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Succeeded By  
SF/HF 2192

SSB 3122  
Transportation

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RITTMER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to highways and motor vehicles, including  
2 condemnation of property by the state department of  
3 transportation, registration, sale, and operation of certain  
4 vehicles, issuance of driver's licenses and nonoperator's  
5 identification cards, regulation of oversize vehicles, and  
6 vehicle manufacturers, distributors, and dealers, and  
7 providing penalties and effective dates.

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

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DIVISION I

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Section 1. Section 6B.2A, subsection 4, Code 2001, is amended to read as follows:

4. This section shall not apply to a condemnation of property by the state department of transportation or a county for right-of-way that is contiguous to an existing road right-of-way and necessary for the maintenance, safety improvement, or repair, or upgrade of the existing road. Notwithstanding section 6B.2C, a condemnation of property by the state department of transportation pursuant to this subsection shall be approved by the director of the department of transportation. For purposes of this subsection, "upgrade" means to bring a road or bridge up to currently acceptable standards, including improved geometrics, passing lanes, turning lanes, climbing lanes, and improved shoulders.

Sec. 2. Section 6B.24, Code 2001, is amended to read as follows:

6B.24 REDUCTION OF DAMAGES -- INTEREST ON INCREASED AWARD.

If the amount of damages awarded by the commissioners is decreased on appeal, the reduced amount shall be paid to the landowner. If the amount of damages awarded by the commissioners is increased on appeal, interest shall be paid from the date of the condemnation. Interest shall not be paid on any amount which was previously paid. Interest shall be calculated at an annual rate equal to the coupon-issue-yield equivalent, as determined by the United States secretary of the treasury, of the average accepted auction price for the last auction of fifty-two week United States treasury bills treasury constant maturity index published by the federal reserve in the H15 Report settled immediately before the date of the award.

Sec. 3. Section 307.22, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Conduct a study of the road and bridge

1 facilities in state parks, state institutions, state  
2 fairgrounds, and on community college property. The study  
3 shall evaluate the construction and maintenance needs and  
4 projected needs based upon estimated growth for each type of  
5 facility to provide a quadrennially updated standard upon  
6 which to allocate funds appropriated for the purposes of this  
7 subsection.

8 NEW SUBSECTION. 7. Prepare, adopt, and cause to be  
9 published the results of a study of secondary roads in the  
10 state. The study shall be designed to investigate present  
11 deficiencies and future twenty-year maintenance and  
12 construction needs of the roads. The study shall be referred  
13 to as the "quadrennial need study" for the purposes of this  
14 chapter, chapter 307A, and chapter 312. The department shall  
15 report the results of the study to the general assembly by  
16 July 1, 2002, and the study results shall take effect July 1,  
17 2003.

18 NEW SUBSECTION. 8. Annually recalculate the construction  
19 and maintenance needs of roads under the jurisdiction of each  
20 county to take into account the needs of a road whose  
21 jurisdiction has been transferred from the department to a  
22 county or from a county to the department during the previous  
23 year. The recalculation shall be reported by January 1 of the  
24 year following the transfer and shall take effect the  
25 following July 1 for the purposes of allocating moneys under  
26 sections 312.3 and 312.5.

27 Sec. 4. Section 307A.2, subsection 11, Code 2001, is  
28 amended to read as follows:

29 11. Construct, reconstruct, improve, and maintain state  
30 institutional roads and state park roads, which are part of  
31 the state park, state institution, and other state land road  
32 system as defined in section 306.3, and bridges on such roads,  
33 roads located on state fairgrounds as defined in chapter 173,  
34 and the roads and bridges located on community college  
35 property as defined in chapter 260C, upon the request of the

1 state board, department, or commission which has jurisdiction  
2 over such roads. This shall be done in such manner as may be  
3 agreed upon by the state transportation commission and the  
4 state board, department, or commission which has jurisdiction.  
5 The commission may contract with any county or municipality  
6 for the construction, reconstruction, improvement, or  
7 maintenance of such roads and bridges. Any state park road  
8 which is an extension of either a primary or secondary highway  
9 which both enters and exits from a state park at separate  
10 points shall be constructed, reconstructed, improved, and  
11 maintained as provided in section 306.4. Funds allocated from  
12 the road use tax fund for the purposes of this subsection  
13 shall be apportioned in the ratio that the needs of the state  
14 institutional roads and bridges, park roads and bridges, or  
15 community college roads and bridges bear to the total needs of  
16 these facilities based upon the most recent quadrennial park  
17 and institution need study. ~~The commission shall conduct a~~  
18 ~~study of the road and bridge facilities in state parks, state~~  
19 ~~institutions, state fairgrounds, and on community college~~  
20 ~~property. The study shall evaluate the construction and~~  
21 ~~maintenance needs and projected needs based upon estimated~~  
22 ~~growth for each type of facility to provide a quadrennially~~  
23 ~~updated standard upon which to allocate funds appropriated for~~  
24 ~~the purposes of this subsection.~~

25 Sec. 5. Section 307A.2, subsections 14 and 14A, Code 2001,  
26 are amended by striking the subsections.

27 Sec. 6. Section 312.3, subsection 1, unnumbered paragraph  
28 2, Code 2001, is amended to read as follows:

29 For the purposes of this subsection, "latest quadrennial  
30 need study report" includes the annual recalculation of  
31 construction and maintenance needs of roads whose jurisdiction  
32 has been transferred from the department to a county or from a  
33 county to the department during the previous year as  
34 recalculated pursuant to section ~~307A.2, subsection 14A~~  
35 307.22, subsection 8.

1 Sec. 7. Section 309.57, unnumbered paragraph 5, Code 2001,  
2 is amended to read as follows:

3 A road with an area service "C" classification shall retain  
4 the classification until such time as a petition for  
5 reclassification is submitted to the board of supervisors.  
6 The petition shall be signed by one or more adjoining  
7 landowners. The board of supervisors shall approve or deny  
8 the request for reclassification within sixty days of receipt  
9 of the petition.

10 Sec. 8. NEW SECTION. 312.3B IOWA COUNTY ENGINEERS  
11 ASSOCIATION SERVICE BUREAU SUPPORT FUND.

12 Prior to the allocation to the counties under section  
13 312.3, subsection 1, the department is authorized to set aside  
14 each year twenty-five hundredths of one percent from the  
15 secondary road fund for deposit in a fund to be known as the  
16 Iowa county engineers association service bureau support fund.  
17 The Iowa county engineers association service bureau support  
18 fund shall be used by the department solely for the purpose of  
19 supporting the Iowa county engineers association service  
20 bureau. Unobligated funds remaining in the Iowa county  
21 engineers association service bureau support fund on June 30  
22 of the fiscal year shall revert to the secondary road fund.  
23 On or before January 31 of each year, the Iowa county  
24 engineers association service bureau shall file a report with  
25 the governor, state transportation commission, county  
26 engineers, chief clerk of the house of representatives, and  
27 secretary of the senate showing the activity accomplished  
28 under this section.

29 Sec. 9. NEW SECTION. 312.3C SECONDARY ROAD FUND  
30 DISTRIBUTION ADVISORY COMMITTEE.

31 A secondary road fund distribution advisory committee is  
32 established to consider methodologies for distribution of  
33 moneys in the secondary road fund and farm-to-market road  
34 fund. The committee shall be comprised of representatives  
35 appointed by the president of the Iowa county engineers

1 association, the president of the Iowa county supervisors  
2 association, and the department. The committee shall  
3 recommend to the general assembly, for the general assembly's  
4 consideration and adoption, one or more alternative  
5 methodologies for distribution of moneys in the secondary road  
6 fund and the farm-to-market road fund.

7 Sec. 10. Section 312.5, subsection 4, unnumbered paragraph  
8 2, Code 2001, is amended to read as follows:

9 "Latest quadrennial need study report" includes the annual  
10 recalculation of construction and maintenance needs of roads  
11 whose jurisdiction has been transferred from the department to  
12 a county or from a county to the department during the prior  
13 year as recalculated pursuant to section 307A-2, ~~subsection~~  
14 ~~14A~~ 307.22, subsection 8.

15 Sec. 11. Section 314.8, Code 2001, is amended to read as  
16 follows:

17 314.8 GOVERNMENT MARKERS PRESERVED.

18 1. Whenever ~~If~~ it may-become ~~is~~ necessary in grading the  
19 highways a highway to make a cut which ~~that~~ will disturb, or  
20 fill which ~~that~~ will cover up, a government or other  
21 established corner or land monument, ~~it-shall-be-the-duty-of~~  
22 the engineer to ~~in charge of the project shall~~ establish  
23 permanent witness corners or monuments, and make a record of  
24 the same, ~~which-shall~~ ~~that~~ show the distance and direction the  
25 witness corner is from the corner disturbed or covered up.  
26 When said ~~the~~ construction work is completed the engineer  
27 shall permanently re-establish-said ~~reestablish~~ the corner or  
28 monument. ~~A-failure-to-perform-said-duties-shall-subject-the~~  
29 engineer-to-a-fine-of-not-less-than-ten-dollars-nor-more-than  
30 fifty-dollars-to-be-collected-on-the-engineer's-bond.

31 2. If the duties in subsection 1 are not performed, the  
32 agency in control of the highway on which a project described  
33 in subsection 1 has been or is being completed shall pay the  
34 costs of restoring the original position of the established  
35 corner or land monument.



1 as provided in sections 321.58 to 321.62. Additionally, a new  
2 car dealer or a used car dealer may operate or move upon the  
3 highways a new or used car or trailer owned by the dealer for  
4 either private or business purposes without registering it if  
5 the new or used car or trailer is in the dealer's inventory  
6 and is continuously offered for sale at retail, and there is  
7 displayed on it a special plate issued to the dealer as  
8 provided in sections 321.58 to 321.62.

9 2. In addition, while a service customer is having the  
10 customer's own vehicle serviced or repaired by the  
11 manufactured-home-retailer dealer, the service customer of the  
12 manufactured-home-retailer dealer may operate upon the  
13 highways a motor vehicle owned by the manufactured-home  
14 retailer dealer, except a motor truck or truck tractor, upon  
15 which there is displayed a special plate issued to the  
16 manufactured-home-retailer dealer, provided all of the  
17 requirements of this section are complied with.

18 4. The provisions of this section and sections 321.58 to  
19 321.62, shall not apply to any vehicles offered for hire, work  
20 or service vehicles owned by a transporter or manufactured  
21 home-retailer dealer.

22 Sec. 16. Section 321.58, Code Supplement 2001, is amended  
23 to read as follows:

24 321.58 APPLICATION.

25 All manufactured-home-retailers dealers, transporters, new  
26 motor vehicle wholesalers licensed under chapter 322, and  
27 manufactured home retailers licensed under chapter 322B, upon  
28 payment of a fee of seventy dollars for two years, one hundred  
29 forty dollars for four years, or two hundred ten dollars for  
30 six years, may make application to the department upon the  
31 appropriate form for a certificate containing a general  
32 distinguishing number and for one or more special plates as  
33 appropriate to various types of vehicles subject to  
34 registration. The applicant shall also submit proof of the  
35 applicant's status as a bona fide transporter, new motor

1 vehicle wholesaler licensed under chapter 322, manufactured  
2 home retailer licensed under chapter 322B, or manufactured  
3 ~~home-retailer~~ dealer, as reasonably required by the  
4 department. Dealers in new vehicles shall furnish  
5 satisfactory evidence of a valid franchise with the  
6 manufacturer of the vehicles authorizing the dealership.

7 Sec. 17. Section 321.69, subsection 7, Code 2001, is  
8 amended by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. In addition to the information  
10 required in subsection 2, a separate disclosure document shall  
11 state whether the vehicle's certificate of title indicates the  
12 existence of damage prior to the period of the transferor's  
13 ownership of the vehicle, and the amount of that damage if the  
14 transferor knows or reasonably should know of the prior  
15 damage, and whether the vehicle was titled as a salvage  
16 vehicle during the period of the transferor's ownership of the  
17 vehicle.

18 Sec. 18. Section 321.127, subsection 4, Code 2001, is  
19 amended to read as follows:

20 4. Refunds ~~and-credits~~ for motor vehicles registered for  
21 proportional registration under chapter 326 shall be paid or  
22 credited on the basis of unexpired complete calendar months  
23 remaining in the registration year from the date the claim or  
24 ~~application-is-filed-with~~ for refund, license plate, and  
25 registration receipt are received by the department.

26 Sec. 19. Section 321.182, subsections 1 and 3, Code  
27 Supplement 2001, are amended to read as follows:

28 1. a. Make application on a form provided by the  
29 department which shall include the applicant's full name,  
30 signature, current mailing address, current residential  
31 address, date of birth, social security number, and physical  
32 description including sex, height, and eye color. The  
33 application may contain other information the department may  
34 require by rule. Pursuant to procedures established by the  
35 department and for an applicant who is a foreign national

1 temporarily present in this state, the department may waive  
2 the requirement that the application include the applicant's  
3 social security number.

4 b. A licensee shall notify the department when the  
5 licensee's mailing address changes and provide the new address  
6 within thirty days of obtaining the new address. The  
7 application provided by the department shall include a  
8 statement for the applicant to sign that acknowledges the  
9 applicant's knowledge of the requirement to notify the  
10 department of a mailing address change. The penalty under  
11 section 321.482 shall not apply to a licensee's failure to  
12 notify the department of such an address change.

13 3. Certify that the applicant has no other driver's  
14 license and certify that the applicant is a resident of this  
15 state as provided in section 321.1A. However, certification  
16 of residency is not required for an applicant for a  
17 nonresident commercial driver's license who is a foreign  
18 national temporarily present in this state, as determined by  
19 the department.

20 Sec. 20. Section 321.190, subsection 1, paragraphs a and  
21 d, Code Supplement 2001, are amended to read as follows:

22 a. The department shall, upon application and payment of  
23 the required fee, issue to an applicant a nonoperator's  
24 identification card. To be valid the card shall bear a  
25 distinguishing number assigned to the card holder, the full  
26 name, date of birth, sex, residence address, a physical  
27 description and a colored photograph of the card holder, the  
28 usual signature of the card holder, and such other information  
29 as the department may require by rule. An applicant for a  
30 nonoperator's identification card shall apply for the card in  
31 the manner provided in section 321.182, subsections 1 through  
32 3. The card shall be issued to the applicant at the time of  
33 application pursuant to procedures established by rule.

34 d. The fee for a nonoperator's identification card shall  
35 be five dollars and the card shall be valid for a period of

1 ~~four~~ five years from the date of issuance. A nonoperator's  
2 identification card shall be issued without expiration to  
3 anyone age seventy or over. If an applicant for a  
4 nonoperator's identification card is a foreign national who is  
5 temporarily present in this state, the nonoperator's  
6 identification card shall be issued only for the length of  
7 time the foreign national is authorized to be present as  
8 determined by the department, not to exceed two years. No An  
9 issuance fee shall not be charged for a person whose driver's  
10 license or driving privilege has been suspended under section  
11 321.210, subsection 1, paragraph "c".

12 The nonoperator's identification card fees shall be  
13 transmitted by the department to the treasurer of state who  
14 shall credit the fees to the road use tax fund.

15 Sec. 21. Section 321.191, subsections 2 through 4, Code  
16 2001, are amended to read as follows:

17 2. NONCOMMERCIAL DRIVER'S LICENSES. The fee for a  
18 noncommercial driver's license, other than a class D driver's  
19 license or any type of instruction permit, ~~valid-for-two-years~~  
20 is eight four dollars per year of license validity.

21 3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial  
22 class D driver's license ~~valid-for-two-years~~ is sixteen eight  
23 dollars per year of license validity.

24 4. COMMERCIAL DRIVER'S LICENSES. ~~An-additional~~ The fee of  
25 ~~eight-dollars-is-required-to-issue~~ for a commercial driver's  
26 license, other than an instruction permit, ~~valid-for-two-years~~  
27 for the operation of a commercial motor vehicle is eight  
28 dollars per year of license validity.

29 Sec. 22. Section 321.191, subsection 7, Code 2001, is  
30 amended by striking the subsection.

31 Sec. 23. Section 321.191, subsection 8, Code 2001, is  
32 amended to read as follows:

33 8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.  
34 The fee for a double/triple trailer endorsement, tank vehicle  
35 endorsement, and hazardous materials endorsement is five

1 dollars for each endorsement. The fee for a passenger  
2 endorsement is ten dollars. The fee for removal of an air  
3 brake restriction on a commercial driver's license is ten  
4 dollars. Fees imposed under this subsection for endorsements  
5 or removal of restrictions are valid for the ~~length-of-the~~  
6 ~~time period of the license regardless-of-whether-the-license~~  
7 ~~is-issued-for-two-or-four-years~~. Upon renewal of a commercial  
8 driver's license ~~there-is~~ no fee is payable for retaining  
9 endorsements or the removal of the air brake restriction for  
10 those endorsements or restrictions which do not require the  
11 taking of either a knowledge or a driving skills test for  
12 renewal.

13 Sec. 24. Section 321.196, Code Supplement 2001, is amended  
14 to read as follows:

15 321.196 EXPIRATION OF LICENSE -- RENEWAL.

16 1. Except as otherwise provided, a driver's license, other  
17 than an instruction permit, chauffeur's instruction permit, or  
18 commercial driver's instruction permit issued under section  
19 321.180, expires, ~~at-the-option-of-the-applicant,~~ two-or-four  
20 five years from the licensee's birthday anniversary occurring  
21 in the year of issuance if the licensee is between the ages of  
22 seventeen years eleven months and seventy years on the date of  
23 issuance of the license. If the licensee is under the age of  
24 seventeen years eleven months or age seventy or over, the  
25 license is effective for a period of two years from the  
26 licensee's birthday anniversary occurring in the year of  
27 issuance. A licensee whose license is restricted due to  
28 vision or other physical deficiencies may be required to renew  
29 the license every two years. If a licensee is a foreign  
30 national who is temporarily present in this state, the license  
31 shall be issued only for the length of time the foreign  
32 national is authorized to be present as determined by the  
33 department, not to exceed two years.

34 2. Except as required in section 321.188, and except for a  
35 motorcycle instruction permit issued in accordance with

1 section 321.180 or 321.180B, a driver's license is renewable  
2 without written examination or penalty within a period of  
3 sixty days after its expiration date and without a driving  
4 test within a period of one year after its expiration date. A  
5 person shall not be considered to be driving with an invalid  
6 license during a period of sixty days following the license  
7 expiration date. However, for a license renewed within the  
8 sixty-day period, the date of issuance shall be considered to  
9 be the previous birthday anniversary on which it expired.  
10 ~~Applicants-whose-licenses-are-restricted-due-to-vision-or~~  
11 ~~other-physical-deficiencies-may-be-required-to-renew-their~~  
12 ~~licenses-every-two-years.~~

13 3. For the purposes of this section, the birthday  
14 anniversary of a person born on February 29 shall be deemed to  
15 occur on March 1.

16 4. The department in its discretion may authorize the  
17 renewal of a valid driver's license other than a commercial  
18 driver's license upon application without an examination  
19 provided that the applicant satisfactorily passes a vision  
20 test as prescribed by the department or files a vision report  
21 in accordance with section 321.186A which shows that the  
22 applicant's visual acuity level meets or exceeds those  
23 required by the department. An application for renewal of a  
24 driver's license shall include a statement for the applicant  
25 to sign that acknowledges the applicant's knowledge of the  
26 requirement to notify the department of a mailing address  
27 change under section 321.182, subsection 1.

28 5. Any A resident of Iowa holding a valid driver's license  
29 who is temporarily absent from the state, or incapacitated,  
30 may, at the time for renewal ~~for~~ of such license, apply to the  
31 department for a temporary extension of the license. The  
32 department upon receipt of the application shall, upon a  
33 showing of good cause, issue a temporary extension of the  
34 driver's license for a period not to exceed six months.

35 Sec. 25. Section 321.208, subsection 7, paragraphs a

1 through c, Code Supplement 2001, are amended to read as  
2 follows:

3 a. A person is disqualified from operating a commercial  
4 motor vehicle for sixty days if the person is convicted of a  
5 first railroad crossing at grade violation under section  
6 321.341 or 321.343 and the violation occurred while the person  
7 was operating a commercial motor vehicle.

8 b. A person is disqualified from operating a commercial  
9 motor vehicle for one hundred twenty days if the person is  
10 convicted of a second railroad crossing at grade violation  
11 under section 321.341 or 321.343, the violation occurred while  
12 the person was operating a commercial motor vehicle, and the  
13 violation occurred within three years after a first such  
14 violation.

15 c. A person is disqualified from operating a commercial  
16 motor vehicle for one year if the person is convicted of a  
17 third or subsequent railroad crossing at grade violation under  
18 section 321.341 or 321.343, the violation occurred while the  
19 person was operating a commercial motor vehicle, and the  
20 violation occurred within three years after a first such  
21 violation.

22 Sec. 26. NEW SECTION. 321.235A ELECTRIC PERSONAL  
23 ASSISTIVE MOBILITY DEVICES.

24 An electric personal assistive mobility device may be  
25 operated by a person at least sixteen years of age on  
26 sidewalks and bikeways in accordance with this section.

27 1. None of the following are required for operation of an  
28 electric personal assistive mobility device:

29 a. Licensure or registration of the electric personal  
30 assistive mobility device under this chapter.

31 b. Possession of a driver's license or permit by the  
32 operator of the electric personal assistive mobility device.

33 c. Proof of financial responsibility.

34 2. A person operating an electric personal assistive  
35 mobility device on a sidewalk or bikeway shall do all of the

1 following:

2 a. Yield the right-of-way to pedestrians and human-powered  
3 devices.

4 b. Give an audible signal before overtaking and passing a  
5 pedestrian or human-powered device.

