections-321-178-and~~ section 321.194, and driver's licenses
2 restricted to motorized bicycles as provided in section
3 321.189. A license or permit shall not be issued under this
4 section or section ~~321-178-or~~ 321.194 without the consent of a
5 parent or guardian. An additional consent is required each
6 time a license or permit is issued under this section or
7 section ~~321-178-or~~ 321.194. The consent must be signed by at
8 least one parent or guardian on an affidavit form provided by
9 the department.

10 Sec. 18. Section 321.191, subsections 6 and 7, Code 2005,
11 are amended to read as follows:

12 6. SPECIAL MINORS' LICENSES. Notwithstanding subsection
13 2, the fee for a driver's license issued to a minor under
14 section 321.194 ~~or-a-restricted-license-issued-to-a-minor~~
15 ~~under-section-321-178,-subsection-2,~~ is eight dollars.

16 7. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.
17 The fee for a double/triple trailer endorsement, tank vehicle
18 endorsement, and hazardous materials endorsement is five
19 dollars for each endorsement. The fee for a passenger
20 endorsement or a school bus endorsement is ten dollars. The
21 fee for removal of an air brake restriction on a commercial
22 driver's license is ten dollars. Fees imposed under this
23 subsection for endorsements or removal of restrictions are
24 valid for the period of the license. Upon renewal of a
25 commercial driver's license, no fee is payable for retaining
26 endorsements or the removal of the air brake restriction for
27 those endorsements or restrictions which do not require the
28 taking of either a knowledge or a driving skills test for
29 renewal.

30 Sec. 19. Section 321.191, subsection 9, unnumbered
31 paragraph 2, Code 2005, is amended to read as follows:

32 As used in this subsection "to upgrade a license class
33 privilege" means to add any privilege to a valid driver's
34 license. The addition of a privilege includes converting from
35 a noncommercial to a commercial license, converting from a

1 noncommercial class C to a class D license, converting an
2 instruction permit to a class license, adding any privilege to
3 a section 321.189, subsection 7, license, adding an
4 instruction permit privilege, adding a section 321.189,
5 subsection 7, license to an instruction permit, and adding any
6 privilege relating to a driver's license issued to a minor
7 under section 321.194 ~~or-section-321-178-subsection-2.~~

8 Sec. 20. Section 321.194, subsection 1, paragraph a,
9 subparagraph (1), Code 2005, is amended to read as follows:

10 (1) During the hours of 6 a.m. to 10 p.m. over the most
11 direct and accessible route between the licensee's residence
12 and schools of enrollment or the closest school bus stop or
13 public transportation service, and between schools of
14 enrollment, for the purpose of attending duly scheduled
15 courses of instruction and extracurricular activities within
16 the school district.

17 Sec. 21. Section 321.198, unnumbered paragraph 1, Code
18 2005, is amended to read as follows:

19 The effective date of a valid driver's license ~~to the~~
20 ~~extent that it permits the operation of a motor vehicle other~~
21 ~~than a commercial motor vehicle and other than as a chauffeur,~~
22 issued under the laws of this state, held by any person at the
23 time of entering the military service of the United States or
24 of the state of Iowa, notwithstanding the expiration of the
25 license according to its terms, is hereby extended without fee
26 until six months following the initial separation from active
27 duty of the person from the military service, provided the
28 person is not suffering from physical disabilities which
29 impair the person's competency as an operator and provided
30 further that the licensee shall ~~upon demand of any peace~~
31 ~~officer furnish,~~ upon demand of any peace officer,
32 satisfactory evidence of the person's military service.
33 However, a person entitled to the benefits of this section
34 who is charged with operating a motor vehicle without an
35 operator's a valid driver's license, shall not be convicted if

1 the person produces in court, within a reasonable time, a
2 valid driver's license previously issued to that person along
3 with evidence of the person's military service as above
4 mentioned provided in this paragraph.

5 Sec. 22. Section 321.200, Code 2005, is amended to read as
6 follows:

7 321.200 CONVICTION AND ACCIDENT FILE.

8 The department shall also file all accident reports and
9 abstracts of court records of convictions received by it under
10 the laws of this state or any other state or foreign
11 jurisdiction and in connection therewith maintain convenient
12 records or make suitable notations in order that an individual
13 record of each licensee showing the convictions of such
14 licensee and the traffic accidents in which the licensee has
15 been involved shall be readily ascertainable and available for
16 the consideration of the department upon any application for
17 renewal of license and at other suitable times.

18 Sec. 23. Section 321.205, Code 2005, is amended to read as
19 follows:

20 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
21 JURISDICTION.

22 The department is authorized to suspend or revoke the
23 driver's license of a resident of this state upon or
24 disqualify a resident of this state from operating a
25 commercial motor vehicle for any of the following reasons:

26 1. Upon receiving notice of the conviction of the resident
27 in another state for an offense which, if committed in this
28 state, would be grounds for the suspension or revocation of
29 the license or upon disqualification of the person from
30 operating a commercial motor vehicle.

31 2. Upon receiving notice of a final administrative
32 decision in another state that the resident has acted in a
33 manner which would be grounds for suspension or revocation of
34 the license or disqualification of the person from operating a
35 commercial motor vehicle in this state.

1 Sec. 24. Section 321.208, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. A person is disqualified from operating a commercial
4 motor vehicle for one year upon a conviction or final
5 administrative decision that the person ~~while operating a~~
6 ~~commercial-motor-vehicle~~ has committed any of the following
7 acts or offenses in any state or foreign jurisdiction while
8 operating a commercial motor vehicle:

9 ~~a.---Operating-a-commercial-motor-vehicle-while-under-the~~
10 ~~influence-of-an-alcoholic-beverage-or-other-drug-or-controlled~~
11 ~~substance-or-a-combination-of-such-substances.~~

12 ~~b. a.~~ Operating a commercial motor vehicle with an alcohol
13 concentration, as defined in section 321J.1, of 0.04 or more.

