

State of Iowa

1974

Iowa Highway Safety Program

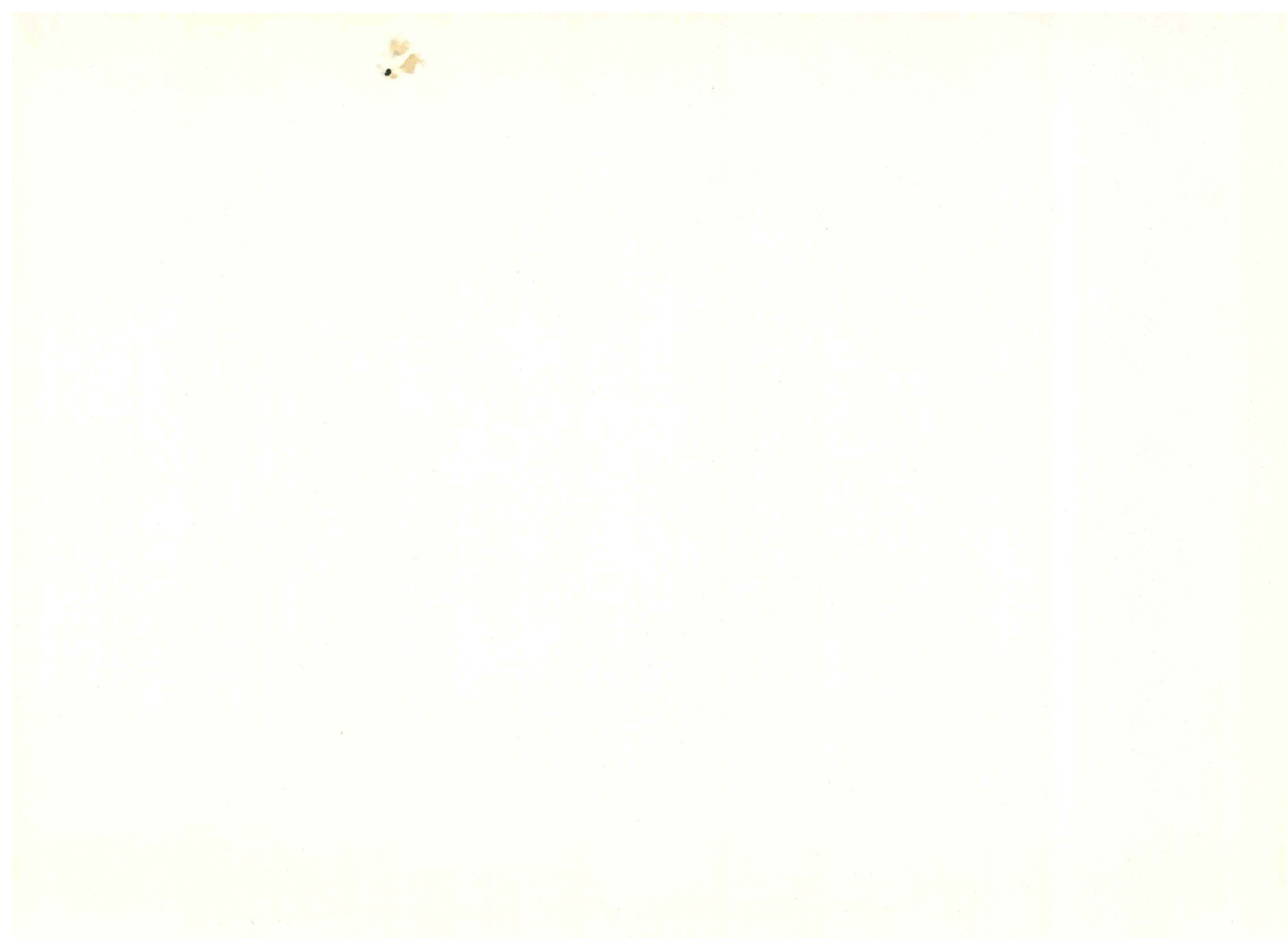
LEGISLATIVE SUMMARY

65th General Assembly

Office for Planning and Programming  
Highway Safety Program Division  
523 East 12th Street, Des Moines, Iowa 50319

September 1, 1974

Printed by the State of Iowa with funds supplies to the Office for Planning and Programming by the United States Department of Transportation, National Highway Traffic Safety Administration and Federal Highway Administration in support of Iowa's approved Highway Safety Program.





---

---

The publication of this report is financially aided through a federal grant from the U. S. Department of Transportation/National Highway Traffic Safety Administration, authorized by Section 402 of the Highway Safety Act of 1966 as amended.

---

Iowa Highway Safety Program  
LEGISLATIVE SUMMARY  
65th General Assembly

Table of Contents

	Page
I. Overview of Legislative Effort. . . . .	i
II. Division of Standards by Legislative Committee. . . . .	ii
III. Federal Highway Safety Standards Summary of Compliance . . . . .	1 - 3
IV. Enrolled Bills	
A. House Files	
1. Summary and Comment, by Bill	
(a) First Session. . . . .	4 - 7
(b) Second Session . . . . .	8 - 9
2. Copies of Bills	
(a) First Session. . . . .	10 - 30
(b) Second Session . . . . .	31 - 43
B. Senate Files	
1. Summary and Comment, by Bill	
(a) First Session. . . . .	44 - 47
(b) Second Session . . . . .	48 - 51
2. Copies of Bills	
(a) First Session. . . . .	52 - 89
(b) Second Session . . . . .	90 -148
V. Bills Introduced but not Enrolled	
A. House Files - summaries . . . . .	.149-152
B. Senate Files - summaries. . . . .	.153-154
C. Bills of Special Interest	
1. Mandatory Motorcycle Helmets. . . . .	.155-172
2. Blood Alcohol Concentration (BAC) Testing of in Fatalities. . . . .	.173-185
VI. Concurrent Resolutions	
A. House . . . . .	.186
B. Senate. . . . .	.187

---

---

## OVERVIEW

In reviewing the highway safety related effort of the Iowa Legislature in the 65th General Assembly, one cannot help but be impressed with the scope of the legislation considered and the significance of the bills passed into law. When one recalls the large number of major non-highway safety bills enacted and the necessary deliberateness of a democracy at work in a bicameral legislature, the highway safety effort is even more impressive.

The range of bills introduced can be seen in the summaries of introduced and enrolled bills below. Some 30 highway safety related bills were passed, with many more being considered. In addition, three legislative study subcommittees on highway safety topics were established.

The majority of the bills which passed both houses are directed at the areas where Iowa could benefit most by improvement in relation to the Federal highway safety standards. In November of 1973 the summary of Iowa's compliance by standards which immediately follows this section was sent to the chairman and members of the Motor Vehicle Laws subcommittee of the Iowa Legislature. A review of that summary and of the legislative effort indicates that much of that effort was, in fact, directed at those areas of greatest deviation from the standards.

As a further indication of the commitment to highway safety of the State Legislature, special note should be made of H.F. 343 (on Implied Consent), S.F. 173 (on Habitual Offenders), S.F. 1141 (creating a State Department of Transportation), and S.F. 481 (altering the state motor vehicle inspection laws). These are all examples of the innovative approach to highway safety that the legislature has taken.

# DIVISION OF HIGHWAY SAFETY STANDARDS

In accordance with the "Highway Safety Act of 1966," the Secretary of Transportation has issued eighteen highway safety standard areas. The secretary requests the states to enact laws, where necessary, to implement these standards.

In order to prevent a duplication of effort by any of the three Highway Safety-related legislative interim study committees, the Iowa Legislative Service Bureau in conjunction with the various committee chairmen, divided the eighteen standard areas for study in the following way:

1. Reduction of Highway Fatalities Committee

- Motorcycle Safety
- Driver Education
- Driver Licensing
- Alcohol in Relation to Highway Safety
- Pedestrian Safety
- Accident Investigation

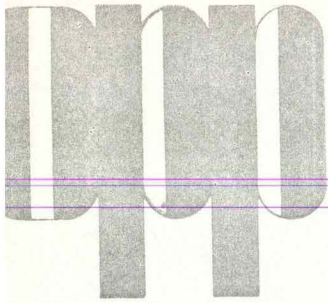
2. Federal Highway Safety Standards Subcommittee

- Periodic Motor Vehicle Inspection
- Motor Vehicle Registration
- Traffic Courts
- Identification and Surveillance of Accident Locations
- Traffic Records
- Emergency Medical Services
- Highway Design, Construction, and Maintenance
- Traffic Control Devices
- Police Traffic Services
- Debris Hazard Control and Cleanup
- School Bus Safety

3. Iowa's Motor Vehicle Laws Subcommittee

- Codes and Laws





STATE OF IOWA

# Office for Planning and Programming

523 East 12th Street, Des Moines, Iowa 50319 Telephone 515/281-3711

ROBERT D. RAY  
Governor

ROBERT F. TYSON  
Director

## M E M O R A N D U M

TO: Robert F. Tyson  
Governor's Highway Safety Representative

FROM: L. C. Faust, Director  
Highway Safety Program

SUBJECT: Federal Highway Safety Standards

DATE:

The attached National Standard summary and compliance reviews represent the 18 National Highway Safety Standards as promulgated by the Secretary of Transportation in compliance with the Highway Safety Act of 1966. A brief statement regarding Iowa's compliance has been added for your information.