6 3. A person shall not operate an electric personal  
7 assistive mobility device at the times specified in section  
8 321.384 unless the person or the electric personal assistive  
9 mobility device is equipped with a headlight visible from the  
10 front of the electric personal assistive mobility device and  
11 at least one red reflector visible from the rear of the  
12 electric personal assistive mobility device.

13 4. Violations of this section are punishable as a  
14 scheduled violation under section 805.8A, subsection 9A.

15 Sec. 27. Section 321.236, Code Supplement 2001, is amended  
16 by adding the following new subsection:

17 NEW SUBSECTION. 14. Regulating or prohibiting the  
18 operation of electric personal assistive mobility devices  
19 authorized pursuant to section 321.235A.

20 Sec. 28. Section 321.266, subsection 2, Code 2001, is  
21 amended to read as follows:

22 2. The driver of a vehicle involved in an accident  
23 resulting in injury to or death of any person, or total  
24 property damage to an apparent extent of one thousand dollars  
25 or more shall also, within seventy-two hours after the  
26 accident, forward a written report of the accident to the  
27 department. However, such report is not required when the  
28 accident is investigated by a law enforcement agency.

29 Sec. 29. Section 321.463, subsection 5, paragraph c, Code  
30 Supplement 2001, is amended by adding the following new  
31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of  
33 this section to the contrary, the maximum gross weight allowed  
34 to be carried on a noninterstate highway by a livestock  
35 vehicle with five axles, a minimum distance in feet of sixty-

1 one feet, and a minimum width between the two rear axles of at  
2 least eight feet and one inch is eighty-six thousand pounds.

3 Sec. 30. Section 321A.17, subsection 4, Code 2001, is  
4 amended by striking the subsection.

5 Sec. 31. Section 321A.17, Code 2001, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 9. This section does not apply to an  
8 individual whose privilege to operate a motor vehicle has been  
9 suspended or revoked when the period of suspension or  
10 revocation has ended and the individual provides evidence  
11 satisfactory to the department that the individual has  
12 established residency in another state. The individual may  
13 not apply for an Iowa driver's license for two years from the  
14 effective date of the person's last suspension or revocation  
15 unless proof of financial responsibility is filed with the  
16 department, as required by this section.

17 Sec. 32. Section 321E.8, Code Supplement 2001, is amended  
18 to read as follows:

19 321E.8 ANNUAL PERMITS.

20 Subject to the discretion and judgment provided for in  
21 section 321E.1, annual permits shall be issued in accordance  
22 with the following provisions:

23 1. ~~Vehicles with indivisible loads, having an overall~~  
24 ~~width not to exceed twelve feet five inches~~ or mobile homes  
25 including appurtenances, having an overall width not to exceed  
26 twelve sixteen feet five zero inches, and an overall length  
27 not to exceed seventy-five one hundred twenty feet zero  
28 inches, an overall height not to exceed fifteen feet five  
29 inches, and a total gross weight not to exceed eighty thousand  
30 pounds, ~~may be moved for unlimited distances. The vehicle and~~  
31 ~~load shall not exceed the height of thirteen feet ten inches~~  
32 ~~and the total gross weight as prescribed in section 321.463.~~  
33 as follows:

34 a. Vehicles with indivisible loads, or mobile homes  
35 including appurtenances, having an overall width not to exceed

1 twelve feet five inches, an overall length not to exceed one  
2 hundred twenty feet zero inches, and an overall height not to  
3 exceed thirteen feet ten inches may be moved for unlimited  
4 distances without route approval from the permitting  
5 authority.

6 b. Vehicles with indivisible loads, or mobile homes  
7 including appurtenances, having an overall width not to exceed  
8 fourteen feet six inches, an overall length not to exceed one  
9 hundred twenty feet zero inches, and an overall height not to  
10 exceed fifteen feet five inches may be moved on the interstate  
11 highway system and primary highways with more than one lane  
12 traveling in each direction for unlimited distances and no  
13 more than fifty miles from the point of origin on all other  
14 highways without route approval from the permit issuing  
15 authority.

16 c. All other vehicles with indivisible loads operating  
17 under this subsection shall obtain route approval from the  
18 permitting authority.

19 d. Vehicles with indivisible loads may operate under an  
20 all systems permit in compliance with paragraph "a", "b", or  
21 "c".

22 2. Vehicles with indivisible loads, having-an-overall  
23 width-not-to-exceed-thirteen-feet-five-inches or mobile homes,  
24 including appurtenances, having an overall width not to exceed  
25 thirteen feet five inches and an overall length not to exceed  
26 one hundred twenty feet zero inches may be moved on highways  
27 specified by the permitting authority for unlimited distances  
28 if the height of the vehicle and load does not exceed fifteen  
29 feet five inches and the total gross weight of the vehicle  
30 does not exceed one hundred ~~thirty-six~~ fifty-six thousand  
31 pounds. The vehicle owner or operator shall verify with the  
32 permitting authority prior to movement of the load that  
33 highway conditions have not changed so as to prohibit movement  
34 of the vehicle. Any cost to repair damage to highways or  
35 highway structures shall be borne by the owner or operator of

1 the vehicle causing the damage. Permitted vehicles under this  
2 subsection shall not be allowed to travel on any portion of  
3 the interstate highway system. Vehicles with indivisible  
4 loads operating under the permit provisions of this subsection  
5 may operate under the permit provisions of subsection 1  
6 provided the vehicle and load comply with the limitations  
7 described in subsection 1.

8 ~~3.--Vehicles-with-indivisible-loads,-including-mobile-homes~~  
9 ~~and-factory-built-structures,-having-an-overall-width-not-to~~  
10 ~~exceed-sixteen-feet-zero-inches-and-an-overall-length-not-to~~  
11 ~~exceed-one-hundred-twenty-feet-zero-inches-may-be-moved-under~~  
12 ~~an-annual-or-all-systems-permit-and-must-have-a-route~~  
13 ~~specified-by-the-issuing-authority-prior-to-the-movement.~~  
14 ~~However,-vehicles-with-indivisible-loads,-including-mobile~~  
15 ~~homes-and-factory-built-structures,-with-an-overall-width-not~~  
16 ~~exceeding-fourteen-feet-six-inches-may-exceed-fifty-miles~~  
17 ~~under-an-annual-and-all-systems-permit-when-prior-approval-for~~  
18 ~~trip-routing-is-obtained-from-the-issuing-authority.--A~~  
19 ~~vehicle-and-load-being-moved-according-to-this-paragraph-shall~~  
20 ~~not-exceed-fifteen-feet-five-inches-in-height-and-shall-not~~  
21 ~~exceed-the-total-gross-weight-as-prescribed-in-section~~  
22 ~~321.463.~~

23 Sec. 33. Section 321E.14, Code Supplement 2001, is amended  
24 to read as follows:

25 321E.14 FEES FOR PERMITS.

26 The department or local authorities issuing permits shall  
27 charge a fee of twenty-five dollars for an annual permit  
28 issued under section 321E.8, subsection 1 or-3, a fee of three  
29 hundred dollars for an annual permit issued under section  
30 321E.8, subsection 2, a fee of two hundred dollars for a  
31 multi-trip permit, and a fee of ten dollars for a single-trip  
32 permit, and shall determine charges for special permits issued  
33 pursuant to section 321E.29 by rules adopted pursuant to  
34 chapter 17A. Fees for the movement of buildings, parts of  
35 buildings, or unusual vehicles or loads may be increased to

1 cover the costs of inspections by the issuing authority. A  
2 fee not to exceed two hundred fifty dollars per day or a  
3 prorated fraction of that fee per person and car for escort  
4 service may be charged when requested or when required under  
5 this chapter. Proration of escort fees between state and  
6 local authorities when more than one governmental authority  
7 provides or is required to provide escort for a movement  
8 during the period of a day shall be determined by rule under  
9 section 321E.15. The department and local authorities may  
10 charge a permit applicant for the cost of trimming trees and  
11 removal and replacement of natural obstructions or official  
12 signs and signals or other public or private property required  
13 to be removed during the movement of a vehicle and load. In  
14 addition to the fees provided in this section, the annual fee  
15 for a permit for special mobile equipment, as defined in  
16 section 321.1, subsection 75, operated pursuant to section  
17 321E.7, subsection 2, with a combined gross weight up to and  
18 including eighty thousand pounds shall be twenty-five dollars  
19 and for a combined gross weight exceeding eighty thousand  
20 pounds, fifty dollars.

21 The annual fee for an all-system permit is one hundred  
22 twenty dollars which shall be deposited in the road use tax  
23 fund.

24 Sec. 34. Section 322.5, subsection 5, Code Supplement  
25 2001, is amended by adding the following new unnumbered  
26 paragraph:

27 NEW UNNUMBERED PARAGRAPH. A temporary permit shall not be  
28 issued under this subsection to a nonresident manufacturer,  
29 distributor, or dealer unless the state in which the  
30 nonresident manufacturer, distributor, or dealer is licensed  
31 extends by reciprocity similar privileges to a manufacturer,  
32 distributor, or dealer licensed by this state.

33 Sec. 35. Section 322A.12, Code 2001, is amended to read as  
34 follows:

35 322A.12 SALE OR TRANSFER OF OWNERSHIP.

1 1. Notwithstanding the terms, provisions, or conditions of  
2 any an agreement or franchise, subject to the provisions of  
3 ~~subsection-2-of~~ section 322A.11, subsection 2, in the event of  
4 the sale or transfer of ownership of the a franchisee's  
5 dealership by sale or transfer of the business or by stock  
6 transfer or in the event of a change in the executive  
7 management of the a franchisee's dealership, the franchiser  
8 shall give effect to ~~such-a~~ the change in the franchise unless  
9 the transfer of the franchisee's license under chapter 322 is  
10 denied or the new owner is unable to obtain a license under  
11 ~~said that~~ chapter, -as-the-case-may-be.

12 2. Notwithstanding the terms, provisions, or conditions of  
13 an agreement or franchise, the sale or transfer, or the  
14 proposed sale or transfer, of a franchisee's dealership, or  
15 the change or proposed change in the executive management of a  
16 franchisee's dealership shall not make applicable any right of  
17 first refusal of the franchiser.

18 Sec. 36. Section 326.10A, Code 2001, is amended to read as  
19 follows:

20 326.10A PAYMENT BY CHECK.

21 The department shall accept payment of fees under this  
22 chapter by personal or corporate check. The fee shall be  
23 deemed to have been paid upon receipt of the check. ~~However,~~  
24 ~~the department shall not issue plates, stickers or other~~  
25 ~~identification of vehicles subject to proportional~~  
26 ~~registration until sufficient time has elapsed to ensure that~~  
27 ~~payment of the check has cleared the bank upon which it is~~  
28 ~~drawn.~~ If the check is not honored, all fees and penalties  
29 shall accumulate as if the fee was not paid. After  
30 appropriate warning from the department, the registration  
31 account shall be suspended, collection pursued, and the  
32 delinquent registration fees shall become a debt due the state  
33 of Iowa. After a dishonored check has been received from an  
34 applicant, payments submitted by the applicant during the  
35 following year must be made with guaranteed funds.

1 Sec. 37. Section 326.11, unnumbered paragraph 1, Code  
2 2001, is amended to read as follows:

3 Vehicles acquired by a fleet owner after the commencement  
4 of the registration year and subsequently added to the fleet  
5 shall be prorated by applying the mileage percentage used in  
6 the original application for such fleet for such registration  
7 period to registration fees due under chapter 321 ~~but-in-no~~  
8 ~~case-less-than-that-required-by-section-326-10.~~ A  
9 ~~supplemental-report~~ An application for registration shall be  
10 filed with the department ~~not-later-than-ten-days-after-such~~  
11 ~~addition-to-the-fleet~~ pursuant to the provisions of chapter  
12 321.

13 Sec. 38. Section 326.12, Code 2001, is amended to read as  
14 follows:

15 326.12 VEHICLES DELETED -- REGISTRATION TRANSFERRED.

16 Fleet owners who delete commercial vehicles displaying Iowa  
17 base plates from the fleet after the commencement of the  
18 registration year shall be allowed to transfer registration  
19 credit to a replacement vehicle in accordance with the  
20 ~~provisions-of~~ this section. Iowa shall allow credit for non-  
21 Iowa based deleted vehicles only if the state designated by  
22 the fleet owner as the base state of the deleted vehicle  
23 permits transfer of registration credit to the replacement  
24 vehicle. ~~The-fleet-owner-shall-notify-the-department-not~~  
25 ~~later-than-ten-days-after-such-deletion-and-replacement.~~  
26 Allowance of credit for deleted vehicles shall be subject to  
27 the following conditions:

28 1. ~~No-additional-registration-fee-shall-be-assessed-on-a~~  
29 ~~replacement-vehicle-upon-which-the-registration-fee-would-have~~  
30 ~~been-the-same-as-that-for-the-deleted-vehicle.~~ The fee for  
31 reissuance or registration credentials or for transfer of  
32 credentials shall be seven dollars.

33 2. No deletion shall be made nor credit allowed toward  
34 registration of a replacement vehicle unless the vehicle to be  
35 removed from service has been sold, junked, repossessed,

1 foreclosed by mechanic's lien, title transferred by operation  
2 of law, or cancellation or expiration of a lease arrangement.  
3 The deleted vehicle shall have been disposed of on or before  
4 the date the replacement vehicle was acquired or in the  
5 possession of the applicant.

6 3. If a leased vehicle is to be deleted from the fleet and  
7 unexpired registration fees applied to the replacement  
8 vehicle, the lessee shall ~~certify to the department that~~  
9 refund any unexpired registration fees paid by the lessor to  
10 the lessee have been refunded to the lessor prior to the date  
11 of the supplemental application requesting credit for  
12 registration fees paid on the deleted vehicle on the  
13 transferred vehicle.

14 4. Credit shall be given for unexpired months.

15 5. The registration of the vehicle being added to the  
16 fleet is not delinquent under chapter 321.

17 Sec. 39. Section 326.14, Code 2001, is amended to read as  
18 follows:

19 326.14 PLATES AND RECEIPTS -- REGISTRATION PERIOD AND  
20 RENEWAL -- PENALTY.

21 1. The department shall issue a single registration plates  
22 plate and receipts registration receipt for each vehicle  
23 pursuant to apportionment agreements or arrangements  
24 provisions authorized under this chapter. The registration  
25 period for a vehicle registered pursuant to this chapter is  
26 from January 1 through December 31 of each year.

27 2. An application for renewal of registration shall be  
28 postmarked or received in the office of motor carrier services  
29 of the department no later than January 31. A five percent  
30 late filing penalty shall be assessed to an application for  
31 renewal postmarked or received on or after February 1, with an  
32 additional five percent penalty assessed the first of each  
33 month thereafter until the application is filed. The  
34 enforcement deadline for failure to display a registration  
35 plate and registration is March 15 at 12:01 a.m.

1 Sec. 40. Section 326.15, subsection 2, Code 2001, is  
2 amended to read as follows:

3 2. If the motor vehicle is removed from the apportioned  
4 fleet, the owner in whose name the motor vehicle was  
5 registered shall return the ~~plates~~ registration plate and  
6 registration receipt to the department and make a claim for  
7 refund. A refund shall not be allowed without documentation  
8 of the subsequent registration of the motor vehicle.

9 Sec. 41. Section 326.15, subsection 4, Code 2001, is  
10 amended by striking the subsection.

11 Sec. 42. Section 326.15, subsection 5, Code 2001, is  
12 amended to read as follows:

13 ~~5-~~ 4. If as a result of an audit the motor vehicle  
14 registration fees are found to have been paid in error, a  
15 ~~claim-for-refund-shall-be-filed-with-satisfactory-evidence-of~~  
16 ~~the-error~~ the applicant shall be entitled to a refund.

17 Sec. 43. Section 326.15, unnumbered paragraph 4, Code  
18 2001, is amended to read as follows:

19 Refunds of proportional registration fees shall be paid on  
20 the basis of unexpired complete calendar months remaining from  
21 the date the claim ~~is-filed-with~~ for refund, the registration  
22 plate, and the registration receipt are postmarked or received  
23 by the department. Refunds for trailers and semitrailers  
24 issued a multiyear registration plate shall be paid on the  
25 basis of unexpired complete registration years remaining from  
26 the date the claim is filed.

27 Sec. 44. Section 326.16, Code 2001, is amended to read as  
28 follows:

29 326.16 DELINQUENT FEES.

30 1. If the fees for such proportional registration are not  
31 paid to each contracting jurisdiction entitled thereto on the  
32 basis of the proportional registration application and  
33 supporting documents filed with the department by the fleet  
34 owner within a reasonable amount of time as determined by the  
35 department, the department shall ~~redetermine-fees-due-this~~

1 state calculate late payment penalties. The fleet owner shall  
2 be notified by regular mail that fees and penalties are due  
3 and must be paid within thirty days of the invoice date. If  
4 any-additional fees due-this-state-are-not-paid-by and  
5 penalties are not received, the fleet owner within-twenty-days  
6 after-the-mailing-to-the-owner-of-a-notice shall be notified  
7 by certified mail of-the-additional-fees-due7-such that the  
8 owner's registration in-this-state-shall-be-canceled has been  
9 suspended.

10 2. A five percent late payment penalty shall be assessed  
11 if an invoice is not paid within thirty days of the invoice  
12 date or within thirty days of January 31 of the registration  
13 year, whichever is later, with an additional five percent  
14 penalty assessed the first of each month thereafter until all  
15 fees and penalties are paid. In addition, the fees due for  
16 registration in this state shall be a debt due to the state of  
17 Iowa.

18 Sec. 45. Section 326.19, Code 2001, is amended to read as  
19 follows:

20 326.19 RECORDS PRESERVED.

21 Any-owner-complying-with-and-granted-proportional  
22 registration-privileges-shall-preserve-the-records-upon-which  
23 applications-are-made-for-a-period-of-four-full-years  
24 following-the-year-for-which-the-application-was-made. A  
25 registrant whose application for apportioned registration has  
26 been accepted shall preserve the records upon which the  
27 registration is based for a period of three years after the  
28 close of the registration year. Upon request of the  
29 department, all fleet owners shall make all such records  
30 available to the department at-the-office-of-the-director for  
31 audit as to accuracy of computation and payment. If-the-owner  
32 does-not-produce-such-records-when-so-requested, the-owner  
33 shall-pay-the-costs-of-an-audit-by-a-duly-appointed  
34 representative-of-the-department-at-the-home-office-of-the  
35 owner. An audit shall be conducted at the office of the

1 registrant during normal business hours. However, if  
2 circumstances dictate, the registrant may be required to  
3 present the records at the office of motor carrier services of  
4 the department. If the registrant's operational records are  
5 not located in the base state and it is necessary for the base  
6 state to send auditors to the location where the records are  
7 normally kept, the base state may require the registrant to  
8 reimburse the per diem and travel expenses incurred by the  
9 auditors in performing the audit. The department may enter  
10 into agreements with authorized agencies or other contracting  
11 states jurisdictions for joint audits of any such-owner  
12 registrant.

13     Sec. 46. Section 326.22, Code Supplement 2001, is amended  
14 to read as follows:

15     326.22 OPERATIONAL LAWS OF IOWA APPLICABLE.

16     A nonresident registered vehicle is subject to all laws and  
17 rules governing the operation of such vehicle on the highways  
18 of this state. The registration number plates, stickers, or  
19 other identification assigned and furnished to any vehicle for  
20 the current registration year by the state in which the  
21 vehicle is registered shall be displayed on the vehicle  
22 substantially as provided in chapter 321 for vehicles  
23 registered pursuant to the provisions of this chapter. In  
24 addition, a fee set by the department to cover actual cost  
25 shall be charged for each plate, sticker, or other  
26 identification furnished for each vehicle registered in  
27 accordance with the provisions of this section or extended  
28 reciprocity in accordance with the provisions of this section.  
29 A charge shall not be made for the initial registration  
30 receipt ~~or-cab-card~~ issued for each vehicle registered  
31 pursuant to an apportionment registration agreement. A fee  
32 set by the department to cover actual costs shall be charged  
33 for issuance of duplicate plates, stickers, or other required  
34 identification required, duplicate or registration receipts,  
35 and-duplicate-cab-cards.

1 Sec. 47. Section 326.23, subsection 2, Code Supplement  
2 2001, is amended to read as follows:

3 2. The department may enter into agreements with owners  
4 and operators of truck stops to permit the owners and  
5 operators of truck stops to issue trip permits subject to any  
6 conditions imposed by the department. In addition to the trip  
7 permit fee, the owner or operator of a truck stop may charge  
8 an issuance fee ~~of not more than one dollar~~ which shall be  
9 disclosed to the purchaser. For the purposes of this section,  
10 "truck stop" means any place of business which sells fuel  
11 normally used by trucks and which is open twenty-four hours  
12 per day.

13 Sec. 48. Section 326.31, Code 2001, is amended to read as  
14 follows:

15 326.31 FILING INCORRECT INFORMATION -- EFFECT.

16 Whenever if the director has reason to believe that a fleet  
17 owner has filed incorrect information with the department or  
18 ~~the department of revenue and finance~~, for the purpose of  
19 reducing the fleet owner's obligation for registration fees or  
20 fuel taxes, the director may ~~cancel~~ revoke the apportioned  
21 registration privileges on all of the vehicles owned by such  
22 the person. Any A person who has such privileges ~~canceled~~  
23 revoked shall be ~~subject to the payment of the full annual~~  
24 registration fee for all vehicles operated on the highways of  
25 this state required to register all of the vehicles owned by  
26 the person with the appropriate county treasurer for a period  
27 of ~~at least~~ no less than one year and no more than five years  
28 thereafter. ~~The director of revenue and finance shall co-~~  
29 operate with the department may use all reports pertaining to  
30 the registration fees and motor fuel taxes in ascertaining the  
31 accuracy of ~~all~~ reports filed pertaining to registration fees  
32 and motor fuel taxes.