14 ~~c.---Refusal-to-submit-to-chemical-testing-required-under~~
15 ~~chapter-321J.~~

16 ~~d.---Failure-to-stop-and-render-aid-at-the-scene-of-an~~
17 ~~accident-involving-the-person's-vehicle.~~

18 ~~e.---A-felony-or-aggravated-misdemeanor-involving-the-use-of~~
19 ~~a-commercial-motor-vehicle-other-than-an-offense-involving~~
20 ~~manufacturing,-distributing,-or-dispensing-a-controlled~~
21 ~~substance.~~

22 ~~f. b.~~ Operating a commercial motor vehicle while any
23 amount of a controlled substance is present in the person, as
24 measured in the person's blood or urine.

25 c. Operating a commercial motor vehicle when, as a result
26 of prior violations committed while operating a commercial
27 motor vehicle, the person's commercial driver's license is
28 revoked, suspended, or canceled or the person is disqualified
29 from operating a commercial motor vehicle.

30 d. Operating a commercial motor vehicle involved in a
31 fatal accident and being convicted of a moving traffic
32 violation that contributed to the fatality, or manslaughter or
33 vehicular homicide.

34 ~~However,-a-person-is-disqualified-for-three-years-if-the~~
35 ~~act-or-offense-occurred-while-the-person-was-operating-a~~

1 ~~commercial-motor-vehicle-transporting-hazardous-material-of-a~~
2 ~~type-or-quantity-requiring-vehicle-placarding-~~

3 Sec. 25. Section 321.208, Code 2005, is amended by adding
4 the following new subsections:

5 NEW SUBSECTION. 1A. A person is disqualified from
6 operating a commercial motor vehicle for one year upon a
7 conviction or final administrative decision that the person
8 has committed any of the following acts or offenses in any
9 state or foreign jurisdiction while operating a commercial
10 motor vehicle or while operating a noncommercial motor vehicle
11 and holding a commercial driver's license:

12 a. Operating a motor vehicle while under the influence of
13 an alcoholic beverage or other drug or controlled substance or
14 a combination of such substances.

15 b. Refusal to submit to chemical testing required under
16 chapter 321J.

17 c. Leaving the scene or failure to stop or render aid at
18 the scene of an accident involving the person's vehicle.

19 d. A felony or aggravated misdemeanor involving the use of
20 a commercial motor vehicle other than an offense involving
21 manufacturing, distributing, or dispensing a controlled
22 substance.

23 NEW SUBSECTION. 1B. A person is disqualified from
24 operating a commercial motor vehicle for three years if an act
25 or offense described in subsection 1 or 1A occurred while the
26 person was operating a commercial motor vehicle transporting
27 hazardous material of a type or quantity requiring vehicle
28 placarding.

29 Sec. 26. Section 321.208, subsections 2, 3, and 4, Code
30 2005, are amended to read as follows:

31 2. A person is disqualified from operating a commercial
32 motor vehicle for life if convicted or found to have committed
33 two or more of the ~~above~~ acts or offenses described in
34 subsection 1 or 1A arising out of two or more separate
35 incidents. However, a disqualification for life is subject to

1 a reduction to a ten-year disqualification as provided in 49
2 C.F.R. § 383.51 as adopted by rule by the department.

3 3. A person is disqualified from operating a commercial
4 motor vehicle for ~~the person's~~ life upon a conviction that the
5 person used a commercial or noncommercial motor vehicle in the
6 commission of a felony or aggravated misdemeanor involving the
7 manufacturing, distributing, or dispensing of a controlled
8 substance as defined in section 124.101 and held a commercial
9 driver's license at the time the offense was committed.

10 4. A person is disqualified from operating a commercial
11 motor vehicle if the person receives convictions for
12 committing within any three-year period two or more of the
13 following offenses while operating a commercial motor vehicle:

14 ~~a.---Speeding-fifteen-miles-per-hour-or-more-over-the-legal~~
15 ~~speed-limit.~~

16 ~~b.---Reckless-driving.~~

17 ~~c.---Any-violation-of-the-traffic-laws,-except-a-parking~~
18 ~~violation-or-a-vehicle-weight-violation,-which-arises-in~~
19 ~~connection-with-a-fatal-traffic-accident.~~

20 ~~d. a.~~ Operating a commercial motor vehicle upon a highway
21 when not issued a commercial driver's license ~~valid-for-the~~
22 ~~vehicle-operated.~~

23 ~~e. b.~~ Operating a commercial motor vehicle upon a highway
24 when disqualified not issued the proper class of commercial
25 driver's license or endorsements for the specific vehicle
26 group being operated or for the passengers or type of cargo
27 being transported.

28 ~~f. c.~~ Operating a commercial motor vehicle upon a highway
29 without immediate possession of a driver's license valid for
30 the vehicle operated.

31 ~~g.---Following-another-motor-vehicle-too-closely.~~

32 ~~h.---Improper-lane-changes-in-violation-of-section-321.306.~~

33 ~~The-period-of-disqualification-under-this-subsection-shall~~
34 ~~be-sixty-days-for-two-offenses-within-any-three-year-period~~
35 ~~and-one-hundred-twenty-days-for-three-offenses-within-any~~

1 ~~three-year-period.~~

2 Sec. 27. Section 321.208, Code 2005, is amended by adding
3 the following new subsections:

4 NEW SUBSECTION. 4A. A person is disqualified from
5 operating a commercial motor vehicle if the person receives
6 convictions for committing within any three-year period two or
7 more of the following offenses while operating a commercial
8 motor vehicle or while operating a noncommercial motor vehicle
9 and holding a commercial driver's license if the convictions
10 result in the revocation, cancellation, or suspension of the
11 person's commercial driver's license or noncommercial motor
12 vehicle driving privileges:

13 a. Speeding fifteen miles per hour or more over the legal
14 speed limit.

15 b. Reckless driving.

16 c. Any violation of the traffic laws, except a parking
17 violation or a vehicle weight violation, which arises in
18 connection with a fatal traffic accident.

19 d. Following another motor vehicle too closely.

20 e. Improper lane changes in violation of section 321.306.

21 NEW SUBSECTION. 4B. The period of disqualification under
22 subsections 4 and 4A shall be sixty days for two offenses
23 within any three-year period and one hundred twenty days for
24 three offenses within any three-year period.

25 Sec. 28. Section 321.213B, Code 2005, is amended to read
26 as follows:

27 321.213B SUSPENSION FOR FAILURE TO ATTEND.

