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Passed on File.

Senate File 459

By McCARVILLE, VAN PATTEN, SHARP,
HATTERY and WATSON of O'Brien.

Passed Senate, Date

Vote: Ayes..... Nays.....

Passed House, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to amend chapter three hundred twenty-one (321), Code 1950, relating to motor vehicles and law of road, and to provide for the inspection of certain vehicles and the appointment and supervision of official inspection stations.

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

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

1 Section 1. Appointment of official inspection stations.

2 (1) The commissioner is authorized to issue permits for and
3 furnish instructions and all necessary forms to official inspec-
4 tion stations for the inspection of vehicles as herein required and
5 the issuance of official certificates of inspection and approval.

6 (2) Application for permit shall be made upon official
7 form and shall be granted only when the commissioner is satisfied
8 that the station is properly equipped and has competent personnel
9 to make such inspections and adjustments and will be properly
10 conducted; no permit shall be granted to any business establish-
11 ment until approved testing devices to conduct such tests as may
12 be required by the commissioner have been installed and are in

13 use and thoroughly understood by such establishment's personnel.
14 A fee of ten dollars shall be paid upon the filing of such
15 application for a permit, and the commissioner before issuing a
16 permit shall require the applicant to file a bond of one thousand
17 dollars conditioned upon the faithful observance of the provi-
18 sions of this act and of the rules and regulations issued here-
19 under by the commissioner. If the applicant desires a permit
20 for more than one place of business within this state, a separate
21 application shall be made, the fee paid, and a bond filed for
22 each place of business. Provided, however, that any city or
23 town which establishes and maintains a testing station under
24 the provisions of section 321.238, shall upon application to
25 the department, and without payment of any fee or filing of
26 any bond, but upon proof of meeting the other requirements of
27 this act, be issued a permit to operate such testing station
28 as an official inspection station under this act.

29 (3) The commissioner shall properly supervise and cause
30 inspections to be made of such official inspection stations,
31 and upon a finding that any of the provisions of this act or that
32 any of the rules and regulations of the commissioner issued here-
33 under are not being complied with, or that the business of an
34 official inspection station in connection with the corrections,
35 adjustments, repairs, or inspection of vehicles is being improv-
36 erly conducted, he may suspend or revoke the permit of any such
37 official inspection station, order the bond forfeited, and re-
38 quire the immediate surrender and return of such permit to-

39 gether with all departmental forms; provided, however, that if
40 a servant or employee of such official inspection station shall
41 without the authorization, knowledge, or consent of his employer,
42 violate any of the provisions of this act or any of the rules and
43 regulations of the commissioner issued hereunder in reference to
44 the inspection of vehicles, such violation or violations shall
45 not be the cause of the suspension or revocation of such permit,
46 as herein provided, but such employee shall be subject to pros-
47 ecution as hereinafter provided. Any such suspension or revoca-
48 tion shall not be a bar to subsequent arrest and prosecution for
49 any violation of this act. Any person whose permit is suspended
50 or revoked under the provisions of this act, may, within fifteen
51 days after notice thereof, file a petition in this district court
52 of the county wherein such official inspection station is located
53 for a trial de novo to determine whether such order or act of the
54 commissioner is lawful and reasonable. The filing of such a
55 petition shall not suspend the order or act of the commissioner
56 unless a stay thereof shall be allowed by a judge of said court
57 pending final determination of the matter. The court shall set
58 the matter down for hearing upon thirty days' written notice to
59 the commissioner and shall summarily hear the petition and make
60 any appropriate order or decree.

1 Sec. 2. Operation of official inspection stations—in-
2 spection requirements—issuance and refusal of certificates—
3 suspension of vehicle registration—voluntary inspections—
4 fees—form of certificates—inspection of stations—records

5 and reports.

6 1. No permit for an official inspection station shall be
7 assigned or transferred or used at any location other than there-
8 in designated, and every said permit shall be posted in a con-
9 spicuous place at the location designated.

