

Rittner
Kibbie
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SSB-1046
Transportation

Succeeded By
SENATE/HOUSE FILE SF/HF 350
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

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

A BILL FOR

1 An Act making corrective transportation-related Code changes
2 relating to temporary restricted permits and temporary entry
3 and exit permits, child restraint devices in motor vehicles,
4 unsatisfied judgments, and bulk liquid transport.

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

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1 Section 1. Section 321.1, subsection 20A, unnumbered
2 paragraph 1, Code 2001, is amended to read as follows:

3 "Driver's license" means any license or permit issued to a
4 person to operate a motor vehicle on the highways of this
5 state, including but not limited to a temporary restricted or
6 temporary license and an instruction, chauffeur's instruction,
7 commercial driver's instruction, temporary-restricted, or
8 temporary permit.

9 Sec. 2. NEW SECTION. 321.56 REPAIR OF OUT-OF-STATE
10 COMMERCIAL MOTOR VEHICLES -- PERMITS

11 1. The operator of a commercial motor vehicle which is not
12 registered within the state as required pursuant to chapter
13 321 or 326 or which does not have an interstate fuel permit,
14 as required under chapter 452A, may enter the state and travel
15 to a commercial vehicle dealer or repair facility and exit the
16 state under the following circumstances:

17 a. If the commercial motor vehicle is entering the state
18 solely for the purposes of maintenance and repair to the
19 commercial motor vehicle and is exiting the state after having
20 completed vehicle maintenance or repair.

21 b. If the operator has obtained a temporary entry or exit
22 permit from the department.

23 c. If the commercial motor vehicle is unladen.

24 2. The department shall provide a temporary entry and exit
25 permit to a commercial motor vehicle operator which authorizes
26 the operator to enter and exit the state as allowed under this
27 section. Any operator of a commercial motor vehicle who has
28 in the operator's possession the permit allowing entry into
29 the state and exit from the state, shall not be charged with a
30 registration violation under chapter 321 or 326 or with a
31 motor vehicle fuel tax violation under chapter 452A, except
32 for violations of section 452A.74A.

33 3. For purposes of this section "commercial motor vehicle"
34 means as defined in section 321.1, subsection 11, paragraph
35 "e", subparagraph (2).

1 Sec. 3. Section 321.213A, Code 2001, is amended to read as
2 follows:

3 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
4 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

5 Upon the entering of a dispositional order under section
6 232.52, subsection 2, paragraph "a", the clerk of the juvenile
7 court shall forward a copy of the adjudication and the
8 dispositional order suspending or revoking the driver's
9 license or operating privileges of the juvenile to the
10 department. The department shall suspend the license or
11 operating privilege of the child for one year. The child may
12 receive a temporary restricted license ~~or permit~~, if eligible,
13 as provided in section 321.215.

14 Sec. 4. Section 321.215, subsections 2 through 4, Code
15 2001, are amended to read as follows:

16 2. Upon conviction and the suspension or revocation of a
17 person's noncommercial driver's license under section 321.209,
18 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
19 upon revocation pursuant to a court order issued under section
20 901.5, subsection 10; or upon the denial of issuance of a
21 noncommercial driver's license under section 321.560, based
22 solely on offenses enumerated in section 321.555, subsection
23 1, paragraph "c", or section 321.555, subsection 2; or a
24 juvenile, whose license has been suspended or revoked pursuant
25 to a dispositional order under section 232.52, subsection 2,
26 paragraph "a", for a violation of chapter 124 or 453B, or
27 section 126.3, a person may petition the district court having
28 jurisdiction for the residence of the person for a temporary
29 restricted ~~permit~~ license to operate a motor vehicle for the
30 limited purpose or purposes specified in subsection 1. The
31 petition shall include a current certified copy of the
32 petitioner's official driving record issued by the department.
33 The application may be granted only if all of the following
34 criteria are satisfied:

35 a. The temporary restricted ~~permit~~ license is requested

1 only for a case of extreme hardship or compelling
2 circumstances where alternative means of transportation do not
3 exist.

4 b. The permit license applicant has not made an
5 application for a temporary restricted permit license in any
6 district court in the state which was denied.

7 c. The temporary restricted permit license is restricted
8 to the limited purpose or purposes specified in subsection 1
9 at times specified in the permit license.

10 d. Proof of financial responsibility is established as
11 defined in chapter 321A. However, such proof is not required
12 if the driver's license was suspended under section 321.210A
13 or 321.513 or revoked pursuant to a court order issued under
14 section 901.5, subsection 10.

15 If the district court determines that a temporary
16 restricted license is necessary, the court shall order the
17 department to issue a temporary restricted license to the
18 applicant. The district court shall forward a record of each
19 application for such a temporary restricted permit license to
20 the department, together with the results of the disposition
21 of the request by the court. ~~A-temporary-restricted-permit-is~~
22 ~~valid-only-if-the-department-is-in-receipt-of-records-required~~
23 ~~by-this-section-~~

24 3. The temporary restricted license ~~or-permit~~ shall be
25 canceled upon conviction of a moving traffic violation or upon
26 a violation of a term of the license ~~or-permit~~. A "moving
27 traffic violation" does not include a parking violation as
28 defined in section 321.210.

29 4. The temporary restricted license ~~or-permit~~ is not valid
30 to operate a commercial motor vehicle if a commercial driver's
31 license is required for the person's^o operation of the
32 commercial motor vehicle.

33 Sec. 5. Section 321.446, subsection 3, Code 2001, is
34 amended to read as follows:

35 3. This section does not apply to peace officers acting on

1 official duty. This section also does not apply to the
 2 transportation of children in 1965 model year or older
 3 vehicles, authorized emergency vehicles, or buses, or motor
 4 homes, except when a child is transported in a motor home's
 5 passenger seat situated directly to the driver's right. This
 6 section does not apply to the transportation of a child who
 7 has been certified by a physician licensed under chapter 148,
 8 150, or 150A as having a medical, physical, or mental
 9 condition which that prevents or makes inadvisable securing
 10 the child in a child restraint system, safety belt, or safety
 11 harness.

12 Sec. 6. Section 321.560, subsection 1, paragraphs a and b,
 13 Code 2001, are amended to read as follows:

14 a. A temporary restricted permit license may be issued
 15 pursuant to section 321.215, subsection 2, to a person
 16 declared to be a habitual offender under section 321.555,
 17 subsection 1, paragraph "c".

18 b. A temporary restricted permit license may be issued
 19 pursuant to section 321J.4, subsection 9, to a person declared
 20 to be a habitual offender due to a combination of the offenses
 21 listed under section 321.555, subsection 1, paragraph "b" or
 22 "c".

23 Sec. 7. Sec. 321.561, Code 2001, is amended to read as
 24 follows:

25 321.561 PUNISHMENT FOR VIOLATION.

26 It shall be unlawful for any person found to be a habitual
 27 offender to operate any motor vehicle in this state during the
 28 period of time specified in section 321.560 except for a
 29 habitual offender who has been granted a temporary restricted
 30 permit license pursuant to section 321.215, subsection 2. A
 31 person violating this section commits an aggravated
 32 misdemeanor.

33 Sec. 8. Section 321A.14, Code 2001, is amended to read as
 34 follows:

35 321A.14 SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND

1 PROOF GIVEN.

2 Such A license, registration, and nonresident's operating
3 privilege shall remain so suspended under section 321A.13, and
4 shall not be renewed, nor shall any such license or
5 registration be thereafter subsequently issued in the name of
6 such the person, including any such person not previously
7 licensed, ~~unless~~ and until every such judgment is satisfied in
8 full or to the extent hereinafter provided, ~~and until the said~~
9 or until evidence is provided, to the satisfaction of the
10 department, that the judgment has not been renewed and is no
11 longer enforceable. A person gives whose license,
12 registration, or nonresident's operating privilege was
13 suspended under section 321A.13 must provide proof to the
14 department of financial responsibility subject to the
15 exemptions stated in sections 321A.13 and 321A.16 prior to
16 obtaining a license, registration, or nonresident operating
17 privilege.

18 Sec. 9. Section 321J.1, subsection 7, Code 2001, is
19 amended to read as follows:

20 7. "Driver's license" means any license or permit issued
21 to a person to operate a motor vehicle on the highways of this
22 state, including but not limited to a driver's, commercial
23 driver's, temporary restricted, or temporary license and an
24 instruction, chauffeur's instruction, commercial driver's
25 instruction, ~~temporary-restricted,~~ or temporary permit.

26 Sec. 10. Section 321M.1, subsection 7, Code 2001, is
27 amended to read as follows:

28 7. "Driver's license" means any license or permit issued
29 to a person to operate a motor vehicle on the highways of this
30 state, including but not limited to a driver's, commercial
31 driver's, temporary restricted, or temporary license and an
32 instruction, chauffeur's instruction, commercial driver's
33 instruction, ~~temporary-restricted,~~ or temporary permit.

34 Sec. 11. Section 325A.1, Code 2001, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 0A. "Bulk liquid commodities" means
2 liquid commodities or compressed gases transported in a
3 vehicle having a total cargo tank shell capacity of more than
4 two thousand gallons.

5 Sec. 12. Section 325A.1, subsections 8 and 9, Code 2001,
6 are amended to read as follows:

7 8. "Motor carrier of bulk liquid commodities" means a
8 person engaged in the transportation, for hire, of bulk liquid
9 commodities or ~~compressed gases in bulk~~ upon any a highway in
10 this state.

11 9. "Motor carrier of property" means a person engaged in
12 the transportation, for hire, of property by motor vehicle
13 including a carrier transporting liquid commodities or
14 compressed gases in a vehicle having a total cargo tank shell
15 capacity of two thousand gallons or less.

16 Sec. 13. Section 325A.3, subsection 2, paragraph f, Code
17 2001, is amended to read as follows:

18 f. A financial statement completed by motor carriers of
19 bulk liquid commodities or passengers from which the
20 department can determine the financial fitness of the
21 applicant to engage in the transport of bulk liquid
22 commodities or passengers.