28 The department shall establish procedures by rule for
29 suspending the license of a juvenile who ~~is-in-violation~~ has
30 been issued a driver's license and is not in compliance with
31 the requirements of section 299.1B ~~or-issuing-the-juvenile-a~~
32 ~~temporary-restricted-license-under-section-321.215-if-the~~
33 ~~juvenile-is-employed-at-least-twenty-hours-per-week.~~

34 Sec. 29. Section 321.215, subsection 1, unnumbered
35 paragraph 2, Code 2005, is amended to read as follows:

1 However, a temporary restricted license shall not be issued
2 to a person whose license is revoked pursuant to a court order
3 issued under section 901.5, subsection 10, or under section
4 321.209, subsections 1 through 5 or subsection 7~~7-07~~; to a
5 juvenile whose license has been suspended or revoked pursuant
6 to a dispositional order under section 232.52, subsection 2,
7 paragraph "a", for a violation of chapter 124 or 453B~~7~~ or
8 section 126.3; or to a juvenile whose license has been
9 suspended under section 321.213B. A temporary restricted
10 license may be issued to a person whose license is revoked
11 under section 321.209, subsection 6, only if the person has no
12 previous drag racing convictions. A person holding a
13 temporary restricted license issued by the department under
14 this section shall not operate a motor vehicle for pleasure.

15 Sec. 30. Section 321.218, subsections 4 and 5, Code 2005,
16 are amended to read as follows:

17 4. A person who operates a commercial motor vehicle upon
18 the highways of this state when disqualified from operating
19 the commercial motor vehicle under section 321.208 or the
20 imminent hazard provisions of 49 C.F.R. § 383.52 commits a
21 serious misdemeanor if a commercial driver's license is
22 required for the person to operate the commercial motor
23 vehicle.

24 5. The department, upon receiving the record of a
25 conviction of a person under this section upon a charge of
26 operating a commercial motor vehicle while the person is
27 disqualified, shall extend the period of disqualification for
28 an additional like period or for the time period specified in
29 section 321.208, whichever is longer.

30 Sec. 31. Section 321.423, subsection 2, paragraph g, Code
31 2005, is amended to read as follows:

32 g. A Flashing red and amber warning lights on a school bus
33 as described in section 321.372, and a white flashing strobe
34 light mounted on a school bus as permitted under section
35 321.373, subsection 7.

1 Sec. 32. Section 321.423, subsection 2, Code 2005, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. h. A flashing amber light is permitted on
4 a towing or recovery vehicle, a utility maintenance vehicle, a
5 municipal maintenance vehicle, a highway maintenance vehicle,
6 or a vehicle operated in accordance with subsection 6 or
7 section 321.398 or 321.453.

8 NEW PARAGRAPH. i. Modulating headlamps in conformance
9 with 49 C.F.R. § 571.108 S7.9.4. are permitted on a
10 motorcycle.

11 Sec. 33. Section 321.423, subsection 7, unnumbered
12 paragraph 1, Code 2005, is amended to read as follows:

13 Except as provided in section 321.373, subsection 7, and
14 subsection 2, paragraph paragraphs "c" and "i" of this
15 section, a flashing white light shall only be used on a
16 vehicle in the following circumstances:

17 Sec. 34. Section 321.446, subsection 4, paragraph a, Code
18 2005, is amended to read as follows:

19 a. An operator who violates subsection 1 or 2 is guilty of
20 a simple misdemeanor and subject to the penalty provisions of
21 section 805.8A, subsection 14, paragraph "c". However, if a
22 child is being transported in a taxicab in a manner that is
23 not in compliance with subsection 1 or 2, the parent, legal
24 guardian, or other responsible adult traveling with the child
25 shall be served with a citation for a violation of this
26 section in lieu of the taxicab operator.

27 Sec. 35. Section 321.449, subsection 7, Code 2005, is
28 amended by striking the subsection.

29 Sec. 36. Section 321.451, subsection 1, paragraph a, Code
30 2005, is amended to read as follows:

31 a. An ambulance, or fire or vehicle, rescue vehicle, or
32 towing or recovery vehicle.

33 Sec. 37. Section 321.451, subsection 2, Code 2005, is
34 amended to read as follows:

35 2. The application for a certificate of designation must

1 include the name and-occupation of the owner of the vehicle,
2 vehicle identification information, a description of the
3 vehicle's equipment, and a description of the-use-of-the
4 ~~vehicle-when-its-red-light-is-flashing,-and-a-photograph~~
5 ~~showing-a-side-view-of-the-vehicle~~ how the vehicle will be
6 used as an authorized emergency vehicle.

7 Sec. 38. Section 321.456, Code 2005, is amended to read as
8 follows:

9 321.456 HEIGHT OF VEHICLES ---PERMITS---EXEMPTION.

10 A vehicle unladen or with load shall not exceed a height of
11 thirteen feet, six inches, except by-permit-as-provided-in
12 ~~this-section.--However,~~ that a vehicle or combination of
13 vehicles coupled together and used exclusively for the
14 transportation of passenger vehicles, light delivery trucks,
15 panel delivery trucks, pickup trucks, or recreational vehicle
16 chassis may operate ~~without-a-permit-provided-that-the-height~~
17 ~~of-the-vehicle-or-vehicles-coupled-together-does-not~~ with a
18 height not to exceed fourteen feet. This section shall not be
19 construed to require any railroad or public authorities to
20 provide sufficient vertical clearance to permit the operation
21 of such vehicle upon the highways of this state. Any damage
22 to highways, highway or railroad structures, or underpasses
23 caused by the height of any vehicle provided for by this
24 section shall be borne by the operator or owner of the
25 vehicle. ~~Vehicles-unladen-or-with-load-exceeding-a-height-of~~
26 ~~thirteen-feet,-six-inches-but-not-exceeding-fourteen-feet-may~~
27 ~~be-operated-with-a-permit-issued-by-the-department-or~~
28 ~~jurisdictional-local-authorities.--The-permits-shall-be-issued~~
29 ~~annually-for-a-fee-of-twenty-five-dollars-and-subject-to-rules~~
30 ~~adopted-by-the-department.--The-state-or-a-political~~
31 ~~subdivision-shall-not-be-liable-for-damage-to-any-vehicle-or~~
32 ~~its-cargo-if-changes-in-vertical-clearance-of-a-structure-are~~
33 ~~made-subsequent-to-the-issuance-of-a-permit-during-the-term-of~~
34 ~~the-permit.~~

35 Sec. 39. Section 321A.39, unnumbered paragraph 3, Code

1 2005, is amended to read as follows:

2 The seller shall print or stamp ~~said~~ the statement
3 conspicuously on the purchase order or invoice ~~in-distinctive~~
4 ~~color-ink-and-with-clearly-visible-letters~~. ~~Said~~ The
5 statement shall be signed by the purchaser in the space
6 provided ~~therein~~ on or before the date of delivery of the
7 motor vehicle described in the purchase order or invoice and a
8 copy ~~thereof~~ of the statement shall be given to the purchaser
9 by the seller.