LCF/fjc

Attachments

## FEDERAL HIGHWAY SAFETY STANDARDS

### 1. Periodic Motor Vehicle Inspection

Requires annual inspection to insure vehicles are properly equipped and maintained for use on our highways. Iowa does not currently have an annual motor vehicle inspection program.

### 2. Motor Vehicle Registration

A motor vehicle registration program must provide the rapid dissemination of information necessary for vehicle identification, accident research, safety program development, and enforcement of traffic laws. Iowa is in compliance.

### 3. Motorcycle Safety

Only persons physically and mentally qualified shall be licensed to operate a motorcycle, and both driver and passenger shall wear protective safety equipment (helmets). Iowa is one of only four states which do not have motorcycle helmet and goggle legislation at the current time.

### 4. Driver Education

A driver education program shall be available for all youths of licensing age. Adult and commercial driver training schools must be licensed and instructors certified. Iowa complies with the exception that only commercial driving schools for persons 18 years of age and under are required to be certified; driving schools for persons 18 and older need not be certified.

### 5. Driver Licensing

A driver licensing program must insure that only persons physically and mentally qualified are licensed to operate motor vehicles. The program must not unjustly restrict or deny the privilege to drive. In Iowa, persons may have more than one license even though loss of one constitutes loss of all. They are required to be tested on vision once every four years, but not on knowledge of the "Rules of Road" as required by the Standard.

### 6. Codes and Laws

Uniformity of traffic codes and laws within the State and with other states shall be implemented. Iowa ranked fortieth in the country at the last comparison to the Uniform Vehicle Code.

7. Traffic Courts

All traffic courts shall contemplate and support local and statewide traffic safety objectives. Iowa came into compliance with recent Court Reform legislation.

8. Alcohol in Relation to Highway Safety

A program to reduce alcohol-related traffic accidents is a mandatory part of any highway safety program. Iowa complies with all except testing of surviving and deceased drivers involved in fatal crashes.

9. Identification and Surveillance of Accident Locations

Each state shall have a program for identifying high crash locations and potentially hazardous sites. Extensive program being implemented in Iowa at present.

10. Traffic Records

Information regarding drivers, vehicles, and accidents shall be kept for analysis and correlation. Iowa will comply when computerization of our traffic records system is completed.

11. Emergency Medical Services

Persons involved in highway accidents shall receive prompt emergency medical aid by trained, qualified personnel. Iowa does not require training and licensing of ambulance or rescue vehicle operators, attendants, drivers, or dispatchers.

12. Highway Design, Construction, and Maintenance

A program of highway design, construction, and maintenance shall be implemented to improve highway safety. Iowa is in compliance on all State-controlled roads.

13. Traffic Control Devices

A program of uniform and strategically placed traffic control devices (signs, signals, etc.) is effective in reducing traffic accidents. Iowa complies on all State-controlled roads.

14. Pedestrian Safety

A pedestrian safety program which includes pedestrian education, night crosswalk lighting, and alcohol involvement records shall be implemented. Iowa complies except that no accurate statistical records are kept on alcohol, protective safety clothing, or the disabilities of pedestrians injured in accidents.



15. Police Traffic Services

A program shall be implemented to insure effective use of local and state police services to reduce traffic accidents. Iowa is in compliance.

16. Debris Hazard Control and Cleanup

Rapid, orderly, and safe removal of wreckage, spillage, and debris can prevent secondary hazards and promote highway safety. Iowa is in compliance.

17. School Bus Safety

A program to insure safe vehicles, drivers, and passengers shall be implemented. Iowa substantially complies.

18. Accident Investigation

There shall be a program to investigate each accident and record all information possible as to cause and results. This shall be a coordinated effort of local and state police. Iowa does not provide for multi-disciplinary accident investigation at the current time.



First Session

H.F. 18

Summary: (Left Turns) Requires drivers to yield right-of-way when making a left turn into an alley, private road, or driveway, as well as an intersection.

Comments: This addition places Iowa "clearly in substantial conformity" with UVC section 11-402. Only 18 other states were in verbatim or substantial conformity with this section as of the date of publication of the Traffic Laws Annotated 1974 annual supplement.

H.F. 19

Summary: (Driving on right)

1. Provides for exception to general rule of driving on the right hand side of roadway as follows:
  - a. passing;
  - b. when right lane is obstructed;
  - c. where roadway is divided into 3 lanes.
2. Requires slow moving traffic to stay to the right-hand side of the road.
3. Prohibits driving to the left of center line on a 4 land roadway except under certain conditions.
4. Provides that vehicles or horseback riders shall yield one-half of road except as provided above.

Comments: Section One above places Iowa in verbatim conformity with the Uniform Vehicle Code, joining 8 other states in verbatim conformity with the UVC (1968) as of TLA (supplement, 1974). Remainder places Iowa in verbatim conformity with 11-301(b) and 11-301(c). Number 4 above conforms with the substances of 11-302.

H.F. 41

Summary: (Weight)

1. Exempts farm tractors from temporary local weight restrictions.
2. Provides a formula for the computation of fines for overweight vehicles and permits local issuance of special permits for overweight vehicles carrying farm feeds or home heating fuel, as well as for vehicles moving farm produce subject to rapid spoilage.
3. Exempts farm tractors from authority of Highway Commission to establish weight restrictions, and requires that restrictions under Section 321.1, Subsection (7) of the Code of Iowa be for a definite period of time not to exceed 12 months.

Comments: This bill contributes to overall highway safety by modifying the laws governing weight restrictions so as to ensure their continuing viability, which in turn preserves the condition of the roadbed.

H.F. 48

Summary: (Tandem Axle) Defines tandem axle and clarifies present law on allowable weight per axle.

Comment: While not directly affecting any of the Federal standards, this bill is evidence of the Iowa Legislature's continuing effort to provide comprehensive motor vehicle laws.

H.F. 109

Summary: (Scenic Overlook) Allows construction of a scenic overlook and rest area at Loveland on Interstate Highway 80N.

Comment: Insofar as driver fatigue is a cause of accidents and insofar as drivers may be induced to stop and rest when a scenic overlook is provided in conjunction with a rest area, this bill will contribute to highway safety.

H.F. 193

Summary: (Size and Weight) Allows movement of vehicles and loads of excessive size and weight under permit from sunrise until sunset, rather than "during daylight hours", and allows movement

of such vehicles until noon on Saturdays and until noon on days preceding holidays and holiday weekends, rather than for the entire day on those days.

Comments: These represent minor changes in the law but serve as evidence of the Legislature's continuing attention to highway safety related matters.

H.F. 220

Summary: (Metal Tracked Vehicles) Prohibits operation of metal tracked vehicles, as well as those with metal tires, and allows the issuance of special permits to allow the operation of traction engines and tractors with movable tracks on the highways.

Comment: This Act contributes to highway safety in that it works to preserve the condition of road surfaces.

H.F. 542

Summary: (Construction Machinery)

1. Exempts road workers and their vehicles from certain laws when engaged in road work on a roadway officially closed to traffic and extends the exemption to maintenance workers and vehicles.
2. Provides for the controlled movement of construction machinery between construction projects and repair shops.

Comments: In addition to furthering highway safety by providing a system of controlling the movement of construction machinery on the highways, this Act modifies the wording recommended in UVC 11-105 to apply only to a highway officially closed to traffic and extends the exemption to maintenance workers and vehicles (not included in UVC 11-105).

H.F. 608

Summary: (Transport Vehicle Length) Specifies that unladen vehicles may not have an overall length exceeding 60 feet, but that specified types of vehicles when being transported may extend up to 3 feet beyond the bumpers of the transporting vehicle for up to 65 feet.

Comments:

H.F. 694

Summary: (Odometers) Amends previous law governing odometers to require an odometer statement on certificates of title when title is transferred and on all vehicles in a licensed dealer's inventory, and specifies certain other requirements re: odometers.

Comment: This law brings Iowa law into conformity with recently enacted Federal law. Thus, this law furthers uniformity of state laws relating to motor vehicles.



BILL SUMMARIES - HOUSE FILES

---

Second Session

---

H.F. 125

Summary: (Standard Sheriff Uniform) Provides for the design of a standard uniform for all county sheriffs and their full-time deputies.

Comments: This Act effects highway safety only indirectly, in that a standard uniform may highlight the presence of law enforcement officials and thus reduce accidents.

H.F. 343

Summary: (Implied Consent) Clarifies the implied consent test for alcohol and extends the time after receipt of an appeal of license revocation during which a hearing must be granted from 10 to 20 days. In addition, driving while one's license is under revocation or denied, as under the terms of the implied consent law, is illegal and penalties are provided.

Comments: This Act is yet another example of the on-going legislative effort in the State to reduce accidents through a reduction of the number of drivers on the road whose abilities are impaired due to alcohol.

H.F. 414

Summary: (Blue Light - Fire Vehicles) Permits flashing blue warning lights to be used by fire department vehicles and by private vehicles used by a fire fighter and restricts the use of such lights to those vehicles only, and only while engaged in fire service activities.

Comments: This Act places Iowa somewhat out of step with other states; nonetheless the Legislature felt that the designation of fire related vehicles by a blue light would best meet the objectives of warning devices, i.e., identification of the vehicle type involved.