23 Sec. 14. Section 325A.3, subsection 4, Code 2001, is
24 amended to read as follows:

25 4. Motor carriers of bulk liquid commodities or passengers
26 shall complete a motor carrier safety education seminar
27 provided by or approved by the department. This seminar must
28 be completed within six months of the permit or certificate
29 issuance.

30 Sec. 15. Section 307.31, Code 2001, is repealed.

31 EXPLANATION

32 This bill makes several corrective transportation-related
33 Code changes. The bill amends the provisions in Code section
34 321.215 relating to the issuance of a temporary restricted
35 permit to a person whose driver's license was suspended or

1 revoked for certain types of driving or other violations. To
2 agree with current practices of the state department of
3 transportation, the bill replaces references to temporary
4 restricted permits throughout Code section 321.215 and other
5 Code sections with references to temporary restricted
6 licenses. The bill also specifies that if a district court
7 determines that an applicant needs a temporary restricted
8 license for a purpose specified in Code section 321.215, the
9 court shall order the department to issue the applicant a
10 license. The current Code language directs the court to
11 forward a record of application for a permit and the court's
12 disposition of the request to the department and states that a
13 permit is valid if the department receives such records.

14 The bill moves a provision relating to the issuance of
15 temporary entry and exit permits for purposes of maintenance
16 or repair to operators of commercial motor vehicles that are
17 not registered in Iowa by repealing current Code section
18 307.31 and creating new Code section 321.56.

19 The bill amends the child restraint device provisions in
20 Code section 321.446 to make the child restraint device
21 requirements inapplicable to the transportation of children in
22 buses. Currently, the requirements are inapplicable to the
23 transportation of children in 1965 model year or older
24 vehicles, authorized emergency vehicles, and motor homes,
25 except when a child is transported in the front passenger seat
26 of a motor home.

27 Code section 321A.14 is amended to provide that the
28 suspension or denial of renewal or issuance of a person's
29 driver's license, vehicle registration, or nonresident
30 operating privilege for nonpayment of a judgment shall not
31 continue if the state department of transportation receives
32 evidence that the judgment has not been renewed and is no
33 longer enforceable. Currently, a person's license,
34 registration, or operating privilege is to remain suspended
35 and not be renewed, nor thereafter issued in the name of the

1 person, until every such judgment is satisfied in full or to
2 the extent provided in Code chapter 321A. Code chapter 321A
3 applies only to those judgments arising out of the ownership,
4 maintenance, or use of a motor vehicle.

5 The bill also defines bulk liquid commodities as liquid
6 commodities or compressed gases transported in a vehicle
7 having a total cargo tank shell capacity of more than 2,000
8 gallons for purposes of Code chapter 325A, relating to motor
9 carrier authority. Currently, Code section 325A.3 requires a
10 motor carrier of liquid commodities or compressed gases in
11 bulk to include in the carrier's application for a motor
12 carrier permit or certificate a financial statement showing
13 the carrier's financial fitness to engage in such activity.
14 Code section 325A.3 also currently requires motor carriers of
15 liquid commodities or compressed gases in bulk to complete a
16 motor carrier safety education seminar. The bill makes these
17 two requirements applicable to motor carriers of bulk liquid
18 commodities, as defined by the bill to include only vehicles
19 with a capacity of more than 2,000 gallons, rather than to all
20 motor carriers of liquid commodities or compressed gases in
21 bulk.

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H-4/12/01 UNFINISHED BUSINESS CALENDAR H. 3/22/01 Transportation
H-4/5/01 Amend/No Pass w/H 1443

FILED MAR 5 '01

SENATE FILE 350
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1046)

Passed Senate, Date (P.758) 3-21-01 Passed House, Date (P.1491) 4/25/01
Vote: Ayes 47 Nays 0 Vote: Ayes 97 Nays 0
Approved 5/16/01

(P.1336) Passed 4/26/01
vote 45-3 (P.1617) Re Passed 4/27/01
92-0

A BILL FOR

1 An Act making transportation-related Code changes relating to
2 temporary restricted permits and temporary entry and exit
3 permits, railroad crossings, the content of driver's licenses
4 and nonoperator's identification cards, child restraint
5 devices in motor vehicles, hours of service, unsatisfied
6 judgments, and bulk liquid transport.

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

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SE 350

1 Section 1. Section 321.1, subsection 20A, unnumbered
2 paragraph 1, Code 2001, is amended to read as follows:

3 "Driver's license" means any license or permit issued to a
4 person to operate a motor vehicle on the highways of this
5 state, including but not limited to a temporary restricted or
6 temporary license and an instruction, chauffeur's instruction,
7 commercial driver's instruction, ~~temporary-restricted,~~ or
8 temporary permit.

9 Sec. 2. NEW SECTION. 321.56 REPAIR OF OUT-OF-STATE
10 COMMERCIAL MOTOR VEHICLES -- PERMITS.

11 1. The operator of a commercial motor vehicle which is not
12 registered within the state as required pursuant to chapter
13 321 or 326 or which does not have an interstate fuel permit,
14 as required under chapter 452A, may enter the state and travel
15 to a commercial vehicle dealer or repair facility and exit the
16 state under the following circumstances:

17 a. If the commercial motor vehicle is entering the state
18 solely for the purposes of maintenance and repair to the
19 commercial motor vehicle and is exiting the state after having
20 completed vehicle maintenance or repair.

21 b. If the operator has obtained a temporary entry or exit
22 permit from the department.

23 c. If the commercial motor vehicle is unladen.

24 2. The department shall provide a temporary entry and exit
25 permit to a commercial motor vehicle operator which authorizes
26 the operator to enter and exit the state as allowed under this
27 section. Any operator of a commercial motor vehicle who has
28 in the operator's possession the permit allowing entry into
29 the state and exit from the state, shall not be charged with a
30 registration violation under chapter 321 or 326 or with a
31 motor vehicle fuel tax violation under chapter 452A, except
32 for violations of section 452A.74A.

33 3. For purposes of this section "commercial motor vehicle"
34 means as defined in section 321.1, subsection 11, paragraph
35 "e", subparagraph (2).

1 Sec. 3. Section 321.189, subsection 6, Code 2001, is
2 amended to read as follows:

3 6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A
4 driver's license issued to a person under eighteen years of
5 age shall ~~be identical in form to~~ contain the same information
6 as any other driver's license except that the words "under
7 eighteen" shall appear prominently on the face of the license.
8 A driver's license issued to a person eighteen years of age
9 or older but less than twenty-one years of age shall be
10 ~~identical in form to~~ contain the same information as any other
11 driver's license except that the words "under twenty-one"
12 shall appear prominently on the face of the license. Upon
13 attaining the age of eighteen or upon attaining the age of
14 twenty-one, and upon payment of a one dollar fee, the person
15 shall be entitled to a new driver's license or nonoperator's
16 identification card for the unexpired months of the driver's
17 license or card. An instruction permit or intermediate
18 license issued under section 321.180B, subsection 1 or 2,
19 shall include a distinctive color bar. An intermediate
20 license issued under section 321.180B, subsection 2, shall
21 include the words "intermediate license" printed prominently
22 on the face of the license.

23 Sec. 4. Section 321.190, subsection 1, paragraph b, Code
24 2001, is amended to read as follows:

25 b. The department shall not issue a card to a person
26 holding a driver's license. However, a card may be issued to
27 a person holding a temporary permit under section 321.181.
28 The card shall be identical in form to a driver's license
29 issued under section 321.189 except the word "nonoperator"
30 shall appear prominently on the face of the card. A
31 nonoperator's identification card issued to a person under
32 eighteen years of age shall ~~be identical in form to~~ contain
33 the same information as any other nonoperator's identification
34 card except that the words "under eighteen" shall appear
35 prominently on the face of the card. A nonoperator's

1 identification card issued to a person eighteen years of age
2 or older but under twenty-one years of age shall ~~be identical~~
3 ~~in-form-to~~ contain the same information as any other
4 nonoperator's identification card except that the words "under
5 twenty-one" shall appear prominently on the face of the card.

6 Sec. 5. Section 321.208, Code 2001, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 6A. A person is disqualified from
9 operating a commercial motor vehicle if the person is
10 convicted of a first, second, or third railroad crossing at
11 grade violation as follows:

12 a. A person is disqualified from operating a commercial
13 motor vehicle for sixty days if the person is convicted of a
14 first railroad crossing at grade violation under section
15 321.343 and the violation occurred while the person was
16 operating a commercial motor vehicle.

17 b. A person is disqualified from operating a commercial
18 motor vehicle for one hundred twenty days if the person is
19 convicted of a second railroad crossing at grade violation
20 under section 321.343, the violation occurred while the person
21 was operating a commercial motor vehicle, and the violation
22 occurred within three years after a first such violation.

23 c. A person is disqualified from operating a commercial
24 motor vehicle for one year if the person is convicted of a
25 third or subsequent railroad crossing at grade violation under
26 section 321.343, the violation occurred while the person was
27 operating a commercial motor vehicle, and the violation
28 occurred within three years after a first such violation.

29 Sec. 6. Section 321.213A, Code 2001, is amended to read as
30 follows:

31 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
32 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

33 Upon the entering of a dispositional order under section
34 232.52, subsection 2, paragraph "a", the clerk of the juvenile
35 court shall forward a copy of the adjudication and the

1 dispositional order suspending or revoking the driver's
2 license or operating privileges of the juvenile to the
3 department. The department shall suspend the license or
4 operating privilege of the child for one year. The child may
5 receive a temporary restricted license ~~or permit~~, if eligible,
6 as provided in section 321.215.

7 Sec. 7. Section 321.215, subsections 2 through 4, Code
8 2001, are amended to read as follows:

9 2. Upon conviction and the suspension or revocation of a
10 person's noncommercial driver's license under section 321.209,
11 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
12 upon revocation pursuant to a court order issued under section
13 901.5, subsection 10; or upon the denial of issuance of a
14 noncommercial driver's license under section 321.560, based
15 solely on offenses enumerated in section 321.555, subsection
16 1, paragraph "c", or section 321.555, subsection 2; or a
17 juvenile, whose license has been suspended or revoked pursuant
18 to a dispositional order under section 232.52, subsection 2,
19 paragraph "a", for a violation of chapter 124 or 453B, or
20 section 126.3, a person may petition the district court having
21 jurisdiction for the residence of the person for a temporary
22 restricted permit license to operate a motor vehicle for the
23 limited purpose or purposes specified in subsection 1. The
24 petition shall include a current certified copy of the
25 petitioner's official driving record issued by the department.
26 The application may be granted only if all of the following
27 criteria are satisfied:

28 a. The temporary restricted permit license is requested
29 only for a case of extreme hardship or compelling
30 circumstances where alternative means of transportation do not
31 exist.