10 Sec. 40. Section 321E.12, Code 2005, is amended to read as
11 follows:

12 321E.12 REGISTRATION MUST BE CONSISTENT.

13 A vehicle traveling under permit shall be properly
14 registered for the gross weight of the vehicle and load. A
15 trip permit issued according to section 326.23 shall not be
16 used in lieu of the registration provided for in this section.

17 A person owning special mobile equipment may use a transport
18 vehicle registered for the gross weight of the transport
19 without a load. Vehicles, while being used for the
20 transportation of buildings, except mobile homes and factory-
21 built structures, may be registered for the combined gross
22 weight of the vehicle and load on a single-trip basis. The
23 fee is five cents per ton exceeding the weight registered
24 under section 321.122 per mile of travel. Fees shall not be
25 prorated for fractions of miles. This provision does not
26 exempt these vehicles from any other provision of this
27 chapter.

28 Sec. 41. Section 321L.2, subsection 5, Code 2005, is
29 amended by striking the subsection.

30 Sec. 42. Section 321L.2A, subsection 4, Code 2005, is
31 amended by striking the subsection.

32 Sec. 43. Section 326.11, unnumbered paragraph 2, Code
33 2005, is amended to read as follows:

34 The director may issue temporary written authorization to
35 carriers for vehicles acquired by a fleet owner and added to

1 the fleet owner's prorated fleet after the beginning of the
2 registration year. The temporary authority shall permit the
3 operation of a commercial vehicle until permanent
4 identification is issued, except that the temporary authority
5 shall expire after ~~ninety~~ sixty days.

6 Sec. 44. Section 326.23, subsection 1, Code 2005, is
7 amended to read as follows:

8 1. The owner of a commercial vehicle which is properly
9 registered and licensed in some other jurisdiction and is to
10 be operated occasionally on highways in this state, may, in
11 lieu of payment of the annual registration fee for such
12 vehicle, obtain a trip permit authorizing operation of the
13 vehicle on the highways of this state ~~in-interstate-commerce~~
14 for a period of not to exceed seventy-two hours. The fee for
15 the trip permit shall be ten dollars.

16 Sec. 45. Section 452A.17, subsection 1, paragraph a, Code
17 2005, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (11) Motor fuel or undyed special fuel
19 placed in taxicabs or buses when used pursuant to a service
20 contract to provide transportation services for public and
21 nonpublic schools, hospitals, governmental entities of the
22 state or its political subdivisions, or nonprofit
23 organizations exempt from federal income tax under section
24 501(c)(3) of the Internal Revenue Code.

25 Sec. 46. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW --
26 VALIDITY. A restricted license issued under section 321.178,
27 subsection 2, Code 2005, prior to the effective date of this
28 Act remains in effect, subject to the provisions of that
29 subsection, for as long as the license remains valid or until
30 the minor reaches the age of eighteen.

31 Sec. 47. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.

32 1. The legislative council is requested to establish a
33 special minor's license interim study committee to review the
34 provisions of Code section 321.194 concerning special minor's
35 (school) licenses and make recommendations for revisions. The

1 primary goals of the committee shall be to eliminate
2 ambiguities in existing language, ensure the safe
3 transportation of Iowa's youth, and improve highway safety.

4 2. The membership of the committee shall include the
5 following:

6 a. Two members of the senate standing committee on
7 transportation.

8 b. Two members of the house standing committee on
9 transportation.

10 c. Two members of the senate standing committee on
11 education.

12 d. Two members of the house standing committee on
13 education.

14 e. Representatives of the governor's office, the state
15 department of transportation, the department of education, the
16 department of public safety, the office of the attorney
17 general, the Iowa prosecuting attorneys council, the Iowa
18 association of chiefs of police, the Iowa state sheriffs and
19 deputies association, and the Iowa association of safety
20 educators.

21 3. The committee shall report its findings and
22 recommendations, including proposed legislation, to the
23 general assembly no later than January 1, 2006.

24 EXPLANATION

25 This bill amends provisions relating to the regulation of
26 motor vehicles by the state department of transportation.

27 The bill amends Code sections 299.1B, 321.177, 321.178,
28 321.180B, 321.191, 321.213B, and 321.215 to eliminate obsolete
29 provisions relating to temporary restricted and restricted
30 driver's licenses for minors. The amendments reflect that a
31 person under age 18 must be attending public or nonpublic
32 school, competent private instruction, an alternative school,
33 or adult education classes to be eligible for a driver's
34 license. Minors who have been issued a restricted license
35 under current law will retain that license, subject to the

1 conditions and restrictions that currently apply.

2 Amendments to Code section 321.1 provide definitions for
3 "bona fide residence", "bona fide address", and "bona fide
4 business address" for the purpose of administering motor
5 vehicle laws. The bill eliminates the obsolete term
6 "remanufactured vehicle" from Code language.

7 The bill amends Code section 321.9 to allow county
8 officials who issue driver's licenses, motor vehicle
9 registrations, and titles to administer oaths and acknowledge
10 signatures, as department officers and employees do, for the
11 purpose of administering motor vehicle laws.