33 Any A person whose privileges are ~~canceled~~ revoked may  
34 request an administrative hearing of said action ~~before the~~  
35 ~~department of inspections and appeals~~ in accordance with

1 chapter 17A, and during the period pending the hearing the  
2 apportioned registration privileges shall be reinstated if the  
3 fleet owner posts security with the department of  
4 transportation in an amount sufficient to pay such the full  
5 annual fees if an adverse decision is rendered at the hearing.  
6 At such hearing the fleet owner shall have the burden of proof  
7 as to the accuracy of any report filed by the fleet owner with  
8 the department of-transportation-or-the-department-of-revenue  
9 and-finance. Judicial review of any decision reached at the  
10 administrative hearing may be sought in accordance with the  
11 terms of the Iowa administrative procedure Act.

12 Sec. 49. Section 805.8A, Code Supplement 2001, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 9A. ELECTRIC PERSONAL ASSISTIVE MOBILITY  
15 DEVICE VIOLATIONS. For violations under section 321.235A, the  
16 scheduled fine is fifteen dollars.

17 Sec. 50. Sections 326.10 and 326.45, Code 2001, are  
18 repealed.

19 EXPLANATION

20 This bill makes several Code changes relating to highways  
21 and motor vehicles, including changes in the quadrennial need  
22 study of public roads in the state and in motor vehicle  
23 registration provisions.

24 Division I of the bill relates to highways. The bill  
25 amends a provision in Code section 6B.2A that exempts certain  
26 condemnations of property by the state department of  
27 transportation from the requirement that the department  
28 provide early notice to owners of agricultural land that may  
29 be the subject of condemnation. The bill exempts the  
30 department and counties from the early notice requirement in  
31 cases when the condemnation is for right-of-way that is  
32 contiguous to an existing road right-of-way and necessary for  
33 the upgrade of the existing road. "Upgrade" is defined by the  
34 bill to mean to bring a road or bridge up to currently  
35 acceptable standards. The bill also provides that the

1 director of transportation shall approve such condemnations.  
2 Currently, such exemption exists for the department for  
3 condemnation for right-of-way that is contiguous to an  
4 existing road right-of-way and necessary for the maintenance,  
5 safety improvement, or repair of the existing road. The bill  
6 also establishes a new rate for the calculation of interest  
7 that is based upon the treasury constant maturity index  
8 published by the federal reserve.

9 The bill amends provisions in Code chapters 307 and 307A  
10 relating to the duties of the state department of  
11 transportation and the state transportation commission by  
12 transferring certain duties relating to the assessment of road  
13 needs in the state from the commission to the department. The  
14 bill transfers the duties requiring a study of state park and  
15 institutional roads and requiring the annual recalculation of  
16 the construction and maintenance needs of county roads to the  
17 department. The bill also modifies the duty of the commission  
18 to conduct a comprehensive quadrennial need study of all roads  
19 and streets in the state to require the department to prepare,  
20 adopt, and publish the results of a study of secondary roads,  
21 and to report the results of the study to the general assembly  
22 by July 1, 2002, with the study results taking effect July 1,  
23 2003. The study is to be referred to as the "quadrennial need  
24 study". The results of the study, as modified by any annual  
25 updates, are used to determine a portion of the monthly  
26 apportionment of secondary road and farm-to-market moneys to  
27 counties. The bill also makes corresponding amendments to  
28 Code provisions cross-referencing the duties.

29 The bill amends Code section 309.57 to provide that a  
30 petition for reclassification of a road with an area service  
31 "C" classification may be signed by one or more adjoining  
32 landowners rather than all adjoining landowners.

33 The bill creates new Code section 312.3B providing for an  
34 Iowa county engineers association service bureau support fund.  
35 The bill authorizes the department to annually set aside a

1 portion of the moneys in the secondary road fund for  
2 supporting the Iowa county engineers association service  
3 bureau. The bureau is required to report to the governor,  
4 state transportation commission, county engineers, chief clerk  
5 of the house of representatives, and secretary of the senate  
6 regarding the activities accomplished with funds received from  
7 the secondary road fund.

8 The bill also creates new Code section 312.3C establishing  
9 a secondary road fund distribution advisory committee. The  
10 committee is to be comprised of representatives appointed by  
11 the president of the Iowa county engineers association, the  
12 president of the Iowa county supervisors association, and the  
13 department, and is to consider methodologies for distribution  
14 of moneys in the secondary road fund and the farm-to-market  
15 road fund and to make recommendations to the general assembly.

16 The provisions of the bill relating to assessment of road  
17 needs in the state, the Iowa county engineers association  
18 service bureau support fund, and the secondary road fund  
19 distribution advisory committee are effective upon enactment.

20 The bill amends Code section 314.8 to require the agency in  
21 control of a highway to pay the costs of restoring the  
22 original position of a government or other established corner  
23 or land monument if the engineer in charge of the project that  
24 caused the corner or monument to be disturbed or covered up  
25 failed to establish permanent witness corners or monuments and  
26 reestablish the corner or monument. The bill also eliminates  
27 a provision subjecting the engineer to a fine of not less than  
28 \$10 nor more than \$50 for not establishing permanent corners  
29 or monuments.

30 Division II of the bill relates to motor vehicles. The  
31 bill provides for the operation of motorized bicycles  
32 (commonly referred to as mopeds) at a maximum of 30 rather  
33 than 25 miles per hour.

34 The bill also amends Code sections 321.57 and 321.58 to  
35 correct language that was amended by 2001 Iowa Acts, chapter

1 153, section 18. That provision changed terminology in Code  
2 sections 321.57 and 321.58 from "mobile home dealer" or  
3 "dealer" to "manufactured home retailer". The bill changes  
4 some of these references back to "dealer", as defined in Code  
5 chapter 321, to allow dealers other than manufactured home  
6 retailers to operate under special plates.

7 The bill amends Code section 321.69, relating to damage  
8 disclosure statements, to require a damage disclosure  
9 statement for a motor vehicle that is separate from the title  
10 to the vehicle to state whether the title indicates damage  
11 prior to the transferor's ownership of the vehicle and whether  
12 the vehicle was titled as a salvage vehicle during the  
13 transferor's ownership of the vehicle.

14 The bill amends Code section 321.182 to require a driver's  
15 license or nonoperator's identification card applicant, who is  
16 not a foreign national applying for a nonresident commercial  
17 driver's license, to certify that the applicant is a resident  
18 of Iowa. Code section 321.182 is also amended to exempt  
19 foreign nationals temporarily present in the United States  
20 from being required to include the person's social security  
21 number on an application for a driver's license or  
22 nonoperator's identification card.

23 The bill amends Code sections 321.190 and 321.196 to modify  
24 the time periods for which driver's licenses and nonoperator's  
25 identification cards are valid. The bill provides that  
26 driver's licenses and nonoperator's identification cards are  
27 valid for five years, except that licenses and cards issued to  
28 foreign nationals temporarily present in the United States  
29 shall only be issued for the length of time the foreign  
30 national is authorized to be present, not to exceed two years.  
31 In addition, the bill provides that a nonoperator's  
32 identification card shall be issued without expiration to a  
33 person 70 years of age or over.

34 The bill also amends Code section 321.191 to modify the  
35 fees for driver's licenses. The fee for a driver's license

1 shall be based on the number of years the license is valid --  
2 \$4 per year of license validity for a noncommercial driver's  
3 license, \$8 per year for a chauffeur's license, and \$8 per  
4 year for a commercial driver's license.

5 Code section 321.208 is amended to provide that a person is  
6 disqualified from operating a commercial motor vehicle for  
7 failure to obey the signal of a train, as required under Code  
8 section 321.341. The change is made to reflect federal  
9 regulations that require an operator of a commercial vehicle  
10 to be disqualified for railroad-grade crossing violations.

11 The bill provides for the operation of electric personal  
12 assistive mobility devices on sidewalks and bikeways. The  
13 bill defines an electric personal assistive mobility device as  
14 a self-balancing device powered by an electric propulsion  
15 system that averages 750 watts, has two nontandem wheels, and  
16 is designed to transport one person, with a maximum speed on a  
17 paved level surface of less than 20 miles per hour.

18 The bill provides that operation of an electric personal  
19 assistive mobility device does not require licensure or  
20 registration of the device, possession of a driver's license  
21 or permit by the operator of the device, or proof of financial  
22 responsibility.

23 The bill requires a person operating an electric personal  
24 assistive mobility device on a sidewalk or a bikeway to yield  
25 the right-of-way to pedestrians and human-powered devices and  
26 give an audible signal before overtaking and passing a  
27 pedestrian or human-powered device. The bill also prohibits a  
28 person from operating a personal assistive mobility device at  
29 night or during inclement weather unless the person or the  
30 electric personal assistive mobility device is equipped with a  
31 headlight visible from the front of the electric personal  
32 assistive mobility device and at least one red reflector  
33 visible from the rear of the electric personal assistive  
34 mobility device.

35 The bill provides that a violation of the bill's provisions

1 is a scheduled violation punishable by a fine of \$15.

2 The bill also provides that local authorities may regulate  
3 or prohibit the operation of electric personal assistive  
4 mobility devices.

5 The bill amends Code section 321.266 to eliminate the  
6 requirement that the driver of a vehicle involved in an  
7 accident resulting in personal injury or death, or \$1,000 or  
8 more of property damage, complete a written motor vehicle  
9 accident report if the accident is investigated by law  
10 enforcement.

11 Code section 321.463 is amended to provide that the maximum  
12 gross weight allowed to be carried on a noninterstate highway  
13 by a livestock vehicle with five axles, a minimum distance in  
14 feet between the centers of the extreme axles of any group of  
15 axles of 61 feet, and a minimum width between the two rear  
16 axles of eight feet one inch is 86,000 pounds.

17 The bill amends Code section 321A.17 to provide that a  
18 person whose driver's license has been suspended or revoked  
19 for certain serious traffic offenses is not required to file  
20 proof of financial responsibility with the state department of  
21 transportation if the person provides evidence satisfactory to  
22 the department that the person resides in another state. The  
23 bill also provides that the person may not apply for an Iowa  
24 driver's license for two years from the effective date of the  
25 person's last suspension or revocation unless proof of  
26 financial responsibility is filed with the department.

27 Code section 321E.8 is amended to revise the requirements  
28 for annual permits for oversize vehicles with indivisible  
29 loads and oversize mobile homes. The bill increases the  
30 allowed length for such vehicles that are self-routed from 75  
31 feet to 120 feet. The bill increases the ability of a motor  
32 carrier to self-route on interstates and multilaned primary  
33 highways beyond 50 miles from the point of origin if the  
34 vehicle is not more than 12 feet 5 inches wide, 13 feet 10  
35 inches high, 120 feet long, and 80,000 pounds. The bill

1 increases the weight that is allowed for a vehicle operating  
2 under an "annual with weight" permit from 136,000 to 156,000  
3 pounds. The bill also allows a vehicle with load operating  
4 under an "annual with weight" permit to operate under the  
5 conditions of a regular annual permit when the vehicle meets  
6 the size and weight limitations of the regular annual permit.

7 The bill amends Code section 322.5 to prohibit a  
8 nonresident motor vehicle manufacturer, distributor, or dealer  
9 from being issued a temporary permit for the display and  
10 offering for sale of certain vehicles at certain fairs, shows,  
11 and exhibitions if the state in which the manufacturer,  
12 distributor, or dealer is licensed extends similar privileges  
13 to Iowa licensees.

14 The bill also amends Code section 322A.12 to provide that  
15 the sale or transfer of a motor vehicle franchisee's  
16 dealership or the change in the executive management of a  
17 franchisee's dealership shall not make applicable any right of  
18 first refusal of the motor vehicle franchiser, notwithstanding  
19 the terms, provisions, or conditions of an agreement or  
20 franchise.

21 The bill makes several changes in the motor vehicle  
22 registration reciprocity provisions in Code chapter 326. The  
23 bill amends Code section 326.10A by adding a procedure for  
24 handling dishonored checks issued for payment of fees required  
25 under the chapter. The procedure includes the accumulation of  
26 fees and penalties, warning by the state department of  
27 transportation, suspension of the registration account, and  
28 pursuit of collection. The delinquent registration fees shall  
29 be a debt due the state and subsequent payments made by the  
30 applicant who issued the dishonored check must be made with  
31 guaranteed funds. The bill eliminates a provision requiring  
32 the department to hold plates and registrations until a check  
33 for payment of fees has cleared the bank.

34 The bill makes several changes in provisions governing the  
35 addition to and deletion of motor vehicles from a fleet of

1 motor vehicles proportionally registered in the state. The  
2 bill repeals Code section 326.10, eliminating the provision  
3 for a minimum registration fee. The bill amends Code section  
4 326.11 to provide that a fleet owner shall file an application  
5 for registration for a vehicle added to a fleet according to  
6 the registration provisions of Code chapter 321 rather than  
7 filing a supplemental report to the original application for  
8 registration of the fleet within 10 days after the addition.

9 Code section 326.12 is amended to eliminate the requirement  
10 that a fleet owner notify the state department of  
11 transportation within 10 days after the fleet owner deletes  
12 and replaces a vehicle in the fleet. The bill modifies some  
13 of the conditions for allowing credit for deleted vehicles.  
14 The bill eliminates the condition providing that no additional  
15 registration fee be assessed on a replacement vehicle upon  
16 which the registration fee would have been the same as that  
17 for the deleted vehicle. The bill requires a lessee to refund  
18 unexpired registration fees paid by the lessor to the lessee  
19 on the transferred vehicle instead of requiring the lessee to  
20 certify to the department that such fees have been refunded to  
21 the lessor prior to the date of the supplemental application  
22 requesting credit for registration fees paid on the deleted  
23 vehicle. The bill adds two other conditions requiring credit  
24 to be given for unexpired months and requiring that the  
25 registration of the vehicle being added to the fleet not be  
26 delinquent under Code chapter 321.

27 The bill amends Code section 326.14 to provide that a  
28 single registration plate and registration receipt is to be  
29 issued for each vehicle registered under the registration  
30 reciprocity chapter. The bill specifies that the registration  
31 period for such vehicles is January 1 through December 31.  
32 The bill requires an application for renewal of registration  
33 to be postmarked or received by the department no later than  
34 January 31. A 5 percent late filing penalty shall be assessed  
35 for each month the renewal application is late, beginning

1 February 1. The enforcement deadline for failure to display a  
2 registration plate and registration is March 15.

3 Code section 326.15 is amended to revise the procedures for  
4 paying refunds of proportional registration fees. The bill  
5 eliminates an outdated formula for refunding certain  
6 registration fees paid when the composite percentage  
7 apportioned by an owner on a fleet of vehicles based in Iowa  
8 to each of the jurisdictions with which Iowa has an  
9 apportionment agreement is in excess of 100 percent. The bill  
10 also provides that a refund of proportional registration fees  
11 shall be paid on the basis of unexpired complete months  
12 remaining from the date the claim for refund, the registration  
13 plate, and the registration receipt are postmarked or received  
14 by the department. Currently, such refunds are paid from the  
15 date the claim for refund is filed.

16 The bill amends Code section 326.16 to revise the  
17 procedures for collection of proportional registration fees  
18 and calculation of late payment penalties. The bill provides  
19 that a fleet owner shall be notified by regular mail rather  
20 than certified mail that fees and penalties are due and must  
21 be paid within 30 days of the invoice date. The bill also  
22 provides that a fleet owner shall be notified by certified  
23 mail that the owner's registration has been suspended if the  
24 owner has not paid any fees and penalties due. A 5 percent  
25 late payment penalty is to be assessed if an invoice is not  
26 paid by 30 days following the invoice date or January 31,  
27 whichever is later, with an additional 5 percent penalty  
28 assessed each month thereafter until all fees and penalties  
29 are paid.

30 Code section 326.19 is amended to require a registrant  
31 whose application for apportioned registration has been  
32 accepted to preserve the records upon which the registration  
33 is based for a period of three years after the close of the  
34 registration year rather than for a period of four full years  
35 following the year for which the application was made. The

1 bill modifies the procedures for auditing such records by  
2 providing that an audit is to be conducted at the registrant's  
3 office unless circumstances dictate that the registrant be  
4 required to bring the records to the department's office of  
5 motor carrier services. The bill also provides that if the  
6 registrant's operational records are located in another state  
7 and it is necessary for Iowa to send auditors to the other  
8 state, Iowa may require the registrant to reimburse the  
9 auditors' expenses. Currently, all fleet owners, upon request  
10 of the department, are required to make all records available  
11 to the department at the office of the director of  
12 transportation and if an owner fails to produce such records  
13 the owner must pay the costs of an audit at the home office of  
14 the owner.

15 The bill also makes technical corrections to Code sections  
16 321.127, 321.191, 321E.14, and 326.22.

17 The bill amends Code section 326.23 to eliminate the  
18 maximum issuance fee charged by a truck stop issuing trip  
19 permits for commercial vehicles, but requires truck stops to  
20 disclose the issuance fee for such permits to the purchasers  
21 of the permits.

22 Code section 326.31 is amended to provide that the director  
23 of transportation may revoke rather than cancel the  
24 apportioned registration privileges on all of the vehicles  
25 owned by a fleet owner who has filed incorrect information  
26 with the department for the purpose of reducing the fleet  
27 owner's obligation for registration fees or fuel taxes. The  
28 bill provides that a person who has such privileges revoked  
29 shall be required to register all vehicles owned by the person  
30 with the county treasurer for at least one year and no more  
31 than five years thereafter rather than be subject to the full  
32 annual registration fee for all vehicles operated on the  
33 highways of this state. The bill provides that a person whose  
34 privileges are revoked may request an administrative hearing  
35 in accordance with Code chapter 17A rather than before the

1 department of inspections and appeals. The bill also  
2 eliminates all references to any responsibilities of the  
3 department, and the director, of revenue and finance in Code  
4 section 326.31.

5 Code section 326.45 is also repealed. Currently, Code  
6 section 326.45 provides that the state department of  
7 transportation shall, upon receiving application for and  
8 payment of the registration fee and notification of title,  
9 issue registration identification to the applicant carrier and  
10 send the certificate of title to the vehicle owner or  
11 lienholder. Code section 326.45 also directs the department  
12 to adopt rules pursuant to Code chapter 17A to process  
13 registration of vehicles titled in other states.

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H-2/27/02 Transportation  
H-3/12/02 Do Pass

FILED FEB 14 2002

SENATE FILE 2192  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3122)

Passed Senate, Date <sup>(p. 432)</sup> 2/27/02 Passed House, Date 3-18-02  
Vote: Ayes 48 Nays 0 Vote: Ayes 90 Nays 0  
Approved April 4, 2002

*M. Panel 3/20/02*  
*vote 48-0*

**A BILL FOR**

1 An Act relating to highways and motor vehicles, including  
2 condemnation of property by the state department of  
3 transportation, registration, sale, and operation of certain  
4 vehicles, issuance of driver's licenses and nonoperator's  
5 identification cards, regulation of oversize vehicles, and  
6 vehicle manufacturers, distributors, and dealers, and  
7 providing penalties and effective dates.

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

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SF 2192

DIVISION I

HIGHWAYS

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2  
3 Section 1. Section 6B.2A, subsection 4, Code 2001, is  
4 amended to read as follows:

5 4. This section shall not apply to a condemnation of  
6 property by the state department of transportation or a county  
7 for right-of-way that is contiguous to an existing road right-  
8 of-way and necessary for the maintenance, safety improvement,  
9 or repair, or upgrade of the existing road. Notwithstanding  
10 section 6B.2C, a condemnation of property by the state  
11 department of transportation pursuant to this subsection shall  
12 be approved by the director of the department of  
13 transportation. For purposes of this subsection, "upgrade"  
14 means to bring a road or bridge up to currently acceptable  
15 standards, including improved geometrics, passing lanes,  
16 turning lanes, climbing lanes, and improved shoulders.  
17 "Upgrade" does not include expanding a highway from two lanes  
18 to four lanes.

19 Sec. 2. Section 6B.24, Code 2001, is amended to read as  
20 follows:

21 6B.24 REDUCTION OF DAMAGES -- INTEREST ON INCREASED AWARD.

22 If the amount of damages awarded by the commissioners is  
23 decreased on appeal, the reduced amount shall be paid to the  
24 landowner. If the amount of damages awarded by the  
25 commissioners is increased on appeal, interest shall be paid  
26 from the date of the condemnation. Interest shall not be paid  
27 on any amount which was previously paid. Interest shall be  
28 calculated at an annual rate equal to the ~~coupon-issue-yield~~  
29 ~~equivalent, as determined by the United States secretary of~~  
30 ~~the treasury, of the average accepted auction price for the~~  
31 ~~last auction of fifty-two week United States treasury bills~~  
32 treasury constant maturity index published by the federal  
33 reserve in the H15 Report settled immediately before the date  
34 of the award.

35 Sec. 3. Section 307.22, Code 2001, is amended by adding

1 the following new subsections:

2 NEW SUBSECTION. 6. Conduct a study of the road and bridge  
3 facilities in state parks, state institutions, state  
4 fairgrounds, and on community college property. The study  
5 shall evaluate the construction and maintenance needs and  
6 projected needs based upon estimated growth for each type of  
7 facility to provide a quadrennially updated standard upon  
8 which to allocate funds appropriated for the purposes of this  
9 subsection.