32 b. The permit license applicant has not made an
33 application for a temporary restricted permit license in any
34 district court in the state which was denied.

35 c. The temporary restricted permit license is restricted

1 to the limited purpose or purposes specified in subsection 1
2 at times specified in the permit license.

3 d. Proof of financial responsibility is established as
4 defined in chapter 321A. However, such proof is not required
5 if the driver's license was suspended under section 321.210A
6 or 321.513 or revoked pursuant to a court order issued under
7 section 901.5, subsection 10.

8 If the district court determines that a temporary
9 restricted license is necessary, the court shall order the
10 department to issue a temporary restricted license to the
11 applicant. The district court shall forward a record of each
12 application for such a temporary restricted permit license to
13 the department, together with the results of the disposition
14 of the request by the court. ~~A-temporary-restricted-permit-is~~
15 ~~valid-only-if-the-department-is-in-receipt-of-records-required~~
16 ~~by-this-section-~~

17 3. The temporary restricted license ~~or-permit~~ shall be
18 canceled upon conviction of a moving traffic violation or upon
19 a violation of a term of the license ~~or-permit~~. A "moving
20 traffic violation" does not include a parking violation as
21 defined in section 321.210.

22 4. The temporary restricted license ~~or-permit~~ is not valid
23 to operate a commercial motor vehicle if a commercial driver's
24 license is required for the person's operation of the
25 commercial motor vehicle.

26 Sec. 8. Section 321.343, Code 2001, is amended to read as
27 follows:

28 321.343 CERTAIN VEHICLES MUST STOP.

29 1. The driver of a motor vehicle carrying passengers for
30 hire, a school bus, or a vehicle carrying hazardous material
31 and required to stop before crossing a railroad track by motor
32 carrier safety rules adopted under section 321.449, before
33 crossing at grade any track of a railroad, shall stop the
34 vehicle within fifty feet but not less than fifteen feet from
35 the nearest rail. While stopped, the driver shall listen and

1 look in both directions for an approaching train, and for
2 signals indicating the approach of a train, and shall not
3 proceed until the driver can do so safely.

4 2. The driver of a commercial motor vehicle shall comply
5 with all of the following provisions that apply to the driver:

6 a. If the driver is not always required to stop at a
7 railroad crossing, slow down when approaching the crossing and
8 check that the railroad tracks are clear of an approaching
9 train before proceeding.

10 b. If the driver is not always required to stop at a
11 railroad crossing, stop before reaching the crossing if the
12 railroad tracks are not clear.

13 c. Refrain from proceeding through a railroad crossing if
14 sufficient space is not available to drive completely through
15 the crossing without stopping.

16 d. Obey a traffic control device or the directions of an
17 enforcement official at a railroad crossing.

18 e. Have sufficient undercarriage clearance before
19 negotiating a railroad crossing.

20 3. No stop need be made at a crossing where a peace
21 officer or a traffic-control device directs traffic to
22 proceed. No stop need be made at a crossing designated by an
23 "exempt" sign. An "exempt" sign shall be posted only where
24 the tracks have been partially removed on either side of the
25 roadway.

26 Sec. 9. Section 321.446, subsection 3, Code 2001, is
27 amended to read as follows:

28 3. This section does not apply to peace officers acting on
29 official duty. This section also does not apply to the
30 transportation of children in 1965 model year or older
31 vehicles, authorized emergency vehicles, ~~or~~ buses, or motor
32 homes, except when a child is transported in a motor home's
33 passenger seat situated directly to the driver's right. This
34 section does not apply to the transportation of a child who
35 has been certified by a physician licensed under chapter 148,

1 150, or 150A as having a medical, physical, or mental
2 condition ~~which~~ that prevents or makes inadvisable securing
3 the child in a child restraint system, safety belt, or safety
4 harness.

5 Sec. 10. Section 321.449, subsection 1, unnumbered
6 paragraph 2, Code 2001, is amended to read as follows:

7 The department shall also adopt rules concerning hours of
8 service for drivers of vehicles operated for hire and designed
9 to transport ~~more-than-eight~~ seven or more persons, including
10 the driver. The rules shall not apply to vehicles offered to
11 the public for hire that are used principally in intracity
12 operation and that are regulated by local authorities pursuant
13 to section 321.236.

14 Sec. 11. Section 321.560, subsection 1, paragraphs a and
15 b, Code 2001, are amended to read as follows:

16 a. A temporary restricted permit license may be issued
17 pursuant to section 321.215, subsection 2, to a person
18 declared to be a habitual offender under section 321.555,
19 subsection 1, paragraph "c".

20 b. A temporary restricted permit license may be issued
21 pursuant to section 321J.4, subsection 9, to a person declared
22 to be a habitual offender due to a combination of the offenses
23 listed under section 321.555, subsection 1, paragraph "b" or
24 "c".

25 Sec. 12. Section 321.561, Code 2001, is amended to read as
26 follows:

27 321.561 PUNISHMENT FOR VIOLATION.

28 It shall be unlawful for any person found to be a habitual
29 offender to operate any motor vehicle in this state during the
30 period of time specified in section 321.560 except for a
31 habitual offender who has been granted a temporary restricted
32 permit license pursuant to section 321.215, subsection 2. A
33 person violating this section commits an aggravated
34 misdemeanor.

35 Sec. 13. Section 321A.14, Code 2001, is amended to read as

1 follows:

2 321A.14 SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND
3 PROOF GIVEN.

4 Such A license, registration, and nonresident's operating
5 privilege shall remain ~~so~~ suspended under section 321A.13, and
6 shall not be renewed, nor shall any such license or
7 registration be ~~thereafter~~ subsequently issued in the name of
8 ~~such the~~ person, including any ~~such~~ person not previously
9 licensed, ~~unless-and~~ until every ~~such~~ judgment is satisfied in
10 full or to the extent hereinafter provided, ~~and-until-the-said~~
11 or until evidence is provided, to the satisfaction of the
12 department, that the judgment has not been renewed and is no
13 longer enforceable. A person gives whose license,
14 registration, or nonresident's operating privilege was
15 suspended under section 321A.13 must provide proof to the
16 department of financial responsibility subject to the
17 exemptions stated in sections 321A.13 and 321A.16 prior to
18 obtaining a license, registration, or nonresident operating
19 privilege.

20 Sec. 14. Section 321J.1, subsection 7, Code 2001, is
21 amended to read as follows:

22 7. "Driver's license" means any license or permit issued
23 to a person to operate a motor vehicle on the highways of this
24 state, including but not limited to a driver's, commercial
25 driver's, temporary restricted, or temporary license and an
26 instruction, chauffeur's instruction, commercial driver's
27 instruction, ~~temporary-restricted,~~ or temporary permit.

28 Sec. 15. Section 321M.1, subsection 7, Code 2001, is
29 amended to read as follows:

30 7. "Driver's license" means any license or permit issued
31 to a person to operate a motor vehicle on the highways of this
32 state, including but not limited to a driver's, commercial
33 driver's, temporary restricted, or temporary license and an
34 instruction, chauffeur's instruction, commercial driver's
35 instruction, ~~temporary-restricted,~~ or temporary permit.

1 Sec. 16. Section 325A.1, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 0A. "Bulk liquid commodities" means
4 liquid commodities or compressed gases transported in a
5 vehicle having a total cargo tank shell capacity of more than
6 two thousand gallons.

7 Sec. 17. Section 325A.1, subsections 8 and 9, Code 2001,
8 are amended to read as follows:

9 8. "Motor carrier of bulk liquid commodities" means a
10 person engaged in the transportation, for hire, of bulk liquid
11 commodities ~~or-compressed-gases-in-bulk~~ upon any a highway in
12 this state.

13 9. "Motor carrier of property" means a person engaged in
14 the transportation, for hire, of property by motor vehicle
15 including a carrier transporting liquid commodities or
16 compressed gases in a vehicle having a total cargo tank shell
17 capacity of two thousand gallons or less.

18 Sec. 18. Section 325A.3, subsection 2, paragraph f, Code
19 2001, is amended to read as follows:

20 f. A financial statement completed by motor carriers of
21 bulk liquid commodities or passengers from which the
22 department can determine the financial fitness of the
23 applicant to engage in the transport of bulk liquid
24 commodities or passengers.

25 Sec. 19. Section 325A.3, subsection 4, Code 2001, is
26 amended to read as follows:

27 4. Motor carriers of bulk liquid commodities or passengers
28 shall complete a motor carrier safety education seminar
29 provided by or approved by the department. This seminar must
30 be completed within six months of the permit or certificate
31 issuance.

32 Sec. 20. Section 307.31, Code 2001, is repealed.

33 EXPLANATION

34 This bill makes several transportation-related Code
35 changes.

1 The bill moves a provision relating to the issuance of
2 temporary entry and exit permits for purposes of maintenance
3 or repair to operators of commercial motor vehicles that are
4 not registered in Iowa by repealing current Code section
5 307.31 and creating new Code section 321.56.

6 The bill amends Code sections 321.189 and 321.190 to
7 provide that driver's licenses and nonoperator's
8 identification cards issued to persons under 21 years of age
9 shall contain the same information as other driver's licenses
10 and nonoperator's identification cards. Currently, such
11 licenses and cards are required to be identical in form to
12 other licenses and cards.

13 The bill amends Code sections 321.208 and 321.343 to
14 specify when a person is disqualified from operating a
15 commercial motor vehicle for certain railroad highway grade
16 crossing violations and to specify types of requirements the
17 driver of a commercial motor vehicle must follow when
18 approaching a railroad crossing, in accordance with federal
19 law.