12 The bill makes several changes to provisions relating to
13 drivers of commercial motor vehicles to comply with federal
14 requirements. Code section 321.12 is amended to allow for the
15 retention of records of convictions or revocations for
16 operating while intoxicated for purposes of disqualification
17 actions. The exemption from commercial driver licensing
18 requirements for military personnel operating United States
19 military equipment in Code section 321.176A is broadened to
20 include certain national guard and United States coast guard
21 personnel. Code section 321.191 is amended to establish a \$10
22 fee for a school bus endorsement for a driver's license. Code
23 section 321.200 is amended to require the department to file
24 accident and conviction reports received from other
25 jurisdictions, to be used when considering applications for
26 renewal of licensure. Amendments to Code section 321.205
27 authorize the department to use a conviction or administrative
28 decision from another state as grounds for disqualification
29 from operating a commercial motor vehicle in this state.
30 Amendments to Code sections 321.208 and 321.218 mandate
31 disqualification from operating a commercial motor vehicle for
32 specified periods of time based on a conviction or
33 administrative decision for certain offenses committed in any
34 state. The amendment to Code section 321.449 strikes the
35 exemption for special trucks from inspections required under

1 motor carrier safety rules. A special truck is a motor truck
2 or truck tractor with a gross weight of six through 32 tons
3 used in connection with farming.

4 The bill amends Code sections 321.23 and 321.24 to provide
5 that the owner of a specially constructed or reconstructed
6 vehicle is required to title and register the vehicle within
7 30 days of state inspection, and the owner of a vehicle
8 subject to bonding requirements must register the vehicle
9 within 30 days of receipt of authorization from the
10 department.

11 Code sections 321.24 and 321.52 are amended to reflect that
12 motor vehicle title and registration information will appear
13 on the front rather than the reverse side of motor vehicle
14 registration receipts, registration cards, and junking
15 certificates.

16 The bill amends Code section 321.34 to allow special ex-
17 prisoner of war motor vehicle registration plates to be issued
18 to the owner of a motor vehicle who was a prisoner of war
19 during any time of military conflict, rather than during
20 specified wars and conflicts.

21 Code section 321.43 is amended to require that a vehicle
22 that has been assigned a distinguishing number in lieu of a
23 serial number by the department must be titled and registered
24 within 30 days of issuance of the number.

25 The bill amends Code section 321.109 to replace in-transit
26 stickers with permits to be issued to automobile dealers
27 moving vehicles between Iowa and another state.

28 The bill amends Code section 321.194 to specify that
29 special minor's licenses, which are issued to persons 14 to 18
30 years of age to drive to and from school, may be used for
31 driving from the person's residence to the closest school bus
32 stop or public transportation service. The bill also requests
33 the legislative council to establish an interim study
34 committee to consider and report on the special minor's
35 license (school license) under Code section 321.194.

1 The bill amends Code section 321.198 to extend the validity
2 of commercial and chauffeur driver's licenses for six months
3 following a person's separation from active duty in military
4 service. This benefit is currently available to holders of
5 valid noncommercial driver's licenses.

6 The bill amends Code section 321.423 to specify that the
7 flashing light used on a towing or recovery vehicle or a
8 utility, municipal, or highway maintenance vehicle may be
9 amber in color. Code section 321.451 is amended to provide
10 that a privately owned towing or recovery vehicle may be
11 designated by the department as an authorized emergency
12 vehicle. Such vehicles display flashing red or white lights
13 during an emergency or flashing blue lights when authorized
14 for use by a fire department. Code Section 321.423 is also
15 amended to specify that modulating headlamps that conform to
16 federal regulations are permitted on motorcycles.

17 Code section 321.446 is amended to provide that a parent,
18 legal guardian, or other responsible adult traveling with a
19 child in a taxicab shall be served a citation for a violation
20 of child restraint requirements in lieu of the taxi driver.

21 The bill amends Code section 321.456 to eliminate a permit
22 requirement for vehicles exceeding the maximum height limit of
23 13 feet 6 inches. A maximum height of 14 feet still applies
24 to a vehicle or combination of vehicles coupled together and
25 transporting other vehicles.

26 The bill makes a technical amendment to Code section
27 321A.39 to remove the requirement that a statement on the
28 purchase order for a motor vehicle advising the purchaser that
29 liability insurance is not included in the purchase must be in
30 a distinctive color of ink. The new language requires that
31 the statement be printed or stamped conspicuously on the
32 purchase order.

33 The bill amends Code section 326.23 by lifting the
34 restriction that 72-hour trip permits, which are issued to
35 commercial vehicles registered out-of-state, may only be used

1 for interstate commerce. The bill specifies in Code section
2 321E.12 that such a permit cannot be substituted for a permit
3 required in this state for a vehicle of excessive size and
4 weight. Code section 326.11 is amended to reduce a fleet
5 owner's authority to operate a commercial vehicle under a
6 temporary permit from 90 to 60 days.

7 The amendment to Code section 321L.2 eliminates the
8 requirement that removable windshield placards issued to
9 organizations or persons providing transportation to elderly
10 or disabled persons must be replaced every four years. The
11 bill also strikes the requirement in Code section 321L.2A that
12 the department provide a list of vendors who sell wheelchair
13 parking cones.

14 Code section 452A.17 is amended to allow refunds of motor
15 fuel taxes for fuel used in taxicabs or buses when used to
16 provide transportation services for certain entities.

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HOUSE FILE 216

AN ACT

RELATING TO MOTOR VEHICLE REGULATION BY THE STATE DEPARTMENT OF TRANSPORTATION, INCLUDING MOTOR VEHICLE REGISTRATION AND TITLING, RESTRICTED AND SPECIAL DRIVER'S LICENSES FOR MINORS, DRIVER LICENSING, REGULATION OF COMMERCIAL VEHICLES, THE USE OF FLASHING LIGHTS ON CERTAIN VEHICLES, CITATIONS FOR CHILD RESTRAINT VIOLATIONS, PERMITS FOR VEHICLES OF EXCESSIVE HEIGHT OR WEIGHT, PROCEDURES FOR MOTOR VEHICLE DEALERS, AND PERSONS WITH DISABILITIES PARKING, AND RELATING TO REFUNDS OF TAXES ON MOTOR FUEL USED IN TAXICABS AND BUSES THAT PROVIDE CERTAIN SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 299.1B, Code 2005, is amended to read as follows:

299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

A person who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes, or who is not employed at least twenty hours per week shall not receive a motor vehicle operator's an intermediate or full driver's license until age eighteen. A person under age eighteen who has been issued a motor vehicle operator's license who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes, shall surrender the license and be issued a temporary restricted license under section 321.215.

Sec. 2. Section 321.1, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "Bona fide business address" means the current street or highway address of a firm, association, or corporation.

NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide address" means the current street or highway address of an individual's residence. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in section 48A.2, subsection 2.