H.F. 671

Summary: (65' Trucks) The Act was to extend the maximum allowable overall vehicle length from 60' to 65', and provided conditions on the roadways upon which these vehicles could be operated.

The Act, however, was vetoed by the Governor.

Comments:

H.F. 1046

Summary: (Warning Devices) Permits the use of reflective triangles conforming to U. S. Department of Transportation standard as a warning device in lieu of lights, flares, etc.

Comment: By enlarging the scope of permissible warning devices to include reflective triangles, state law keeps pace with national safety research.

H.F. 1052

Summary: (Certificate of Inspection) Clarifies law requiring inspection each time a motor vehicle is sold.

Comment:

AN ACT  
RELATING TO DUTIES OF OPERATORS OF VEHICLES TURNING LEFT.

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

Section 1. Section three hundred twenty-one point three hundred twenty (321.320), Code 1973, is amended to read as follows:

321.320 VEHICLES TURNING LEFT AT-INTERSECTION. The driver of a vehicle ~~within-an-intersection~~ intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard, then said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 18, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor

AN ACT

PROVIDING EXCEPTIONS TO DRIVING ON THE RIGHT SIDE OF A ROADWAY.

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

Section 1. Section three hundred twenty-one point two hundred ninety-seven (321.297), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

321.297 DRIVING ON RIGHT-HAND SIDE OF ROADWAY--EXCEPTIONS.

1. A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:

a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

b. When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.

c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

d. Upon a roadway restricted to one-way traffic.

2. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road or driveway.

3. A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and providing for two-



way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection one (1), paragraph b of this section. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

Sec. 2. Section three hundred twenty-one point two hundred ninety-eight (321.298), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

321.298 MEETING AND TURNING TO RIGHT. Except as otherwise provided in section three hundred twenty-one point two hundred ninety-seven (321.297) of the Code, vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by turning to the right.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 19, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor

AN ACT

RELATING TO TEMPORARY RESTRICTIONS ON WEIGHT AND LOAD OF CERTAIN MOTOR VEHICLES, AND TO PROVIDE PENALTIES FOR VIOLATION OF TEMPORARY RESTRICTIONS.

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

Section 1. Section three hundred twenty-one point four hundred seventy-one (321.471), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

321.471 LOCAL AUTHORITIES MAY RESTRICT. Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, except farm tractors as defined in section three hundred twenty-one point one (321.1), subsection seven (7), of the Code, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

Sec. 2. Section three hundred twenty-one point four hundred seventy-one (321.471), unnumbered paragraph two (2), Code 1973, is amended to read as follows:

Any person who violates the provisions of such ordinance or resolution shall ~~be punished by a fine as provided in the schedule for gross or group of axes weight violations in section 321.463.--The violation shall be that weight in excess of the maximum weight established by the ordinance or resolution, and the fine shall be imposed accordingly,~~ upon conviction or a plea of guilty, be subject to a fine determined



by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. Local authorities may issue special permits, during periods such restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by any other provision of this chapter, and such authorities shall issue such permits upon a showing that there is a need to move to market farm produce of the type subject to rapid spoilage ~~and~~ or loss of value or to move to any farm feeds or fuel for home heating purposes.

Sec. 3. Section three hundred twenty-one point four hundred seventy-four (321.474), Code 1973, is amended to read as follows:

321.474 HIGHWAY COMMISSION MAY RESTRICT. The state highway commission shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles except farm tractors as defined in section three hundred twenty-one point one (321.1), subsection seven (7) of the Code operated upon any highway under the jurisdiction of said commission and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution. Resolutions imposing restrictions under section three hundred twenty-one point four hundred seventy-three (321.473) of the Code shall be for a definite period of time not to exceed twelve months. The expiration date of the resolution shall appear on all signs posted as required by this section.

Any person who violates the provisions of such resolution shall be punished by a fine as provided in the schedule for gross or group of axles weight violations in section 321.463. The violation shall be that weight in excess of the maximum weight established by the resolution, and the fine shall be

imposed-accordingly, upon conviction or a plea of guilty,  
be subject to a fine determined by dividing the difference  
between the actual weight and the maximum weight established  
by the resolution by one hundred, and multiplying the quotient  
by two dollars. The highway commission may issue special  
permits, during periods such restrictions are in effect, to  
permit limited operation of vehicles upon specified routes  
with loads in excess of any restrictions imposed under this  
section, but not in excess of load restrictions imposed by  
any other provision of this chapter. The highway commission  
shall issue special permits in accordance with the foregoing  
to trucks moving farm produce, which decays and or loses its  
value if not speedily put to its intended use, to market upon  
a showing to the highway commission that there is a requirement  
for trucking such produce or to trucks moving to any farm  
feeds or fuel necessary for home heating purposes.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 41, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor



AN ACT

DEFINING THE TERM TANDEM AXLE.

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

Section 1. Section three hundred twenty-one point one (321.1), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. "Tandem axle" means any two or more consecutive axles whose centers are more than forty inches but not more than eighty-four inches apart.

Sec. 2. Section three hundred twenty-one point four hundred sixty-three (321.463), unnumbered paragraph seven (7), Code 1973, is amended to read as follows:

The weight on any one axle, including a tandem axle, of a vehicle which is transporting livestock may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such group of axles.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Hampton Chronicle, a newspaper published in Hampton, Iowa, and The Red Oak Express, a newspaper published in Red Oak, Iowa.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 48, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor

## AN ACT

RELATING TO THE ESTABLISHMENT OF A REST AREA AND REST AREA BUILDING.

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

Section 1. Notwithstanding the provisions of section three hundred thirteen point two (313.2) of the Code relating to intervals at which rest areas and rest area buildings may be constructed on interstate highways, the state highway commission is directed to establish and construct a rest area facility on the scenic overlook at Loveland in Pottawattamie county on interstate highway eighty N.

Sec. 2. In no case shall more than one hundred eleven thousand dollars (\$111,000) be expended in carrying out the provisions of this Act.

---

ANDREW VARLEY  
Speaker of the House

---

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 109, Sixty-fifth General Assembly.

---

WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor

HOUSE FILE 193

AN ACT

RELATING TO THE MOVEMENT OF VEHICLES AND LOADS OF EXCESSIVE SIZE AND WEIGHT UNDER PERMIT DURING DAYLIGHT HOURS AND HOLIDAYS.

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

Section 1. Section three hundred twenty-one E point eleven (321E.11), Code 1973, is amended to read as follows:

321E.11 DAYLIGHT MOVEMENT ONLY--HOLIDAYS. Movements by permit in accordance with this chapter shall be permitted only during ~~daylight~~ the hours from sunrise to sunset unless it is established by the issuing authority that the movement can be better accomplished at another period of time because of traffic volume conditions.

Except as provided in section 321.457, no movement ~~of over-dimension-vehicles~~ by permit shall be permitted on ~~Saturdays, Sundays, holidays, or days preceding and following holidays~~ after twelve o'clock noon on Saturdays, or after twelve o'clock noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 386C.1. For the purposes of this chapter, holidays shall include New Years Day, Memorial



Day, Independence Day, Veterans Day, Labor Day, Thanksgiving Day, and Christmas Day.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 193, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. WARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor



AN ACT  
RELATING TO THE OPERATION OF METAL TRACKED AND METAL TIRED  
VEHICLES ON STREETS AND ROADS.

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

Section 1. Section three hundred twenty-one point four hundred forty-one (321.441), Code 1973, is amended to read as follows:

321.441 METAL TIRES PROHIBITED. No person shall operate or move on ~~any~~ a paved highway any motor vehicle, trailer, or semitrailer having any metal tire or metal track in contact with the roadway.

Sec. 2. Section three hundred twenty-one point four hundred forty-three (321.443), Code 1973, is amended to read as follows:

321.443 EXCEPTIONS. The state highway commission and local authorities in their respective jurisdictions shall review any application for a special permit and may, ~~in-their discretion~~ with good cause being shown, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors

or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

---

ANDREW VARLEY  
Speaker of the House

---

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 220, Sixty-fifth General Assembly.

---

WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor

## AN ACT

RELATING TO THE SIZE, WEIGHT, AND LOAD OF VEHICLES OPERATED ON IOWA'S ROADS.

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

Section 1. Section three hundred twenty-one point two hundred thirty-three (321.233), Code 1973, as amended by House File twenty-two (22), Acts of the Sixty-fifth General Assembly, First Session, is amended by striking the section and inserting in lieu thereof the following:

321.233 ROAD WORKERS EXEMPTED. The provisions of this chapter, except the provisions of sections three hundred twenty-one point two hundred eighty (321.280) through three hundred twenty-one point two hundred eighty-three (321.283) of the Code, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but shall apply to such persons and vehicles when traveling to or from such work. The provisions of this chapter shall not apply to maintenance equipment operated by or under lease to any state or local authority while engaged in road maintenance work, including to or from such work.

Sec. 2. Section three hundred twenty-one point four hundred fifty-three (321.453), Code 1973, is amended to read as follows:

321.453 EXCEPTIONS. The provisions of this chapter governing size, weight, and load shall not apply to fire apparatus, ~~road machinery~~, or to implements of husbandry temporarily moved upon a highway, or to implements moved between the retail seller and farm purchaser within a fifty-mile radius from corporate limits wherein his place of business is located, or implements received and moved by a retail



seller of implements of husbandry in exchange for an implement purchased, except on any part of the interstate highway system, or to a vehicle operating under the terms of a special permit issued as provided in chapter 321E.