10 2. (a) Whenever the operator or owner of a vehicle is re-
11 quired by the provisions of this act to submit such vehicle to
12 an inspection by an official inspection station and to obtain a
13 certificate of inspection and approval therefor, the inspection
14 and tests made and conducted by the official inspection station
15 shall include the inspection and testing of the brakes, steering
16 mechanism, wheels, lighting equipment, reflectors, horn and
17 warning devices, mirrors, windshield wipers, and such other
18 safety devices, appliances and equipment of such vehicle as shall
19 be designated or required by the commissioner.

20 Any such inspection of a vehicle by an official inspection
21 station shall include the inspection of the registration plates
22 and the registration certificate or card issued for such vehicle
23 and also the inspection of the operator's or chauffeur's license
24 of the person in charge of such vehicle at the time of such in-
25 spection. No certificate of inspection and approval shall be
26 issued by such official inspection station unless all of the
27 registration plates, registration certificate or card, and
28 operator's or chauffeur's license shall be in order.

29 (b) If such inspection discloses the necessity for any ad-
30 justments, corrections, or repairs, the operator or owner of the

31 vehicle, whenever required by the provisions of this act to ob-
32 tain a certificate of inspection and approval, shall proceed to
33 have such adjustments, corrections, and repairs made, and within
34 fifteen days shall submit such vehicle to a reinspection at an
35 official inspection station. If such vehicle is submitted to a
36 reinspection at a different official inspection station from that
37 where it failed to pass the first inspection, such operator or
38 owner shall present to the person in charge of the second station
39 the report of the original inspection.

40 (c) The commissioner may suspend the registration of any
41 vehicle which he determines is in such unsafe condition as to
42 constitute a menace to safety, or which after notice and demand
43 is not equipped as required in this act and by the motor vehicle
44 laws of this state, or for which a required certificate of inspec-
45 tion and approval has not been obtained.

46 3. Nothing herein contained shall be construed to prevent
47 the owner or operator of a vehicle registered in this state or
48 used on the highways of this state and not otherwise required to
49 submit to an inspection from voluntarily submitting such vehicle
50 for an inspection at an official inspection station, and upon
51 such vehicle conforming with the inspection requirements of this
52 act and the motor vehicle laws of this state, and upon the pay-
53 ment of the required inspection fee, obtaining a certificate of
54 inspection and approval for such vehicle.

55 4. An official inspection station shall issue a certificate
56 of inspection and approval for a vehicle only after such vehicle

57 and its equipment shall have been officially inspected as herein
58 provided and shall have been found to be in full conformity with
59 the provisions of this act, the rules and regulations issued by
60 the commissioner hereunder, and the motor vehicle laws of this
61 state, otherwise no certificate of inspection and approval shall
62 be issued. Such certificate of inspection and approval when issued
63 shall be valid for a period of six months from the date of issuance
64 appearing thereon, and shall be displayed at all times during such
65 period on the vehicle for which it was issued in the manner pre-
66 scribed by the commissioner.

67 The display on a vehicle of a current and valid certificate
68 of inspection and approval shall constitute prima facie evidence
69 that such vehicle has passed an official inspection. Provided,
70 however, that the passing of an official inspection or the dis-
71 play of a current and valid certificate of inspection and approval
72 shall not be a bar to a prosecution for operating a vehicle which
73 is unsafe as determined by the standards prescribed in this act
74 or by the motor vehicle laws of this state.

75 5. The fee for an inspection shall be fifty cents for each
76 vehicle inspected, of which the official inspection station
77 making the inspection shall retain forty-five cents and shall
78 remit to the commissioner the sum of five cents for each official
79 certificate of inspection and approval issued. No additional fee
80 shall be charged for a reinspection of a vehicle which has failed
81 the official inspection tests by an official inspection station
82 which made the original inspection tests. All funds received

83 under the provisions of this act by the commissioner shall first
84 be used for the administration of its provisions and any surplus
85 remaining shall be used for the purpose of promoting highway
86 safety in this state.