Sec. 3. Section 321.1, subsection 61, Code 2005, is amended by striking the subsection.

Sec. 4. Section 321.9, Code 2005, is amended to read as follows:

321.9 AUTHORITY TO ADMINISTER OATHS.

Officers and employees of the department designated by the director, county officials authorized under this chapter to issue motor vehicle registrations and titles, and county officials authorized under chapter 321M to issue driver's licenses are authorized, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

Sec. 5. Section 321.12, subsection 4, Code 2005, is amended to read as follows:

4. The director shall not destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2 or operating records pertaining to revocations for violations of section 321J.2A, except that a conviction or revocation under section 321J.2 or 321J.2A that is not subject to 49 C.F.R. § 383 shall be deleted from the operating records twelve years after the date of conviction or the effective date of revocation. Convictions or revocations that are retained in the operating records for more than twelve years under this subsection shall be considered only for purposes of disqualification actions under 49 C.F.R. § 383.

Sec. 6. Section 321.23, subsection 1, Code 2005, is amended to read as follows:

1. If the vehicle to be registered is a specially constructed, reconstructed, remanufactured, or foreign vehicle, such fact shall be stated in the application. A fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title by the county treasurer. ~~With-reference-to-every~~ For a specially constructed or reconstructed motor vehicle subject to registration, the application shall be accompanied by a statement from the department authorizing the motor vehicle to be titled and registered in this state. The department shall cause a physical inspection to be made of all specially constructed or reconstructed motor vehicles, upon application for a certificate of title by the owner, to determine whether the motor vehicle complies with the definition of specially constructed motor vehicle or reconstructed motor vehicle in this chapter and to determine that the integral component parts are properly identified and that the rightful ownership is established before issuing the owner the authority to have the motor vehicle registered and titled. The purpose of the physical inspection under this section is not to determine whether the motor vehicle is in a condition safe to operate. ~~With-reference-to-every~~ The owner of a specially constructed or reconstructed vehicle shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of the inspection. For a foreign vehicle which has been registered outside of this state, the owner shall surrender to the treasurer all registration plates, registration cards, and certificates of title, or, if the vehicle to be registered is from a nontitle state, the evidence of foreign registration and ownership as may be prescribed by the department except as provided in subsection 2.

Sec. 7. Section 321.24, subsection 1, Code 2005, is amended to read as follows:

1. Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured home, that taxes are not owing under chapter 435, issue a certificate of title and, except for a mobile home or manufactured home, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.26, the type of fuel used, and a description of the vehicle as determined by the department, and ~~upon-the-reverse-side~~ a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title.

Sec. 8. Section 321.24, subsection 11, Code 2005, is amended to read as follows:

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the

applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished and the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 9. Section 321.34, subsection 8A, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of a motor vehicle subject to registration under section 321.109, subsection 1, motorcycle, trailer, or motor truck who was a prisoner of war during ~~the Second World War at any time between December 7, 1941, and December 31, 1946, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, or the Vietnam Conflict at any time between August 5, 1964, and June 30, 1973, all dates inclusive, a time of~~ military conflict may, upon written application to the department, order only one set of special registration plates with an ex-prisoner of war processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was a prisoner of war as described in this subsection. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 10. Section 321.43, Code 2005, is amended to read as follows:

321.43 NEW IDENTIFYING NUMBERS.

The department may assign a distinguishing number to a vehicle when the serial number on the vehicle is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the vehicle in a position to be determined by the director. The vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number within thirty days of issuance of the distinguishing number.

Sec. 11. Section 321.52, subsections 1 and 2, Code 2005, are amended to read as follows:

1. When a vehicle is sold outside the state for purposes other than for junk, the owner, dealer or otherwise, shall detach the registration plates and registration card and shall indicate on the reverse-side-of-such registration card the name and address of the foreign purchaser or transferee over the person's signature. The Unless the registration plates are legally attached to another vehicle, the owner shall surrender the registration plates and registration card to the county treasurer, ~~unless the registration plates are properly attached to another vehicle,~~ who shall cancel the records, and ~~shall~~ destroy the registration plates, and forward the registration card to the department. The department shall make a notation on the records of the out-of-state sale, and, after a reasonable period, may destroy the files ~~to~~ for that particular vehicle. The department is not authorized to make a refund of ~~license~~ registration fees on a vehicle sold out of state unless it receives the registration card completed as provided in this section.

2. The purchaser or transferee of a motor vehicle for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the transferee, and shall apply for a junking certificate from the county treasurer, within thirty days after assignment of the certificate of title. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport, or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate".

as prescribed by the department. A space for transfer by endorsement shall be on the reverse-side-of-the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

Sec. 12. Section 321.109, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Dealers may, in addition to other provisions of this section, purchase from the department in-transit stickers permits, for which a fee of two dollars per sticker permit shall be paid at time of purchase. One such sticker permit shall be displayed on each vehicle purchased from a dealer by a nonresident for removal to the state of the nonresident's residence, and one such sticker permit shall also be displayed on each vehicle not currently registered in Iowa and purchased by an Iowa dealer for removal to the dealer's place of business in this state. The stickers permits shall be void fifteen days after issuance by the selling dealer. Each sticker permit shall contain the following information:

Sec. 13. Section 321.109, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

~~This information shall be on the gummed side of the sticker and the sticker shall be made of a type of material which is self-destructive when the sticker is removed.~~ The sales invoice verifying the sale shall be in the possession of the driver of the vehicle in transit and shall be signed by the owner or an authorized individual of the issuing dealership.

Sec. 14. Section 321.176A, subsection 3, Code 2005, is amended to read as follows:

3. ~~Military personnel while on active duty and operating equipment owned or operated by the United States department of defense.~~ The following persons when operating commercial motor vehicles for military purposes:

a. Active duty military personnel.

b. Members of the military reserves.

c. Members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians.

d. Active duty United States coast guard personnel.

