

January 29, 1951.
Motor Vehicles, Commerce and Trade.

House File 247
By LISLE.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date.....
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend chapter three hundred twenty-one (321), Code 1950, relating to inspection of motor vehicles.

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

1 That chapter three hundred twenty-one (321), Code 1950,
2 is hereby amended by adding the following new sections:

3 Section 1. Official Inspection of Vehicles

4 a. The commissioner shall require that every motor
5 vehicle registered in this state which is used on the highways
6 of this state, except farm tractors used exclusively as imple-
7 ments of husbandry, trailers or semi-trailers having a chassis
8 or body weight of less than one thousand (1,000) pounds,
9 motorcycles and bicycles with motors attached, be inspected at
10 least once each year but not more frequently than twice each
11 year, and that an official certificate of inspection and approval
12 be obtained for each such motor vehicle.

13 b. If such inspections disclose the necessity for
14 adjustments, corrections, or repairs, in order to bring the
15 motor vehicle, trailer, or semi-trailer in conformance with the
16 provisions of this act, it shall be compulsory upon the owner

17 to have such adjustments, corrections, or repairs made within
18 the periods required in this act.

19 c. The commissioner is hereby authorized to designate,
20 furnish instructions to, supervise, and issue inspection
21 certificates to, upon receipt of the fee therefor, the official
22 inspection stations, as provided in this act, for the purpose
23 of such inspections.

24 d. Such official inspection stations, when duly
25 authorized, shall issue official certificates of inspection for
26 every motor vehicle, trailer, or semi-trailer so inspected, on
27 a form furnished by the department, but no such certificates of
28 inspection shall be issued or displayed on any motor vehicle,
29 trailer, or semi-trailer, or by the owner or operator of any
30 motor vehicle, trailer, or semi-trailer, until and unless the
31 motor vehicle, trailer, or semi-trailer for which it is issued
32 has been brought into conformance with the requirements of this
33 act.

34 e. It shall be the duty of such designated official
35 inspection stations to report all such inspections to the
36 commissioner on the first and fifteenth days of each month on
37 forms furnished by the commissioner, and, in the event of refusal
38 on the part of any owner or operator to have the necessary
39 adjustments, corrections, and repairs made, the commissioner,
40 after investigation, may invoke the provisions of this act
41 relative to vehicles unsafe or unfit for operation.

42 f. If the commissioner finds that the provisions of

43 this act, or the directions of the commissioner, are not being
44 complied with, or that the business of such stations in connection
45 with such inspections is being improperly conducted, he may
46 suspend the designation of any such stations.

47 g. Any peace officer who shall be in uniform, and
48 shall exhibit his badge or other sign of authority, may stop any
49 motor vehicle, trailer, or semi-trailer, and require the owner
50 or operator to display an official certificate or other
51 satisfactory proof of inspection for the motor vehicle, trailer,
52 or semi-trailer being operated. It shall be unlawful for any
53 such certificate to be displayed on a motor vehicle, trailer,
54 or semi-trailer, or by the owner or operator, unless an official
55 inspection of its mechanism or equipment shall have been made
56 and the motor vehicle, trailer, or semi-trailer conforms to the
57 provisions of this act.

58 h. It shall be unlawful to operate any motor vehicle,
59 trailer, or semi-trailer on a highway unless a certificate for
60 the proper period is furnished and displayed.

61 Penalty.—Any person violating any of the provisions
62 of subsections d., e., g., or h. of this section shall be guilty
63 of a misdemeanor.

1 Sec. 2. Fee for Inspection Stickers

2 The inspection fee shall be fifty (\$.50) cents, of
3 which the person making the inspection shall retain forty-five
4 (\$.45) cents and remit the sum of five (\$.05) for each certifi-
5 cate to the commissioner under this act, and such funds collected

6 shall first be used for the administration of the provisions of
7 this act and any surplus shall be used for the purposes of
8 promotion of highway safety.