Sec. 3. Section three hundred twenty-one E point one (321E.1), Code 1973, is amended to read as follows:

321E.1 PERMITS BY HIGHWAY COMMISSION. The state highway commission and local authorities may in their discretion and upon application and with good cause being shown therefor issue permits for the movement of construction machinery being temporarily moved on streets, roads, or highways and for vehicles with indivisible loads carried thereon which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466, but not to exceed the limitations imposed in sections 321E.1 through 321E.15. Permits so issued may be single-trip permits or annual permits. All permits shall be in writing and shall be carried in the cab of the vehicle for which the permit has been issued and shall be available for inspection at all times. The vehicle and load for which the permit has been issued shall be open to inspection by any peace officer or to any authorized agent of any permit granting authority. When in the judgment of the issuing local authority in cities, towns, and counties the movement of a vehicle with an indivisible load or construction machinery which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees, or other public or private property, the permit shall be denied and the reasons therefor endorsed upon the application. Permits issued by local authorities shall designate the days when and routes upon which loads and construction machinery may be moved within the county on other than primary roads.

Sec. 4. Section three hundred twenty-one E point three (321E.3), unnumbered paragraph one (1), Code 1973, is amended

to read as follows:

All movements of mobile homes and other vehicles the width of which, including any load, exceeds the roadway lane width of the highway or street being traversed, shall be under escort. Permits for the movement of indivisible loads and single-trip permits for construction equipment being moved temporarily on highways and streets exceeding twelve thirteen feet five-inches in width or mobile homes of widths including appurtenances exceeding twelve feet five inches shall be restricted to maximum trip distances in accordance with the following schedule:

Sec. 5. Section three hundred twenty-one E point six (321E.6), Code 1973, is amended to read as follows:

321E.6 VARIATIONS IN ROAD WIDTH AND TRAFFIC. A movement of an indivisible load or construction machinery being temporarily moved over a highway or highways having sections carrying varying volumes of traffic and having varying surface widths shall have its permissible total distance computed on the basis of the lowest volume of traffic or the greatest highway width, whichever produces the greater distance by the foregoing schedule. However, no movement over a section or sections carrying a given shorter permissible maximum shall be greater than that shorter maximum and, in computing the distance which would be traveled on a section or sections having a certain width and traffic volume, distances which would be traveled on sections carrying shorter permissible move distances shall be included.

Sec. 6. Section three hundred twenty-one E point seven (321E.7), Code 1973, is amended to read as follows:

321E.7 LOAD LIMITS PER AXLE. The gross weight on any axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with the provisions of this chapter shall not exceed the maximum axle load prescribed in section 321.463; except that, construction machinery being temporarily moved on streets, roads, or highways may have



a gross weight of thirty-six thousand pounds on any single axle equipped with a minimum size twenty-six point five inch by twenty-five inch flotation pneumatic tires and a maximum gross weight of twenty thousand pounds on any single axle equipped with minimum size eighteen inch by twenty-five inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of one hundred twenty-six thousand pounds; and except that a manufacturer of machinery or equipment manufactured or assembled in Iowa may be granted a permit for the movement of such machinery or equipment mounted on pneumatic tires with axle loads exceeding the maximum axle load prescribed in section 321.463 for distances not to exceed twenty-five miles at a speed not greater than twenty miles per hour. The movement of such machinery or equipment shall be over a specified route between the place of assembly or manufacture and a storage area, shipping point, proving ground, experimental area, weighing station, or another manufacturing plant.

Sec. 7. Section three hundred twenty-one E point nine (321E.9), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. Vehicles or combinations of vehicles consisting of construction machinery being temporarily moved on streets, roads, and highways with a maximum total gross weight limitation and a single axle weight limitation prescribed in section three hundred twenty-one E point seven (321E.7) of the Code, an overall width not to exceed thirteen feet, an overall length not to exceed eighty feet, may be moved for unlimited distances over specified routes when accompanied by official escort approved by the issuing authority. The height of the vehicle or combination of vehicles shall be limited only to the height limitations of underpasses, bridges, power lines, and other established height restrictions on the specified route.

Sec. 8. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in The Correctionville News, a newspaper published in Correctionville, Iowa.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 542, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor

## AN ACT

RELATING TO THE LENGTH OF VEHICLES USED FOR THE TRANSPORTA-  
TION OF CERTAIN VEHICLES, BOATS AND FARM IMPLEMENTS.

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

Section 1. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection five (5), Code 1973, is amended to read as follows:

5. No combination of vehicles coupled together which are used exclusively for the transportation of ~~vehicles~~ passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, travel trailers, and boats, farm and industrial tractors and self-propelled farm implements, and self-propelled vehicles unladen-or-with-load, shall have ~~an-overall~~ an unladen length, inclusive of front and rear bumpers in excess of sixty feet, but the passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or boats being transported may extend up to three feet beyond the front and rear bumpers of the transporting vehicles when the overall length of the vehicle with load does not exceed sixty-five feet.

---

ANDREW VARLEY  
Speaker of the House

---

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 608, Sixty-fifth General Assembly.

---

WILLIAM H. PARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor



AN ACT

RELATING TO THE REGULATION OF MOTOR VEHICLE ODOMETERS.

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

Section 1. Section three hundred twenty-one point seventy-one (321.71), subsection one (1), paragraph b, Code 1973, is amended to read as follows:

b. "True mileage" is the actual mileage driven by the motor vehicle as registered by the odometer within the manufacturer's designed tolerance has been driven.

Sec. 2. Section three hundred twenty-one point seventy-one (321.71), subsections six (6), seven (7), twelve (12), and fifteen (15), Code 1973, are amended to read as follows:

6. In the event any odometer is repaired or replaced, the reading of the repaired or replaced odometer shall be set at the reading of the odometer repaired or replaced immediately prior to repair or replacement, but where the odometer is incapable of registering the same mileage the odometer shall be adjusted to read zero and the any adjustment made in accordance with the provisions of this subsection shall not be deemed a violation of any provision of this section.

7. No certificate of title shall be issued for a motor vehicle which was equipped with an odometer by the manufacturer unless the statement required in subsection 8 of this section has been furnished by the transferor. As to motor vehicles of a model year subsequent to the model year 1968 which were equipped with an odometer by the manufacturer, no certificate of title shall be issued unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of such vehicle and is furnished with the application for certificate of title.

The new certificate of title shall record on the face thereof the odometer reading and if the odometer reading is not the true mileage or the true mileage is unknown, then the word "unknown" shall be recorded. However a certificate of title may be issued for a motor vehicle to a person who moves into this state if such person acquired ownership of the motor vehicle prior to moving to this state. The provisions of this subsection shall not apply to motor vehicles transferred by operation of law pursuant to section three hundred twenty-one point forty-seven (321.47) of the Code nor to motor vehicles having a registered gross vehicle weight of more than sixteen thousand pounds.

12. An Iowa licensed motor vehicle dealer shall not have in his possession as inventory for sale any used motor vehicle acquired by the dealer after January 1, 1972, for which he does not have in his possession ~~a statement from his transferor as provided in subsections 8 and 9~~ an odometer statement by the transferor which is in compliance with federal law and regulations unless a certificate of title has been issued for such vehicle in the name of the dealer.

15. A transferee of a motor vehicle reassigning the certificate of title to such motor vehicle pursuant to the provisions of section 321.48, subsection 1, shall not be guilty of a violation of this section if such transferee has in his possession ~~the statement signed by his transferor as required by subsection 8~~ an odometer statement by the transferor which is in compliance with federal law and regulations and if he has no knowledge that the statement is false and that he has no knowledge that the odometer does not reflect the true mileage of such motor vehicle.

Sec. 3. Section three hundred twenty-one point seventy-one (321.71), Code 1973, is amended by striking subsections

House File 694, P. 3

eight (8), nine (9), ten (10), eleven (11), thirteen (13),  
and fourteen (14).

---

ANDREW VARLEY  
Speaker of the House

---

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 694, Sixty-fifth General Assembly.

---

WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor



HOUSE FILE 125

AN ACT

RELATING TO PROVIDING STANDARD UNIFORMS FOR COUNTY SHERIFFS AND THEIR DEPUTIES.

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

Section 1. NEW SECTION. County sheriffs and their deputies shall wear the standard uniform provided for in this Act and display a standard badge of office when on duty, except that the sheriff may designate other apparel when he or any of his deputies are engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of mental patients. Special deputies appointed by the sheriff shall be excluded from the requirements of this Act.

Sec. 2. NEW SECTION. After January 1, 1976, the county board of supervisors shall provide the sheriff and his full-time bonded deputies with all uniforms and accessories deemed necessary by the sheriff for properly outfitting the sheriff and his deputies. The expenditure for uniforms and accessories shall not exceed three hundred dollars per man in any calendar year.

Sec. 3. NEW SECTION. The department of general services shall have the responsibility of purchasing all uniforms, and the cost of the uniforms shall be assessed against each county.