Sec. 15. Section 321.178, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. A person between sixteen and eighteen years of age who has completed an approved driver's education course and is not in attendance at school or who is in attendance in a public or private school where an approved driver's education course is not offered or available, and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment, ~~without having completed an approved driver's education course.~~ The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment ~~and upon receipt of a written statement from the public or private school that an approved course in driver's education was not offered or available to the person, if applicable.~~ The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen. ~~The person shall not have a restricted license revoked or suspended upon reentering school prior to age eighteen if the student enrolls in and completes the classroom portion of an approved driver's education course as soon as a course is available.~~

Sec. 16. Section 321.191, subsection 7, Code 2005, is amended to read as follows:

7. 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 or a school bus 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 period of the license. Upon renewal of a commercial driver's license, 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. 17. Section 321.191, subsection 9, unnumbered paragraph 2, Code 2005, is amended to read as follows:

As used in this subsection "to upgrade a license class privilege" means to add any privilege to a valid driver's license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction permit to a class license, adding any privilege to a section 321.189, subsection 7, license, adding an instruction permit privilege, adding a section 321.189, subsection 7, license to an instruction permit, and adding any privilege relating to a driver's license issued to a minor under section 321.194 or section 321.178, ~~subsection 2.~~

Sec. 18. Section 321.194, subsection 1, paragraph a, subparagraph (1), Code 2005, is amended to read as follows:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district.

Sec. 19. Section 321.198, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The effective date of a valid driver's license ~~to the extent that it permits the operation of a motor vehicle other than a commercial motor vehicle and other than as a chauffeur,~~ issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is hereby extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator and provided further that the licensee shall ~~upon demand of any peace officer furnish, upon demand of any peace officer,~~ satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section, ~~who is charged with operating a motor vehicle without an operator's a valid driver's license,~~ shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with evidence of the person's military service as above mentioned provided in this paragraph.

Sec. 20. Section 321.200, Code 2005, is amended to read as follows:

321.200 CONVICTION AND ACCIDENT FILE.

The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state or any other state or foreign jurisdiction and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

Sec. 21. Section 321.205, Code 2005, is amended to read as follows:

321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER JURISDICTION.

The department is authorized to suspend or revoke the driver's license of a resident of this state upon or disqualify a resident of this state from operating a commercial motor vehicle for any of the following reasons:

1. Upon receiving notice of the conviction of the resident in another state for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or upon disqualification of the person from operating a commercial motor vehicle.

2. Upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license or disqualification of the person from operating a commercial motor vehicle in this state.

Sec. 22. Section 321.208, subsection 1, Code 2005, is amended to read as follows:

1. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person ~~while operating a commercial motor vehicle~~ has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle:

~~a:--Operating a commercial motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances.~~

b: a. Operating a commercial motor vehicle with an alcohol concentration, as defined in section 321J.1, of 0.04 or more.

~~c:--Refusal to submit to chemical testing required under chapter 321B.~~

~~d. Failure to stop and render aid at the scene of an accident involving the person's vehicle.~~

~~e. A felony or aggravated misdemeanor involving the use of a commercial motor vehicle other than an offense involving manufacturing, distributing, or dispensing a controlled substance.~~

f. b. Operating a commercial motor vehicle while any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

c. Operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person's commercial driver's license is revoked, suspended, or canceled or the person is disqualified from operating a commercial motor vehicle.

d. Operating a commercial motor vehicle involved in a fatal accident and being convicted of a moving traffic violation that contributed to the fatality, or manslaughter or vehicular homicide.

~~However, a person is disqualified for three years if the act or offense occurred while the person was operating a commercial motor vehicle transporting hazardous material of a type or quantity requiring vehicle placarding.~~

Sec. 23. Section 321.208, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle or while operating a noncommercial motor vehicle and holding a commercial driver's license:

a. Operating a motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances.

b. Refusal to submit to chemical testing required under chapter 321J.

c. Leaving the scene or failure to stop or render aid at the scene of an accident involving the person's vehicle.

d. A felony or aggravated misdemeanor involving the use of a commercial motor vehicle other than an offense involving manufacturing, distributing, or dispensing a controlled substance.

NEW SUBSECTION. 1B. A person is disqualified from operating a commercial motor vehicle for three years if an act or offense described in subsection 1 or 1A occurred while the person was operating a commercial motor vehicle transporting hazardous material of a type or quantity requiring vehicle placarding.

Sec. 24. Section 321.208, subsections 2, 3, and 4, Code 2005, are amended to read as follows:

2. A person is disqualified from operating a commercial motor vehicle for life if convicted or found to have committed two or more of the above acts or offenses described in subsection 1 or 1A arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. § 383.51 as adopted by rule by the department.

3. A person is disqualified from operating a commercial motor vehicle for ~~the person's~~ life upon a conviction that the person used a commercial or noncommercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101 and held a commercial driver's license at the time the offense was committed.

4. 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:

~~a. Speeding fifteen miles per hour or more over the legal speed limit.~~

~~b. Reckless driving.~~

~~c. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.~~

~~d. a. Operating a commercial motor vehicle upon a highway when not issued a commercial driver's license valid for the vehicle operated.~~

~~e. b. Operating a commercial motor vehicle upon a highway when disqualified not issued the proper class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.~~

~~f. c. Operating a commercial motor vehicle upon a highway without immediate possession of a driver's license valid for the vehicle operated.~~

~~g. Following another motor vehicle too closely.~~

~~h. Improper lane changes in violation of section 321.306.~~

~~The period of disqualification under this subsection shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period.~~

Sec. 25. Section 321.208, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. 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:

a. Speeding fifteen miles per hour or more over the legal speed limit.

b. Reckless driving.

c. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

d. Following another motor vehicle too closely.

e. Improper lane changes in violation of section 321.306.

NEW SUBSECTION. 4B. The period of disqualification under subsections 4 and 4A shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period.

Sec. 26. Section 321.213B, Code 2005, is amended to read as follows:

321.213B SUSPENSION FOR FAILURE TO ATTEND.

The department shall establish procedures by rule for suspending the license of a juvenile who is in violation has been issued a driver's license and is not in compliance with the requirements of section 299.1B or issuing the juvenile a temporary restricted license under section 321.215 if the juvenile is employed at least twenty hours per week 321.178.

Sec. 27. Section 321.215, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under section 901.5, subsection 10, or under section 321.209, subsections 1 through 5 or subsection 7 or; to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3; or to a juvenile whose license has been suspended under section 321.213B. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a

temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 28. Section 321.218, subsections 4 and 5, Code 2005, are amended to read as follows:

4. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 or the imminent hazard provisions of 49 C.F.R. § 383.52 commits a serious misdemeanor if a commercial driver's license is required for the person to operate the commercial motor vehicle.

