

APR 20 2005
COMMERCE, REGULATION & LABOR

HOUSE FILE 870
BY MURPHY AND GIPP

(COMPANION TO LSB 3623SS
BY GRONSTAL AND IVERSON)

Passed House, Date 4-27-05 Passed Senate, Date _____
Vote: Ayes 100 Nays 0 Vote: Ayes _____ Nays _____
Approved 3/12/05

A BILL FOR

1 An Act relating to the applicability of motor vehicle financial
2 responsibility provisions to special mobile equipment and
3 providing an effective date.

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

5
6
7

HOUSE FILE 870

H-1483

1 Amend House File 870 as follows:
2 1. Page 1, lines 12 and 13, by striking the words
3 "except special mobile equipment".
4 2. Page 1, by striking lines 29 through 34, and
5 inserting the following:
6 "NEW SUBSECTION. 12A. SPECIAL MOBILE EQUIPMENT.
7 "Special mobile equipment" means every vehicle not
8 designed or used primarily for the transportation of
9 persons or property and incidentally operated or moved
10 over the highways, including road construction or
11 maintenance machinery and ditch-digging apparatus.
12 This description does not exclude other vehicles which
13 are within the general terms of this subsection."
14 3. By renumbering as necessary.

By HORBACH of Tama

H-1483 FILED APRIL 25, 2005

HF 870

1 Section 1. Section 321A.1, subsections 3 and 5, Code 2005,
2 are amended to read as follows:

3 3. JUDGMENT. A judgment which has become final by
4 expiration without appeal during the time within which an
5 appeal might have been perfected, or a judgment if an appeal
6 from the judgment has been perfected, which has not been
7 stayed by the execution, filing and approval of a bond as
8 provided in rule of appellate procedure 6.7(1), or a judgment
9 which has become final by affirmation on appeal, rendered by a
10 court of competent jurisdiction of a state or of the United
11 States, upon a cause of action arising out of the ownership,
12 maintenance, or use of a motor vehicle, except special mobile
13 equipment as defined in this section, for damages, including
14 damages for care and loss of services, because of bodily
15 injury to or death of a person, or for damages because of
16 injury to or destruction of property, including the loss of
17 use of property, or upon a cause of action on an agreement of
18 settlement for such damages.

19 5. MOTOR VEHICLE. "Motor vehicle" means every vehicle
20 which is self-propelled, but not including vehicles known as
21 trackless trolleys which are propelled by electric power
22 obtained from overhead trolley wires, ~~but~~ and not operated
23 upon rails. The term "car" or "automobile" shall be
24 synonymous with the term "motor vehicle". "Motor vehicle"
25 does not include special mobile equipment as defined in this
26 section.

27 Sec. 2. Section 321A.1, Code 2005, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 12A. SPECIAL MOBILE EQUIPMENT. "Special
30 mobile equipment" means every self-propelled road construction
31 vehicle, road maintenance vehicle, and ditch-digging apparatus
32 not designed or used primarily for the transportation of
33 persons or property and incidentally operated or moved over
34 the highways.

35 Sec. 3. Section 321A.6, Code 2005, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. To the operator or owner of special
3 mobile equipment.

4 Sec. 4. IMPLEMENTATION. The department may adopt rules
5 pursuant to chapter 17A as necessary to implement and
6 administer this Act.

7 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

10 This bill exempts special mobile equipment from the
11 provisions of Code chapter 321A relating to motor vehicle
12 financial responsibility. Under that Code chapter, the state
13 department of transportation is required to suspend the
14 driver's license of each operator and the registrations of
15 each owner of a motor vehicle involved in an accident
16 resulting in bodily injury or death or damage to property in
17 excess of \$1,000, unless proof of financial responsibility is
18 established for the owner or operator or both. Under the
19 bill, that requirement will no longer apply to owners and
20 operators of special mobile equipment.