87 6. The commissioner shall issue to official inspection
88 stations certificates of inspection and approval which shall be
89 serially numbered, shall be of a form and contain such infor-
90 mation as may be prescribed or required by the commissioner, and
91 shall be displayed in accordance with such rules and regulations
92 as may be made or adopted by the commissioner.

93 7. An official inspection station and its equipment may
94 at any time be inspected by such peace officers or other
95 employees of the department of public safety as the commissioner
96 may authorize in writing. Such peace officers or other em-
97 ployees shall have access to all records relating to inspec-
98 tions and tests and to work done or parts sold as a result of
99 such inspections and tests, to ascertain whether or not in-
100 spections and tests are properly, fairly and honestly made,
101 and may examine the owner of any official inspection station or
102 any operator, manager, officer, agent, servant or employee
103 thereof under oath. Any refusal or failure on the part of the
104 person in charge of such official inspection station to submit
105 to such an inspection or to produce and submit for examination
106 any record upon the demand of any such peace officer or de-
107 partmental employee shall be grounds for the immediate
108 suspension of the permit of such official inspection station.

109 Official inspection stations shall keep and maintain such
110 records as may be prescribed or required by the commissioner,
111 and shall make reports to the commissioner, on forms prescribed
112 and furnished by him, on such matters and at such times as he
113 may require or direct.

1 Sec. 3. City or town testing stations—requirements—
2 validity of city issued certificates.

3 Any testing station established and maintained by a city
4 or town under the provisions of section 321.248 which has been
5 issued a permit as an official inspection station under the
6 provisions of this act, shall be operated in strict conformity
7 with the rules, regulations, procedures, and standards of in-
8 spection prescribed by the commissioner and shall maintain and
9 submit to the commissioner such records and reports as he may
10 require. Any vehicle which has been issued a certificate of
11 inspection and approval by such city or town, shall not, dur-
12 ing the period of the validity of such city or town certifi-
13 cate, be required to obtain any other certificate of
14 inspection and approval, except as provided in section 8 of
15 this act.

1 Sec. 4. Department peace officers may require in-
2 spection—notice to driver or owner—compliance with
3 inspection requirements—prohibited operation of vehicle.

4 1. The commissioner, members of the Iowa highway safety
5 patrol, and such other peace officers of the department of
6 public safety as the commissioner shall authorize in writing,

7 may require the driver of any vehicle or combination of
8 vehicles to stop and submit such vehicle or combination of
9 vehicles and the equipment thereof to an inspection and such
10 tests with reference thereto as may be appropriate. No per-
11 son operating a vehicle or combination of vehicles shall re-
12 fuse to submit such vehicle or vehicles to an inspection and
13 tests when required to do so by the commissioner, a member of
14 the Iowa highway safety patrol or any authorized peace officer
15 of the department of public safety.

16 2. In the event such vehicle or combination of vehicles
17 is found to be in an unsafe condition or any required part or
18 equipment is not present or is not in proper repair and ad-
19 justment, the peace officer shall give a written notice to the
20 driver and shall send a copy to the department. Said notice
21 shall require that such vehicle be placed in safe condition and
22 its equipment in proper repair and adjustment specifying the
23 particulars with reference thereto and that a certificate of
24 inspection and approval for such vehicle be obtained from an
25 official inspection station within fifteen days. Such notice
26 given to the driver of such vehicle or combination of vehicles
27 shall be deemed a notice to the owner or owners thereof. Every
28 driver or owner upon receiving a notice as herein provided, shall
29 comply therewith and shall within fifteen days secure an endorse-
30 ment upon such notice by an official inspection station that such
31 vehicle is in safe condition and its equipment has been placed in
32 proper repair and adjustment and otherwise made to conform to the

33 requirements of this subsection, and shall surrender said notice
34 as endorsed to such official inspection station for immediate for-
35 warding to the department.