Sec. 4. NEW SECTION. Prior to January 1, 1975, the commissioner of public safety, after considering the recommendations of the Iowa state association of sheriffs and deputy sheriffs, shall adopt rules designating the colors and design of the standard uniform to be worn by the sheriffs and their deputies. The uniform shall include standard shoulder patches, badges, nameplates, hats, trousers, neckties, jackets, socks, shoes and boots, and leather goods and be readily distinguishable from the uniform of other law enforcement

agencies of the state. The rules shall allow for individual county designation on the uniforms where appropriate. The rules shall be adopted and may be amended in accordance with chapter seventeen A (17A) of the Code.

Sec. 5. NEW SECTION. All uniforms purchased after January 1, 1976, shall be of the designated color and design, and after January 1, 1977, all county sheriffs and their deputies shall wear the standard uniforms as provided in this Act.

Sec. 6. NEW SECTION. A district court judge, district associate judge, or judicial magistrate may direct that deputy sheriffs who act as bailiffs dress in wearing apparel other than their uniforms while court is in session.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 125, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

31



HOUSE FILE 343

AN ACT

RELATING TO THE IMPLIED CONSENT TEST FOR ALCOHOL; MAKING CERTAIN ACTS ILLEGAL AND PROVIDING A PENALTY FOR THEIR COMMISSION.

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

Section 1. Section three hundred twenty-one B point three (321B.3), Code 1973, is amended to read as follows:

321B.3 IMPLIED CONSENT TO TEST. Any person who operates a motor vehicle in this state upon a public highway, under such circumstances as to give reasonable grounds to believe the person to have been operating a motor vehicle while under the influence of an alcoholic beverage, shall be deemed to have given consent to the withdrawal from his body of specimens of his blood, breath, saliva, or urine, and to a chemical test or tests thereof, for the purpose of determining the alcoholic content of his blood, subject to the provisions hereinafter set out. The withdrawal of such body substances, and the test or tests thereof, shall be administered at the written request of a peace officer having reasonable grounds to believe the person to have been operating a motor vehicle upon a public highway of this state while under the influence of an alcoholic beverage, and only after the peace officer has placed such person under arrest for the offense of operating a motor vehicle while under the influence of an alcoholic beverage. ~~If such person requests that a specimen of his blood not be withdrawn, then a specimen of his breath, saliva, or urine shall be withdrawn at the written request of such peace officer, provided, however, that if such person refuses to submit to any chemical testing, no test shall be given, and the provisions of section 321B.7 shall apply. Subject to the right of a person to refuse a blood test or to refuse to submit to any chemical testing, such peace officer may determine which of said substances shall be tested, and~~

~~if he requires a breath test, he may also require a test of one other of said substances. However, if~~ The peace officer shall determine which of the four substances, breath, blood, saliva, or urine, shall be tested. Refusal to submit to a chemical test of urine, saliva or breath shall be deemed a refusal to submit, and the provisions of section 321B.7 shall apply. A refusal to submit to a chemical test of blood shall not be deemed a refusal to submit, but in that case, the peace officer shall then determine which one of the other three substances shall be tested, and shall offer such test. If such peace officer fails to provide such a test within two hours after such arrest, no test shall be required, and there shall be no revocation under the provisions of section 321B.7.

Sec. 2. Section three hundred twenty-one B point eight (321B.8), Code 1973, is amended to read as follows:

321B.8 HEARING. Upon the written request of a person whose privilege to drive has been revoked or denied, the commissioner of public safety shall grant the person an opportunity to be heard within ~~ten~~ twenty days after the receipt of the request, but the request must be made within thirty days ~~after~~ of the effective date of revocation or denial. The hearing shall be before the commissioner or his authorized agent, in the county wherein the alleged events occurred for which the person was arrested, unless the commissioner or his authorized agent and the person agree that the hearing may be held in some other county. The hearing shall ~~may~~ be recorded and its scope shall cover the issues of whether a peace officer had reasonable grounds to believe the person to have been operating a motor vehicle upon a public highway of this state while under the influence of an alcoholic beverage, whether the person was placed under arrest and whether he refused to submit to the test or tests. The commissioner or his authorized agent shall order that the revocation or denial be either rescinded or sustained.

Sec. 3. Chapter three hundred twenty-one B (321B), Code 1973, is amended by adding the following new section:

NEW SECTION. DRIVING WHILE LICENSE DENIED OR REVOKED.

Any person whose license, or driving privilege, has been denied or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied or revoked, is guilty of a misdemeanor and upon conviction shall be punished as provided for misdemeanors in section three hundred twenty-one point four hundred eighty-two (321.482) of the Code. The department, upon receiving the record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was revoked, shall extend the period of revocation for an additional like period, and the department shall not issue a new license during such additional period.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 343, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor



AN ACT

PERMITTING A FLASHING BLUE LIGHT TO BE USED ON A FIRE-FIGHTING VEHICLE.

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

Section 1. Section three hundred twenty-one point four hundred twenty-three (321.423), subsections two (2), three (3), four (4), and five (5), Code 1973, are amended to read as follows:

2. A motor vehicle operated by a member of an organized volunteer fire department, paid or volunteer, may be equipped with a lamp of any type or device thereon displaying a flashing blue light when such motor vehicle is duly authorized as hereinafter provided and while such motor vehicle is in actual use for at a fire or other fire emergency service such as operating an emergency rescue unit or an ambulance and the use of any type blue light or device shall be restricted to fire service vehicles only.

3. No volunteer-fireman fire fighter shall be permitted to display a flashing blue light upon a motor vehicle as hereinbefore provided except while actually en route to the scene of a fire or other fire emergency requiring his services as a volunteer-fireman fire fighter and unless he shall be an active member of an organized volunteer fire department and shall have been authorized in writing to so display a flashing blue light by the commissioner.

4. The commissioner is hereby empowered to authorize the display of a flashing blue light of any type upon a privately owned light delivery truck, panel delivery truck, pickup, station wagon, or passenger type motor vehicle except a motorcycle or motor-bicycle, owned or usually operated by a volunteer-fireman fire fighter, and to issue a certificate of authorization therefor, upon written request being made on forms provided by the department and showing necessity for such authorization. Such written request shall be accompanied by a statement in writing by the chief of the volun-

teer fire department of which the applicant is a member certifying that the applicant is an active member in good standing in said volunteer fire department and recommending that such authorization be granted. Such certificate of authorization issued by the commissioner shall be at all times carried with the certificate of registration of the vehicle to which it refers and shall expire at midnight on the thirty-first day of December in five years from the year in which it was issued. The commissioner may at any time revoke such certificate of authorization upon a showing of abuse thereof or upon notification by the certifying fire chief that applicant has ceased to be an active member of the volunteer fire department.

5. The provisions of subsection 1 of this section shall not apply to the use of a flashing blue light on a motor vehicle so authorized by the commissioner, but such flashing blue light shall not be used except when such motor vehicle is actually en route to the scene of a fire or other emergency requiring the services of a volunteer-fireman fire fighter.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 414, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

34



HOUSE FILE 671

AN ACT

RELATING TO THE OVERALL LENGTH OF COMBINATIONS OF VEHICLES.

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

Section 1. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection three (3), Code 1973, is amended to read as follows:

3. Except as to combinations of vehicles, provisions for which are otherwise made in this chapter, no combination of truck tractor and semitrailer, nor any other combination of vehicles coupled together, unladen or with load, shall have an ~~ever-all~~ overall length, inclusive of front and rear bumpers, in excess of fifty-five feet.

Sec. 2. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection six (6), Code 1973, is amended to read as follows:

6. No combination of three vehicles coupled together one of which is a motor vehicle, unladen or with load, shall have an ~~ever-all~~ overall length, inclusive of front and rear bumpers in excess of ~~sixty~~ sixty-five feet. No single semitrailer or trailer, together with any hitching device and any load thereon, included in such combination, shall have an overall length, inclusive of rear bumper, in excess of thirty feet. A combination of three vehicles in excess of sixty feet but not in excess of sixty-five feet may be operated only as follows:

a. On four-lane highways or on highways other than four-lane highways when moving to or from a point within five miles, on the most direct route, of a four-lane highway.

b. On other highways designated by the state highway commission.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 671, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

35

## AN ACT

RELATING TO THE USE OF WARNING DEVICES.

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

Section 1. Section three hundred twenty-one point four hundred forty-seven (321.447), Code 1973, is amended to read as follows:

321.447 TRUCKS TO CARRY FLARES. No person shall operate any motor truck or truck tractor upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number, not less than three, of flares, red reflector electric lanterns, red reflectors, reflective triangles or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred feet for a period of at least 8 hours, except that a motor vehicle transporting flammables shall carry red reflectors ~~or~~, red reflector electric lanterns or reflective triangles in place of the other signals above mentioned, and during daylight hours every truck shall carry a sufficient number of red flags, not less than three, unless equipped with three reflective triangles.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section and reflective triangles that conform to the requirements of the United States department of transportation standard number one hundred twenty-five.