20 The bill amends the provisions in Code section 321.215
21 relating to the issuance of a temporary restricted permit to a
22 person whose driver's license was suspended or revoked for
23 certain types of driving or other violations. To agree with
24 current practices of the state department of transportation,
25 the bill replaces references to temporary restricted permits
26 throughout Code section 321.215 and other Code sections with
27 references to temporary restricted licenses. The bill also
28 specifies that if a district court determines that an
29 applicant needs a temporary restricted license for a purpose
30 specified in Code section 321.215, the court shall order the
31 department to issue the applicant a license. The current Code
32 language directs the court to forward a record of application
33 for a permit and the court's disposition of the request to the
34 department and states that a permit is valid if the department
35 receives such records.

SENATE FILE 350

H-1443

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. ____ . Section 321.20A, Code 2001, is amended
6 to read as follows:

7 321.20A CERTIFICATE OF TITLE -- COMMERCIAL
8 VEHICLES.

9 1. Notwithstanding other provisions of this
10 chapter, the owner of a commercial vehicle subject to
11 the proportional registration provisions of chapter
12 326 may make application to the department or the
13 appropriate county treasurer for a certificate of
14 title. The application for certificate of title shall
15 be made within thirty days of purchase or transfer and
16 shall be accompanied by a ten dollar title fee and the
17 appropriate use tax. The department or the county
18 treasurer shall deliver the certificate of title to
19 the owner if no security interest or encumbrance
20 appears on the certificate or to the person holding
21 the first security interest or encumbrance shown on
22 the certificate of title.

23 2. ~~A commercial vehicle~~ An owner of a commercial
24 vehicle subject to the proportional registration
25 provisions of chapter 326 who has a fleet of more than
26 fifty commercial vehicles and who is issued a
27 certificate of title under this section shall not be
28 subject to registration fees until the commercial
29 vehicle is driven or moved upon the highways. The
30 registration fee due shall be prorated for the
31 remaining unexpired months of the registration year.
32 Ownership of the commercial vehicle shall not be
33 transferred until registration fees have been paid to
34 the department.

35 3. ~~This section shall apply to owners with fleets~~
36 ~~of more than fifty commercial vehicles based in Iowa~~
37 ~~under the proportional registration provisions of~~
38 ~~chapter 326. The original certificate of title shall~~
39 ~~be delivered to the owner if no security interest or~~
40 ~~encumbrance appears on the certificate; otherwise, the~~
41 ~~certificate of title shall be delivered by the~~
42 ~~department to the person holding the first security~~
43 ~~interest or encumbrance as shown on the certificate of~~
44 ~~title."~~

45 2. Page 1, by inserting after line 35 the
46 following:

47 "Sec. 101. Section 321.113, Code 2001, is amended
48 to read as follows:

49 321.113 AUTOMATIC REDUCTION.

50 1. The registration fee for a motor vehicle shall

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Page 2

1 not be automatically reduced under this section unless
2 the registration fee is based on the value and weight
3 of the motor vehicle as provided in section 321.109,
4 subsection 1.

5 2. After If a motor vehicle is more than five
6 model years old, that the part of the registration fee
7 which that is based on the value of the vehicle shall
8 be+

9 Seventy-five seventy-five percent of the rate as
10 fixed when the motor vehicle was new+.

11 3. After If a motor vehicle is more than six model
12 years old, the part of the registration fee that is
13 based on the value of the vehicle shall be fifty
14 percent+ of the rate as fixed when the motor vehicle
15 was new.

16 ~~After a motor vehicle is more than eight model~~
17 ~~years old, that part of the registration fee based on~~
18 ~~the value of the vehicle shall be ten percent. Where~~
19 ~~the ninth registration fee for a motor vehicle has~~
20 ~~been computed and fixed by the department prior to~~
21 ~~July 4, 1949, there shall be added to the registration~~
22 ~~fee, in lieu of the ten percent provided for herein,~~
23 ~~one dollar if such registration fee has been computed~~
24 ~~and fixed at fifteen dollars or less and two dollars~~
25 ~~if the registration fee has been computed and fixed at~~
26 ~~more than fifteen dollars.~~

27 4. If a 1994 model year or newer motor vehicle is
28 nine model years old or older the registration fee is
29 thirty-five dollars. For purposes of determining the
30 portion of the registration fee under this subsection
31 that is based upon the value of the motor vehicle,
32 sixty percent of the registration fee is attributable
33 to the value of the vehicle.

34 5. a. If a 1993 model year or older motor vehicle
35 has been titled in the same person's name since the
36 vehicle was new or the title to the vehicle was
37 transferred prior to January 1, 2002, the part of the
38 registration fee that is based on the value of the
39 vehicle shall be ten percent of the rate as fixed when
40 the motor vehicle was new.

41 b. If the title of a 1993 or older motor vehicle
42 is transferred to a new owner or if such a motor
43 vehicle is brought into the state on or after January
44 1, 2002, the registration fee shall not be based on
45 the weight and list price of the motor vehicle, but
46 shall be as follows:

47 (1) For a motor vehicle that is model year 1969
48 or older:

49 \$ 16.00

50 (2) For a motor vehicle that is model year 1970

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Page 3

1	<u>through 1989:</u>	
2	\$ 23.00
3	<u>(3) For a motor vehicle that is model year 1990</u>	
4	<u>through 1993:</u>	
5	\$ 27.00

6 For purposes of determining the portion of the
7 registration fee under this paragraph "b" that is
8 based upon the value of the motor vehicle, sixty
9 percent of the registration fee is attributable to the
10 value of the value."

11 3. Page 9, by inserting after line 31 the
12 following:

13 "Sec. 102. Section 422.9, subsection 2, paragraph
14 g, Code 2001, is amended by striking the paragraph and
15 inserting in lieu thereof:

16 g. To the extent not otherwise included pursuant
17 to section 164 of the Internal Revenue Code, add the
18 amount of the annual registration fee paid for a motor
19 vehicle pursuant to section 321.113, subsection 4, or
20 section 321.113, subsection 5, paragraph "b", which is
21 based upon the value of the vehicle. For purposes of
22 this paragraph, sixty percent of the amount of the
23 registration fee is based upon the value of the motor
24 vehicle."

25 4. Page 9, by inserting after line 32 the
26 following:

27 "Sec. ____ . EFFECTIVE DATE. Sections 101 and 102
28 of this Act, amending sections 321.113 and 422.9, take
29 effect January 1, 2002."

30 5. Title page, line 3, by inserting after the
31 word "permits," the following: "commercial vehicle
32 certificates of title,".

33 6. Title page, line 3, by inserting after the
34 word "permits," the following: "flat registration
35 fees for older vehicles,".

36 7. Title page, line 6, by inserting after the
37 word "transport" the following: ", and providing an
38 effective date".

39 8. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

By COMMITTEE ON TRANSPORTATION
BRAUNS of Muscatine, Chairperson

H-1443 FILED APRIL 5, 2001

adapted
4/25/01
(P. 1486)

SENATE FILE 350

H-1486

1 Amend the amendment, H-1443, to Senate File, 350, as
 2 passed by the Senate, as follows:
 3 1. Page 3, by inserting after line 10, the
 4 following:
 5 "____. Page 8, by inserting after line 27 the
 6 following:
 7 "Sec. ____ . Section 321J.21, Code 2001, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 3. This section does not apply to
 10 a person whose driver's license or nonresident
 11 operating privilege has been suspended, denied,
 12 revoked, or barred due to a violation of this chapter
 13 and who drives a motor vehicle at an organized racing
 14 event that is not held on a public highway."
 15 2. Page 3, by inserting after line 35, the
 16 following:
 17 "____. Title page, line 5, by inserting after the
 18 word "vehicles," the following: "operation of motor
 19 vehicles while suspended, denied, revoked, or
 20 barred,."
 21 3. By renumbering, redesignating, and correcting
 22 internal references as necessary.

By COHOON of Des Moines

H-1486 FILED APRIL 11, 2001

W/D
4/25/01 (P. 1486)

SENATE FILE 350

H-1487

1 Amend Senate File 350, as passed by the Senate, as
 2 follows:
 3 1. Page 8, by inserting after line 27 the
 4 following:
 5 "Sec. ____ . Section 321J.21, Code 2001, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 3. This section does not apply to
 8 a person whose driver's license or nonresident
 9 operating privilege has been suspended, denied,
 10 revoked, or barred due to a violation of this chapter
 11 and who drives a motor vehicle at an organized racing
 12 event that is not held on a public highway."
 13 2. Title page, line 5, by inserting after the
 14 word "vehicles," the following: "operation of motor
 15 vehicles while suspended, denied, revoked, or
 16 barred,."
 17 3. By renumbering as necessary.

By COHOON of Des Moines

H-1487 FILED APRIL 11, 2001

W/D
4/25/01 (P. 1491)

SENATE FILE 350

H-1517

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 8, by inserting after line 27 the
4 following:

5 "Sec. ____ Section 321J.21, Code 2001, is amended
6 to read as follows:

7 321J.21 DRIVING WHILE LICENSE SUSPENDED, DENIED,
8 REVOKED, OR BARRED.

9 1. A person whose driver's license or nonresident
10 operating privilege has been suspended, denied,
11 revoked, or barred due to a violation of this chapter
12 and who drives a motor vehicle upon the highways of
13 this state while the license or privilege is
14 suspended, denied, revoked, or barred commits a
15 serious misdemeanor. In addition to any other
16 penalties, the punishment imposed for a violation of
17 this subsection shall include assessment of a fine of
18 one thousand dollars.

19 2. In addition to the fine, the department, upon
20 receiving the record of the conviction of a person
21 under this section upon a charge of driving a motor
22 vehicle on the highways of this state while the
23 license of the person was suspended, denied, revoked,
24 or barred shall extend the period of suspension,
25 denial, revocation, or bar for an additional like
26 period, and the department shall not issue a new
27 license during the additional period."

28 2. Title page, line 5, by inserting after the
29 word "vehicles," the following: "driving while
30 suspended, denied, revoked, or barred,".

31 3. By renumbering as necessary.