1 **Sec. 3. Official Inspection Stations**

2 **a. The commissioner is authorized to designate,**
3 furnish instructions to, and to supervise official inspection
4 stations for corrections, adjustments, repairs, and inspection
5 of motor vehicles, trailers and semi-trailers for the proper
6 and safe performance of steering mechanism, brakes, lighting
7 equipment, horns and warning devices, mirrors, windshield wipers,
8 and such other conditions to assure that such vehicles are in
9 conformity with this act. Every person desiring to operate as
10 an official inspection station shall file an application for a
11 certificate of appointment with the commissioner. The application
12 for an official inspection station shall be made upon a form
13 prescribed and furnished by the commissioner and shall set forth
14 the name under which the applicant transacts or intends to
15 transact business, the location of his place of business within
16 the state, and such other information as the commissioner may
17 require. If the applicant has or intends to have more than one
18 place of business within the state, a separate application shall
19 be made for each place of business. If the applicant is an
20 association, the application shall set forth the names and
21 addresses of the persons constituting the association, and if
22 a corporation, the names and addresses of the principal officers
23 thereof, and any other information prescribed by the commissioner

24 for purposes of identification. The application shall be signed
25 and verified by oath or affirmation by the owner, if a natural
26 person; and in the case of an association, by a member or partner
27 thereof; and in the case of a corporation, by an executive
28 officer thereof or some person specifically authorized by the
29 corporation to sign the application, to which shall be attached
30 written evidence of his authority. Only such locations which
31 fulfill the commissioner's requirements and whose owners or
32 proprietors comply with the commissioner's regulations shall
33 qualify and be appointed and issued a certificate. Upon
34 approval of the application, the commissioner shall grant and
35 issue to each owner a certificate of appointment as an official
36 inspection station for the place of business within the state
37 set forth in his application. Certificates of appointment shall
38 not be assignable, and shall be valid for the owners in whose
39 names issued and for the transaction of business at the place
40 designated therein, and shall at all times be conspicuously
41 displayed at the place for which issued.

42 b. If the commissioner finds that the provisions of
43 this act are not being complied with, or that the business of
44 an official inspection station in connection with the corrections,
45 adjustments, repairs, or inspection of motor vehicles, trailers
46 or semi-trailers is being improperly conducted, he shall suspend
47 the certificate of appointment of any such station and require
48 the immediate surrender and return of the certificate of appoint-
49 ment, together with all department forms: Provided, however,

50 That if the servant or employe of any such inspection station
51 shall without the authorization, knowledge, or consent of his
52 employer, violate any of the provisions of this act in reference
53 to the inspection of vehicles, such violation or violations
54 shall not be the cause of the suspension of the certificate of
55 appointment, as herein provided, but such employe shall be
56 subject to prosecution as hereinafter provided. Any person whose
57 certificate of appointment is suspended under the provisions of
58 this subsection may, within thirty (30) days from the date
59 thereof, appeal to the district court of the county wherein
60 such official inspection station is located, and such court is
61 hereby vested with jurisdiction, and it shall be its duty to set
62 the matter down for hearing upon thirty (30) days' written notice
63 to the commissioner, and thereupon to take testimony and examine
64 into the facts of the case and to determine whether the petitioner
65 is subject to suspension of his certificate of appointment under
66 the provisions of this act.

67 c. It shall be unlawful for any person to display,
68 or cause or permit to be displayed, any sign, mark, or advertise-
69 ment as an official inspection station, unless certificate of
70 appointment has been issued by the department and is then in
71 effect, or to furnish certificate of inspection and approval when
72 not authorized to do so.

73 d. It shall be unlawful for any person to assign, or
74 to attempt to assign, a certificate of appointment as an official
75 inspection station, or to fail to display conspicuously his

76 certificate of appointment at the place for which it is issued.

77 e. When a motor vehicle, trailer, or semi-trailer has
78 been inspected and, if in conformity with the requirements of
79 this act, only then shall the adjuster or inspector issue a
80 certificate of inspection and approval to the owner or operator
81 on a form prescribed and furnished by the department.