Sec. 2. Section three hundred twenty-one point four hundred forty-eight (321.448), Code 1973, is amended to read as follows:

321.448 DISPLAY OF FLARES OR LANTERNS. Whenever a motor truck, or a truck tractor, a trailer or a semitrailer drawn by a motor truck or a truck tractor is stopped upon or immediately adjacent to the main traveled portion of a highway

outside of a business or residence district, during the times when lighted lamps must be displayed, then the driver or other person in charge of such vehicle shall, in addition to the requirements of section 321.395, cause a lighted fusee to be immediately placed on the roadway at the traffic side of such vehicle; as soon thereafter as possible, and in any case within the burning period of the fusee, three lighted flares, or three red reflector electric lanterns or three red reflectors or three reflective triangles shall be placed on the roadway, one at a distance of not less than one hundred feet in advance of such vehicle, one at a distance of not less than one hundred feet to the rear of such vehicle, and the third upon the traffic side of such vehicle; provided that if such vehicle is stopped within three hundred feet of a curve, crest of a hill, or other obstruction to view, the flare, red reflector electric lanterns ~~or~~, red reflectors, or reflective triangles, in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet from such vehicle. When such flares are taken up, during the times when lighted lamps must be displayed, a lighted fusee shall be placed at the traffic side of such vehicle.

In the event such vehicle is used in the transportation of flammable liquids or gases, whether loaded or empty, no open burning flares or fusees shall be used and red reflector electric lanterns or red reflectors or reflective triangles shall be used in lieu thereof.

During the times lighted lamps are not required, red flags or reflective triangles shall be used in place of flares or red reflector electric lanterns or red reflectors, provided that if such parking continues into the period when lighted lamps are required, flares or red reflector electric lanterns or red reflectors, or reflective triangles shall be placed as above provided. Each of the red flags required under this section shall be not less than sixteen inches square.

Sec. 3. Section three hundred twenty-one point four hundred forty-nine (321.449), Code 1973, is amended to read as follows:

321.449 EXPLOSIVES. No person shall at any time operate a motor truck or truck tractor transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns or reflective triangles as herein required, but such flares or electric lanterns or reflective triangles must be capable of producing a red light and shall be displayed upon the roadway when and as required in section 321.448.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1046, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor



## AN ACT

RELATING TO THE PERIOD OF TIME CERTIFICATES OF INSPECTION OF  
MOTOR VEHICLES ARE VALID.

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

Section 1. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection ten (10), unnumbered paragraph two (2), Code 1973, is amended to read as follows:

Upon completion of inspection of a vehicle and determination that its equipment is in adequate condition and proper adjustment to warrant issuance of a certificate of inspection, the inspection station which has made the inspection shall affix an official certificate of inspection to such vehicle in the manner specified by the commissioner. Except as otherwise provided, the certificate shall be valid for the period commencing with the calendar month of issue and ending at midnight on the last day of the twelfth calendar month following the month of issue and shall not be valid thereafter. The certificate shall cease to be valid if the vehicle is sold at retail during the twelve-month period.

Sec. 2. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred eight (208), section six (6), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, when first registered in this state and each time when sold at retail or otherwise transferred for use within this state, or when registration is changed from a registration as provided in section three hundred twenty-one point one hundred fifteen (321.115) of the Code to a regular

registration, except transfers by operation of law as set out in section 321.47, shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for such the motor vehicle not more than sixty days prior to the date on which such the vehicle was sold and the vehicle has not been sold at retail during the sixty-day period. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. The applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the commissioner, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. The county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the commissioner. The county treasurer shall stamp the registration card for such vehicle with the words "NOT

INSPECTED". A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals.

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1052, Sixty-fifth General Assembly.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor



AN ACT

RELATING TO THE REQUIREMENTS, FORM, AND CONTENT OF MOTOR VEHICLE DEALER LICENSE APPLICATIONS AND RENEWAL APPLICATIONS AND THE APPROVAL OF SUCH APPLICATIONS.

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

Section 1. Section three hundred twenty-two point four (322.4), subsection seven (7), Code 1973, is amended to read as follows:

7. ~~A financial statement of the applicant showing his true financial condition as of a date not more than six months prior to the date of such application.~~ Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required, under the provisions of chapter 321, the applicant for such license shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of ~~ten~~ twenty-five thousand dollars and be conditioned upon the faithful compliance by said applicant as a dealer, if the license be issued to it or him, that such dealer will comply with all of the statutes of this state regulating or being applicable to the business of said dealer as a dealer in motor vehicles, and indemnifying any person dealing or transacting business with said dealer in connection with any motor vehicle from any loss or damage occasioned by the failure of such dealer to comply with any of the provisions of chapter 321 and this chapter, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in any such transaction, and that such bond shall be filed with the department prior to the issuance

of license provided by law. The aggregate liability of the surety of all persons, however, shall in no event exceed the amount of said bond.

Sec. 2. Section three hundred twenty-two point six (322.6), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

The department ~~shall~~ may deny the application of any person for a license as a motor vehicle dealer and refuse to issue a license to him as such, if, after reasonable notice and a hearing, the department determines that such applicant:

Sec. 3. Section three hundred twenty-two point seven (322.7), subsection four (4), Code 1973, is amended to read as follows:

4. The motor vehicle dealer license provided for in this chapter shall be renewed annually ~~in the same manner and on~~ upon application in such form and content as prescribed by the department and upon payment of the same required fee as ~~in the case of the original license.~~ Such renewal shall take effect on the first day of January of each year.

ANDREW VARLEY  
Speaker of the House

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1188, Sixty-fifth General Assembly.

WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

ROBERT D. RAY  
Governor



HOUSE FILE 1425

AN ACT

TO MAKE AN APPROPRIATION FROM THE PRIMARY ROAD FUND TO THE STATE HIGHWAY COMMISSION FOR THE SUPPORT, MAINTENANCE AND MISCELLANEOUS EXPENSES OF PLANNING, DEVELOPMENT AND FIELD OPERATION ACTIVITIES AND RELATING TO THE POSTING OF INFORMATIONAL SIGNS.

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

Section 1. Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred two (102), section one (1), subsections three (3), four (4), five (5), six (6) and twelve (12), are amended to read as follows:

3. PLANNING:

Salaries including longevity: .....	\$ 2,225,799	\$ 2,288,910	
Support, maintenance and miscellaneous purposes: ....	\$ 581,968	\$ 590,597	890,597
Total planning: ....	\$ 2,807,767	\$ 2,879,507	<u>3,179,507</u>

4. HEAD-QUARTERS OPERATION:

Salaries including longevity: .....	\$ 2,702,338	\$ 2,797,347	
Support, maintenance and miscellaneous purposes: ....	\$ 418,051	\$ 426,660	
Total head-quarters opera-			

tion: .....	\$ 3,120,389	\$ 3,224,007	
Total administration, finance and support services, planning and headquarters operations: ..	\$11,834,764	<del>\$12,740,792</del>	<u>12,440,792</u>
5. DEVELOPMENT:			
Salaries including longevity: .....	\$ 6,074,910	\$ 6,278,109	
Support, maintenance and miscellaneous purposes: ....	\$ 1,867,048	\$ 1,862,225	<u>3,702,225</u>
Total development: ...	\$ 7,941,958	\$ 8,140,334	<u>9,980,334</u>
6. FIELD OPERATIONS:			
Salaries including longevity: .....	\$30,801,399	\$31,838,495	
Support, maintenance and miscellaneous purposes: ....	\$12,254,705	<u>13,792,056</u>	<del>\$12,325,585</del> <u>14,550,585</u>
Total field operations: ..	\$43,055,455	<u>44,593,455</u>	<del>\$44,164,080</del> <u>46,389,080</u>
12. HIGHWAY BEAUTIFICATION FUND:			
To be used under provisions of chapter three hundred six C (306C) of the			

41

Code: ..... \$ -0-                    \$ 454,300 .  
 Grand total  
 of funds appro-  
 priated by this  
 Act: ..... \$65,242,477 66,750,177 \$66,609,506 70,974,506

Sec. 2. It is the intent of the general assembly that the funds appropriated under this Act shall be used for the following purposes:

1. The supplemental support appropriations for planning and development are to purchase additional contract planning and design services. These funds will enable the state highway commission to maintain its present production schedule for construction projects currently funded in the present five-year program.

2. The supplemental support appropriations for field operation is to offset the inflationary effect for increased cost of materials and supplies.

3. This appropriation contains a sufficient amount to enable the state highway commission to fund and support seven additional traffic-weight officers but is not to be used to increase the present established positions.

Sec. 3. Section three hundred six C point eleven (306C.11), subsection five (5), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section two (2), is amended to read as follows:

5. Signs, displays, and devices giving specific information of interest to the traveling public, shall be erected by the commission and maintained within the right of way in such areas, and at appropriate distances from interchanges on the interstate system and freeway primary highways as shall conform with the rules promulgated by the commission. Such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government pursuant to Title 23, section 131, paragraph "f" of the United States Code, except as provided in this section. For purposes of this division, "specific information of interest to the traveling public" means only information about public places for outdoor recreation, camping, lodging,

eating, and gas motor fuel and associated services which means the business shall be in continuous operation sixteen hours per day, seven days per week, with telephones and restroom facilities, motor fuel, oil, and water, including trade names.