By COHOON of Des Moines

H-1517 FILED APRIL 16, 2001

Foot
4/15/01
(P. 1490)

SENATE FILE 350**H-1554**

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 6, by inserting after line 25 the
4 following:

5 "Sec. ____ . Section 321.445, subsection 2,
6 unnumbered paragraph 1, Code 2001, is amended to read
7 as follows:

8 The driver and front seat occupants of a type of
9 motor vehicle ~~which~~ that is subject to registration in
10 Iowa, except a motorcycle or a motorized bicycle,
11 shall each wear a properly adjusted and fastened
12 safety belt or safety harness any time the vehicle is
13 in forward motion on a street or highway in this state
14 except that a child under ~~six~~ thirteen years of age
15 shall be secured as required under section 321.446.

16 Sec. ____ . Section 321.446, subsection 2, Code
17 2001, is amended to read as follows:

18 2. A child at least three years of age but under
19 ~~six~~ thirteen years of age who is being transported in
20 a motor vehicle subject to registration, except a
21 school bus or motorcycle, shall be secured during
22 transit by either a child restraint system that meets
23 federal motor vehicle safety standards and is used in
24 accordance with the manufacturer's instructions, or by
25 a safety belt or safety harness of a type approved
26 under section 321.445."

27 2. By renumbering as necessary.

By LENSING of Johnson

H-1554 FILED APRIL 17, 2001

W/D

4/25/01

(P.1486)

SENATE FILE 350

H-1562

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 6, by inserting after line 25 the
4 following:

5 "Sec. ____ . Section 321.445, subsection 2,
6 unnumbered paragraph 1, Code 2001, is amended to read
7 as follows:

8 The driver and front seat occupants of a type of
9 motor vehicle ~~which~~ that is subject to registration in
10 Iowa, except a motorcycle or a motorized bicycle,
11 shall each wear a properly adjusted and fastened
12 safety belt or safety harness any time the vehicle is
13 in forward motion on a street or highway in this state
14 except that a child under ~~six~~ thirteen years of age
15 shall be secured as required under section 321.446.

16 Sec. ____ . Section 321.446, subsections 1 and 2,
17 Code 2001, are amended to read as follows:

18 1. A child under ~~three~~ six years of age who is
19 being transported in a motor vehicle subject to
20 registration, except a school bus or motorcycle, shall
21 be secured during transit by a child restraint system
22 which meets federal motor vehicle safety standards,
23 and the system shall be used in accordance with the
24 manufacturer's instructions.

25 2. A child at least ~~three~~ six years of age but
26 under ~~six~~ thirteen years of age who is being
27 transported in a motor vehicle subject to
28 registration, except a school bus or motorcycle, shall
29 be secured during transit by either a child restraint
30 system that meets federal motor vehicle safety
31 standards and is used in accordance with the
32 manufacturer's instructions, or by a safety belt or
33 safety harness of a type approved under section
34 321.445."

35 2. By renumbering as necessary.

By LENSING of Johnson

H-1562 FILED APRIL 17, 2001

Loat

4/25/01

(P. 16486)

SENATE FILE 350

H-1565

1 Amend the amendment, H-1517, to Senate File 350, as
2 passed by the Senate as follows:

3 1. Page 1, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 321J.2, subsection 2,
6 paragraph c, Code 2001, is amended by striking the
7 paragraph and inserting in lieu thereof the following:
8 c. A class "D" felony for a third offense and each
9 subsequent offense, and shall be committed to the
10 custody of the director of the department of
11 corrections for an indeterminate term not to exceed
12 five years, and assessed a fine of not less than two
13 thousand five hundred dollars nor more than seven
14 thousand five hundred dollars. A person convicted of
15 a third or subsequent offense shall be confined for a
16 mandatory minimum of thirty days. If a person's
17 sentence of commitment to the custody of the director
18 of the department of corrections is not suspended, the
19 person shall be assigned to a facility pursuant to
20 section 904.513. If a person's sentence of commitment
21 to the custody of the director of the department of
22 corrections is suspended, the sentencing court shall
23 order that the offender serve not less than thirty
24 days but not more than one year in the county jail,
25 and may commit the offender to treatment in the
26 community under section 907.6.""

27 2. Page 1, by inserting after line 27 the
28 following:

29 "____ . Page 9, by inserting after line 31 the
30 following:

31 "Sec. ____ . Section 902.3, Code 2001, is amended to
32 read as follows:

33 902.3 INDETERMINATE SENTENCE.

34 When a judgment of conviction of a felony other
35 than a class "A" felony is entered against a person,
36 the court, in imposing a sentence of confinement,
37 shall commit the person into the custody of the
38 director of the Iowa department of corrections for an
39 indeterminate term, the maximum length of which shall
40 not exceed the limits as fixed by section 902.9,
41 unless otherwise prescribed by statute, nor shall the
42 term be less than the minimum term imposed by law, if
43 a minimum sentence is provided. However, if the court
44 ~~may sentence a person convicted of a class "D" felony~~
45 ~~for a violation of section 321J.2 to imprisonment for~~
46 ~~up to one year in a county jail under section 902.9,~~
47 ~~subsection 5, and the person shall not be under the~~
48 ~~custody of the director of the Iowa department of~~
49 ~~corrections~~ suspends an offender's sentence of
50 commitment to the custody of the director of the

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1 department of corrections under section 321J.2,
2 subsection 2, paragraph "c", the court shall order the
3 offender to serve time in the county jail as provided
4 in section 321J.2, subsection 2, paragraph "c",
5 notwithstanding any provision to the contrary in
6 section 903.4.

7 Sec. ____ . Section 902.9, subsection 5, Code 2001,
8 is amended to read as follows:

9 5. A class "D" felon, not an habitual offender,
10 shall be confined for no more than five years, and in
11 addition shall be sentenced to a fine of at least
12 seven hundred fifty dollars but not more than seven
13 thousand five hundred dollars. ~~A class "D" felon,~~
14 ~~such felony being for a violation of section 321J.2,~~
15 ~~may be sentenced to imprisonment for up to one year in~~
16 ~~the county jail."~~

17 3. Page 1, line 29, by inserting before the word
18 "driving" the following: "sentences for operating
19 while intoxicated violations,".

20 4. By renumbering, redesignating, and correcting
21 internal references as necessary.

By TREMMEL of Wapello

H-1565 FILED APRIL 17, 2001

Pat Hermone
4/25/01
(P. 1489)

SENATE FILE 350

H-1566

1 Amend the amendment, H-1517, to Senate File 350, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking line 5 and inserting the
4 following:

5 "Sec. _____. Section 321J.13, subsection 6,
6 paragraph b, Code 2001, is amended by adding the
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (3) That the peace officer
9 provided false testimony affecting the determination
10 of reasonable grounds to believe that a violation of
11 section 321J.2 or 321J.2A had occurred, including
12 reasonable grounds to believe that the person was
13 operating a motor vehicle, to support a request for or
14 to administer a chemical test.

15 Sec. _____. Section 321J.13, subsection 6, paragraph
16 c, Code 2001, is amended to read as follows:

17 c. ~~Such a~~ A holding under paragraph "b" by the
18 court in the criminal action, if the holding includes
19 written findings of fact based on testimony under
20 oath, is binding on the department, and the department
21 shall rescind the revocation. In any criminal
22 prosecution under this chapter, the state shall not
23 stipulate to facts without probable cause to support
24 the facts in order to obtain a holding under paragraph
25 "b" by the court.

26 Sec. _____. Section 321J.21, Code 2001, is amended".

27 2. Page 1, line 29, by inserting before the word
28 "driving" the following: "revocation of operating
29 privileges for operating while intoxicated,".

30 3. By renumbering as necessary.

By TREMMEL of Wapello
BAUDLER of Adair

H-1566 FILED APRIL 17, 2001

Adopted
4/25/01
(P. 1490)

SENATE FILE 350**H-1580**

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 9, by inserting after line 31 the
4 following:

5 "Sec. ____ . NEW SECTION. 327F.8 CLOSE-CLEARANCE
6 WARNING DEVICES.

7 1. A railroad company shall place a warning device
8 at a location where the close-clearance between a
9 railway owned by the railroad company and a building,
10 machinery, trees, brush, or other object is such that
11 the building, machinery, trees, brush, or other object
12 physically impedes a person who is lawfully riding the
13 side of the train in the course of the person's duties
14 in service to the railroad company from clearing the
15 building, machinery, trees, brush, or other object.

16 2. The warning device shall be placed in a
17 location which provides adequate notice to a person
18 riding the side of a train so that the person may
19 prepare for the close-clearance.

20 3. Placement of a warning device pursuant to this
21 section does not relieve a railroad company from any
22 duties required under chapter 317 or section 327F.27.

23 4. A violation of this section is punishable as a
24 schedule "one" penalty under section 327C.5.

25 Sec. ____ . NEW SECTION. 327F.21 RAILROAD TRAIN
26 CREWS.

27 1. As used in this section, unless the context
28 otherwise requires:

29 a. "Cab" means the crew compartment of the engine
30 of a railroad train or locomotive.

31 b. "Department" means the state department of
32 transportation.

33 c. "Director" means the director of transportation
34 or the director's designee.

35 d. "Qualified railroad locomotive engineer" means
36 a person who has successfully completed a railroad
37 carrier's training program for a train service
38 engineer, locomotive servicing engineer, or student
39 engineer and passed an examination on railroad
40 operation rules.

41 e. "Qualified railroad trainperson" means a person
42 who has successfully completed a railroad carrier's
43 training program and passed an examination on railroad
44 operation rules.

45 2. Any person operating or controlling a railroad
46 in this state shall not allow the operation of any
47 railroad train or locomotive in this state unless the
48 railroad train or locomotive has a crew of at least
49 two individuals. One of the individuals shall be a
50 qualified railroad locomotive engineer. The other

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1 individual shall be either a qualified railroad
2 locomotive engineer or a qualified railroad
3 trainperson. The qualified railroad locomotive
4 engineer shall be present in the cab and operate the
5 control locomotive at all times that the railroad
6 train or locomotive is in motion. The other crew
7 member shall be present in the cab at all times the
8 railroad train or locomotive is in motion, but may
9 dismount the railroad train or locomotive when
10 necessary to perform switching activities and other
11 job-related duties. However, this subsection shall
12 not apply to the extent that it is contrary to or
13 inconsistent with a regulation or order of the federal
14 railroad administration.