82 f. It shall be unlawful for any person to furnish,
83 give, or sell to any owner or operator of a motor vehicle, trailer
84 or semi-trailer, or to place in or on any motor vehicle, trailer
85 or semi-trailer, a certificate of inspection and approval, unless
86 an official inspection of its mechanism and equipment shall have
87 been made and the motor vehicle, trailer, or semi-trailer, conforms
88 with the provisions of this act. It shall be unlawful for any
89 such designated official inspection station to furnish, loan,
90 give, or sell a certificate or certificates of inspection and
91 approval to any other such designated official inspection station
92 or any other persons, except those entitled to receive them
93 under the provisions of this act.

94 g. Any peace officer, who shall be in uniform and
95 shall exhibit his badge or other sign of authority, may stop any
96 motor vehicle, trailer, or semi-trailer, and require the owner
97 or operator to demonstrate that such vehicles conform with the
98 provisions of this act. If such demonstration discloses the
99 necessity for corrections, adjustments, or repairs to such
100 vehicle, the owner shall be notified that, unless a certificate
101 issued or executed by a representative of an official inspection

102 station, is submitted within five (5) days to the peace officer,
103 indicating that the necessary corrections, adjustments, or
104 repairs have been made, information for the arrest of the owner
105 or operator will be made for the specific violation or violations
106 of this act noted at the time of notification: Provided, That
107 when service and emergency brakes, applied simultaneously, will
108 not stop a motor vehicle, trailer or semi-trailer within distance
109 defined in this act, or hold a motor vehicle, trailer, or semi-
110 trailer on a descending grade not exceeding ten (10) per centum
111 or when the lighting equipment is glaring or insufficient or not
112 in operation, or is not equipped with a mirror or windshield
113 wiper, as defined and required in this act, the owner or operator
114 may be required to correct the faulty condition before being
115 permitted to proceed with the vehicle, and may be prosecuted for
116 the specific violation of this act.

117 h. An official inspection station and the records
118 thereof shall be open for inspection by any peace officer or
119 department employee. The owner of an official inspection station
120 shall file with the commissioner, on a form prescribed and
121 furnished by the commissioner, such information relating to
122 daily inspections as the commissioner may require.

123 Penalty.—Any owner of an official inspection station
124 who by himself, agent, servant or employe, or any manager,
125 operator or employe thereof, or any other person who violates
126 any of the provisions of this section shall be guilty of a
127 misdemeanor.

1 Sec. 4. In the event any city or town shall have established
2 an inspection station under provisions of section three hundred
3 twenty-one point two hundred thirty-eight (321.238) such city
4 or town may continue to operate such testing station in conform-
5 ance with such rules as shall be issued by the commissioner of
6 public safety. All such motor vehicles as shall be tested by
7 such cities and towns shall not be required to obtain a state
8 certificate as required by the provisions of this act.

1 Sec. 5. Constitutionality.

2 If any part or parts of this act shall be held
3 unconstitutional, such unconstitutionality shall not affect the
4 validity of the remaining parts of this act. The legislature
5 hereby declares that it would have passed the remaining parts
6 of this act if it had known that such part or parts thereof
7 would be declared unconstitutional.

EXPLANATION OF H. F. 247

The purpose of this bill is to provide a very simple means of inspection of motor vehicles to make sure that every motor vehicle, truck and semi-trailer registered in the state of Iowa is in safe operating condition. This bill is patterned after the Pennsylvania inspection law, which has been in effect there since 1929. It provides for inspection by privately-owned garages, most of which already have the skilled mechanics, space requirements and necessary equipment. It is contemplated that every privately-owned garage meeting these requirements may be licensed to make these safety inspections. A fee of 50 cents is the charge per inspection, 5 cents of which is remitted to the state to cover all the cost of operating such a plan in Iowa. No appropriation is required.