36 3. No person shall operate any vehicle after receiving a notice
37 with reference thereto as provided in subsection 2 of this section,
38 except as may be necessary to return such vehicle to the residence
39 or place of business of the owner or operator, if within a distance
40 of twenty miles, or to a garage, until said vehicle and its equip-
41 ment has been placed in proper repair and adjustment and otherwise
42 made to conform to the requirements of this act and an official
43 certificate of inspection and approval shall be obtained as
44 promptly as possible thereafter.

45 4. Nothing contained in this section shall be so construed
46 as to limit or impair the authority or duty of any peace officer
47 in the enforcement of the motor vehicle laws of this state or any
48 portion thereof.

1 Sec. 5. Inspection required of certain vehicles before reg-
2 istration or transfer.

3 After any vehicle has been registered five times, the depart-
4 ment or the county treasurer, as the case may be, shall refuse
5 each subsequent registration or any transfer of registration of
6 such vehicle unless the applicant for such registration or trans-
7 fer of registration shall furnish satisfactory evidence to said
8 department or county treasurer that such vehicle has been inspected
9 at an official inspection station and that a valid certificate of
10 inspection and approval has been issued therefor. Such inspection

11 shall be made and such certificate issued within ninety days prior
12 to the application for such registration or transfer of registra-
13 tion.

1 Sec. 6. Inspection required for foreign vehicles before
2 registration in state.

3 The department or county treasurer, as the case may be,
4 shall withhold the registration in this state of any foreign
5 vehicle which has been previously registered in another state,
6 territory or country, until the applicant for registration of
7 such foreign vehicle shall furnish satisfactory evidence to said
8 department or county treasurer that a certificate of inspection
9 and approval has been issued by an official inspection station
10 certifying that such vehicle has been inspected and is in conform-
11 ity with the inspection requirements and provisions of this act.

1 Sec. 7. Inspection of damaged vehicles required within twenty-
2 four hours after return to service.

3 In the event that any vehicle subject to registration in this
4 state shall become damaged in such a manner that such vehicle
5 shall have become unsafe for operation upon the highways of this
6 state, it shall be unlawful for the owner or operator thereof to
7 cause or knowingly permit such vehicle to be driven or moved up-
8 on any highway upon its return to service unless such owner or
9 operator shall have presented such vehicle for inspection and
10 shall have obtained a certificate of inspection and approval from
11 an official inspection station within twenty-four hours after its
12 return to service.

1 Sec. 8. School busses.

2 Every vehicle which shall be put into service as a school
3 bus shall in addition to any other inspection required by this
4 act, conform to all of the provisions and requirements of section
5 321.374.

1 Sec. 9. Foreign Vehicles—certificates of inspection and
2 approval issued by foreign states.

3 The provisions of this act shall apply to any vehicles owned,
4 operated or controlled by any nonresident within this state. The
5 commissioner may authorize the acceptance in this state of a cer-
6 tificate of inspection and approval issued in another state having
7 an inspection law similar to this act and establishing inspection
8 requirements substantially equal to those provided for in this act.

1 Sec. 10. Periodic inspection required after May 1, 1953 of
2 all vehicles registered in state.

3 After May 1, 1953, the commissioner shall at least once each
4 year, but not more frequently than twice each year, require that
5 every vehicle registered in this state, which is used on the high-
6 ways of this state, be inspected and that an official certificate
7 of inspection and approval be obtained for each vehicle.

1 Sec. 11. Repairs need not be made at official inspection
2 stations.

3 Nothing in this act shall be construed as a suggestion or
4 direction to any owner or operator of a vehicle to have repairs
5 made or the adjustment of any equipment or appliance upon any
6 vehicle done by any official inspection station, but all in-

7 inspections must be made at an official inspection station in order
8 to secure the issuance of a certificate of inspection and approval,
9 and no certificate of inspection issued by any other than an offi-
10 cial inspection station shall be deemed a compliance with the pro-
11 visions of this act.