Sec. 4. Section three hundred six C point eleven (306C.11), unnumbered paragraph two (2), Code 1973, is amended to read as follows:

Commercial vendors using informational signs shall furnish and maintain informational panels to the commission and the commercial vendor shall pay an annual fee of twenty-five dollars for each informational panel to the commission for posting such informational panels. Upon furnishing the informational panels to the commission and payment of the annual twenty-five dollar fee, the commission shall post the informational panels and the commercial vendor shall not be required to remove any advertising device, except any advertising device which was unlawfully erected in violation of sections three hundred six C point eleven (306C.11) or three hundred six C point thirteen (306C.13) of the Code, as a condition precedent to the posting of such informational panels by the commission. There is created in the office of the treasurer of state a fund to be known as the "highway beautification fund" and all funds received for the posting of informational panels shall be deposited in the "highway beautification fund". Information on gas motor fuel and associated services may include vehicle service and repair where the same is available.

Sec. 5. It is the intent of the General Assembly that the Highway Commission participate in the federal program which allows federal funds to be used for the purpose of constructing and maintaining trails for use by hikers and bikers.

Sec. 6. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Toledo Chronicle, a newspaper published in Toledo,

Iowa, and in the Cedar Valley Times, a newspaper published in Vinton, Iowa.

---

ANDREW VARLEY  
Speaker of the House

---

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1425, Sixty-fifth General Assembly.

---

WILLIAM H. HARBOR  
Chief Clerk of the House

Approved \_\_\_\_\_, 1974

---

ROBERT D. RAY  
Governor



SENATE FILES

First Session

S.F. 112

Summary: (Highway Grade Crossing Safety Fund) Provides that Highway Grade Crossing Safety Fund may be used on highway-railroad grade crossings on federally-aided highways, if the Iowa Commerce Commission determines, based on accident statistics, that a dangerous crossing exists and that a fund expenditure is warranted to protect the public safety. (Also provides that maintenance costs be shared with railroad safety fund for flasher lights or gate signals where a railroad crosses a highway at grade.

Comments: This bill provides a state program that follows in the spirit of FARE. By statistical determination, safety funds would be spent to repair high accident areas.

S.F. 115

Summary: (Disclosure of Criminal History and Intelligence Data) Sets forth the conditions under which data regarding public offenses may be disseminated. Public offenses are defined so as to exclude non-indictable offenses under Chapter 321 or local traffic ordinances.

Comment: This bill has little direct bearing on highway safety due to the specific definition of public offenses. However, the bill does provide safeguards to apply to criminal records data systems and thus alleviates public concern about possible abuses of such systems. This furthers a climate in which it is possible for an automatic traffic records processing system to exist.

S.F. 130

Summary: (Numbering of Motor Vehicle Registration Plates) Provides that weight limitation stickers be applied to either side of trucks. Includes the requirement that each registration plate have on it a numerical designation of the county in which the vehicle is registered.

Comment: The placement of weight limitation stickers will facilitate the identification of vehicles carrying unsafe loads.

S.F. 219

Summary: (School Bus Use) Permits the use of school buses at the direction of the board to transport persons to an organization of, or sponsoring activities for senior citizens, children, or handicapped persons in this state, provided reimbursement for costs is made and providing that such transportation does not interfere with or delay the transportation of pupils.

The Act also requires that a school bus shall have its headlights turned on while carrying passengers.

Comment:

S.F. 481

Summary: (Motor Vehicle Inspection and Safety)

1. The power of the Department of Motor Vehicles to seize a registration plate, certificate of title, etc., is expanded to include a certificate of inspection and any inspection documents or form upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.
2. In addition, rules and procedures are set forth to handle any complaints about a vehicle inspection. Conspicuous notice of the right to and procedure for complaint is required to be printed on the copy of the certificate of inspection which is delivered to the owner of the vehicle.
3. The possession, as well as the production or issue of a counterfeit of an official certificate. In addition the possession of blank certificates of inspection is made unlawful.
4. Uniform inspection fees, according to class of vehicle, are to be charged.
5. Permits the revalidation of a certificate of inspection without a new inspection in the case of a new motor vehicle which has not been previously sold, provided the vehicle has been driven less than 100 miles since the inspection was performed.



6. Provides a procedure for vehicle inspection in the case of a resident of the state who resides outside of this state but wishes to maintain his Iowa residency.

---

7. Provides that after an investigation and hearing of an inspection station held to be not properly equipped or not properly conducting inspections may be warned, have its inspection permit suspended for up to 90 days, or have its inspection permit revoked altogether. A procedure for a review hearing is also set forth.
8. It is unlawful to knowingly deliver possession of a motor vehicle, trailer, or semi-trailer which is not equipped with such lamps and other equipment in proper condition and adjustment as required by this chapter, except in accordance with the provisions of Section 321.51 of the Code of Iowa.
9. It is unlawful to knowingly permit a prospective purchaser to test drive a motor vehicle on the highways unless the vehicle is mechanically safe for the purposes and conditions of the test driver.

Comment: This Act revises the Iowa Motor Vehicle Inspection Law so as to clarify its provisions and provide for a hearing and appeals process in the event of grounds for questions of an inspection station's license. The Act is evidence of Iowa's continuing efforts to produce and enforce a cost-effective vehicle inspection law.

S.F. 602

Summary: (Inspection Fees) Amends the Code to provide that only the unnumbered balance in excess of \$20,000 in the Motor Vehicle Inspection Fund at the close of the fiscal year shall revert to the General Fund, as opposed to the entire balance reverting to the General Fund.

Comment:

S.F. 603

Summary: (Appropriation to Department of Public Safety)

1. Appropriation to the following divisions of the Department of Public Safety: Administration, Criminal Investigation and Bureau of Identification Fire Protection, Highway Safety and Uniformed Force, Driver's License (including safety responsibility),



Drug Law Enforcement, Motor Registration, Radio Communication,  
and Beer and Liquor Law Enforcement.

2. Authorizes the Department to appoint persons from the Department for the purpose of examining applicants for operators' and chauffeurs' licenses.

SENATE FILES

Second Session

---

S.F. 126

Summary: (School Standards) Amends that portion of the Iowa Code which sets standards for school instruction. This Act requires that traffic safety, including bicycle and pedestrian safety procedures, be taught in the elementary grades.

Comment: The Act is evidence of the Iowa Legislature's continuing concern for pedestrian and bicycle safety. The Act also follows Standard 14 of the National Highway Traffic Safety Administration which recommends statewide programs for training in pedestrian safety for those enrolled in the schools.

S.F. 173

Summary: (Habitual Offenders) Defines an habitual offender as a person who has:

1. Three or more convictions within a six year period for any of the following, singularly or in combination:
  - a. Manslaughter with a motor vehicle
  - b. OMVUI alcohol or controlled substance
  - c. Driving while license is suspended or revoked
  - d. Perjury or making of a false affidavit or statement under oath to the Department of Public Safety
  - e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used
  - f. "Hit and run"
  - g. A violation of the traffic laws, except parking regulations, committed during a period of suspension or revocation
  
2. Six or more convictions within a two-year period of any offenses which are required to be reported to the Department of Public Safety, except equipment, parking, expired license, registration, failure to appear, and weights and measures violations, and speeding violations of less than 6 mph over the legal limit.

If a person is found to be an habitual offender under 1 above, a license to operate a motor vehicle shall not be issued to that person for a period of six years. If a person is found to be an habitual offender under 2 above, a license shall not be issued to that person for a period of one year.

Penalty for an habitual offender driving without a license is provided.

Comment: This Act symbolizes the continuing efforts of the State Legislature to reduce fatalities and property damage due to motor vehicle accidents through creative legislation.

This Act strikes at those who consistently violate the State traffic laws and thus are a safety hazard. In the case of such individuals, not merely are penalties levied, but the driving privilege itself is withdrawn for a specified period of time.

#### S.F. 1013

Summary: (55 MPH Speed Limit) Sets maximum highway speed limits at 55 m.p.h., and repeals the mandatory revocation of licenses for speed violations.

Comment: This indicates the state's willingness to act swiftly and in the national interest in the area of highway safety.

#### S.F. 1062

Summary:

Comment:



S.F. 1075

Summary: (Right Turn on Red) Permits a right turn after a full stop at a red light unless a sign is in place prohibiting such a turn. Previously permitted such turns only if a sign were in place permitting a right turn on red.

Moreover, vehicular traffic on a one-way highway may make a left turn at a red light unless a sign is in place prohibiting such a turn.

Comment: This Act amends the law on right turns which was in substantial agreement with the UVC and substitutes law which is at variance with the UVX. In addition, one suspects that new driving hazards will result from the left turn provision.

S.F. 1124

Summary: (Curb Cutouts and Ramps for Handicapped) Requires curb cutouts and gently sloping ramps on corner crosswalks at intersections to allow access to the crosswalk for handicapped persons using the sidewalk. This Act applies to all new and replacement curbs construction after January 1, 1975.

Comment: This removes a potentially hazardous situation which could have arisen when a wheelchair user misjudged the difficulty in climbing a curb to return to the sidewalk after crossing a street. In addition, this Act conforms to recent Federal legislation regarding facilities for handicapped persons.

S.F. 1141

Summary: (Creates State DOT) This Act creates a State Department of Transportation by transferring to it the duties of various existing state commissions and boards.

Comment: While the Act is basically one of consolidation, by combining various existing groups into a single Department of Transportation, some increased impact on highway safety may be expected.

First, a Division of Transportation Regulation and Safety is required as one of the eight divisions of the DOT. The relative prominence given to Regulation and Safety as well as ease of coordination with the other divisions should result in improved highway safety.