10 NEW SUBSECTION. 7. Prepare, adopt, and cause to be  
11 published the results of a study of secondary roads in the  
12 state. The study shall be designed to investigate present  
13 deficiencies and future twenty-year maintenance and  
14 construction needs of the roads. The study shall be referred  
15 to as the "quadrennial need study" for the purposes of this  
16 chapter, chapter 307A, and chapter 312. The department shall  
17 report the results of the study to the general assembly by  
18 July 1, 2002, and the study results shall take effect July 1,  
19 2003.

20 NEW SUBSECTION. 8. Annually recalculate the construction  
21 and maintenance needs of roads under the jurisdiction of each  
22 county to take into account the needs of a road whose  
23 jurisdiction has been transferred from the department to a  
24 county or from a county to the department during the previous  
25 year. The recalculation shall be reported by January 1 of the  
26 year following the transfer and shall take effect the  
27 following July 1 for the purposes of allocating moneys under  
28 sections 312.3 and 312.5.

29 Sec. 4. Section 307A.2, subsection 11, Code 2001, is  
30 amended to read as follows:

31 11. Construct, reconstruct, improve, and maintain state  
32 institutional roads and state park roads, which are part of  
33 the state park, state institution, and other state land road  
34 system as defined in section 306.3, and bridges on such roads,  
35 roads located on state fairgrounds as defined in chapter 173,

1 and the roads and bridges located on community college  
2 property as defined in chapter 260C, upon the request of the  
3 state board, department, or commission which has jurisdiction  
4 over such roads. This shall be done in such manner as may be  
5 agreed upon by the state transportation commission and the  
6 state board, department, or commission which has jurisdiction.  
7 The commission may contract with any county or municipality  
8 for the construction, reconstruction, improvement, or  
9 maintenance of such roads and bridges. Any state park road  
10 which is an extension of either a primary or secondary highway  
11 which both enters and exits from a state park at separate  
12 points shall be constructed, reconstructed, improved, and  
13 maintained as provided in section 306.4. Funds allocated from  
14 the road use tax fund for the purposes of this subsection  
15 shall be apportioned in the ratio that the needs of the state  
16 institutional roads and bridges, park roads and bridges, or  
17 community college roads and bridges bear to the total needs of  
18 these facilities based upon the most recent quadrennial park  
19 and institution need study. ~~The commission shall conduct a~~  
20 ~~study of the road and bridge facilities in state parks, state~~  
21 ~~institutions, state fairgrounds, and on community college~~  
22 ~~property. The study shall evaluate the construction and~~  
23 ~~maintenance needs and projected needs based upon estimated~~  
24 ~~growth for each type of facility to provide a quadrennially~~  
25 ~~updated standard upon which to allocate funds appropriated for~~  
26 ~~the purposes of this subsection.~~

27 Sec. 5. Section 307A.2, subsections 14 and 14A, Code 2001,  
28 are amended by striking the subsections.

29 Sec. 6. Section 312.3, subsection 1, unnumbered paragraph  
30 2, Code 2001, is amended to read as follows:

31 For the purposes of this subsection, "latest quadrennial  
32 need study report" includes the annual recalculation of  
33 construction and maintenance needs of roads whose jurisdiction  
34 has been transferred from the department to a county or from a  
35 county to the department during the previous year as

1 recalculated pursuant to section ~~307A-27-subsection-14A~~  
2 307.22, subsection 8.

3 Sec. 7. Section 309.57, unnumbered paragraph 5, Code 2001,  
4 is amended to read as follows:

5 A road with an area service "C" classification shall retain  
6 the classification until such time as a petition for  
7 reclassification is submitted to the board of supervisors.  
8 The petition shall be signed by one or more adjoining  
9 landowners. The board of supervisors shall approve or deny  
10 the request for reclassification within sixty days of receipt  
11 of the petition.

12 Sec. 8. NEW SECTION. 312.3B IOWA COUNTY ENGINEERS  
13 ASSOCIATION SERVICE BUREAU SUPPORT FUND.

14 Prior to the allocation to the counties under section  
15 312.3, subsection 1, the department is authorized to set aside  
16 each year twenty-five hundredths of one percent from the  
17 secondary road fund for deposit in a fund to be known as the  
18 Iowa county engineers association service bureau support fund.  
19 The Iowa county engineers association service bureau support  
20 fund shall be used by the department solely for the purpose of  
21 supporting the Iowa county engineers association service  
22 bureau. Unobligated funds remaining in the Iowa county  
23 engineers association service bureau support fund on June 30  
24 of the fiscal year shall revert to the secondary road fund.  
25 On or before January 31 of each year, the Iowa county  
26 engineers association service bureau shall file a report with  
27 the governor, state transportation commission, county  
28 engineers, chief clerk of the house of representatives, and  
29 secretary of the senate showing the activity accomplished  
30 under this section.

31 Sec. 9. NEW SECTION. 312.3C SECONDARY ROAD FUND  
32 DISTRIBUTION ADVISORY COMMITTEE.

33 A secondary road fund distribution advisory committee is  
34 established to consider methodologies for distribution of  
35 moneys in the secondary road fund and farm-to-market road

1 fund. The committee shall be comprised of representatives  
2 appointed by the president of the Iowa county engineers  
3 association, the president of the Iowa county supervisors  
4 association, and the department. The committee shall  
5 recommend to the general assembly, for the general assembly's  
6 consideration and adoption, one or more alternative  
7 methodologies for distribution of moneys in the secondary road  
8 fund and the farm-to-market road fund.

9 Sec. 10. Section 312.5, subsection 4, unnumbered paragraph  
10 2, Code 2001, is amended to read as follows:

11 "Latest quadrennial need study report" includes the annual  
12 recalculation of construction and maintenance needs of roads  
13 whose jurisdiction has been transferred from the department to  
14 a county or from a county to the department during the prior  
15 year as recalculated pursuant to section ~~307A-27-subsection~~  
16 ~~14A~~ 307.22, subsection 8.

17 Sec. 11. Section 314.8, Code 2001, is amended to read as  
18 follows:

19 314.8 GOVERNMENT MARKERS PRESERVED.

20 1. Whenever If it may-become is necessary in grading the  
21 highways a highway to make a cut which that will disturb, or  
22 fill which that will cover up, a government or other  
23 established corner or land monument, it-shall-be-the-duty-of  
24 the engineer to in charge of the project shall establish  
25 permanent witness corners or monuments, and make a record of  
26 the same, which-shall that show the distance and direction the  
27 witness corner is from the corner disturbed or covered up.  
28 When said the construction work is completed the engineer  
29 shall permanently re-establish-said reestablish the corner or  
30 monument. A-failure-to-perform-said-duties-shall-subject-the  
31 engineer-to-a-fine-of-not-less-than-ten-dollars-nor-more-than  
32 fifty-dollars-to-be-collected-on-the-engineer's-bond.

33 2. If the duties in subsection 1 are not performed, the  
34 agency in control of the highway on which a project described  
35 in subsection 1 has been or is being completed shall pay the

1 costs of restoring the original position of the established  
2 corner or land monument.

3 Sec. 12. EFFECTIVE DATE. The sections of this division of  
4 this Act amending sections 307.22, 307A.2, and 312.3, enacting  
5 sections 312.3B and 312.3C, and amending section 312.5, being  
6 deemed of immediate importance, take effect upon enactment.

7 DIVISION II

8 MOTOR VEHICLES

9 Sec. 13. Section 321.1, Code Supplement 2001, is amended  
10 by adding the following new subsection:

11 NEW SUBSECTION. 20B. "Electric personal assistive  
12 mobility device" means a self-balancing device powered by an  
13 electric propulsion system that averages seven hundred fifty  
14 watts, has two nontandem wheels, and is designed to transport  
15 one person, with a maximum speed on a paved level surface of  
16 less than twenty miles per hour. The maximum speed shall be  
17 calculated based on operation of the device by a person who  
18 weighs one hundred seventy pounds when the device is powered  
19 solely by the electric propulsion system.

20 Sec. 14. Section 321.1, subsection 40, paragraph b, Code  
21 Supplement 2001, is amended to read as follows:

22 b. "Motorized bicycle" or "motor bicycle" means a motor  
23 vehicle having a saddle or a seat for the use of a rider and  
24 designed to travel on not more than three wheels in contact  
25 with the ground, with an engine having a displacement no  
26 greater than fifty cubic centimeters and not capable of  
27 operating at a speed in excess of ~~twenty-five~~ thirty miles per  
28 hour on level ground unassisted by human power.

29 Sec. 15. Section 321.57, subsections 1, 2, and 4, Code  
30 Supplement 2001, are amended to read as follows:

31 1. A ~~manufactured-home-retailer~~ dealer owning any vehicle  
32 of a type otherwise required to be registered under this  
33 chapter may operate or move the vehicle upon the highways  
34 solely for purposes of transporting, testing, demonstrating,  
35 or selling the vehicle without registering the vehicle, upon

1 condition that the vehicle display in the manner prescribed in  
2 sections 321.37 and 321.38 a special plate issued to the owner  
3 as provided in sections 321.58 to 321.62. Additionally, a new  
4 car dealer or a used car dealer may operate or move upon the  
5 highways a new or used car or trailer owned by the dealer for  
6 either private or business purposes without registering it if  
7 the new or used car or trailer is in the dealer's inventory  
8 and is continuously offered for sale at retail, and there is  
9 displayed on it a special plate issued to the dealer as  
10 provided in sections 321.58 to 321.62.

11 2. In addition, while a service customer is having the  
12 customer's own vehicle serviced or repaired by the  
13 manufactured-home-retailer dealer, the service customer of the  
14 manufactured-home-retailer dealer may operate upon the  
15 highways a motor vehicle owned by the manufactured-home  
16 retailer dealer, except a motor truck or truck tractor, upon  
17 which there is displayed a special plate issued to the  
18 manufactured-home-retailer dealer, provided all of the  
19 requirements of this section are complied with.

20 4. The provisions of this section and sections 321.58 to  
21 321.62, shall not apply to any vehicles offered for hire, work  
22 or service vehicles owned by a transporter or manufactured  
23 home-retailer dealer.

24 Sec. 16. Section 321.58, Code Supplement 2001, is amended  
25 to read as follows:

26 321.58 APPLICATION.

27 All manufactured-home-retailers dealers, transporters, new  
28 motor vehicle wholesalers licensed under chapter 322, and  
29 manufactured home retailers licensed under chapter 322B, upon  
30 payment of a fee of seventy dollars for two years, one hundred  
31 forty dollars for four years, or two hundred ten dollars for  
32 six years, may make application to the department upon the  
33 appropriate form for a certificate containing a general  
34 distinguishing number and for one or more special plates as  
35 appropriate to various types of vehicles subject to

1 registration. The applicant shall also submit proof of the  
2 applicant's status as a bona fide transporter, new motor  
3 vehicle wholesaler licensed under chapter 322, manufactured  
4 home retailer licensed under chapter 322B, or ~~manufactured~~  
5 ~~home-retailer~~ dealer, as reasonably required by the  
6 department. Dealers in new vehicles shall furnish  
7 satisfactory evidence of a valid franchise with the  
8 manufacturer of the vehicles authorizing the dealership.

9 Sec. 17. Section 321.69, subsection 7, Code 2001, is  
10 amended by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. In addition to the information  
12 required in subsection 2, a separate disclosure document shall  
13 state whether the vehicle's certificate of title indicates the  
14 existence of damage prior to the period of the transferor's  
15 ownership of the vehicle, and the amount of that damage if the  
16 transferor knows or reasonably should know of the prior  
17 damage, and whether the vehicle was titled as a salvage  
18 vehicle during the period of the transferor's ownership of the  
19 vehicle.

20 Sec. 18. Section 321.127, subsection 4, Code 2001, is  
21 amended to read as follows:

22 4. Refunds ~~and-credits~~ for motor vehicles registered for  
23 proportional registration under chapter 326 shall be paid ~~or~~  
24 ~~credited~~ on the basis of unexpired complete calendar months  
25 remaining in the registration year from the date the claim ~~or~~  
26 ~~application-is-filed-with~~ for refund, license plate, and  
27 registration receipt are received by the department.

28 Sec. 19. Section 321.182, subsections 1 and 3, Code  
29 Supplement 2001, are amended to read as follows:

30 1. a. Make application on a form provided by the  
31 department which shall include the applicant's full name,  
32 signature, current mailing address, current residential  
33 address, date of birth, social security number, and physical  
34 description including sex, height, and eye color. The  
35 application may contain other information the department may

1 require by rule. Pursuant to procedures established by the  
2 department and for an applicant who is a foreign national  
3 temporarily present in this state, the department may waive  
4 the requirement that the application include the applicant's  
5 social security number.

6 b. A licensee shall notify the department when the  
7 licensee's mailing address changes and provide the new address  
8 within thirty days of obtaining the new address. The  
9 application provided by the department shall include a  
10 statement for the applicant to sign that acknowledges the  
11 applicant's knowledge of the requirement to notify the  
12 department of a mailing address change. The penalty under  
13 section 321.482 shall not apply to a licensee's failure to  
14 notify the department of such an address change.

15 3. Certify that the applicant has no other driver's  
16 license and certify that the applicant is a resident of this  
17 state as provided in section 321.1A. However, certification  
18 of residency is not required for an applicant for a  
19 nonresident commercial driver's license who is a foreign  
20 national temporarily present in this state, as determined by  
21 the department.

22 Sec. 20. Section 321.190, subsection 1, paragraphs a and  
23 d, Code Supplement 2001, are amended to read as follows:

24 a. The department shall, upon application and payment of  
25 the required fee, issue to an applicant a nonoperator's  
26 identification card. To be valid the card shall bear a  
27 distinguishing number assigned to the card holder, the full  
28 name, date of birth, sex, residence address, a physical  
29 description and a colored photograph of the card holder, the  
30 usual signature of the card holder, and such other information  
31 as the department may require by rule. An applicant for a  
32 nonoperator's identification card shall apply for the card in  
33 the manner provided in section 321.182, subsections 1 through  
34 3. The card shall be issued to the applicant at the time of  
35 application pursuant to procedures established by rule.

1 d. The fee for a nonoperator's identification card shall  
2 be five dollars and the card shall be valid for a period of  
3 ~~four~~ five years from the date of issuance. A nonoperator's  
4 identification card shall be issued without expiration to  
5 anyone age seventy or over. If an applicant for a  
6 nonoperator's identification card is a foreign national who is  
7 temporarily present in this state, the nonoperator's  
8 identification card shall be issued only for the length of  
9 time the foreign national is authorized to be present as  
10 determined by the department, not to exceed two years. No An  
11 issuance fee shall not be charged for a person whose driver's  
12 license or driving privilege has been suspended under section  
13 321.210, subsection 1, paragraph "c".

14 The nonoperator's identification card fees shall be  
15 transmitted by the department to the treasurer of state who  
16 shall credit the fees to the road use tax fund.

17 Sec. 21. Section 321.191, subsections 2 through 4, Code  
18 2001, are amended to read as follows:

19 2. NONCOMMERCIAL DRIVER'S LICENSES. The fee for a  
20 noncommercial driver's license, other than a class D driver's  
21 license or any type of instruction permit, ~~valid-for-two-years~~  
22 is eight four dollars per year of license validity.

23 3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial  
24 class D driver's license ~~valid-for-two-years~~ is sixteen eight  
25 dollars per year of license validity.

26 4. COMMERCIAL DRIVER'S LICENSES. ~~An-additional~~ The fee of  
27 ~~eight-dollars-is-required-to-issue~~ for a commercial driver's  
28 license, other than an instruction permit, valid-for-two-years  
29 for the operation of a commercial motor vehicle is eight  
30 dollars per year of license validity.

31 Sec. 22. Section 321.191, subsection 7, Code 2001, is  
32 amended by striking the subsection.

33 Sec. 23. Section 321.191, subsection 8, Code 2001, is  
34 amended to read as follows:

35 8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.

1 The fee for a double/triple trailer endorsement, tank vehicle  
2 endorsement, and hazardous materials endorsement is five  
3 dollars for each endorsement. The fee for a passenger  
4 endorsement is ten dollars. The fee for removal of an air  
5 brake restriction on a commercial driver's license is ten  
6 dollars. Fees imposed under this subsection for endorsements  
7 or removal of restrictions are valid for the ~~length-of-the~~  
8 ~~time period of the license regardless-of-whether-the-license~~  
9 ~~is-issued-for-two-or-four-years~~. Upon renewal of a commercial  
10 driver's license ~~there-is~~ no fee is payable for retaining  
11 endorsements or the removal of the air brake restriction for  
12 those endorsements or restrictions which do not require the  
13 taking of either a knowledge or a driving skills test for  
14 renewal.

15 Sec. 24. Section 321.196, Code Supplement 2001, is amended  
16 to read as follows:

17 321.196 EXPIRATION OF LICENSE -- RENEWAL.

18 1. Except as otherwise provided, a driver's license, other  
19 than an instruction permit, chauffeur's instruction permit, or  
20 commercial driver's instruction permit issued under section  
21 321.180, ~~expires,--at-the-option-of-the-applicant,--two-or-four~~  
22 five years from the licensee's birthday anniversary occurring  
23 in the year of issuance if the licensee is between the ages of  
24 seventeen years eleven months and seventy years on the date of  
25 issuance of the license. If the licensee is under the age of  
26 seventeen years eleven months or age seventy or over, the  
27 license is effective for a period of two years from the  
28 licensee's birthday anniversary occurring in the year of  
29 issuance. A licensee whose license is restricted due to  
30 vision or other physical deficiencies may be required to renew  
31 the license every two years. If a licensee is a foreign  
32 national who is temporarily present in this state, the license  
33 shall be issued only for the length of time the foreign  
34 national is authorized to be present as determined by the  
35 department, not to exceed two years.

1     2. Except as required in section 321.188, and except for a  
2 motorcycle instruction permit issued in accordance with  
3 section 321.180 or 321.180B, a driver's license is renewable  
4 without written examination or penalty within a period of  
5 sixty days after its expiration date and without a driving  
6 test within a period of one year after its expiration date. A  
7 person shall not be considered to be driving with an invalid  
8 license during a period of sixty days following the license  
9 expiration date. However, for a license renewed within the  
10 sixty-day period, the date of issuance shall be considered to  
11 be the previous birthday anniversary on which it expired.  
12 ~~Applicants-whose-licenses-are-restricted-due-to-vision-or~~  
13 ~~other-physical-deficiencies-may-be-required-to-renew-their~~  
14 ~~licenses-every-two-years.~~

15     3. For the purposes of this section, the birthday  
16 anniversary of a person born on February 29 shall be deemed to  
17 occur on March 1.

18     4. The department in its discretion may authorize the  
19 renewal of a valid driver's license other than a commercial  
20 driver's license upon application without an examination  
21 provided that the applicant satisfactorily passes a vision  
22 test as prescribed by the department or files a vision report  
23 in accordance with section 321.186A which shows that the  
24 applicant's visual acuity level meets or exceeds those  
25 required by the department. An application for renewal of a  
26 driver's license shall include a statement for the applicant  
27 to sign that acknowledges the applicant's knowledge of the  
28 requirement to notify the department of a mailing address  
29 change under section 321.182, subsection 1.

30     5. Any A resident of Iowa holding a valid driver's license  
31 who is temporarily absent from the state, or incapacitated,  
32 may, at the time for renewal ~~for~~ of such license, apply to the  
33 department for a temporary extension of the license. The  
34 department upon receipt of the application shall, upon a  
35 showing of good cause, issue a temporary extension of the

1 driver's license for a period not to exceed six months.

2 Sec. 25. Section 321.208, subsection 7, paragraphs a  
3 through c, Code Supplement 2001, are amended to read as  
4 follows:

5 a. A person is disqualified from operating a commercial  
6 motor vehicle for sixty days if the person is convicted of a  
7 first railroad crossing at grade violation under section  
8 321.341 or 321.343 and the violation occurred while the person  
9 was operating a commercial motor vehicle.

10 b. A person is disqualified from operating a commercial  
11 motor vehicle for one hundred twenty days if the person is  
12 convicted of a second railroad crossing at grade violation  
13 under section 321.341 or 321.343, the violation occurred while  
14 the person was operating a commercial motor vehicle, and the  
15 violation occurred within three years after a first such  
16 violation.

17 c. A person is disqualified from operating a commercial  
18 motor vehicle for one year if the person is convicted of a  
19 third or subsequent railroad crossing at grade violation under  
20 section 321.341 or 321.343, the violation occurred while the  
21 person was operating a commercial motor vehicle, and the  
22 violation occurred within three years after a first such  
23 violation.

24 Sec. 26. NEW SECTION. 321.235A ELECTRIC PERSONAL  
25 ASSISTIVE MOBILITY DEVICES.

26 An electric personal assistive mobility device may be  
27 operated by a person at least sixteen years of age on  
28 sidewalks and bikeways in accordance with this section.

29 1. None of the following are required for operation of an  
30 electric personal assistive mobility device:

31 a. Licensure or registration of the electric personal  
32 assistive mobility device under this chapter.

33 b. Possession of a driver's license or permit by the  
34 operator of the electric personal assistive mobility device.

35 c. Proof of financial responsibility.

1 2. A person operating an electric personal assistive  
2 mobility device on a sidewalk or bikeway shall do all of the  
3 following:

4 a. Yield the right-of-way to pedestrians and human-powered  
5 devices.

6 b. Give an audible signal before overtaking and passing a  
7 pedestrian or human-powered device.

8 3. A person shall not operate an electric personal  
9 assistive mobility device at the times specified in section  
10 321.384 unless the person or the electric personal assistive  
11 mobility device is equipped with a headlight visible from the  
12 front of the electric personal assistive mobility device and  
13 at least one red reflector visible from the rear of the  
14 electric personal assistive mobility device.

15 4. Violations of this section are punishable as a  
16 scheduled violation under section 805.8A, subsection 9A.