21 The bill defines "special mobile equipment" as every self-
22 propelled road construction vehicle, road maintenance vehicle,
23 and ditch-digging apparatus not designed or used primarily for
24 the transportation of persons or property and incidentally
25 operated or moved over the highways. The definition of "motor
26 vehicle", as it applies in Code chapter 321A, is amended to
27 exclude special mobile equipment.

28
29
30
31
32
33
34
35

HOUSE FILE 870

H-1539

1 Amend the amendment, H-1483, to House File 870, as
2 follows:

3 1. Page 1, line 11, by striking the words "and
4 ditch-digging apparatus" and inserting the following:
5 ", ditch-digging apparatus, and implements of
6 husbandry as defined in section 321.1, subsection 32".

By RAYHONS of Hancock
MAY of Dickinson
JONES of Mills
SANDS of Louisa
CARROLL of Poweshiek
STRUYK of Pottawattamie
S. OLSON of Clinton
DRAKE of Pottawattamie
FREVERT of Palo Alto
VAN ENGELENHOVEN of Marion
SMITH of Marshall
QUIRK of Chickasaw
BAUDLER of Adair

COHOON of Des Moines
SHOMSHOR of Pottawattamie
FREEMAN of Buena Vista
MERTZ of Kossuth
SODERBERG of Plymouth
UPMEYER of Hancock
ALONS of Sioux
KAUFMANN of Cedar
THOMAS of Clayton
ROBERTS of Carroll
WILDERDYKE of Harrison
LUKAN of Dubuque
WHITAKER of Van Buren

H-1539 FILED APRIL 27, 2005

ADOPTED

HOUSE FILE 870
BY MURPHY AND GIPP

(COMPANION TO LSB 3623SS
BY GRONSTAL AND IVERSON)

(As Amended and Passed by the House April 27, 2005)

Passed House, Date _____ Passed Senate, Date 4-29-05
Vote: Ayes _____ Nays _____ Vote: Ayes 46 Nays 0
Approved _____

A BILL FOR

1 An Act relating to the applicability of motor vehicle financial
2 responsibility provisions to special mobile equipment and
3 providing an effective date.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

House Amendments _____
Deleted Language *

1 Section 1. Section 321A.1, subsections 3 and 5, Code 2005,
2 are amended to read as follows:

3 3. JUDGMENT. A judgment which has become final by
4 expiration without appeal during the time within which an
5 appeal might have been perfected, or a judgment if an appeal
6 from the judgment has been perfected, which has not been
7 stayed by the execution, filing and approval of a bond as
8 provided in rule of appellate procedure 6.7(1), or a judgment
9 which has become final by affirmation on appeal, rendered by a
10 court of competent jurisdiction of a state or of the United
11 States, upon a cause of action arising out of the ownership,
* 12 maintenance, or use of a motor vehicle, as defined in this
13 section, for damages, including damages for care and loss of
14 services, because of bodily injury to or death of a person, or
15 for damages because of injury to or destruction of property,
16 including the loss of use of property, or upon a cause of
17 action on an agreement of settlement for such damages.

18 5. MOTOR VEHICLE. "Motor vehicle" means every vehicle
19 which is self-propelled, but not including vehicles known as
20 trackless trolleys which are propelled by electric power
21 obtained from overhead trolley wires, ~~but~~ and not operated
22 upon rails. The term "car" or "automobile" shall be
23 synonymous with the term "motor vehicle". "Motor vehicle"
24 does not include special mobile equipment as defined in this
25 section.

26 Sec. 2. Section 321A.1, Code 2005, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 12A. SPECIAL MOBILE EQUIPMENT. "Special
29 mobile equipment" means every vehicle not designed or used
30 primarily for the transportation of persons or property and
31 incidentally operated or moved over the highways, including
32 road construction or maintenance machinery, ditch-digging
33 apparatus, and implements of husbandry as defined in section
34 321.1, subsection 32. This description does not exclude other
35 vehicles which are within the general terms of this

1 subsection.

2 Sec. 3. Section 321A.6, Code 2005, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 5. To the operator or owner of special
5 mobile equipment.

6 Sec. 4. IMPLEMENTATION. The department may adopt rules
7 pursuant to chapter 17A as necessary to implement and
8 administer this Act.