1 Sec. 12. Commissioner to administer act—authority to
2 promulgate rules and regulations.

3 The commissioner shall administer and enforce the provisions
4 of this act and is hereby authorized and empowered to make all
5 rules and regulations necessary for its administration, the
6 establishment of inspection procedures and standards of inspection,
7 and all other matters relating to the conduct and operation of
8 official inspection stations.

1 Sec. 13. Certain acts punishable as misdemeanors.

2 It is a misdemeanor punishable as provided in section 321.482,
3 unless another punishment is provided, for any person:

4 1. To refuse to have a vehicle inspected when required under
5 the provisions of this act, or after having such vehicle inspected
6 to refuse to display a certificate of inspection and approval, if
7 issued, upon such vehicle;

8 2. To fraudulently obtain a certificate of inspection and
9 approval, or to display an official certificate of inspection and
10 approval on any vehicle unless an official inspection of such ve-
11 hicle and its equipment shall have been made and such vehicle and
12 its equipment conforms to the provisions of this act;

13 3. To refuse to place a vehicle in proper condition, ad-

14 justment and repair as required by the provisions of this act
15 after having had such vehicle inspected at an official inspection
16 station;

17 4. To fail or refuse to stop and submit any vehicle or com-
18 bination of vehicles to an inspection and tests whenever directed
19 to do so by the commissioner, a member of the Iowa Highway Safety
20 Patrol or any authorized peace officer of the department of public
21 safety;

22 5. To display or cause or permit to be displayed, any sign,
23 mark, or advertisement as an official inspection station, or in
24 any manner represent any place as an official inspection station,
25 unless such place is operating under a valid permit issued by the
26 commissioner;

27 6. To issue, furnish, give or sell to any operator or owner
28 of a vehicle, or to place in or on any vehicle, a certificate of
29 inspection and approval, unless an official inspection of such
30 vehicle and its equipment shall have been made and the vehicle and
31 its equipment conforms with the provisions of this act;

32 7. To furnish, loan, give or sell any certificate or cer-
33 tificates of inspection and approval to any official inspection
34 station or any other person or persons, except those entitled to
35 receive such certificates and as expressly permitted under the
36 provisions of this act;

37 8. To assign, transfer, or attempt to assign or transfer,
38 or to use at any location other than therein designated, any
39 permit for an official inspection station, or to fail to conspic-

40 ously display a permit for an official station at the location
41 therein designated;

42 9. To refuse to submit to the inspection of an official in-
43 spection station, or to fail or refuse to produce for examination
44 any station record as specified in subsection 7 of section 2 of
45 this act, upon demand of an authorized peace officers or employee
46 of the department of public safety;

47 10. To in any manner violate or fail to conform to any of
48 the provisions of this act unless such violation or failure to
49 conform is by this act or any other law of this state declared
50 to be a felony.

1 Sec. 14. Certain acts punishable as felonies.

2 It is a felony, punishable as provided in section 321.483,
3 for any person to commit any of the following acts:

4 1. To falsely make, alter, forge or counterfeit, or cause
5 to be falsely made, altered, forged or counterfeited, any cer-
6 tificate of inspection and approval issued pursuant or purporting
7 to have been issued pursuant to the provisions of this act;

8 2. To hold or use or display any such certificate of inspection
9 and approval knowing the same to have been falsely made, altered,
10 forged or counterfeited.

1 Sec. 15. Constitutionality.

2 If any part or parts of this act shall be held unconstitu-
3 tional such unconstitutionality shall not affect the validity of
4 the remaining parts of this act. The legislature hereby declares
5 that it would have passed the remaining parts of this act if it

6 had known that such part or parts thereof would be declared uncon-
7 stitutional.

8 This act shall be in full force and effect beginning October
9 1, 1951.