17 Sec. 27. Section 321.236, Code Supplement 2001, is amended  
18 by adding the following new subsection:

19 NEW SUBSECTION. 14. Regulating or prohibiting the  
20 operation of electric personal assistive mobility devices  
21 authorized pursuant to section 321.235A.

22 Sec. 28. Section 321.266, subsection 2, Code 2001, is  
23 amended to read as follows:

24 2. The driver of a vehicle involved in an accident  
25 resulting in injury to or death of any person, or total  
26 property damage to an apparent extent of one thousand dollars  
27 or more shall ~~also~~, within seventy-two hours after the  
28 accident, forward a written report of the accident to the  
29 department. However, such report is not required when the  
30 accident is investigated by a law enforcement agency.

31 Sec. 29. Section 321.463, subsection 5, paragraph c, Code  
32 Supplement 2001, is amended by adding the following new  
33 unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of  
35 this section to the contrary, the maximum gross weight allowed

1 to be carried on a noninterstate highway by a livestock  
2 vehicle with five axles, a minimum distance in feet between  
3 the centers of the first and fifth axles of sixty-one feet,  
4 and a minimum distance between the two rear axles of at least  
5 eight feet and one inch is eighty-six thousand pounds.

6 Sec. 30. Section 321A.17, subsection 4, Code 2001, is  
7 amended by striking the subsection.

8 Sec. 31. Section 321A.17, Code 2001, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 9. This section does not apply to an  
11 individual whose privilege to operate a motor vehicle has been  
12 suspended or revoked when the period of suspension or  
13 revocation has ended and the individual provides evidence  
14 satisfactory to the department that the individual has  
15 established residency in another state. The individual may  
16 not apply for an Iowa driver's license for two years from the  
17 effective date of the person's last suspension or revocation  
18 unless proof of financial responsibility is filed with the  
19 department, as required by this section.

20 Sec. 32. Section 321E.8, Code Supplement 2001, is amended  
21 to read as follows:

22 321E.8 ANNUAL PERMITS.

23 Subject to the discretion and judgment provided for in  
24 section 321E.1, annual permits shall be issued in accordance  
25 with the following provisions:

26 1. Vehicles with indivisible loads, ~~having an overall~~  
27 ~~width not to exceed twelve feet five inches~~ or mobile homes  
28 including appurtenances, having an overall width not to exceed  
29 twelve sixteen feet five zero inches, and an overall length  
30 not to exceed seventy-five one hundred twenty feet zero  
31 inches, an overall height not to exceed fifteen feet five  
32 inches, and a total gross weight not to exceed eighty thousand  
33 pounds, may be moved for unlimited distances. ~~The vehicle and~~  
34 ~~load shall not exceed the height of thirteen feet ten inches~~  
35 ~~and the total gross weight as prescribed in section 321.463.~~

1 as follows:

2 a. Vehicles with indivisible loads, or mobile homes  
3 including appurtenances, having an overall width not to exceed  
4 twelve feet five inches, an overall length not to exceed one  
5 hundred twenty feet zero inches, and an overall height not to  
6 exceed thirteen feet ten inches may be moved for unlimited  
7 distances without route approval from the permitting  
8 authority.

9 b. Vehicles with indivisible loads, or mobile homes  
10 including appurtenances, having an overall width not to exceed  
11 fourteen feet six inches, an overall length not to exceed one  
12 hundred twenty feet zero inches, and an overall height not to  
13 exceed fifteen feet five inches may be moved on the interstate  
14 highway system and primary highways with more than one lane  
15 traveling in each direction for unlimited distances and no  
16 more than fifty miles from the point of origin on all other  
17 highways without route approval from the permit issuing  
18 authority.

19 c. All other vehicles with indivisible loads operating  
20 under this subsection shall obtain route approval from the  
21 permitting authority.

22 d. Vehicles with indivisible loads may operate under an  
23 all systems permit in compliance with paragraph "a", "b", or  
24 "c".

25 2. Vehicles with indivisible loads, ~~having-an-overall~~  
26 ~~width-not-to-exceed-thirteen-feet-five-inches~~ or mobile homes,  
27 including appurtenances, having an overall width not to exceed  
28 thirteen feet five inches and an overall length not to exceed  
29 one hundred twenty feet zero inches may be moved on highways  
30 specified by the permitting authority for unlimited distances  
31 if the height of the vehicle and load does not exceed fifteen  
32 feet five inches and the total gross weight of the vehicle  
33 does not exceed one hundred ~~thirty-six~~ fifty-six thousand  
34 pounds. The vehicle owner or operator shall verify with the  
35 permitting authority prior to movement of the load that

1 highway conditions have not changed so as to prohibit movement  
2 of the vehicle. Any cost to repair damage to highways or  
3 highway structures shall be borne by the owner or operator of  
4 the vehicle causing the damage. Permitted vehicles under this  
5 subsection shall not be allowed to travel on any portion of  
6 the interstate highway system. Vehicles with indivisible  
7 loads operating under the permit provisions of this subsection  
8 may operate under the permit provisions of subsection 1  
9 provided the vehicle and load comply with the limitations  
10 described in subsection 1.

11 ~~3.--Vehicles with indivisible loads, including mobile homes~~  
12 ~~and factory-built structures, having an overall width not to~~  
13 ~~exceed sixteen feet zero inches and an overall length not to~~  
14 ~~exceed one hundred twenty feet zero inches may be moved under~~  
15 ~~an annual or all systems permit and must have a route~~  
16 ~~specified by the issuing authority prior to the movement.~~  
17 ~~However, vehicles with indivisible loads, including mobile~~  
18 ~~homes and factory-built structures, with an overall width not~~  
19 ~~exceeding fourteen feet six inches may exceed fifty miles~~  
20 ~~under an annual and all systems permit when prior approval for~~  
21 ~~trip routing is obtained from the issuing authority.--A~~  
22 ~~vehicle and load being moved according to this paragraph shall~~  
23 ~~not exceed fifteen feet five inches in height and shall not~~  
24 ~~exceed the total gross weight as prescribed in section~~  
25 ~~321.463.~~

26 Sec. 33. Section 321E.14, Code Supplement 2001, is amended  
27 to read as follows:

28 321E.14 FEES FOR PERMITS.

29 The department or local authorities issuing permits shall  
30 charge a fee of twenty-five dollars for an annual permit  
31 issued under section 321E.8, subsection 1 or 3, a fee of three  
32 hundred dollars for an annual permit issued under section  
33 321E.8, subsection 2, a fee of two hundred dollars for a  
34 multi-trip permit, and a fee of ten dollars for a single-trip  
35 permit, and shall determine charges for special permits issued

1 pursuant to section 321E.29 by rules adopted pursuant to  
2 chapter 17A. Fees for the movement of buildings, parts of  
3 buildings, or unusual vehicles or loads may be increased to  
4 cover the costs of inspections by the issuing authority. A  
5 fee not to exceed two hundred fifty dollars per day or a  
6 prorated fraction of that fee per person and car for escort  
7 service may be charged when requested or when required under  
8 this chapter. Proration of escort fees between state and  
9 local authorities when more than one governmental authority  
10 provides or is required to provide escort for a movement  
11 during the period of a day shall be determined by rule under  
12 section 321E.15. The department and local authorities may  
13 charge a permit applicant for the cost of trimming trees and  
14 removal and replacement of natural obstructions or official  
15 signs and signals or other public or private property required  
16 to be removed during the movement of a vehicle and load. In  
17 addition to the fees provided in this section, the annual fee  
18 for a permit for special mobile equipment, as defined in  
19 section 321.1, subsection 75, operated pursuant to section  
20 321E.7, subsection 2, with a combined gross weight up to and  
21 including eighty thousand pounds shall be twenty-five dollars  
22 and for a combined gross weight exceeding eighty thousand  
23 pounds, fifty dollars.

24 The annual fee for an all-system permit is one hundred  
25 twenty dollars which shall be deposited in the road use tax  
26 fund.

27 Sec. 34. Section 322.5, subsection 5, Code Supplement  
28 2001, is amended by adding the following new unnumbered  
29 paragraph:

30 NEW UNNUMBERED PARAGRAPH. A temporary permit shall not be  
31 issued under this subsection to a nonresident manufacturer,  
32 distributor, or dealer unless the state in which the  
33 nonresident manufacturer, distributor, or dealer is licensed  
34 extends by reciprocity similar privileges to a manufacturer,  
35 distributor, or dealer licensed by this state.

1     Sec. 35. Section 322A.12, Code 2001, is amended to read as  
2 follows:

3     322A.12 SALE OR TRANSFER OF OWNERSHIP.

4     1. Notwithstanding the terms, provisions, or conditions of  
5 any an agreement or franchise, subject to the provisions of  
6 ~~subsection-2-of~~ section 322A.11, subsection 2, in the event of  
7 the sale or transfer of ownership of the a franchisee's  
8 dealership by sale or transfer of the business or by stock  
9 transfer or in the event of a change in the executive  
10 management of the a franchisee's dealership, the franchiser  
11 shall give effect to ~~such-a~~ the change in the franchise unless  
12 the transfer of the franchisee's license under chapter 322 is  
13 denied or the new owner is unable to obtain a license under  
14 ~~said that~~ chapter, ~~as-the-case-may-be.~~

15     2. Notwithstanding the terms, provisions, or conditions of  
16 an agreement or franchise, the sale or transfer, or the  
17 proposed sale or transfer, of a franchisee's dealership, or  
18 the change or proposed change in the executive management of a  
19 franchisee's dealership shall not make applicable any right of  
20 first refusal of the franchiser.

21     Sec. 36. Section 326.10A, Code 2001, is amended to read as  
22 follows:

23     326.10A PAYMENT BY CHECK.

24     The department shall accept payment of fees under this  
25 chapter by personal or corporate check. The fee shall be  
26 deemed to have been paid upon receipt of the check. ~~However,~~  
27 ~~the-department-shall-not-issue-plates,-stickers-or-other~~  
28 ~~identification-of-vehicles-subject-to-proportional~~  
29 ~~registration-until-sufficient-time-has-elapsed-to-ensure-that~~  
30 ~~payment-of-the-check-has-cleared-the-bank-upon-which-it-is~~  
31 ~~drawn.~~ If the check is not honored, all fees and penalties  
32 shall accumulate as if the fee was not paid. After  
33 appropriate warning from the department, the registration  
34 account shall be suspended, collection pursued, and the  
35 delinquent registration fees shall become a debt due the state

1 of Iowa. After a dishonored check has been received from an  
2 applicant, payments submitted by the applicant during the  
3 following year must be made with guaranteed funds.

4 Sec. 37. Section 326.11, unnumbered paragraph 1, Code  
5 2001, is amended to read as follows:

6 Vehicles acquired by a fleet owner after the commencement  
7 of the registration year and subsequently added to the fleet  
8 shall be prorated by applying the mileage percentage used in  
9 the original application for such fleet for such registration  
10 period to registration fees due under chapter 321 but-in-no  
11 ~~case-less-than-that-required-by-section-326-10.~~ A

12 ~~supplemental-report~~ An application for registration shall be  
13 filed with the department ~~not-later-than-ten-days-after-such~~  
14 ~~addition-to-the-fleet~~ pursuant to the provisions of chapter  
15 321.

16 Sec. 38. Section 326.12, Code 2001, is amended to read as  
17 follows:

18 326.12 VEHICLES DELETED -- REGISTRATION TRANSFERRED.

19 Fleet owners who delete commercial vehicles displaying Iowa  
20 base plates from the fleet after the commencement of the  
21 registration year shall be allowed to transfer registration  
22 credit to a replacement vehicle in accordance with the  
23 ~~provisions-of~~ this section. Iowa shall allow credit for non-  
24 Iowa based deleted vehicles only if the state designated by  
25 the fleet owner as the base state of the deleted vehicle  
26 permits transfer of registration credit to the replacement  
27 vehicle. ~~The-fleet-owner-shall-notify-the-department-not~~  
28 ~~later-than-ten-days-after-such-deletion-and-replacement.~~  
29 Allowance of credit for deleted vehicles shall be subject to  
30 the following conditions:

- 31 1. ~~No-additional-registration-fee-shall-be-assessed-on-a~~  
32 ~~replacement-vehicle-upon-which-the-registration-fee-would-have~~  
33 ~~been-the-same-as-that-for-the-deleted-vehicle.~~ The fee for  
34 reissuance or registration credentials or for transfer of  
35 credentials shall be seven dollars.

1 2. No deletion shall be made nor credit allowed toward  
2 registration of a replacement vehicle unless the vehicle to be  
3 removed from service has been sold, junked, repossessed,  
4 foreclosed by mechanic's lien, title transferred by operation  
5 of law, or cancellation or expiration of a lease arrangement.  
6 The deleted vehicle shall have been disposed of on or before  
7 the date the replacement vehicle was acquired or in the  
8 possession of the applicant.

9 3. If a leased vehicle is to be deleted from the fleet and  
10 unexpired registration fees applied to the replacement  
11 vehicle, the lessee shall ~~certify to the department that~~  
12 refund any unexpired registration fees paid by the lessor to  
13 the lessee ~~have been refunded to the lessor prior to the date~~  
14 ~~of the supplemental application requesting credit for~~  
15 ~~registration fees paid on the deleted vehicle~~ on the  
16 transferred vehicle.

17 4. Credit shall be given for unexpired months.

18 5. The registration of the vehicle being added to the  
19 fleet is not delinquent under chapter 321.

20 Sec. 39. Section 326.14, Code 2001, is amended to read as  
21 follows:

22 326.14 PLATES AND RECEIPTS -- REGISTRATION PERIOD AND  
23 RENEWAL -- PENALTY.

24 1. The department shall issue a single registration plates  
25 plate and receipts registration receipt for each vehicle  
26 pursuant to apportionment agreements or arrangements  
27 provisions authorized under this chapter. The registration  
28 period for a vehicle registered pursuant to this chapter is  
29 from January 1 through December 31 of each year.

30 2. An application for renewal of registration shall be  
31 postmarked or received in the office of motor carrier services  
32 of the department no later than January 31. A five percent  
33 late filing penalty shall be assessed to an application for  
34 renewal postmarked or received on or after February 1, with an  
35 additional five percent penalty assessed the first of each

1 month thereafter until the application is filed. The  
2 enforcement deadline for failure to display a registration  
3 plate and registration is March 15 at 12:01 a.m.

4 Sec. 40. Section 326.15, subsection 2, Code 2001, is  
5 amended to read as follows:

6 2. If the motor vehicle is removed from the apportioned  
7 fleet, the owner in whose name the motor vehicle was  
8 registered shall return the plates registration plate and  
9 registration receipt to the department and make a claim for  
10 refund. A refund shall not be allowed without documentation  
11 of the subsequent registration of the motor vehicle.

12 Sec. 41. Section 326.15, subsection 4, Code 2001, is  
13 amended by striking the subsection.

14 Sec. 42. Section 326.15, subsection 5, Code 2001, is  
15 amended to read as follows:

16 ~~5-~~ 4. If as a result of an audit the motor vehicle  
17 registration fees are found to have been paid in error, a  
18 ~~claim-for-refund-shall-be-filed-with-satisfactory-evidence-of~~  
19 ~~the-error~~ the applicant shall be entitled to a refund.

20 Sec. 43. Section 326.15, unnumbered paragraph 4, Code  
21 2001, is amended to read as follows:

22 Refunds of proportional registration fees shall be paid on  
23 the basis of unexpired complete calendar months remaining from  
24 the date the claim ~~is-filed-with~~ for refund, the registration  
25 plate, and the registration receipt are postmarked or received  
26 by the department. Refunds for trailers and semitrailers  
27 issued a multiyear registration plate shall be paid on the  
28 basis of unexpired complete registration years remaining from  
29 the date the claim is filed.

30 Sec. 44. Section 326.16, Code 2001, is amended to read as  
31 follows:

32 326.16 DELINQUENT FEES.

33 1. If the fees for ~~such~~ proportional registration are not  
34 paid to each contracting jurisdiction entitled thereto on the  
35 basis of the proportional registration application and

1 supporting documents filed with the department by the fleet  
2 owner within a reasonable amount of time as determined by the  
3 department, the department shall ~~redetermine-fees-due-this~~  
4 ~~state~~ calculate late payment penalties. The fleet owner shall  
5 be notified by regular mail that fees and penalties are due  
6 and must be paid within thirty days of the invoice date. If  
7 ~~any-additional~~ ~~fees due-this-state-are-not-paid-by~~ and  
8 ~~penalties are not received,~~ the fleet owner ~~within-twenty-days~~  
9 ~~after-the-mailing-to-the-owner-of-a-notice~~ shall be notified  
10 by certified mail ~~of-the-additional-fees-due,~~ such that the  
11 owner's registration ~~in-this-state-shall-be-canceled~~ has been  
12 suspended.

13 2. A five percent late payment penalty shall be assessed  
14 if an invoice is not paid within thirty days of the invoice  
15 date or within thirty days of January 31 of the registration  
16 year, whichever is later, with an additional five percent  
17 penalty assessed the first of each month thereafter until all  
18 fees and penalties are paid. In addition, the fees due for  
19 registration in this state shall be a debt due to the state of  
20 Iowa.

21 Sec. 45. Section 326.19, Code 2001, is amended to read as  
22 follows:

23 326.19 RECORDS PRESERVED.

24 ~~Any-owner-complying-with-and-granted-proportional~~  
25 ~~registration-privileges-shall-preserve-the-records-upon-which~~  
26 ~~applications-are-made-for-a-period-of-four-full-years~~  
27 ~~following-the-year-for-which-the-application-was-made.~~ A  
28 registrant whose application for apportioned registration has  
29 been accepted shall preserve the records upon which the  
30 registration is based for a period of three years after the  
31 close of the registration year. Upon request of the  
32 department, all fleet owners shall make all such records  
33 available to the department ~~at-the-office-of-the-director~~ for  
34 audit as to accuracy of computation and payment. ~~If-the-owner~~  
35 ~~does-not-produce-such-records-when-so-requested,~~ the owner

1 ~~shall pay the costs of an audit by a duly appointed~~  
2 ~~representative of the department at the home office of the~~  
3 ~~owner.~~ An audit shall be conducted at the office of the  
4 registrant during normal business hours. However, if  
5 circumstances dictate, the registrant may be required to  
6 present the records at the office of motor carrier services of  
7 the department. If the registrant's operational records are  
8 not located in the base state and it is necessary for the base  
9 state to send auditors to the location where the records are  
10 normally kept, the base state may require the registrant to  
11 reimburse the per diem and travel expenses incurred by the  
12 auditors in performing the audit. The department may enter  
13 into agreements with authorized agencies or other contracting  
14 states jurisdictions for joint audits of any ~~such owner~~  
15 registrant.

16 Sec. 46. Section 326.22, Code Supplement 2001, is amended  
17 to read as follows:

18 326.22 OPERATIONAL LAWS OF IOWA APPLICABLE.

19 A nonresident registered vehicle is subject to all laws and  
20 rules governing the operation of such vehicle on the highways  
21 of this state. The registration ~~number~~ plates, stickers, or  
22 other identification assigned and furnished to any vehicle for  
23 the current registration year by the state in which the  
24 vehicle is registered shall be displayed on the vehicle  
25 substantially as provided in chapter 321 for vehicles  
26 registered pursuant to the provisions of this chapter. In  
27 addition, a fee set by the department to cover actual cost  
28 shall be charged for each plate, sticker, or other  
29 identification furnished for each vehicle registered in  
30 accordance with the provisions of this section or extended  
31 reciprocity in accordance with the provisions of this section.  
32 A charge shall not be made for the initial registration  
33 receipt ~~or cab card~~ issued for each vehicle registered  
34 pursuant to an apportionment registration agreement. A fee  
35 set by the department to cover actual costs shall be charged

1 for issuance of duplicate plates, stickers, ~~or~~ other required  
2 identification required, duplicate or registration receipts,  
3 ~~and-duplicate-cab-cards.~~

4 Sec. 47. Section 326.23, subsection 2, Code Supplement  
5 2001, is amended to read as follows:

6 2. The department may enter into agreements with owners  
7 and operators of truck stops to permit the owners and  
8 operators of truck stops to issue trip permits subject to any  
9 conditions imposed by the department. In addition to the trip  
10 permit fee, the owner or operator of a truck stop may charge  
11 an issuance fee ~~of-not-more-than-one-dollar~~ which shall be  
12 disclosed to the purchaser. For the purposes of this section,  
13 "truck stop" means any place of business which sells fuel  
14 normally used by trucks and which is open twenty-four hours  
15 per day.

16 Sec. 48. Section 326.31, Code 2001, is amended to read as  
17 follows:

18 326.31 FILING INCORRECT INFORMATION -- EFFECT.

19 Whenever if the director has reason to believe that a fleet  
20 owner has filed incorrect information with the department ~~or~~  
21 ~~the-department-of-revenue-and-finance,~~ for the purpose of  
22 reducing the fleet owner's obligation for registration fees or  
23 fuel taxes, the director may ~~cancel~~ revoke the apportioned  
24 registration privileges on all of the vehicles owned by ~~such~~  
25 the person. Any A person who has such privileges ~~canceled~~  
26 revoked shall be ~~subject-to-the-payment-of-the-full-annual~~  
27 ~~registration-fee-for-all-vehicles-operated-on-the-highways-of~~  
28 this-state required to register all of the vehicles owned by  
29 the person with the appropriate county treasurer for a period  
30 of ~~at-least~~ no less than one year and no more than five years  
31 thereafter. ~~The director-of-revenue-and-finance-shall-co-~~  
32 ~~operate-with-the~~ department may use all reports pertaining to  
33 the registration fees and motor fuel taxes in ascertaining the  
34 accuracy of ~~all~~ reports filed pertaining to registration fees  
35 and motor fuel taxes.