15 3. The director may, pursuant to rules adopted by
16 the department, grant an exception to the requirements
17 of subsection 2 if the director determines that the
18 exception will not endanger the life or property of
19 any person.

20 4. A person who violates this section is, upon
21 conviction for a first offense, subject to a schedule
22 "one" penalty as provided under section 327C.5. A
23 person who violates this section is, upon conviction
24 for a second offense committed within three years of
25 the first offense, subject to a schedule "two" penalty
26 as provided under section 327C.5. A person who
27 violates this section is, upon conviction for a third
28 or subsequent offense committed within three years of
29 the first offense, subject to a schedule "three"
30 penalty as provided under section 327C.5."

31 2. Title page, line 6, by striking the words "and
32 bulk liquid transport" and inserting the following:
33 "bulk liquid transport, and railroad safety and
34 providing penalties".

35 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-1580 FILED APRIL 17, 2001

W/P

4/25/01

(P.1490)

SENATE FILE 350

H-1581

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 9, by inserting after line 31 the
4 following:

5 "Sec. ____ . NEW SECTION. 327F.32 RAILROAD
6 ACCIDENTS -- EMPLOYEE LEAVE AND TRAUMA COUNSELING.

7 1. A railroad company shall make trauma counseling
8 available to an employee of the railroad company
9 involved in an accident on a railway or right of way
10 under the control of the company if the accident
11 results in the death of or serious bodily injury to a
12 person. The counseling shall be made available to the
13 employee within forty-eight hours of the accident.

14 2. An employee involved in an accident described
15 in subsection 1 shall be given leave from duty with
16 compensation and applicable benefits for a minimum of
17 three days following the accident. If the railroad
18 company makes an affirmative showing that the accident
19 was due to the negligence or willful act of an
20 employee involved in an accident described in
21 subsection 1, the leave provided to the employee who
22 acted negligently or willfully may be provided without
23 compensation and benefits.

24 3. An engineer returning to duty following leave
25 provided pursuant to subsection 2 shall, upon request,
26 be assigned an assistant engineer or other qualified
27 person to accompany the engineer for such time as may
28 be necessary to guarantee the public safety or until a
29 qualified medical practitioner determines that the
30 engineer does not suffer from a posttraumatic stress
31 disorder.

32 4. The director shall adopt rules for
33 administration and enforcement of this section."

34 2. Title page, line 6, by striking the words "and
35 bulk liquid transport" and inserting the following:
36 "bulk liquid transport, and railroad accidents".

37 3. By renumbering as necessary.

By SMITH of Marshall

H-1581 FILED APRIL 17, 2001

w/d
4/25/01
(P. 141)

SENATE FILE 350

H-1585

1 Amend Senate File 350, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by inserting after line 5 the
 4 following:
 5 "Sec. ____ Section 321.194, subsection 1,
 6 paragraph a, Code 2001, is amended by adding the
 7 following new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. A person shall not
 9 operate a motor vehicle pursuant to a driver's license
 10 issued under this section with a passenger in the
 11 motor vehicle, unless the passenger is a sibling of
 12 the person or is at least eighteen years of age."
 13 2. Title page, line 3, by inserting after the
 14 word "permits," the following: "school permits,"
 15 3. By renumbering as necessary. .
 BY METCALF of Polk

H-1585 FILED APRIL 18, 2001
 W/D
 4/25/01 (P.1486)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 350

H-1733

1 Amend the House amendment, S-3494, to Senate File
 2 350, as passed by the Senate as follows:
 3 1. Page 3, line 10 by striking the words "value
 4 of the value" and inserting the following: "value of
 5 the vehicle".

RECEIVED FROM THE SENATE

H-1733 FILED APRIL 26, 2001

House Concurred
 4-27-01 (P.1617)

**SENATE FILE 350
FISCAL NOTE**

A fiscal note for **Amendment H-1565 to Amendment H-1517 to Senate File 350** is hereby submitted pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-1565 to Amendment H-1517 to Senate File 350 clarifies existing sentencing options for Operating While Intoxicated (OWI) third and subsequent offense convictions. The amendment also requires all offenders convicted of OWI third and subsequent offenses who are revoked, to be revoked to State prisons rather than county jails. Amendment H-1565 to Amendment H-1517 to Senate File 350 requires all offenders convicted of OWI third and subsequent offenses to be incarcerated for at least 30 days, either in county jails or the State prison system. The Supreme Court has held there is no mandatory minimum term for OWI third and subsequent offenders that are sentenced to the Iowa Department of Corrections. This ruling places Iowa in noncompliance with federal law regarding federal highway funding. Given the Supreme Court Opinion, if no change is made to Iowa's laws, \$3.0 million of federal highway construction money currently received by the Iowa Department of Transportation will be transferred to the Iowa Department of Public Safety for highway safety projects. Amendment H-1565 to Amendment H-1517 to SF 350 amends Iowa law to comply with federal regulations. It also amends sentencing options for OWI third or subsequent offenses.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. The analysis is also based on detailed review of individual OWI third offense case records in the Justice Data Warehouse for December 2000. Conviction and penalty information is based on FY 2000 data.
5. There were 1,240 offenders convicted of OWI third offense during FY 2000. Of these, 608 were sentenced to prison and 397 were sentenced to jail; 235 offenders did not receive incarceration. These offenders are under community-based supervision (probation) but have not received a term of confinement as part of their sentence.
6. There will be 235 offenders annually who will receive a jail term under Amendment H-1565 to Amendment H-1517 to Senate File 350. This assumes that judges who are currently using the least restrictive sanction available under current law (no confinement time) will continue to use the

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- least restrictive sanction available under Amendment H-1565 to Amendment H-1517 to Senate File 350 (mandatory minimum jail term). The average time served in county jails is 39 days, based on average jail time served during FY 2000.
7. The revocation rate is 7.8%, based on the number of OWI third and subsequent offense revocations to prison in FY 2000, and the number of probationers with suspended prison terms in December 2000. Length of stay in jail following revocation was estimated at 60 days, based on information provided by local Community-Based Corrections (CBC) officials.
 8. Admissions to State prison assumes that the number of offenders currently being revoked to county jail will now be revoked to State prison pending bed space availability for placement in a CBC OWI treatment facility. Length of stay for these offenders is based on FY 2000 data. However, because demand for OWI treatment will increase under Amendment H-1565 to Amendment H-1517 to Senate File 350, more offenders may have to wait in State prison for a longer time period, pending space availability in a CBC OWI treatment facility. To the extent this occurs, the correctional impact may be larger than indicated in this fiscal note.
 9. Current law provides that mandatory minimum terms for OWI third offense inmates may serve the confinement term in a CBC treatment facility. It is assumed this practice meets the definition of "confinement" under federal law.
 10. The marginal cost per day for State prisons is \$16 per inmate. The average length of stay for OWI offenders is three months in prison, pending OWI treatment program placement. The marginal cost per day for CBC OWI treatment facilities is \$18. The average length of stay in a CBC OWI treatment program is four to six months.
 11. There are 1,368 CBC facility beds statewide. Of these, approximately 290 beds are dedicated to the OWI treatment program. On April 11, 2001, there were 281 OWI offenders in the facility-based OWI treatment program while 65 OWI offenders were waiting to enter the facilities. These 65 offenders may be under community-based supervision, or waiting in prison or jail. The facility-based OWI treatment program is operating at full capacity under current law.
 12. Offenders who complete the OWI treatment program are paroled from the CBC facilities. No costs are associated with this parole, since under current law, these offenders are on probation. The marginal cost per day for parole or probation is \$1.55 per offender.
 13. The marginal cost per day for county jails is \$25. The average length of stay for OWI offenders currently serving a mandatory minimum jail term is 39 days. The average length of stay for OWI offenders revoked to jail is estimated to be 60 days.

CORRECTIONAL IMPACT

There will be 11 people sentenced to prison during FY 2002. The prison population will only increase by 3 inmates since the offenders will serve a short prison term (90 days on average). There will be 21 people sentenced to prison during FY 2003, and each year thereafter. The prison population will only increase by 5 inmates during FY 2003, and each year thereafter.

Admissions to Community-Based Corrections (CBC) facilities will increase by 11 during FY 2002. Future admissions will increase by 21 annually. This will

increase the need for additional OWI treatment beds.

Admissions to county jails are expected to increase by 107 during FY 2002. Future admissions are expected to increase by 214 annually. This figure assumes the 235 offenders currently receiving no confinement at conviction, will receive jail time. This figure also assumes that 21 offenders currently revoked to jail, will be revoked to prison.

FISCAL IMPACT

FEDERAL FUNDS IMPACT

Amendment H-1565 to Amendment H-1517 to Senate File 350 will bring Iowa into compliance with federal law so that federal highway construction funds will remain with the Iowa Department of Transportation and will not be transferred to the Iowa Department of Public Safety to be used for highway safety projects.

STATE GENERAL FUND IMPACT

State prison costs are estimated to increase by \$18,000 during FY 2002. For FY 2003, costs are estimated to increase by \$29,000.

Community-Based Corrections (CBC) facility costs for the OWI treatment program are estimated to increase by \$30,000 during FY 2002. For FY 2003, costs are estimated to increase by \$57,000. These estimates do not include costs for construction of additional CBC beds, if required.

Amendment H-1565 to Amendment H-1517 to Senate File 350 is not expected to have an impact on the Board of Parole, court system, or indigent defense costs.

LOCAL GOVERNMENT IMPACT

Local government costs for county jail operations are estimated to increase by \$99,000 during FY 2002. For FY 2003, costs are estimated to increase by \$198,000, and each year thereafter.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Parole Board
State Public Defender's Office
United States Department of Transportation
Department of Public Safety
Supreme Court of Iowa

(LSB 1076sv, BAL)

FILED APRIL 19, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO
SENATE FILE 350

S-3494

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. ____ Section 321.20A, Code 2001, is amended
6 to read as follows:

7 321.20A CERTIFICATE OF TITLE -- COMMERCIAL
8 VEHICLES.