5. The department, upon receiving the record of a conviction of a person under this section upon a charge of operating a commercial motor vehicle while the person is disqualified, shall extend the period of disqualification for an additional like period or for the time period specified in section 321.208, whichever is longer.

Sec. 29. Section 321.423, subsection 2, paragraph g, Code 2005, is amended to read as follows:

g. A Flashing red and amber warning lights on a school bus as described in section 321.372, and a white flashing strobe light mounted on a school bus as permitted under section 321.373, subsection 7.

Sec. 30. Section 321.423, subsection 2, Code 2005, is amended by adding the following new paragraphs:

NEW PARAGRAPH. h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453.

NEW PARAGRAPH. i. Modulating headlamps in conformance with 49 C.F.R. § 571.108 S7.9.4. are permitted on a motorcycle.

Sec. 31. Section 321.423, subsection 7, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Except as provided in section 321.373, subsection 7, and subsection 2, paragraph paragraphs "c" and "i" of this section, a flashing white light shall only be used on a vehicle in the following circumstances:

Sec. 32. Section 321.446, subsection 4, paragraph a, Code 2005, is amended to read as follows:

a. An operator who violates subsection 1 or 2 is guilty of a simple misdemeanor and subject to the penalty provisions of section 805.8A, subsection 14, paragraph "c". However, if a child is being transported in a taxicab in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of this section in lieu of the taxicab operator.

Sec. 33. Section 321.449, subsection 7, Code 2005, is amended by striking the subsection.

Sec. 34. Section 321.451, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A towing or recovery vehicle, subject to rules adopted by the department.

Sec. 35. Section 321.451, subsection 2, Code 2005, is amended to read as follows:

2. The application for a certificate of designation must include the name ~~and-occupation~~ of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, and a description of the-use-of-the-vehicle-when-its-red-light-is-flashing,-and-a-photograph showing-a-side-view-of-the-vehicle how the vehicle will be used as an authorized emergency vehicle.

Sec. 36. Section 321.456, Code 2005, is amended to read as follows:

321.456 HEIGHT OF VEHICLES ~~---PERMITS---EXEMPTION.~~

A vehicle unladen or with load shall not exceed a height of thirteen feet, six inches, ~~except by-permit-as-provided-in this-section,-~~ However that a vehicle or combination of

vehicles coupled together and used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or recreational vehicle chassis may operate ~~without a permit provided that the height of the vehicle or vehicles coupled together does not~~ with a height not to exceed fourteen feet. This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation of such vehicle upon the highways of this state. Any damage to highways, highway or railroad structures, or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of the vehicle. ~~Vehicles unladen or with load exceeding a height of thirteen feet, six inches but not exceeding fourteen feet may be operated with a permit issued by the department or jurisdictional local authorities. The permits shall be issued annually for a fee of twenty-five dollars and subject to rules adopted by the department. The state or a political subdivision shall not be liable for damage to any vehicle or its cargo if changes in vertical clearance of a structure are made subsequent to the issuance of a permit during the term of the permit.~~

Sec. 37. Section 321A.39, unnumbered paragraph 3, Code 2005, is amended to read as follows:

The seller shall print or stamp said the statement conspicuously on the purchase order or invoice ~~in distinctive color ink and with clearly visible letters~~. Said The statement shall be signed by the purchaser in the space provided therein on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy thereof of the statement shall be given to the purchaser by the seller.

Sec. 38. Section 321E.12, Code 2005, is amended to read as follows:

321E.12 REGISTRATION MUST BE CONSISTENT.

A vehicle traveling under permit shall be properly registered for the gross weight of the vehicle and load. A trip permit issued according to section 326.23 shall not be used in lieu of the registration provided for in this section. A person owning special mobile equipment may use a transport vehicle registered for the gross weight of the transport without a load. Vehicles, while being used for the transportation of buildings, except mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. This provision does not exempt these vehicles from any other provision of this chapter.

Sec. 39. Section 321L.2, subsection 5, Code 2005, is amended by striking the subsection.

Sec. 40. Section 321L.2A, subsection 4, Code 2005, is amended by striking the subsection.

Sec. 41. Section 326.11, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after ninety sixty days.

Sec. 42. Section 326.23, subsection 1, Code 2005, is amended to read as follows:

1. The owner of a commercial vehicle which is properly registered and licensed in some other jurisdiction and is to be operated occasionally on highways in this state, may in lieu of payment of the annual registration fee for such

vehicle, obtain a trip permit authorizing operation of the vehicle on the highways of this state in-interstate-commerce for a period of not to exceed seventy-two hours. The fee for the trip permit shall be ten dollars.

Sec. 43. Section 452A.17, subsection 1, paragraph a, subparagraph (2), Code 2005, is amended to read as follows:

(2) An Iowa urban transit system, or a company operating a taxicab service under contract with an Iowa urban transit system, which is used for a purpose specified in section 452A.57, subsection 6.

Sec. 44. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW -- VALIDITY. A restricted license issued under section 321.178, subsection 2, Code 2005, prior to the effective date of this Act remains in effect, subject to the provisions of that subsection, for as long as the license remains valid or until the minor reaches the age of eighteen.

Sec. 45. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish a special minor's license interim study committee to review the provisions of Code section 321.194 concerning special minor's (school) licenses and make recommendations for revisions. The primary goals of the committee shall be to eliminate ambiguities in existing language, ensure the safe transportation of Iowa's youth, and improve highway safety.

2. The membership of the committee shall include the following:

- a. Two members of the senate standing committee on transportation.
- b. Two members of the house standing committee on transportation.
- c. Two members of the senate standing committee on education.
- d. Two members of the house standing committee on education.

e. Representatives of the governor's office, the state department of transportation, the department of education, the department of public safety, the office of the attorney general, the Iowa prosecuting attorneys council, the Iowa association of chiefs of police, the Iowa state sheriffs and deputies association, and the Iowa association of safety educators.

3. The committee shall report its findings and recommendations, including proposed legislation, to the general assembly no later than January 1, 2006.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 216, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 3/15, 2005

THOMAS J. VILSACK
Governor