1 Any A person whose privileges are ~~canceled~~ revoked may  
2 request an administrative hearing of said action ~~before-the~~  
3 ~~department-of-inspections-and-appeals~~ in accordance with  
4 chapter 17A, and during the period pending the hearing the  
5 apportioned registration privileges shall be reinstated if the  
6 fleet owner posts security with the department of  
7 ~~transportation~~ in an amount sufficient to pay ~~such~~ the full  
8 annual fees if an adverse decision is rendered at the hearing.  
9 At such hearing the fleet owner shall have the burden of proof  
10 as to the accuracy of any report filed by the fleet owner with  
11 the department ~~of-transportation-or-the-department-of-revenue~~  
12 ~~and-finance~~. Judicial review of any decision reached at the  
13 administrative hearing may be sought in accordance with the  
14 terms of the Iowa administrative procedure Act.

15 Sec. 49. Section 805.8A, Code Supplement 2001, is amended  
16 by adding the following new subsection:

17 NEW SUBSECTION. 9A. ELECTRIC PERSONAL ASSISTIVE MOBILITY  
18 DEVICE VIOLATIONS. For violations under section 321.235A, the  
19 scheduled fine is fifteen dollars.

20 Sec. 50. Sections 326.10 and 326.45, Code 2001, are  
21 repealed.

22 EXPLANATION

23 This bill makes several Code changes relating to highways  
24 and motor vehicles, including changes in the quadrennial need  
25 study of public roads in the state and in motor vehicle  
26 registration provisions.

27 Division I of the bill relates to highways. The bill  
28 amends a provision in Code section 6B.2A that exempts certain  
29 condemnations of property by the state department of  
30 transportation from the requirement that the department  
31 provide early notice to owners of agricultural land that may  
32 be the subject of condemnation. The bill exempts the  
33 department and counties from the early notice requirement in  
34 cases when the condemnation is for right-of-way that is  
35 contiguous to an existing road right-of-way and necessary for

1 the upgrade of the existing road. "Upgrade" is defined by the  
2 bill to mean to bring a road or bridge up to currently  
3 acceptable standards. The bill also provides that the  
4 director of transportation shall approve such condemnations.  
5 Currently, such exemption exists for the department for  
6 condemnation for right-of-way that is contiguous to an  
7 existing road right-of-way and necessary for the maintenance,  
8 safety improvement, or repair of the existing road. The bill  
9 also establishes a new rate for the calculation of interest  
10 that is based upon the treasury constant maturity index  
11 published by the federal reserve.

12 The bill amends provisions in Code chapters 307 and 307A  
13 relating to the duties of the state department of  
14 transportation and the state transportation commission by  
15 transferring certain duties relating to the assessment of road  
16 needs in the state from the commission to the department. The  
17 bill transfers the duties requiring a study of state park and  
18 institutional roads and requiring the annual recalculation of  
19 the construction and maintenance needs of county roads to the  
20 department. The bill also modifies the duty of the commission  
21 to conduct a comprehensive quadrennial need study of all roads  
22 and streets in the state to require the department to prepare,  
23 adopt, and publish the results of a study of secondary roads,  
24 and to report the results of the study to the general assembly  
25 by July 1, 2002, with the study results taking effect July 1,  
26 2003. The study is to be referred to as the "quadrennial need  
27 study". The results of the study, as modified by any annual  
28 updates, are used to determine a portion of the monthly  
29 apportionment of secondary road and farm-to-market moneys to  
30 counties. The bill also makes corresponding amendments to  
31 Code provisions cross-referencing the duties.

32 The bill amends Code section 309.57 to provide that a  
33 petition for reclassification of a road with an area service  
34 "C" classification may be signed by one or more adjoining  
35 landowners rather than all adjoining landowners.

1 The bill creates new Code section 312.3B providing for an  
2 Iowa county engineers association service bureau support fund.  
3 The bill authorizes the department to annually set aside a  
4 portion of the moneys in the secondary road fund for  
5 supporting the Iowa county engineers association service  
6 bureau. The bureau is required to report to the governor,  
7 state transportation commission, county engineers, chief clerk  
8 of the house of representatives, and secretary of the senate  
9 regarding the activities accomplished with funds received from  
10 the secondary road fund.

11 The bill also creates new Code section 312.3C establishing  
12 a secondary road fund distribution advisory committee. The  
13 committee is to be comprised of representatives appointed by  
14 the president of the Iowa county engineers association, the  
15 president of the Iowa county supervisors association, and the  
16 department, and is to consider methodologies for distribution  
17 of moneys in the secondary road fund and the farm-to-market  
18 road fund and to make recommendations to the general assembly.

19 The provisions of the bill relating to assessment of road  
20 needs in the state, the Iowa county engineers association  
21 service bureau support fund, and the secondary road fund  
22 distribution advisory committee are effective upon enactment.

23 The bill amends Code section 314.8 to require the agency in  
24 control of a highway to pay the costs of restoring the  
25 original position of a government or other established corner  
26 or land monument if the engineer in charge of the project that  
27 caused the corner or monument to be disturbed or covered up  
28 failed to establish permanent witness corners or monuments and  
29 reestablish the corner or monument. The bill also eliminates  
30 a provision subjecting the engineer to a fine of not less than  
31 \$10 nor more than \$50 for not establishing permanent corners  
32 or monuments.

33 Division II of the bill relates to motor vehicles. The  
34 bill provides for the operation of motorized bicycles  
35 (commonly referred to as mopeds) at a maximum of 30 rather

1 than 25 miles per hour.

2 The bill also amends Code sections 321.57 and 321.58 to  
3 correct language that was amended by 2001 Iowa Acts, chapter  
4 153, section 18. That provision changed terminology in Code  
5 sections 321.57 and 321.58 from "mobile home dealer" or  
6 "dealer" to "manufactured home retailer". The bill changes  
7 some of these references back to "dealer", as defined in Code  
8 chapter 321, to allow dealers other than manufactured home  
9 retailers to operate under special plates.

10 The bill amends Code section 321.69, relating to damage  
11 disclosure statements, to require a damage disclosure  
12 statement for a motor vehicle that is separate from the title  
13 to the vehicle to state whether the title indicates damage  
14 prior to the transferor's ownership of the vehicle and whether  
15 the vehicle was titled as a salvage vehicle during the  
16 transferor's ownership of the vehicle.

17 The bill amends Code section 321.182 to require a driver's  
18 license or nonoperator's identification card applicant, who is  
19 not a foreign national applying for a nonresident commercial  
20 driver's license, to certify that the applicant is a resident  
21 of Iowa. Code section 321.182 is also amended to exempt  
22 foreign nationals temporarily present in the United States  
23 from being required to include the person's social security  
24 number on an application for a driver's license or  
25 nonoperator's identification card.

26 The bill amends Code sections 321.190 and 321.196 to modify  
27 the time periods for which driver's licenses and nonoperator's  
28 identification cards are valid. The bill provides that  
29 driver's licenses and nonoperator's identification cards are  
30 valid for five years, except that licenses and cards issued to  
31 foreign nationals temporarily present in the United States  
32 shall only be issued for the length of time the foreign  
33 national is authorized to be present, not to exceed two years.  
34 In addition, the bill provides that a nonoperator's  
35 identification card shall be issued without expiration to a

1 person 70 years of age or over.

2 The bill also amends Code section 321.191 to modify the  
3 fees for driver's licenses. The fee for a driver's license  
4 shall be based on the number of years the license is valid --  
5 \$4 per year of license validity for a noncommercial driver's  
6 license, \$8 per year for a chauffeur's license, and \$8 per  
7 year for a commercial driver's license.

8 Code section 321.208 is amended to provide that a person is  
9 disqualified from operating a commercial motor vehicle for  
10 failure to obey the signal of a train, as required under Code  
11 section 321.341. The change is made to reflect federal  
12 regulations that require an operator of a commercial vehicle  
13 to be disqualified for railroad-grade crossing violations.

14 The bill provides for the operation of electric personal  
15 assistive mobility devices on sidewalks and bikeways. The  
16 bill defines an electric personal assistive mobility device as  
17 a self-balancing device powered by an electric propulsion  
18 system that averages 750 watts, has two nontandem wheels, and  
19 is designed to transport one person, with a maximum speed on a  
20 paved level surface of less than 20 miles per hour.

21 The bill provides that operation of an electric personal  
22 assistive mobility device does not require licensure or  
23 registration of the device, possession of a driver's license  
24 or permit by the operator of the device, or proof of financial  
25 responsibility.

26 The bill requires a person operating an electric personal  
27 assistive mobility device on a sidewalk or a bikeway to yield  
28 the right-of-way to pedestrians and human-powered devices and  
29 give an audible signal before overtaking and passing a  
30 pedestrian or human-powered device. The bill also prohibits a  
31 person from operating a personal assistive mobility device at  
32 night or during inclement weather unless the person or the  
33 electric personal assistive mobility device is equipped with a  
34 headlight visible from the front of the electric personal  
35 assistive mobility device and at least one red reflector

1 visible from the rear of the electric personal assistive  
2 mobility device.

3 The bill provides that a violation of the bill's provisions  
4 is a scheduled violation punishable by a fine of \$15.

5 The bill also provides that local authorities may regulate  
6 or prohibit the operation of electric personal assistive  
7 mobility devices.

8 The bill amends Code section 321.266 to eliminate the  
9 requirement that the driver of a vehicle involved in an  
10 accident resulting in personal injury or death, or \$1,000 or  
11 more of property damage, complete a written motor vehicle  
12 accident report if the accident is investigated by law  
13 enforcement.

14 Code section 321.463 is amended to provide that the maximum  
15 gross weight allowed to be carried on a noninterestate highway  
16 by a livestock vehicle with five axles, a minimum distance in  
17 feet between the centers of the extreme axles of any group of  
18 axles of 61 feet, and a minimum width between the two rear  
19 axles of eight feet one inch is 86,000 pounds.

20 The bill amends Code section 321A.17 to provide that a  
21 person whose driver's license has been suspended or revoked  
22 for certain serious traffic offenses is not required to file  
23 proof of financial responsibility with the state department of  
24 transportation if the person provides evidence satisfactory to  
25 the department that the person resides in another state. The  
26 bill also provides that the person may not apply for an Iowa  
27 driver's license for two years from the effective date of the  
28 person's last suspension or revocation unless proof of  
29 financial responsibility is filed with the department.

30 Code section 321E.8 is amended to revise the requirements  
31 for annual permits for oversize vehicles with indivisible  
32 loads and oversize mobile homes. The bill increases the  
33 allowed length for such vehicles that are self-routed from 75  
34 feet to 120 feet. The bill increases the ability of a motor  
35 carrier to self-route on interstates and multilaned primary

1 highways beyond 50 miles from the point of origin if the  
2 vehicle is not more than 12 feet 5 inches wide, 13 feet 10  
3 inches high, 120 feet long, and 80,000 pounds. The bill  
4 increases the weight that is allowed for a vehicle operating  
5 under an "annual with weight" permit from 136,000 to 156,000  
6 pounds. The bill also allows a vehicle with load operating  
7 under an "annual with weight" permit to operate under the  
8 conditions of a regular annual permit when the vehicle meets  
9 the size and weight limitations of the regular annual permit.

10 The bill amends Code section 322.5 to prohibit a  
11 nonresident motor vehicle manufacturer, distributor, or dealer  
12 from being issued a temporary permit for the display and  
13 offering for sale of certain vehicles at certain fairs, shows,  
14 and exhibitions if the state in which the manufacturer,  
15 distributor, or dealer is licensed extends similar privileges  
16 to Iowa licensees.

17 The bill also amends Code section 322A.12 to provide that  
18 the sale or transfer of a motor vehicle franchisee's  
19 dealership or the change in the executive management of a  
20 franchisee's dealership shall not make applicable any right of  
21 first refusal of the motor vehicle franchiser, notwithstanding  
22 the terms, provisions, or conditions of an agreement or  
23 franchise.

24 The bill makes several changes in the motor vehicle  
25 registration reciprocity provisions in Code chapter 326. The  
26 bill amends Code section 326.10A by adding a procedure for  
27 handling dishonored checks issued for payment of fees required  
28 under the chapter. The procedure includes the accumulation of  
29 fees and penalties, warning by the state department of  
30 transportation, suspension of the registration account, and  
31 pursuit of collection. The delinquent registration fees shall  
32 be a debt due the state and subsequent payments made by the  
33 applicant who issued the dishonored check must be made with  
34 guaranteed funds. The bill eliminates a provision requiring  
35 the department to hold plates and registrations until a check

1 for payment of fees has cleared the bank.

2 The bill makes several changes in provisions governing the  
3 addition to and deletion of motor vehicles from a fleet of  
4 motor vehicles proportionally registered in the state. The  
5 bill repeals Code section 326.10, eliminating the provision  
6 for a minimum registration fee. The bill amends Code section  
7 326.11 to provide that a fleet owner shall file an application  
8 for registration for a vehicle added to a fleet according to  
9 the registration provisions of Code chapter 321 rather than  
10 filing a supplemental report to the original application for  
11 registration of the fleet within 10 days after the addition.

12 Code section 326.12 is amended to eliminate the requirement  
13 that a fleet owner notify the state department of  
14 transportation within 10 days after the fleet owner deletes  
15 and replaces a vehicle in the fleet. The bill modifies some  
16 of the conditions for allowing credit for deleted vehicles.  
17 The bill eliminates the condition providing that no additional  
18 registration fee be assessed on a replacement vehicle upon  
19 which the registration fee would have been the same as that  
20 for the deleted vehicle. The bill requires a lessee to refund  
21 unexpired registration fees paid by the lessor to the lessee  
22 on the transferred vehicle instead of requiring the lessee to  
23 certify to the department that such fees have been refunded to  
24 the lessor prior to the date of the supplemental application  
25 requesting credit for registration fees paid on the deleted  
26 vehicle. The bill adds two other conditions requiring credit  
27 to be given for unexpired months and requiring that the  
28 registration of the vehicle being added to the fleet not be  
29 delinquent under Code chapter 321.

30 The bill amends Code section 326.14 to provide that a  
31 single registration plate and registration receipt is to be  
32 issued for each vehicle registered under the registration  
33 reciprocity chapter. The bill specifies that the registration  
34 period for such vehicles is January 1 through December 31.  
35 The bill requires an application for renewal of registration

1 to be postmarked or received by the department no later than  
2 January 31. A 5 percent late filing penalty shall be assessed  
3 for each month the renewal application is late, beginning  
4 February 1. The enforcement deadline for failure to display a  
5 registration plate and registration is March 15.

6 Code section 326.15 is amended to revise the procedures for  
7 paying refunds of proportional registration fees. The bill  
8 eliminates an outdated formula for refunding certain  
9 registration fees paid when the composite percentage  
10 apportioned by an owner on a fleet of vehicles based in Iowa  
11 to each of the jurisdictions with which Iowa has an  
12 apportionment agreement is in excess of 100 percent. The bill  
13 also provides that a refund of proportional registration fees  
14 shall be paid on the basis of unexpired complete months  
15 remaining from the date the claim for refund, the registration  
16 plate, and the registration receipt are postmarked or received  
17 by the department. Currently, such refunds are paid from the  
18 date the claim for refund is filed.

19 The bill amends Code section 326.16 to revise the  
20 procedures for collection of proportional registration fees  
21 and calculation of late payment penalties. The bill provides  
22 that a fleet owner shall be notified by regular mail rather  
23 than certified mail that fees and penalties are due and must  
24 be paid within 30 days of the invoice date. The bill also  
25 provides that a fleet owner shall be notified by certified  
26 mail that the owner's registration has been suspended if the  
27 owner has not paid any fees and penalties due. A 5 percent  
28 late payment penalty is to be assessed if an invoice is not  
29 paid by 30 days following the invoice date or January 31,  
30 whichever is later, with an additional 5 percent penalty  
31 assessed each month thereafter until all fees and penalties  
32 are paid.

33 Code section 326.19 is amended to require a registrant  
34 whose application for apportioned registration has been  
35 accepted to preserve the records upon which the registration

1 is based for a period of three years after the close of the  
2 registration year rather than for a period of four full years  
3 following the year for which the application was made. The  
4 bill modifies the procedures for auditing such records by  
5 providing that an audit is to be conducted at the registrant's  
6 office unless circumstances dictate that the registrant be  
7 required to bring the records to the department's office of  
8 motor carrier services. The bill also provides that if the  
9 registrant's operational records are located in another state  
10 and it is necessary for Iowa to send auditors to the other  
11 state, Iowa may require the registrant to reimburse the  
12 auditors' expenses. Currently, all fleet owners, upon request  
13 of the department, are required to make all records available  
14 to the department at the office of the director of  
15 transportation and if an owner fails to produce such records  
16 the owner must pay the costs of an audit at the home office of  
17 the owner.

18 The bill also makes technical corrections to Code sections  
19 321.127, 321.191, 321E.14, and 326.22.

20 The bill amends Code section 326.23 to eliminate the  
21 maximum issuance fee charged by a truck stop issuing trip  
22 permits for commercial vehicles, but requires truck stops to  
23 disclose the issuance fee for such permits to the purchasers  
24 of the permits.

25 Code section 326.31 is amended to provide that the director  
26 of transportation may revoke rather than cancel the  
27 apportioned registration privileges on all of the vehicles  
28 owned by a fleet owner who has filed incorrect information  
29 with the department for the purpose of reducing the fleet  
30 owner's obligation for registration fees or fuel taxes. The  
31 bill provides that a person who has such privileges revoked  
32 shall be required to register all vehicles owned by the person  
33 with the county treasurer for at least one year and no more  
34 than five years thereafter rather than be subject to the full  
35 annual registration fee for all vehicles operated on the

1 highways of this state. The bill provides that a person whose  
2 privileges are revoked may request an administrative hearing  
3 in accordance with Code chapter 17A rather than before the  
4 department of inspections and appeals. The bill also  
5 eliminates all references to any responsibilities of the  
6 department, and the director, of revenue and finance in Code  
7 section 326.31.

8 Code section 326.45 is also repealed. Currently, Code  
9 section 326.45 provides that the state department of  
10 transportation shall, upon receiving application for and  
11 payment of the registration fee and notification of title,  
12 issue registration identification to the applicant carrier and  
13 send the certificate of title to the vehicle owner or  
14 lienholder. Code section 326.45 also directs the department  
15 to adopt rules pursuant to Code chapter 17A to process  
16 registration of vehicles titled in other states.

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SENATE FILE 2192

H-8302

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:  
3 1. Page 26, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_ . EFFECTIVE DATE. The provisions of this  
6 division of this Act amending sections 321.182,  
7 321.190, and 321.196, relating to the issuance of a  
8 driver's license or nonoperator's identification card  
9 to foreign nationals, being deemed of immediate  
10 importance, take effect upon enactment."  
11 2. By renumbering as necessary.

By HUSER of Polk  
BRAUNS of Muscatine

H-8302 FILED MARCH 15, 2002

*WLD*  
*3/18/02 (p. 833)*

SENATE FILE 2192

H-8303

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:  
3 1. Page 26, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_ . EFFECTIVE DATE. The following  
6 provisions of this division of this Act, being deemed  
7 of immediate importance, take effect upon enactment:  
8 1. The provisions amending sections 321.182,  
9 321.190, and 321.196, relating solely to the issuance  
10 of a driver's license or nonoperator's identification  
11 card to foreign nationals.  
12 2. The provision amending section 321.463,  
13 relating to the maximum gross weight allowed to be  
14 carried on a noninterstate highway by certain  
15 livestock vehicles.  
16 3. The provision amending section 321E.8, relating  
17 to annual permits."  
18 2. By renumbering as necessary.

*Adopted 3/18/02* By BRAUNS of Muscatine

H-8303 FILED MARCH 15, 2002 (*p. 834*)

## SENATE FILE 2192

H-8304

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 18, the  
4 following:

5 "Sec. \_\_\_\_ . Section 6B.18, Code 2001, is amended to  
6 read as follows:

7 6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD --  
8 NOTICE OF APPEAL.

9 1. After the appraisalment of damages has been  
10 delivered to the sheriff by the compensation  
11 commission, the sheriff shall give written notice, by  
12 ordinary mail, to the condemner and the condemnee of  
13 the date on which the appraisalment of damages was  
14 made, the amount of the appraisalment, and that any  
15 interested party may, within thirty days from the date  
16 of mailing the notice of the appraisalment of damages,  
17 appeal to the district court by filing notice of  
18 appeal with the district court of the county in which  
19 the real estate is located and by giving written  
20 notice to the sheriff that the appeal has been taken.  
21 The sheriff shall endorse the date of mailing of  
22 notice upon the original appraisalment of damages. At  
23 the time of appeal, the appellant shall give written  
24 notice that the appeal has been taken to the adverse  
25 party, or the adverse party's agent or attorney,  
26 lienholders, and the sheriff.

27 2. An appeal of appraisalment of damages is deemed  
28 to be perfected upon filing of a notice of appeal with  
29 the district court within thirty days from the date of  
30 mailing the notice of appraisalment of damages. The  
31 notice of appeal shall be served on the adverse party,  
32 or the adverse party's agent or attorney, any  
33 lienholders and encumbrancers of the property in the  
34 same manner as an original notice within thirty days  
35 from the date of filing the notice of appeal unless,  
36 for good cause shown, the court grants more than  
37 thirty days. If after reasonable diligence, the  
38 notice cannot be personally served, the court may  
39 prescribe an alternative method of service consistent  
40 with due process of law.

41 3. In case of condemnation proceedings instituted  
42 by the state department of transportation, when the  
43 owner appeals from the assessment made, such notice of  
44 appeal shall be served upon the attorney general, or  
45 the department general counsel to the state department  
46 of transportation, or the chief highway engineer for  
47 the department.