9 1. Notwithstanding other provisions of this
10 chapter, the owner of a commercial vehicle subject to
11 the proportional registration provisions of chapter
12 326 may make application to the department or the
13 appropriate county treasurer for a certificate of
14 title. The application for certificate of title shall
15 be made within thirty days of purchase or transfer and
16 shall be accompanied by a ten dollar title fee and the
17 appropriate use tax. The department or the county
18 treasurer shall deliver the certificate of title to
19 the owner if no security interest or encumbrance
20 appears on the certificate or to the person holding
21 the first security interest or encumbrance shown on
22 the certificate of title.

23 2. ~~A commercial vehicle~~ An owner of a commercial
24 vehicle subject to the proportional registration
25 provisions of chapter 326 who has a fleet of more than
26 fifty commercial vehicles and who is issued a
27 certificate of title under this section shall not be
28 subject to registration fees until the commercial
29 vehicle is driven or moved upon the highways. The
30 registration fee due shall be prorated for the
31 remaining unexpired months of the registration year.
32 Ownership of the commercial vehicle shall not be
33 transferred until registration fees have been paid to
34 the department.

35 ~~3. This section shall apply to owners with fleets~~
36 ~~of more than fifty commercial vehicles based in Iowa~~
37 ~~under the proportional registration provisions of~~
38 ~~chapter 326. The original certificate of title shall~~
39 ~~be delivered to the owner if no security interest or~~
40 ~~encumbrance appears on the certificate; otherwise, the~~
41 ~~certificate of title shall be delivered by the~~
42 ~~department to the person holding the first security~~
43 ~~interest or encumbrance as shown on the certificate of~~
44 ~~title."~~

45 2. Page 1, by inserting after line 35 the
46 following:

47 "Sec. 101. Section 321.113, Code 2001, is amended
48 to read as follows:

49 321.113 AUTOMATIC REDUCTION.

50 1. The registration fee for a motor vehicle shall

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Page 2

1 not be automatically reduced under this section unless
2 the registration fee is based on the value and weight
3 of the motor vehicle as provided in section 321.109,
4 subsection 1.

5 2. After If a motor vehicle is more than five
6 model years old, that the part of the registration fee
7 which that is based on the value of the vehicle shall
8 be+

9 Seventy-five seventy-five percent of the rate as
10 fixed when the motor vehicle was new+.

11 3. After If a motor vehicle is more than six model
12 years old, the part of the registration fee that is
13 based on the value of the vehicle shall be fifty
14 percent+ of the rate as fixed when the motor vehicle
15 was new.

16 After a motor vehicle is more than eight model
17 years old, that part of the registration fee based on
18 the value of the vehicle shall be ten percent. Where
19 the ninth registration fee for a motor vehicle has
20 been computed and fixed by the department prior to
21 July 4, 1949, there shall be added to the registration
22 fee, in lieu of the ten percent provided for herein,
23 one dollar if such registration fee has been computed
24 and fixed at fifteen dollars or less and two dollars
25 if the registration fee has been computed and fixed at
26 more than fifteen dollars.

27 4. If a 1994 model year or newer motor vehicle is
28 nine model years old or older the registration fee is
29 thirty-five dollars. For purposes of determining the
30 portion of the registration fee under this subsection
31 that is based upon the value of the motor vehicle,
32 sixty percent of the registration fee is attributable
33 to the value of the vehicle.

34 5. a. If a 1993 model year or older motor vehicle
35 has been titled in the same person's name since the
36 vehicle was new or the title to the vehicle was
37 transferred prior to January 1, 2002, the part of the
38 registration fee that is based on the value of the
39 vehicle shall be ten percent of the rate as fixed when
40 the motor vehicle was new.

41 b. If the title of a 1993 or older motor vehicle
42 is transferred to a new owner or if such a motor
43 vehicle is brought into the state on or after January
44 1, 2002, the registration fee shall not be based on
45 the weight and list price of the motor vehicle, but
46 shall be as follows:

47 (1) For a motor vehicle that is model year 1969
48 or older:

49 \$ 16.00

50 (2) For a motor vehicle that is model year 1970

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Page 3

1 through 1989:
 2 \$ 23.00
 3 (3) For a motor vehicle that is model year 1990
 4 through 1993:
 5 \$ 27.00

6 For purposes of determining the portion of the
 7 registration fee under this paragraph "b" that is
 8 based upon the value of the motor vehicle, sixty
 9 percent of the registration fee is attributable to the
 10 value of the value."

11 3. Page 9, by inserting after line 31 the
 12 following:

13 "Sec. 102. Section 422.9, subsection 2, paragraph
 14 g, Code 2001, is amended by striking the paragraph and
 15 inserting in lieu thereof:

16 g. To the extent not otherwise included pursuant
 17 to section 164 of the Internal Revenue Code, add the
 18 amount of the annual registration fee paid for a motor
 19 vehicle pursuant to section 321.113, subsection 4, or
 20 section 321.113, subsection 5, paragraph "b", which is
 21 based upon the value of the vehicle. For purposes of
 22 this paragraph, sixty percent of the amount of the
 23 registration fee is based upon the value of the motor
 24 vehicle."

25 4. Page 9, by inserting after line 32 the
 26 following:

27 "Sec. ____ . EFFECTIVE DATE. Sections 101 and 102
 28 of this Act, amending sections 321.113 and 422.9, take
 29 effect January 1, 2002."

30 5. Title page, line 3, by inserting after the
 31 word "permits," the following: "commercial vehicle
 32 certificates of title,".

33 6. Title page, line 3, by inserting after the
 34 word "permits," the following: "flat registration
 35 fees for older vehicles,".

36 7. Title page, line 6, by inserting after the
 37 word "transport" the following: ", and providing an
 38 effective date".

39 8. By renumbering, relettering, or redesignating
 40 and correcting internal references as necessary.

Senate Concurred 4/26/01 (p. 1335) RECEIVED FROM THE HOUSE
 S-3494 FILED APRIL 25, 2001

SENATE FILE 350

S-3520

1 Amend the House amendment, S-3494, to Senate File
 2 350, as passed by the Senate as follows:

3 1. Page 3, line 10 by striking the words "value
 4 of the value" and inserting the following: "value of
 5 the vehicle".

By MIKE SEXTON

S-3520 FILED APRIL 25, 2001
adopted 4-26-01 (p. 1335)

SENATE FILE 350

AN ACT

MAKING TRANSPORTATION-RELATED CODE CHANGES RELATING TO TEMPORARY RESTRICTED PERMITS AND TEMPORARY ENTRY AND EXIT PERMITS, COMMERCIAL VEHICLE CERTIFICATES OF TITLE, PLAT REGISTRATION FEES FOR OLDER VEHICLES, RAILROAD CROSSINGS, THE CONTENT OF DRIVER'S LICENSES AND NONOPERATOR'S IDENTIFICATION CARDS, CHILD RESTRAINT DEVICES IN MOTOR VEHICLES, HOURS OF SERVICE, UNSATISFIED JUDGMENTS, AND BULK LIQUID TRANSPORT, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 321.1, subsection 20A, unnumbered paragraph 1, Code 2001, is amended to read as follows:

"Driver's license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, temporary-restricted or temporary permit.

Sec. 2. Section 321.20A, Code 2001, is amended to read as follows:

321.20A CERTIFICATE OF TITLE -- COMMERCIAL VEHICLES.

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the proportional registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for a certificate of title. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a ten dollar title fee and the appropriate use tax. The department or the county treasurer shall deliver the certificate of title to the owner if no security interest or encumbrance appears on the certificate or

to the person holding the first security interest or encumbrance shown on the certificate of title.

2. ~~A commercial vehicle~~ An owner of a commercial vehicle subject to the proportional registration provisions of chapter 326 who has a fleet of more than fifty commercial vehicles and who is issued a certificate of title under this section shall not be subject to registration fees until the commercial vehicle is driven or moved upon the highways. The registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of the commercial vehicle shall not be transferred until registration fees have been paid to the department.

~~3.--This section shall apply to owners with fleets of more than fifty commercial vehicles based in Iowa under the proportional registration provisions of chapter 326.--The original certificate of title shall be delivered to the owner if no security interest or encumbrance appears on the certificate; otherwise, the certificate of title shall be delivered by the department to the person holding the first security interest or encumbrance as shown on the certificate of title.~~

Sec. 3. NEW SECTION. 321.56 REPAIR OF OUT-OF-STATE COMMERCIAL MOTOR VEHICLES -- PERMITS.

1. The operator of a commercial motor vehicle which is not registered within the state as required pursuant to chapter 321 or 326 or which does not have an interstate fuel permit, as required under chapter 452A, may enter the state and travel to a commercial vehicle dealer or repair facility and exit the state under the following circumstances:

- a. If the commercial motor vehicle is entering the state solely for the purposes of maintenance and repair to the commercial motor vehicle and is exiting the state after having completed vehicle maintenance or repair.
- b. If the operator has obtained a temporary entry or exit permit from the department.
- c. If the commercial motor vehicle is unladen.

2. The department shall provide a temporary entry and exit permit to a commercial motor vehicle operator which authorizes the operator to enter and exit the state as allowed under this section. Any operator of a commercial motor vehicle who has in the operator's possession the permit allowing entry into the state and exit from the state, shall not be charged with a registration violation under chapter 321 or 326 or with a motor vehicle fuel tax violation under chapter 452A, except for violations of section 452A.74A.

3. For purposes of this section "commercial motor vehicle" means as defined in section 321.1, subsection 11, paragraph "e", subparagraph (2).

Sec. 4. Section 321.113, Code 2001, is amended to read as follows:

321.113 AUTOMATIC REDUCTION.

1. The registration fee for a motor vehicle shall not be automatically reduced under this section unless the registration fee is based on the value and weight of the motor vehicle as provided in section 321.109, subsection 1.

2. After If a motor vehicle is more than five model years old, that the part of the registration fee which that is based on the value of the vehicle shall be:

Seventy-five seventy-five percent of the rate as fixed when the motor vehicle was new.

3. After If a motor vehicle is more than six model years old, the part of the registration fee that is based on the value of the vehicle shall be fifty percent, of the rate as fixed when the motor vehicle was new.