9 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DATE .

MNTH.DA.YR.

ACTION TEXT

=====
By Murphy and Gipp.

A bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date. Effective 05-12-05.

- Apr. 20 05 Introduced, referred to Commerce, Regulations & Labor. H.J. 1335.
- Apr. 21 05 Subcommittee, Horbach, Hoffman and Oldson. H.J. 1462.
- Apr. 22 05 Committee report, recommending passage. H.J. 1466.
- Apr. 25 05 Amendment H-1483 filed. H.J. 1485.
- Apr. 27 05 Amendment H-1539 to H-1483 filed, adopted. H.J. 1559.
- Apr. 27 05 Amendment H-1483 as amended, adopted. H.J. 1559.
- Apr. 27 05 Passed House, ayes 100, nays none. H.J. 1560.
- Apr. 27 05 Immediate message. H.J. 1568.
- Apr. 27 05 Message from House. S.J. 1045.
- Apr. 27 05 Read first time, referred to Commerce. S.J. 1045.
- Apr. 28 05 Subcommittee, McCoy, Wieck, Kettering, and Rielly. S.J. 1055.
- Apr. 28 05 Committee report, recommending passage. S.J. 1056.
- Apr. 29 05 Passed Senate, ayes 46, nays none. S.J. 1084.
- May 02 05 Immediate message. S.J. 1094.
- May 03 05 Message from Senate. H.J. 1738.
- May 10 05 Reported correctly enrolled, signed by Speaker and President. H.J. 1861.
- May 10 05 Sent to Governor. H.J. 1861.
- May 12 05 Signed by Governor. H.J. 1946.

* * * * * END OF 2005 ACTIONS * * * * *

HOUSE FILE 870

AN ACT

RELATING TO THE APPLICABILITY OF MOTOR VEHICLE FINANCIAL
RESPONSIBILITY PROVISIONS TO SPECIAL MOBILE EQUIPMENT AND
PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 321A.1, subsections 3 and 5, Code 2005,
are amended to read as follows:

3. JUDGMENT. A judgment which has become final by
expiration without appeal during the time within which an
appeal might have been perfected, or a judgment if an appeal
from the judgment has been perfected, which has not been
stayed by the execution, filing and approval of a bond as
provided in rule of appellate procedure 6.7(1), or a judgment

which has become final by affirmation on appeal, rendered by a
court of competent jurisdiction of a state or of the United
States, upon a cause of action arising out of the ownership,
maintenance, or use of a motor vehicle, as defined in this
section, for damages, including damages for care and loss of
services, because of bodily injury to or death of a person, or
for damages because of injury to or destruction of property,
including the loss of use of property, or upon a cause of
action on an agreement of settlement for such damages.

5. MOTOR VEHICLE. "Motor vehicle" means every vehicle
which is self-propelled, but not including vehicles known as
trackless trolleys which are propelled by electric power
obtained from overhead trolley wires, but and not operated
upon rails. The term "car" or "automobile" shall be
synonymous with the term "motor vehicle". "Motor vehicle"
does not include special mobile equipment as defined in this
section.

Sec. 2. Section 321A.1, Code 2005, is amended by adding
the following new subsection:

NEW SUBSECTION. 12A. SPECIAL MOBILE EQUIPMENT. "Special
mobile equipment" means every vehicle not designed or used
primarily for the transportation of persons or property and
incidentally operated or moved over the highways, including
road construction or maintenance machinery, ditch-digging
apparatus, and implements of husbandry as defined in section
321.1, subsection 32. This description does not exclude other
vehicles which are within the general terms of this
subsection.

Sec. 3. Section 321A.6, Code 2005, is amended by adding
the following new subsection:

NEW SUBSECTION. 5. To the operator or owner of special
mobile equipment.

Sec. 4. IMPLEMENTATION. The department may adopt rules
pursuant to chapter 17A as necessary to implement and
administer this Act.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 870, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/12, 2005

THOMAS J. VILSACK
Governor