48 Sec. \_\_\_\_ . Section 6B.22, Code 2001, is amended to  
49 read as follows:

50 6B.22 PLEADINGS ON APPEAL.

H-8304

## SENATE FILE 2192

H-8304

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 18, the  
4 following:

5 "Sec. \_\_\_\_ . Section 6B.18, Code 2001, is amended to  
6 read as follows:

7 6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD --  
8 NOTICE OF APPEAL.

9 1. After the appraisalment of damages has been  
10 delivered to the sheriff by the compensation  
11 commission, the sheriff shall give written notice, by  
12 ordinary mail, to the condemner and the condemnee of  
13 the date on which the appraisalment of damages was  
14 made, the amount of the appraisalment, and that any  
15 interested party may, within thirty days from the date  
16 of mailing the notice of the appraisalment of damages,  
17 appeal to the district court by filing notice of  
18 appeal with the district court of the county in which  
19 the real estate is located and by giving written  
20 notice to the sheriff that the appeal has been taken.  
21 The sheriff shall endorse the date of mailing of  
22 notice upon the original appraisalment of damages. ~~At~~  
23 ~~the time of appeal, the appellant shall give written~~  
24 ~~notice that the appeal has been taken to the adverse~~  
25 ~~party, or the adverse party's agent or attorney,~~  
26 ~~lienholders, and the sheriff.~~

27 2. An appeal of appraisalment of damages is deemed  
28 to be perfected upon filing of a notice of appeal with  
29 the district court within thirty days from the date of  
30 mailing the notice of appraisalment of damages. The  
31 notice of appeal shall be served on the adverse party,  
32 or the adverse party's agent or attorney, any  
33 lienholders and encumbrancers of the property in the  
34 same manner as an original notice within thirty days  
35 from the date of filing the notice of appeal unless,  
36 for good cause shown, the court grants more than  
37 thirty days. If after reasonable diligence, the  
38 notice cannot be personally served, the court may  
39 prescribe an alternative method of service consistent  
40 with due process of law.

41 3. In case of condemnation proceedings instituted  
42 by the state department of transportation, when the  
43 owner appeals from the assessment made, such notice of  
44 appeal shall be served upon the attorney general, or  
45 the department general counsel to the state department  
46 of transportation, or the chief highway engineer for  
47 the department.

48 Sec. \_\_\_\_ . Section 6B.22, Code 2001, is amended to  
49 read as follows:

50 6B.22 PLEADINGS ON APPEAL.

H-8304

SENATE FILE 2192

H-8292

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:

3 1. Page 18, by inserting after line 26, the  
4 following:

5 "Sec. \_\_\_\_ . Section 322.2, subsection 7, Code  
6 Supplement 2001, is amended to read as follows:

7 7. "Engaged in the business" means doing any of  
8 the following acts for the purpose of the sale of  
9 motor vehicles at retail: acquiring, selling,  
10 exchanging, holding, offering, displaying, brokering,  
11 accepting on consignment, conducting a retail auction,  
12 or acting as an agent for the purpose of doing any of  
13 those acts. A person selling at retail more than six  
14 motor vehicles during a twelve-month period may be  
15 presumed to be engaged in the business, except that a  
16 private, nonprofit corporation chartered under chapter  
17 504A shall not be presumed to be engaged in the  
18 business of selling used vehicles, provided that the  
19 vehicles sold by the private, nonprofit corporation  
20 are vehicles that have been donated to the private,  
21 nonprofit corporation for the purpose of raising funds  
22 for the private, nonprofit corporation. A private,  
23 nonprofit corporation that sells more than twenty-five  
24 vehicles in a twelve-month period shall, however, be  
25 required to be licensed under this chapter as an  
26 entity engaged in the business of selling motor  
27 vehicles."

28 2. By renumbering, redesignating, and correcting  
29 internal references as necessary.

By FALLON of Polk

H-8292 FILED MARCH 14, 2002

*w/d*  
*3/18/02*  
*(p 833)*

SENATE FILE 2192

H-8310

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:

3 1. Page 26, by inserting before line 22 the  
4 following:

5 "DIVISION  
6 RAILWAYS

7 Sec. \_\_\_\_ . NEW SECTION. 327F.8 CLOSE-CLEARANCE  
8 WARNING DEVICES.

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

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

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

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

27 2. Title page, line 1, by striking the words  
28 "highways and motor vehicles" and inserting the  
29 following: "transportation".

30 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-8310 FILED MARCH 18, 2002

*Not Hermone*  
*3/18/02*  
*(p. 435)*

**HOUSE AMENDMENT TO  
SENATE FILE 2192**

**S-5186**

1 Amend Senate File 2192, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 18, the  
4 following:

5 "Sec. \_\_\_\_ . Section 6B.18, Code 2001, is amended to  
6 read as follows:

7 6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD --  
8 NOTICE OF APPEAL.

9 1. After the appraisal of damages has been  
10 delivered to the sheriff by the compensation  
11 commission, the sheriff shall give written notice, by  
12 ordinary mail, to the condemner and the condemnee of  
13 the date on which the appraisal of damages was  
14 made, the amount of the appraisal, and that any  
15 interested party may, within thirty days from the date  
16 of mailing the notice of the appraisal of damages,  
17 appeal to the district court by filing notice of  
18 appeal with the district court of the county in which  
19 the real estate is located and by giving written  
20 notice to the sheriff that the appeal has been taken.  
21 The sheriff shall endorse the date of mailing of  
22 notice upon the original appraisal of damages. ~~At~~  
23 ~~the time of appeal, the appellant shall give written~~  
24 ~~notice that the appeal has been taken to the adverse~~  
25 ~~party, or the adverse party's agent or attorney,~~  
26 ~~lienholders, and the sheriff.~~

27 2. An appeal of appraisal of damages is deemed  
28 to be perfected upon filing of a notice of appeal with  
29 the district court within thirty days from the date of  
30 mailing the notice of appraisal of damages. The  
31 notice of appeal shall be served on the adverse party,  
32 or the adverse party's agent or attorney, any  
33 lienholders and encumbrancers of the property in the  
34 same manner as an original notice within thirty days  
35 from the date of filing the notice of appeal unless,  
36 for good cause shown, the court grants more than  
37 thirty days. If after reasonable diligence, the  
38 notice cannot be personally served, the court may  
39 prescribe an alternative method of service consistent  
40 with due process of law.

41 3. In case of condemnation proceedings instituted  
42 by the state department of transportation, when the  
43 owner appeals from the assessment made, such notice of  
44 appeal shall be served upon the attorney general, or  
45 the department general counsel to the state department  
46 of transportation, or the chief highway engineer for  
47 the department.

48 Sec. \_\_\_\_ . Section 6B.22, Code 2001, is amended to  
49 read as follows:

50 6B.22 PLEADINGS ON APPEAL.

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**S-5186**

Page 2

1 A written petition shall be filed by the plaintiff  
2 within ~~twenty~~ thirty days after perfection of the  
3 appeal, stating specifically the items of damage and  
4 the amount thereof. The court may for good cause  
5 shown grant additional time for the filing of the  
6 petition. The defendant shall file a written answer  
7 to plaintiff's petition, or such other pleadings as  
8 may be proper."

9 2. Page 1, by inserting after line 34, the  
10 following:

11 "Sec. \_\_\_\_\_. Section 6B.33, Code 2001, is amended to  
12 read as follows:

13 6B.33 COSTS AND ATTORNEY FEES.

14 The applicant shall pay all costs of the assessment  
15 made by the commissioners and reasonable attorney fees  
16 and costs incurred by the condemnee as determined by  
17 the commissioners if the award of the commissioners  
18 exceeds one hundred ten percent of the final offer of  
19 the applicant prior to condemnation. The condemnee  
20 shall submit an application for fees and costs prior  
21 to adjournment of the final meeting of the  
22 compensation commission held on the matter. The  
23 applicant shall file with the sheriff an affidavit  
24 setting forth the most recent offer made to the person  
25 whose property is sought to be condemned. Members of  
26 such commissions shall receive a per diem of two  
27 hundred dollars and actual and necessary expenses  
28 incurred in the performance of their official duties.  
29 The applicant shall reimburse the county sheriff for  
30 the per diem and expense amounts paid by the sheriff  
31 to the members. The applicant shall reimburse the  
32 owner for the expenses the owner incurred for  
33 recording fees, penalty costs for full or partial  
34 prepayment of any preexisting recorded mortgage  
35 entered into in good faith encumbering the property,  
36 and for similar expenses incidental to conveying the  
37 property to the applicant. The applicant shall also  
38 pay all costs occasioned by the appeal, including  
39 reasonable attorney fees to be taxed by the court,  
40 unless on the trial thereof the same or a lesser  
41 amount of damages is awarded than was allowed by the  
42 tribunal from which the appeal was taken."

43 3. Page 6, by inserting after line 2, the  
44 following:

45 "Sec. \_\_\_\_\_. Section 6B.19, Code 2001, is repealed."

46 4. Page 26, by inserting after line 21 the  
47 following:

48 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The following  
49 provisions of this division of this Act, being deemed  
50 of immediate importance, take effect upon enactment:

**S-5186**

**S-5186**

Page 3

- 1 1. The provisions amending sections 321.182,  
2 321.190, and 321.196, relating solely to the issuance  
3 of a driver's license or nonoperator's identification  
4 card to foreign nationals.
- 5 2. The provision amending section 321.463,  
6 relating to the maximum gross weight allowed to be  
7 carried on a noninterstate highway by certain  
8 livestock vehicles.
- 9 3. The provision amending section 321E.8, relating  
10 to annual permits."
- 11 5. Title page, line 1, by striking the word  
12 "vehicles," and inserting the following: "vehicles  
13 and condemnation,".
- 14 6. By renumbering, relettering, or redesignating  
15 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5186 FILED MARCH 18, 2002

*Senate Concurred*  
*3/20/02 (P.734)*

# Legislative Fiscal Bureau

## Fiscal Note

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SF 2192 – Transportation Omnibus (LSB 6723 SV)

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

Fiscal Note Version – New

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### **Description**

Senate File 2192 provides several transportation-related policy changes to the Department of Transportation (DOT), including but not limited to the following:

- Eliminates the Code requirement that the Department conduct a Quadrennial Need Study of all State roadways every four years, with the exception of park and institutional roads. In lieu of the Quadrennial Need Study:
- The Department will complete a final Quadrennial Need Study for county roads, and report the results to the General Assembly by July 1, 2002. The results of the Study will be utilized for secondary and farm-to-market road distribution fund formulas until a new distribution formula is adopted by the General Assembly.
- The Department will continue to conduct a Need Study annually, to adjust county needs on roads whose jurisdiction has been transferred from the Department to the county or from the county to the Department.
- The Department will continue to identify the needs of park and institutional roads every four years, for the purposes of allocating park and institutional road funds to State agencies.
- An advisory committee will be established to evaluate alternative secondary and farm-to-market road fund distribution formulas, and make recommendations to the General Assembly.
- Funding from the secondary road fund will be dedicated to the County Engineers Association for the purpose of developing and administering a new distribution formula for secondary roads.

### **Assumptions**

1. There are currently 1.4 full-time equivalent (FTE) positions required to conduct the Quadrennial Need Study and annual updates to the Study, at a cost of \$124,000.
2. Support expenditures for the Study, including printing, meetings, and travel costs, are currently \$5,000 annually.
3. Senate File 2192 proposes 0.05 FTE to conduct an annual update to the Quadrennial Need Study, in addition to identifying the needs of park and institutional roads every four years.
4. Senate File 2192 proposes support expenditures for the Study to be \$500 annually.

### **Fiscal Impact**

The fiscal impact of Senate File 2192 is expected to result in a cost savings to the Primary Road Fund and Road Use Tax Fund of approximately \$123,000 annually.



SENATE FILE 2192

AN ACT

RELATING TO HIGHWAYS AND MOTOR VEHICLES AND CONDEMNATION, INCLUDING CONDEMNATION OF PROPERTY BY THE STATE DEPARTMENT OF TRANSPORTATION, REGISTRATION, SALE, AND OPERATION OF CERTAIN VEHICLES, ISSUANCE OF DRIVER'S LICENSES AND NON-OPERATOR'S IDENTIFICATION CARDS, REGULATION OF OVERSIZE VEHICLES, AND VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, AND PROVIDING PENALTIES AND EFFECTIVE DATES.

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

DIVISION I  
HIGHWAYS

Section 1. Section 6B.2A, subsection 4, Code 2001, is amended to read as follows:

4. This section shall not apply to a condemnation of property by the state department of transportation or a county for right-of-way that is contiguous to an existing road right-of-way and necessary for the maintenance, safety improvement, or repair, or upgrade of the existing road. Notwithstanding section 6B.2C, a condemnation of property by the state department of transportation pursuant to this subsection shall be approved by the director of the department of transportation. For purposes of this subsection, "upgrade" means to bring a road or bridge up to currently acceptable standards, including improved geometrics, passing lanes, turning lanes, climbing lanes, and improved shoulders. "Upgrade" does not include expanding a highway from two lanes to four lanes.

Sec. 2. Section 6B.18, Code 2001, is amended to read as follows:

6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD -- NOTICE OF APPEAL.

1. After the appraisalment of damages has been delivered to the sheriff by the compensation commission, the sheriff shall

give written notice, by ordinary mail, to the condemner and the condemnee of the date on which the appraisalment of damages was made, the amount of the appraisalment, and that any interested party may, within thirty days from the date of mailing the notice of the appraisalment of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken. The sheriff shall endorse the date of mailing of notice upon the original appraisalment of damages. ~~At the time of appeal, the appellant shall give written notice that the appeal has been taken to the adverse party, or the adverse party's agent or attorney, lienholders, and the sheriff.~~

2. An appeal of appraisalment of damages is deemed to be perfected upon filing of a notice of appeal with the district court within thirty days from the date of mailing the notice of appraisalment of damages. The notice of appeal shall be served on the adverse party, or the adverse party's agent or attorney, any lienholders and encumbrancers of the property in the same manner as an original notice within thirty days from the date of filing the notice of appeal unless, for good cause shown, the court grants more than thirty days. If after reasonable diligence, the notice cannot be personally served, the court may prescribe an alternative method of service consistent with due process of law.

3. In case of condemnation proceedings instituted by the state department of transportation, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general, or the department general counsel to the state department of transportation, or the chief highway engineer for the department.

Sec. 3. Section 6B.22, Code 2001, is amended to read as follows:

6B.22 PLEADINGS ON APPEAL.

A written petition shall be filed by the plaintiff within twenty thirty days after perfection of the appeal, stating

specifically the items of damage and the amount thereof. The court may for good cause shown grant additional time for the filing of the petition. The defendant shall file a written answer to plaintiff's petition, or such other pleadings as may be proper.

Sec. 4. Section 6B.24, Code 2001, is amended to read as follows:

6B.24 REDUCTION OF DAMAGES -- INTEREST ON INCREASED AWARD.

If the amount of damages awarded by the commissioners is decreased on appeal, the reduced amount shall be paid to the landowner. If the amount of damages awarded by the commissioners is increased on appeal, interest shall be paid from the date of the condemnation. Interest shall not be paid on any amount which was previously paid. Interest shall be calculated at an annual rate equal to the ~~coupon-issue-yield equivalent, as determined by the United States secretary of the treasury, of the average accepted auction price for the last auction of fifty-two week United States treasury bills~~ treasury constant maturity index published by the federal reserve in the H15 Report settled immediately before the date of the award.

Sec. 5. Section 6B.33, Code 2001, is amended to read as follows:

6B.33 COSTS AND ATTORNEY FEES.

The applicant shall pay all costs of the assessment made by the commissioners and reasonable attorney fees and costs incurred by the condemnee as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the applicant prior to condemnation. The condemnee shall submit an application for fees and costs prior to adjournment of the final meeting of the compensation commission held on the matter. The applicant shall file with the sheriff an affidavit setting forth the most recent offer made to the person whose property is sought to be condemned. Members of such commissions shall receive a per diem of two hundred dollars and actual and necessary expenses incurred in the performance of their official duties.

The applicant shall reimburse the county sheriff for the per diem and expense amounts paid by the sheriff to the members. The applicant shall reimburse the owner for the expenses the owner incurred for recording fees, penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering the property, and for similar expenses incidental to conveying the property to the applicant. The applicant shall also pay all costs occasioned by the appeal, including reasonable attorney fees to be taxed by the court, unless on the trial thereof the same or a lesser amount of damages is awarded than was allowed by the tribunal from which the appeal was taken.

Sec. 6. Section 307.22, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Conduct a study of the road and bridge facilities in state parks, state institutions, state fairgrounds, and on community college property. The study shall evaluate the construction and maintenance needs and projected needs based upon estimated growth for each type of facility to provide a quadrennially updated standard upon which to allocate funds appropriated for the purposes of this subsection.

NEW SUBSECTION. 7. Prepare, adopt, and cause to be published the results of a study of secondary roads in the state. The study shall be designed to investigate present deficiencies and future twenty-year maintenance and construction needs of the roads. The study shall be referred to as the "quadrennial need study" for the purposes of this chapter, chapter 307A, and chapter 312. The department shall report the results of the study to the general assembly by July 1, 2002, and the study results shall take effect July 1, 2003.

NEW SUBSECTION. 8. Annually recalculate the construction and maintenance needs of roads under the jurisdiction of each county to take into account the needs of a road whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous

year. The recalculation shall be reported by January 1 of the year following the transfer and shall take effect the following July 1 for the purposes of allocating moneys under sections 312.3 and 312.5.

Sec. 7. Section 307A.2, subsection 11, Code 2001, is amended to read as follows:

11. Construct, reconstruct, improve, and maintain state institutional roads and state park roads, which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as defined in chapter 173, and the roads and bridges located on community college property as defined in chapter 260C, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the ratio that the needs of the state institutional roads and bridges, park roads and bridges, or community college roads and bridges bear to the total needs of these facilities based upon the most recent quadrennial park and institution need study. ~~The commission shall conduct a study of the road and bridge facilities in state parks, state institutions, state fairgrounds, and on community college property. The study shall evaluate the construction and maintenance needs and projected needs based upon estimated growth for each type of facility to provide a quadrennially updated standard upon which to allocate funds appropriated for the purposes of this subsection.~~

Sec. 8. Section 307A.2, subsections 14 and 14A, Code 2001, are amended by striking the subsections.

Sec. 9. Section 312.3, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

For the purposes of this subsection, "latest quadrennial need study report" includes the annual recalculation of construction and maintenance needs of roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year as recalculated pursuant to ~~section 307A.2, subsection 14A~~ 307.22, subsection 8.

Sec. 10. Section 309.57, unnumbered paragraph 5, Code 2001, is amended to read as follows:

A road with an area service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

Sec. 11. NEW SECTION. 312.3B IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU SUPPORT FUND.

Prior to the allocation to the counties under section 312.3, subsection 1, the department is authorized to set aside each year twenty-five hundredths of one percent from the secondary road fund for deposit in a fund to be known as the Iowa county engineers association service bureau support fund. The Iowa county engineers association service bureau support fund shall be used by the department solely for the purpose of supporting the Iowa county engineers association service bureau. Unobligated funds remaining in the Iowa county engineers association service bureau support fund on June 30 of the fiscal year shall revert to the secondary road fund. On or before January 31 of each year, the Iowa county engineers association service bureau shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and

secretary of the senate showing the activity accomplished under this section.

Sec. 12. NEW SECTION. 312.3C SECONDARY ROAD FUND DISTRIBUTION ADVISORY COMMITTEE.

A secondary road fund distribution advisory committee is established to consider methodologies for distribution of moneys in the secondary road fund and farm-to-market road fund. The committee shall be comprised of representatives appointed by the president of the Iowa county engineers association, the president of the Iowa county supervisors association, and the department. The committee shall recommend to the general assembly, for the general assembly's consideration and adoption, one or more alternative methodologies for distribution of moneys in the secondary road fund and the farm-to-market road fund.

Sec. 13. Section 312.5, subsection 4, unnumbered paragraph 2, Code 2001, is amended to read as follows:

"Latest quadrennial need study report" includes the annual recalculation of construction and maintenance needs of roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the prior year as recalculated pursuant to section ~~307A:27~~-subsection ~~14A~~ 307.22, subsection 8.

Sec. 14. Section 314.8, Code 2001, is amended to read as follows:

314.8 GOVERNMENT MARKERS PRESERVED.

1. Whenever if it may become is necessary in grading the highways a highway to make a cut which that will disturb, or fill which that will cover up, a government or other established corner or land monument, ~~it shall be the duty of the engineer to in charge of the project shall~~ establish permanent witness corners or monuments, and make a record of the same, ~~which shall that~~ show the distance and direction the witness corner is from the corner disturbed or covered up. When said the construction work is completed the engineer shall permanently re-establish-said reestablish the corner or monument. ~~A failure to perform said duties shall subject the~~

~~engineer-to-a-fine-of-not-less-than-ten-dollars-nor-more-than fifty-dollars-to-be-collected-on-the-engineer's-bond-~~

2. If the duties in subsection 1 are not performed, the agency in control of the highway on which a project described in subsection 1 has been or is being completed shall pay the costs of restoring the original position of the established corner or land monument.

Sec. 15. Section 6B.19, Code 2001, is repealed.

Sec. 16. EFFECTIVE DATE. The sections of this division of this Act amending sections 307.22, 307A.2, and 312.3, enacting sections 312.3B and 312.3C, and amending section 312.5, being deemed of immediate importance, take effect upon enactment.