~~After a motor vehicle is more than eight model years old, that part of the registration fee based on the value of the vehicle shall be ten percent. Where the ninth registration fee for a motor vehicle has been computed and fixed by the department prior to July 4, 1949, there shall be added to the registration fee, in lieu of the ten percent provided for herein, one dollar if such registration fee has been computed~~

~~and fixed at fifteen dollars or less and two dollars if the registration fee has been computed and fixed at more than fifteen dollars.~~

4. If a 1994 model year or newer motor vehicle is nine model years old or older the registration fee is thirty-five dollars. For purposes of determining the portion of the registration fee under this subsection that is based upon the value of the motor vehicle, sixty percent of the registration fee is attributable to the value of the vehicle.

5. a. If a 1993 model year or older motor vehicle has been titled in the same person's name since the vehicle was new or the title to the vehicle was transferred prior to January 1, 2002, the part of the registration fee that is based on the value of the vehicle shall be ten percent of the rate as fixed when the motor vehicle was new.

b. If the title of a 1993 or older motor vehicle is transferred to a new owner or if such a motor vehicle is brought into the state on or after January 1, 2002, the registration fee shall not be based on the weight and list price of the motor vehicle, but shall be as follows:

- (1) For a motor vehicle that is model year 1969 or older:
..... \$ 16.00
- (2) For a motor vehicle that is model year 1970 through 1989:
..... \$ 23.00
- (3) For a motor vehicle that is model year 1990 through 1993:
..... \$ 27.00

For purposes of determining the portion of the registration fee under this paragraph "b" that is based upon the value of the motor vehicle, sixty percent of the registration fee is attributable to the value of the vehicle.

Sec. 5. Section 321.189, subsection 6, Code 2001, is amended to read as follows:

6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A driver's license issued to a person under eighteen years of age shall be identical in form to contain the same information as any other driver's license except that the words "under eighteen" shall appear prominently on the face of the license. A driver's license issued to a person eighteen years of age or older but less than twenty-one years of age shall be identical in form to contain the same information as any other driver's license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a one dollar fee, the person shall be entitled to a new driver's license or nonoperator's identification card for the unexpired months of the driver's license or card. An instruction permit or intermediate license issued under section 321.180B, subsection 1 or 2, shall include a distinctive color bar. An intermediate license issued under section 321.180B, subsection 2, shall include the words "intermediate license" printed prominently on the face of the license.

Sec. 6. Section 321.190, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. The department shall not issue a card to a person holding a driver's license. However, a card may be issued to a person holding a temporary permit under section 321.181. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person under eighteen years of age shall be identical in form to contain the same information as any other nonoperator's identification card except that the words "under eighteen" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person eighteen years of age or older but under twenty-one years of age shall be identical

in form to contain the same information as any other nonoperator's identification card except that the words "under twenty-one" shall appear prominently on the face of the card.

Sec. 7. Section 321.208, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A person is disqualified from operating a commercial motor vehicle if the person is convicted of a first, second, or third railroad crossing at grade violation as follows:

a. A person is disqualified from operating a commercial motor vehicle for sixty days if the person is convicted of a first railroad crossing at grade violation under section 321.343 and the violation occurred while the person was operating a commercial motor vehicle.

b. A person is disqualified from operating a commercial motor vehicle for one hundred twenty days if the person is convicted of a second railroad crossing at grade violation under section 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation.

c. A person is disqualified from operating a commercial motor vehicle for one year if the person is convicted of a third or subsequent railroad crossing at grade violation under section 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation.

Sec. 8. Section 321.213A, Code 2001, is amended to read as follows:

321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of a dispositional order under section 232.52, subsection 2, paragraph "a", the clerk of the juvenile court shall forward a copy of the adjudication and the dispositional order suspending or revoking the driver's license or operating privileges of the juvenile to the

department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license or permit, if eligible, as provided in section 321.215.

Sec. 9. Section 321.215, subsections 2 through 4, Code 2001, are amended to read as follows:

2. Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or 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, a person may petition the district court having jurisdiction for the residence of the person for a temporary restricted permit license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

a. The temporary restricted permit license is requested only for a case of extreme hardship or compelling circumstances where alternative means of transportation do not exist.

b. The permit license applicant has not made an application for a temporary restricted permit license in any district court in the state which was denied.

c. The temporary restricted permit license is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the permit license.

d. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the driver's license was suspended under section 321.210A or 321.513 or revoked pursuant to a court order issued under section 901.5, subsection 10.

If the district court determines that a temporary restricted license is necessary, the court shall order the department to issue a temporary restricted license to the applicant. The district court shall forward a record of each application for such a temporary restricted permit license to the department, together with the results of the disposition of the request by the court. ~~A temporary restricted permit is valid only if the department is in receipt of records required by this section:~~

3. The temporary restricted license or permit shall be canceled upon conviction of a moving traffic violation or upon a violation of a term of the license or permit. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

4. The temporary restricted license or permit is not valid to operate a commercial motor vehicle if a commercial driver's license is required for the person's operation of the commercial motor vehicle.

Sec. 10. Section 321.343, Code 2001, is amended to read as follows:

321.343 CERTAIN VEHICLES MUST STOP.

1. The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before crossing a railroad track by motor carrier safety rules adopted under section 321.449, before crossing at grade any track of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.

2. The driver of a commercial motor vehicle shall comply with all of the following provisions that apply to the driver:

a. If the driver is not always required to stop at a railroad crossing, slow down when approaching the crossing and check that the railroad tracks are clear of an approaching train before proceeding.

b. If the driver is not always required to stop at a railroad crossing, stop before reaching the crossing if the railroad tracks are not clear.

c. Refrain from proceeding through a railroad crossing if sufficient space is not available to drive completely through the crossing without stopping.

d. Obey a traffic-control device or the directions of an enforcement official at a railroad crossing.

e. Have sufficient undercarriage clearance before negotiating a railroad crossing.

3. No stop need be made at a crossing where a peace officer or a traffic-control device directs traffic to proceed. No stop need be made at a crossing designated by an "exempt" sign. An "exempt" sign shall be posted only where the tracks have been partially removed on either side of the roadway.

Sec. 11. Section 321.446, subsection 3, Code 2001, is amended to read as follows:

3. This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, or buses, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. This section does not apply to the transportation of a child who has been certified by a physician licensed under chapter 148, 150, or 150A as having a medical, physical, or mental condition which that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

Sec. 12. Section 321.449, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The department shall also adopt rules concerning hours of service for drivers of vehicles operated for hire and designed to transport ~~more-than-eight~~ seven or more persons, including the driver. The rules shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and that are regulated by local authorities pursuant to section 321.236.

Sec. 13. Section 321.560, subsection 1, paragraphs a and b, Code 2001, are amended to read as follows:

a. A temporary restricted permit license may be issued pursuant to section 321.215, subsection 2, to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "c".

b. A temporary restricted permit license may be issued pursuant to section 321J.4, subsection 9, to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraph "b" or "c".

Sec. 14. Section 321.561, Code 2001, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION.

It shall be unlawful for any person found to be a habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560 except for a habitual offender who has been granted a temporary restricted permit license pursuant to section 321.215, subsection 2. A person violating this section commits an aggravated misdemeanor.

Sec. 15. Section 321A.14, Code 2001, is amended to read as follows:

321A.14 SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN.

Such A license, registration, and nonresident's operating privilege shall remain so suspended under section 321A.13, and shall not be renewed, nor shall any such license or registration be thereafter subsequently issued in the name of such the person, including any such person not previously licensed, unless-and until every such judgment is satisfied in full or to the extent hereinafter provided, and-until-the-said or until evidence is provided, to the satisfaction of the department, that the judgment has not been renewed and is no longer enforceable. A person gives whose license, registration, or nonresident's operating privilege was suspended under section 321A.13 must provide proof to the department of financial responsibility subject to the exemptions stated in sections 321A.13 and 321A.16 prior to obtaining a license, registration, or nonresident operating privilege.

Sec. 16. Section 321J.1, subsection 7, Code 2001, is amended to read as follows:

7. "Driver's license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, ~~temporary-restricted,~~ or temporary permit.

Sec. 17. Section 321M.1, subsection 7, Code 2001, is amended to read as follows:

7. "Driver's license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, ~~temporary-restricted,~~ or temporary permit.

Sec. 18. Section 325A.1, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Bulk liquid commodities" means liquid commodities or compressed gases transported in a vehicle having a total cargo tank shell capacity of more than two thousand gallons.

Sec. 19. Section 325A.1, subsections 8 and 9, Code 2001, are amended to read as follows:

8. "Motor carrier of bulk liquid commodities" means a person engaged in the transportation, for hire, of bulk liquid commodities ~~or-compressed-gases-in-bulk~~ upon any a highway in this state.

9. "Motor carrier of property" means a person engaged in the transportation, for hire, of property by motor vehicle including a carrier transporting liquid commodities or compressed gases in a vehicle having a total cargo tank shell capacity of two thousand gallons or less.

Sec. 20. Section 325A.3, subsection 2, paragraph f, Code 2001, is amended to read as follows:

f. A financial statement completed by motor carriers of bulk liquid commodities or passengers from which the department can determine the financial fitness of the applicant to engage in the transport of bulk liquid commodities or passengers.

Sec. 21. Section 325A.3, subsection 4, Code 2001, is amended to read as follows:

4. Motor carriers of bulk liquid commodities or passengers shall complete a motor carrier safety education seminar provided by or approved by the department. This seminar must be completed within six months of the permit or certificate issuance.

Sec. 22. Section 422.9, subsection 2, paragraph g, Code 2001, is amended by striking the paragraph and inserting in lieu thereof:

g. To the extent not otherwise included pursuant to section 164 of the Internal Revenue Code, add the amount of the annual registration fee paid for a motor vehicle pursuant

to section 321.113, subsection 4, or section 321.113, subsection 5, paragraph "b", which is based upon the value of the vehicle. For purposes of this paragraph, sixty percent of the amount of the registration fee is based upon the value of the motor vehicle.

Sec. 23. Section 307.31, Code 2001, is repealed.

Sec. 24. EFFECTIVE DATE. Sections 4 and 22 of this Act, amending sections 321.113 and 422.9, take effect January 1, 2002.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 350, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/16/01, 2001

THOMAS J. VILSACK
Governor