DIVISION II  
MOTOR VEHICLES

Sec. 17. Section 321.1, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 20B. "Electric personal assistive mobility device" means a self-balancing device powered by an electric propulsion system that averages seven hundred fifty watts, has two nontandem wheels, and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles per hour. The maximum speed shall be calculated based on operation of the device by a person who weighs one hundred seventy pounds when the device is powered solely by the electric propulsion system.

Sec. 18. Section 321.1, subsection 40, paragraph b, Code Supplement 2001, is amended to read as follows:

b. "Motorized bicycle" or "motor bicycle" means a motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters and not capable of operating at a speed in excess of ~~twenty-five~~ thirty miles per hour on level ground unassisted by human power.

Sec. 19. Section 321.57, subsections 1, 2, and 4, Code Supplement 2001, are amended to read as follows:

1. A manufactured-home-retailer dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move the vehicle upon the highways solely for purposes of transporting, testing, demonstrating, or selling the vehicle without registering the vehicle, upon condition that the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to the owner as provided in sections 321.58 to 321.62. Additionally, a new car dealer or a used car dealer may operate or move upon the highways a new or used car or trailer owned by the dealer for either private or business purposes without registering it if the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and there is displayed on it a special plate issued to the dealer as provided in sections 321.58 to 321.62.

2. In addition, while a service customer is having the customer's own vehicle serviced or repaired by the manufactured-home-retailer dealer, the service customer of the manufactured-home-retailer dealer may operate upon the highways a motor vehicle owned by the manufactured-home-retailer dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the manufactured-home-retailer dealer, provided all of the requirements of this section are complied with.

4. The provisions of this section and sections 321.58 to 321.62, shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or manufactured home-retailer dealer.

Sec. 20. Section 321.58, Code Supplement 2001, is amended to read as follows:

321.58 APPLICATION.

All manufactured-home-retailers dealers, transporters, new motor vehicle wholesalers licensed under chapter 322, and manufactured home retailers licensed under chapter 322B, upon payment of a fee of seventy dollars for two years, one hundred forty dollars for four years, or two hundred ten dollars for six years, may make application to the department upon the

appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, manufactured home retailer licensed under chapter 322B, or manufactured home-retailer dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership.

Sec. 21. Section 321.69, subsection 7, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the information required in subsection 2, a separate disclosure document shall state whether the vehicle's certificate of title indicates the existence of damage prior to the period of the transferor's ownership of the vehicle, and the amount of that damage if the transferor knows or reasonably should know of the prior damage, and whether the vehicle was titled as a salvage vehicle during the period of the transferor's ownership of the vehicle.

Sec. 22. Section 321.127, subsection 4, Code 2001, is amended to read as follows:

4. Refunds ~~and credits~~ for motor vehicles registered for proportional registration under chapter 326 shall be paid or credited on the basis of unexpired complete calendar months remaining in the registration year from the date the claim or ~~application-is-filed-with~~ for refund, license plate, and registration receipt are received by the department.

Sec. 23. Section 321.182, subsections 1 and 3, Code Supplement 2001, are amended to read as follows:

1. a. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The

application may contain other information the department may require by rule. Pursuant to procedures established by the department and for an applicant who is a foreign national temporarily present in this state, the department may waive the requirement that the application include the applicant's social security number.

b. A licensee shall notify the department when the licensee's mailing address changes and provide the new address within thirty days of obtaining the new address. The application provided by the department shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change. The penalty under section 321.482 shall not apply to a licensee's failure to notify the department of such an address change.

3. Certify that the applicant has no other driver's license and certify that the applicant is a resident of this state as provided in section 321.1A. However, certification of residency is not required for an applicant for a nonresident commercial driver's license who is a foreign national temporarily present in this state, as determined by the department.

Sec. 24. Section 321.190, subsection 1, paragraphs a and d, Code Supplement 2001, are amended to read as follows:

a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator's identification card. To be valid the card shall bear a distinguishing number assigned to the card holder, the full name, date of birth, sex, residence address, a physical description and a colored photograph of the card holder, the usual signature of the card holder, and such other information as the department may require by rule. An applicant for a nonoperator's identification card shall apply for the card in the manner provided in section 321.182, subsections 1 through 3. The card shall be issued to the applicant at the time of application pursuant to procedures established by rule.

d. The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for a period of four five years from the date of issuance. A nonoperator's identification card shall be issued without expiration to anyone age seventy or over. If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. No An issuance fee shall not be charged for a person whose driver's license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "c".

The nonoperator's identification card fees shall be transmitted by the department to the treasurer of state who shall credit the fees to the road use tax fund.

Sec. 25. Section 321.191, subsections 2 through 4, Code 2001, are amended to read as follows:

2. NONCOMMERCIAL DRIVER'S LICENSES. The fee for a noncommercial driver's license, other than a class D driver's license or any type of instruction permit, ~~valid-for-two-years~~ is eight four dollars per year of license validity.

3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial class D driver's license ~~valid-for-two-years~~ is sixteen eight dollars per year of license validity.

4. COMMERCIAL DRIVER'S LICENSES. ~~An additional~~ The fee of eight-dollars-is-required-to-issue for a commercial driver's license, other than an instruction permit, ~~valid-for-two-years~~ for the operation of a commercial motor vehicle is eight dollars per year of license validity.

Sec. 26. Section 321.191, subsection 7, Code 2001, is amended by striking the subsection.

Sec. 27. Section 321.191, subsection 8, Code 2001, is amended to read as follows:

8. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS. The fee for a double/triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five

dollars for each endorsement. The fee for a passenger endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver's license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the ~~length-of-the time period of the license regardless-of-whether-the-license is-issued-for-two-or-four-years~~. Upon renewal of a commercial driver's license ~~there-is~~ no fee is payable for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

Sec. 28. Section 321.196, Code Supplement 2001, is amended to read as follows:

321.196 EXPIRATION OF LICENSE -- RENEWAL.

1. Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, ~~at the option of the applicant, two or four~~ five years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years.

2. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without written examination or penalty within a period of

sixty days after its expiration date and without a driving test within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. ~~Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years.~~

3. For the purposes of this section, the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1.

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department or files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

5. Any A resident of Iowa holding a valid driver's license who is temporarily absent from the state, or incapacitated, may, at the time for renewal ~~for~~ of such license, apply to the department for a temporary extension of the license. The department upon receipt of the application shall, upon a showing of good cause, issue a temporary extension of the driver's license for a period not to exceed six months.

Sec. 29. Section 321.208, subsection 7, paragraphs a through c, Code Supplement 2001, are amended to read 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 321.341 or 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 321.341 or 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 321.341 or 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. 30. NEW SECTION. 321.235A ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

An electric personal assistive mobility device may be operated by a person at least sixteen years of age on sidewalks and bikeways in accordance with this section.

1. None of the following are required for operation of an electric personal assistive mobility device:

a. Licensure or registration of the electric personal assistive mobility device under this chapter.

b. Possession of a driver's license or permit by the operator of the electric personal assistive mobility device.

c. Proof of financial responsibility.

2. A person operating an electric personal assistive mobility device on a sidewalk or bikeway shall do all of the following:

a. Yield the right-of-way to pedestrians and human-powered devices.

b. Give an audible signal before overtaking and passing a pedestrian or human-powered device.

3. A person shall not operate an electric personal assistive mobility device at the times specified in section 321.384 unless the person or the electric personal assistive mobility device is equipped with a headlight visible from the front of the electric personal assistive mobility device and at least one red reflector visible from the rear of the electric personal assistive mobility device.

4. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 9A.

Sec. 31. Section 321.236, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Regulating or prohibiting the operation of electric personal assistive mobility devices authorized pursuant to section 321.235A.

Sec. 32. Section 321.266, subsection 2, Code 2001, is amended to read as follows:

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of one thousand dollars or more shall also, within seventy-two hours after the accident, forward a written report of the accident to the department. However, such report is not required when the accident is investigated by a law enforcement agency.

Sec. 33. Section 321.463, subsection 5, paragraph c, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this section to the contrary, the maximum gross weight allowed to be carried on a noninterstate highway by a livestock vehicle with five axles, a minimum distance in feet between the centers of the first and fifth axles of sixty-one feet, and a minimum distance between the two rear axles of at least eight feet and one inch is eighty-six thousand pounds.

Sec. 34. Section 321A.17, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 35. Section 321A.17, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9. This section does not apply to an individual whose privilege to operate a motor vehicle has been suspended or revoked when the period of suspension or revocation has ended and the individual provides evidence satisfactory to the department that the individual has established residency in another state. The individual may not apply for an Iowa driver's license for two years from the effective date of the person's last suspension or revocation unless proof of financial responsibility is filed with the department, as required by this section.

Sec. 36. Section 321E.8, Code Supplement 2001, is amended to read as follows:

321E.8 ANNUAL PERMITS.

Subject to the discretion and judgment provided for in section 321E.1, annual permits shall be issued in accordance with the following provisions:

1. ~~Vehicles with indivisible loads, having an overall width not to exceed twelve feet five inches or mobile homes including appurtenances, having an overall width not to exceed twelve sixteen feet five zero inches, and an overall length not to exceed seventy-five one hundred twenty feet zero inches, an overall height not to exceed fifteen feet five inches, and a total gross weight not to exceed eighty thousand pounds, may be moved for unlimited distances. The vehicle and load shall not exceed the height of thirteen feet ten inches and the total gross weight as prescribed in section 321.463, as follows:~~

a. Vehicles with indivisible loads, or mobile homes including appurtenances, having an overall width not to exceed twelve feet five inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed thirteen feet ten inches may be moved for unlimited distances without route approval from the permitting authority.

b. Vehicles with indivisible loads, or mobile homes including appurtenances, having an overall width not to exceed fourteen feet six inches, an overall length not to exceed one

hundred twenty feet zero inches, and an overall height not to exceed fifteen feet five inches may be moved on the interstate highway system and primary highways with more than one lane traveling in each direction for unlimited distances and no more than fifty miles from the point of origin on all other highways without route approval from the permit issuing authority.

c. All other vehicles with indivisible loads operating under this subsection shall obtain route approval from the permitting authority.

d. Vehicles with indivisible loads may operate under an all systems permit in compliance with paragraph "a", "b", or "c".

2. ~~Vehicles with indivisible loads, having an overall width not to exceed thirteen feet five inches or mobile homes including appurtenances, having an overall width not to exceed thirteen feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the permitting authority for unlimited distances if the height of the vehicle and load does not exceed fifteen feet five inches and the total gross weight of the vehicle does not exceed one hundred thirty-six fifty-six thousand pounds. The vehicle owner or operator shall verify with the permitting authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system. Vehicles with indivisible loads operating under the permit provisions of this subsection may operate under the permit provisions of subsection 1 provided the vehicle and load comply with the limitations described in subsection 1.~~

~~3. Vehicles with indivisible loads, including mobile homes and factory built structures, having an overall width not to exceed sixteen feet zero inches and an overall length not to~~

~~exceed one hundred twenty feet zero inches may be moved under an annual or all systems permit and must have a route specified by the issuing authority prior to the movement; However, vehicles with indivisible loads, including mobile homes and factory built structures, with an overall width not exceeding fourteen feet six inches may exceed fifty miles under an annual and all systems permit when prior approval for trip routing is obtained from the issuing authority;--A vehicle and load being moved according to this paragraph shall not exceed fifteen feet five inches in height and shall not exceed the total gross weight as prescribed in section 321.463.~~

Sec. 37. Section 321E.14, Code Supplement 2001, is amended to read as follows:

321E.14 FEES FOR PERMITS.

The department or local authorities issuing permits shall charge a fee of twenty-five dollars for an annual permit issued under section 321E.8, subsection 1 or 3, a fee of three hundred dollars for an annual permit issued under section 321E.8, subsection 2, a fee of two hundred dollars for a multi-trip permit, and a fee of ten dollars for a single-trip permit, and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required

to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 2, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

The annual fee for an all-system permit is one hundred twenty dollars which shall be deposited in the road use tax fund.

Sec. 38. Section 322.5, subsection 5, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A temporary permit shall not be issued under this subsection to a nonresident manufacturer, distributor, or dealer unless the state in which the nonresident manufacturer, distributor, or dealer is licensed extends by reciprocity similar privileges to a manufacturer, distributor, or dealer licensed by this state.

Sec. 39. Section 322A.12, Code 2001, is amended to read as follows:

322A.12 SALE OR TRANSFER OF OWNERSHIP.

1. Notwithstanding the terms, provisions, or conditions of any an agreement or franchise, subject to the provisions of subsection 2 of section 322A.11, subsection 2, in the event of the sale or transfer of ownership of the a franchisee's dealership by sale or transfer of the business or by stock transfer or in the event of a change in the executive management of the a franchisee's dealership, the franchiser shall give effect to such a the change in the franchise unless the transfer of the franchisee's license under chapter 322 is denied or the new owner is unable to obtain a license under said that chapter, as the case may be.

2. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, the sale or transfer, or the proposed sale or transfer, of a franchisee's dealership, or

the change or proposed change in the executive management of a franchisee's dealership shall not make applicable any right of first refusal of the franchiser.

Sec. 40. Section 326.10A, Code 2001, is amended to read as follows:

326.10A PAYMENT BY CHECK.

The department shall accept payment of fees under this chapter by personal or corporate check. The fee shall be deemed to have been paid upon receipt of the check. ~~However, the department shall not issue plates, stickers or other identification of vehicles subject to proportional registration until sufficient time has elapsed to ensure that payment of the check has cleared the bank upon which it is drawn.~~ If the check is not honored, all fees and penalties shall accumulate as if the fee was not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored check has been received from an applicant, payments submitted by the applicant during the following year must be made with guaranteed funds.

Sec. 41. Section 326.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Vehicles acquired by a fleet owner after the commencement of the registration year and subsequently added to the fleet shall be prorated by applying the mileage percentage used in the original application for such fleet for such registration period to registration fees due under chapter 321 ~~but in no case less than that required by section 326.10.~~ A supplemental report An application for registration shall be filed with the department ~~not later than ten days after such addition to the fleet pursuant to the provisions of chapter 321.~~

Sec. 42. Section 326.12, Code 2001, is amended to read as follows:

326.12 VEHICLES DELETED -- REGISTRATION TRANSFERRED.

Fleet owners who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with the ~~provisions of this section.~~ Iowa shall allow credit for non-Iowa based deleted vehicles only if the state designated by the fleet owner as the base state of the deleted vehicle permits transfer of registration credit to the replacement vehicle. ~~The fleet owner shall notify the department not later than ten days after such deletion and replacement.~~ Allowance of credit for deleted vehicles shall be subject to the following conditions:

1. ~~No additional registration fee shall be assessed on a replacement vehicle upon which the registration fee would have been the same as that for the deleted vehicle.~~ The fee for reissuance or registration credentials or for transfer of credentials shall be seven dollars.

2. No deletion shall be made nor credit allowed toward registration of a replacement vehicle unless the vehicle to be removed from service has been sold, junked, repossessed, foreclosed by mechanic's lien, title transferred by operation of law, or cancellation or expiration of a lease arrangement. The deleted vehicle shall have been disposed of on or before the date the replacement vehicle was acquired or in the possession of the applicant.

3. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall ~~certify to the department that~~ refund any unexpired registration fees paid by the lessor to the lessee ~~have been refunded to the lessor prior to the date of the supplemental application requesting credit for registration fees paid on the deleted vehicle on the transferred vehicle.~~

4. Credit shall be given for unexpired months.

5. The registration of the vehicle being added to the fleet is not delinquent under chapter 321.

Sec. 43. Section 326.14, Code 2001, is amended to read as follows:

326.14 PLATES AND RECEIPTS -- REGISTRATION PERIOD AND RENEWAL -- PENALTY.

1. The department shall issue a single registration plates plate and receipts registration receipt for each vehicle pursuant to apportionment agreements or arrangements provisions authorized under this chapter. The registration period for a vehicle registered pursuant to this chapter is from January 1 through December 31 of each year.

2. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than January 31. A five percent late filing penalty shall be assessed to an application for renewal postmarked or received on or after February 1, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is March 15 at 12:01 a.m.

Sec. 44. Section 326.15, subsection 2, Code 2001, is amended to read as follows:

2. If the motor vehicle is removed from the apportioned fleet, the owner in whose name the motor vehicle was registered shall return the plates registration plate and registration receipt to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle.

Sec. 45. Section 326.15, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 46. Section 326.15, subsection 5, Code 2001, is amended to read as follows:

4. If as a result of an audit the motor vehicle registration fees are found to have been paid in error, a claim-for-refund-shall-be-filed-with-satisfactory-evidence-of-the-error the applicant shall be entitled to a refund.

Sec. 47. Section 326.15, unnumbered paragraph 4, Code 2001, is amended to read as follows:

Refunds of proportional registration fees shall be paid on the basis of unexpired complete calendar months remaining from the date the claim ~~is filed with~~ for refund, the registration plate, and the registration receipt are postmarked or received by the department. Refunds for trailers and semitrailers issued a multiyear registration plate shall be paid on the basis of unexpired complete registration years remaining from the date the claim is filed.

Sec. 48. Section 326.16, Code 2001, is amended to read as follows:

326.16 DELINQUENT FEES.

1. If the fees for such proportional registration are not paid to each contracting jurisdiction entitled thereto on the basis of the proportional registration application and supporting documents filed with the department by the fleet owner within a reasonable amount of time as determined by the department, the department shall redetermine-fees-due-this state calculate late payment penalties. The fleet owner shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of the invoice date. If any-additional fees due-this-state-are-not-paid-by and penalties are not received, the fleet owner within-twenty-days after-the-mailing-to-the-owner-of-a-notice shall be notified by certified mail of-the-additional-fees-due, such that the owner's registration in-this-state-shall-be-cancelled has been suspended.

2. A five percent late payment penalty shall be assessed if an invoice is not paid within thirty days of the invoice date or within thirty days of January 31 of the registration year, whichever is later, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

Sec. 49. Section 326.19, Code 2001, is amended to read as follows:

326.19 RECORDS PRESERVED.

~~Any owner complying with and granted proportional registration privileges shall preserve the records upon which applications are made for a period of four full years following the year for which the application was made. A registrant whose application for apportioned registration has been accepted shall preserve the records upon which the registration is based for a period of three years after the close of the registration year.~~ Upon request of the department, all fleet owners shall make all such records available to the department ~~at the office of the director~~ for audit as to accuracy of computation and payment. ~~If the owner does not produce such records when so requested, the owner shall pay the costs of an audit by a duly appointed representative of the department at the home office of the owner. An audit shall be conducted at the office of the registrant during normal business hours. However, if circumstances dictate, the registrant may be required to present the records at the office of motor carrier services of the department. If the registrant's operational records are not located in the base state and it is necessary for the base state to send auditors to the location where the records are normally kept, the base state may require the registrant to reimburse the per diem and travel expenses incurred by the auditors in performing the audit. The department may enter into agreements with authorized agencies or other contracting states jurisdictions for joint audits of any such owner registrant.~~

Sec. 50. Section 326.22, Code Supplement 2001, is amended to read as follows:

326.22 OPERATIONAL LAWS OF IOWA APPLICABLE.

A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration number plates, stickers, or other identification assigned and furnished to any vehicle for the current registration year by the state in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles

registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial registration receipt or cab card issued for each vehicle registered pursuant to an apportionment registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, or other required identification required, duplicate or registration receipts, and duplicate cab cards.

Sec. 51. Section 326.23, subsection 2, Code Supplement 2001, is amended to read as follows:

2. The department may enter into agreements with owners and operators of truck stops to permit the owners and operators of truck stops to issue trip permits subject to any conditions imposed by the department. In addition to the trip permit fee, the owner or operator of a truck stop may charge an issuance fee ~~of not more than one dollar~~ which shall be disclosed to the purchaser. For the purposes of this section, "truck stop" means any place of business which sells fuel normally used by trucks and which is open twenty-four hours per day.

Sec. 52. Section 326.31, Code 2001, is amended to read as follows:

326.31 FILING INCORRECT INFORMATION -- EFFECT.

Whenever if the director has reason to believe that a fleet owner has filed incorrect information with the department or ~~the department of revenue and finance~~, for the purpose of reducing the fleet owner's obligation for registration fees or fuel taxes, the director may ~~cancel~~ revoke the apportioned registration privileges on all of the vehicles owned by such the person. Any A person who has such privileges ~~canceled~~ revoked shall be ~~subject to the payment of the full annual registration fee for all vehicles operated on the highways of~~

~~this state required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of at least no less than one year and no more than five years thereafter. The director of revenue and finance shall cooperate with the department may use all reports pertaining to the registration fees and motor fuel taxes in ascertaining the accuracy of all reports filed pertaining to registration fees and motor fuel taxes.~~

Any A person whose privileges are canceled ~~revoked~~ may request an administrative hearing of said action ~~before the department of inspections and appeals in accordance with chapter 17A,~~ and during the period pending the hearing the apportioned registration privileges shall be reinstated if the fleet owner posts security with the department of transportation in an amount sufficient to pay such ~~the~~ full annual fees if an adverse decision is rendered at the hearing. At such hearing the fleet owner shall have the burden of proof as to the accuracy of any report filed by the fleet owner with the department of transportation or the department of revenue and finance. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 53. Section 805.8A, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE VIOLATIONS. For violations under section 321.235A, the scheduled fine is fifteen dollars.

Sec. 54. Sections 326.10 and 326.45, Code 2001, are repealed.

Sec. 55. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provisions amending sections 321.182, 321.190, and 321.196, relating solely to the issuance of a driver's license or nonoperator's identification card to foreign nationals.
2. The provision amending section 321.463, relating to the maximum gross weight allowed to be carried on a noninterstate highway by certain livestock vehicles.

3. The provision amending section 321E.8, relating to annual permits.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2192, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/4, 2002

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THOMAS J. VILSACK  
Governor