Second, the Director of the Department is specifically instructed to "review and submit legislative proposals necessary to maintain current state transportation laws." The position of the Director should result in increased effectiveness of legislative efforts.

Finally, this Act recognizes that the transportation problems and effectiveness of individual modes of transportation are interrelated. Better coordination of modes available should result in increased safety in all modes, including increased highway safety.

S.F. 1333

Summary: (Removal of Obstructions) Permits the immediate removal of fences and electric transmission poles in the event that such objects constitute an immediate and dangerous hazard to persons or property lawfully using the right-of-way. Includes the shoulders of roads, as well as the roads themselves, in the area for which it is the duty of road officers to remove all open ditches, water breaks, and like obstructions.

In addition, all billboards, etc., which constitute an immediate and dangerous hazard shall be removed without notice or liability. Costs of removing such hazards will be assessed to the person(s) responsible. Requires a permit of any person excavating or making any physical change within the right-of-way of a public road or highway.

Comment:



## AN ACT

## RELATING TO THE HIGHWAY GRADE CROSSING SAFETY FUND.

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

Section 1. Section three hundred twelve point two (312.2), subsection five (5), Code 1973, is amended to read as follows:

5. The treasurer of state shall before making the above allotments credit annually to the highway grade crossing safety fund the sum of two hundred forty thousand dollars, credit annually to the primary road fund the sum of one million four hundred thousand dollars for carrying out subsection 12 of section 307.5, the last paragraph of section 313.4 and section 307.10, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the secondary and urban road departments of the commission other than expenses incurred for extensions of primary roads in cities and towns. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year shall revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand (\$500,000.00) dollars at the end of any biennium.

Sec. 2. Section four hundred seventy-eight point twenty-one (478.21), Code 1973, is amended to read as follows:

478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever a railway track crosses or shall hereafter cross a highway, street or alley, the railway company owning such track and the state highway commission, in the case of primary highways, the board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city or town, in the case of streets and alleys located within such city or town, may agree upon the location and



manner of crossing, or crossing protection, or upgrading thereof, or upon a separation of grades so as to carry such highway over or under the railway track, and upon any change, alteration, vacation or relocation of such highway, street or alley, and upon repairs, alteration, or elimination of any crossing, and upon the expense each party shall pay for such changes, except that if flasher light or gate signals are ordered installed prior to July 1, 1973 the maintenance thereof shall be assumed by the railroad and if flasher light or gate signals are ordered installed on or after July 1, 1973 the maintenance thereof shall be assumed equally by the railroad and the grade crossing safety fund; provided, however, the grade crossing safety fund shall not expend more than four hundred fifty dollars for any one crossing in any one year; provided, however, nothing contained herein shall be construed to affect any of the provisions of chapter 387.

Sec. 3. Section four hundred seventy-eight point twenty-six (478.26), Code 1973, is amended to read as follows:

478.26 USE OF FUND. When application is before the state commerce commission, as provided in section 478.22, and after hearing has been held, and determination as to allocation of costs as provided in section 478.23 the state commerce commission is hereby empowered to allocate proceeds from the highway grade crossing safety fund for the protection of the public in the use of the highway railroad grade crossings involved in the application, in addition to any portion of the cost to be paid by the railroad company or other public authority. Upon reaching a decision as to the amount to be allocated from the highway grade crossing safety fund, the commission shall forthwith direct the treasurer of state to distribute said amount from the funds then available in the highway grade crossing safety fund. Provided, however, the state commerce commission may not allocate any part of the proceeds of the highway grade crossing safety fund for improvement or construction of highway-railroad grade crossings located on federal or federal-aid highways unless the commission determines that due to the record of fatalities at

a crossing as maintained by the department of public safety  
or that a potentially dangerous grade crossing exists within  
a city or town, allocation of a part of the fund is necessary  
to protect the public.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 112, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor

AN ACT  
RELATING TO DISCLOSURE OF CRIMINAL HISTORY AND INTELLIGENCE  
DATA AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. DEFINITIONS OF WORDS AND PHRASES.

As used in this Act, unless the context otherwise requires:

1. "Department" means the department of public safety.
2. "Bureau" means the department of public safety, division of criminal investigation and bureau of identification.
3. "Criminal history data" means any or all of the following information maintained by the department or bureau in a manual or automated data storage system and individually identified:
  - a. Arrest data.
  - b. Conviction data.
  - c. Disposition data.
  - d. Correctional data.
4. "Arrest data" means information pertaining to an arrest for a public offense and includes the charge, date, time, and place. Arrest data includes arrest warrants for all public offenses outstanding and not served and includes the filing of charges, by preliminary information when filed by a peace officer or law enforcement officer or indictment, the date and place of alleged commission and county of jurisdiction.
5. "Conviction data" means information that a person was convicted of or entered a plea of guilty to a public offense and includes the date and location of commission and place and court of conviction.
6. "Disposition data" means information pertaining to a recorded court proceeding subsequent and incidental to a public offense arrest and includes dismissal of the charge,



suspension or deferral of sentence.

7. "Correctional data" means information pertaining to the status, location and activities of persons under the supervision of the county sheriff, the division of corrections of the department of social services, board of parole or any other state or local agency performing the same or similar function, but does not include investigative, sociological, psychological, economic or other subjective information maintained by the division of corrections of the department of social services or board of parole.

8. "Public offense" as used in subsections four (4), five (5), and six (6) of this section does not include nonindictable offenses under either chapter three hundred twenty-one (321) of the Code or local traffic ordinances.

9. "Individually identified" means criminal history data which relates to a specific person by one or more of the following means of identification:

- a. Name and alias, if any.
- b. Social security number.
- c. Fingerprints.
- d. Other index cross-referenced to paragraphs a, b, or c.
- e. Other individually identifying characteristics.

10. "Criminal justice agency" means any agency or department of any level of government which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders.

11. "Intelligence data" means information collected where there are reasonable grounds to suspect involvement or participation in criminal activity by any person.

12. "Surveillance data" means information on individuals, pertaining to participation in organizations, groups, meetings or assemblies, where there are no reasonable grounds to suspect involvement or participation in criminal activity by any person.

Sec. 2. NEW SECTION. DISSEMINATION OF CRIMINAL HISTORY DATA. The department and bureau may provide copies or commu-

nicate information from criminal history data only to criminal justice agencies, or such other public agencies as are authorized by the confidential records council. The bureau shall maintain a list showing the individual or agency to whom the data is disseminated and the date of dissemination.

Authorized agencies and criminal justice agencies shall request and may receive criminal history data only when:

1. The data is for official purposes in connection with prescribed duties, and
2. The request for data is based upon name, fingerprints, or other individual identifying characteristics.

The provisions of this section and section three (3) of this Act which relate to the requiring of an individually identified request prior to the dissemination or redissemination of criminal history data shall not apply to the furnishing of criminal history data to the federal bureau of investigation or to the dissemination or redissemination of information that an arrest warrant has been or will be issued, and other relevant information including but not limited to, the offense and the date and place of alleged commission, individually identifying characteristics of the person to be arrested, and the court or jurisdiction issuing the warrant.

Sec. 3. NEW SECTION. REDISSEMINATION. A peace officer, criminal justice agency, or state or federal regulatory agency shall not redisseminate criminal history data, within or without the agency, received from the department or bureau, unless:

1. The data is for official purposes in connection with prescribed duties of a criminal justice agency, and
2. The agency maintains a list of the persons receiving the data and the date and purpose of the dissemination, and
3. The request for data is based upon name, fingerprints, or other individual identification characteristics.

A peace officer, criminal justice agency, or state or federal regulatory agency shall not redisseminate intelligence data, within or without the agency, received from the department or bureau or from any other source, except as



provided in subsections one (1) and two (2) of this section.

Sec. 4. NEW SECTION. STATISTICS. The department, bureau, or a criminal justice agency may compile and disseminate criminal history data in the form of statistical reports derived from such information or as the basis of further study provided individual identities are not ascertainable.

The bureau may with the approval of the commissioner of public safety disseminate criminal history data to persons conducting bona fide research, provided the data is not individually identified.

Sec. 5. NEW SECTION. RIGHT OF NOTICE, ACCESS AND CHALLENGE. Any person or his attorney with written authorization and fingerprint identification shall have the right to examine criminal history data filed with the bureau that refers to the person. The bureau may prescribe reasonable hours and places of examination.

Any person who files with the bureau a written statement to the effect that a statement contained in the criminal history data that refers to him is nonfactual, or information not authorized by law to be kept, and requests a correction or elimination of that information that refers to him shall be notified within twenty days by the bureau, in writing, of the bureau's decision or order regarding the correction or elimination. The bureau's decision or order or failure to allow examination may be appealed to the district court of Polk county by the person requesting said examination, correction or elimination. Immediately upon such appeal the court shall order the bureau to file with the court a certified copy of the criminal history data and in no other situation shall the bureau furnish an individual or his attorney with a certified copy, except as provided by this Act.

Upon the request of the appellant, the record and evidence in such cases shall be closed to all but the court and its officers, and access thereto shall be refused unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions. No person, other than the appellant shall permit a copy of any of the testimony or pleadings or



the substance thereof to be made available to any person other than a party to the action or his attorney. Violation of the provisions of this section shall be a public offense, punishable under section seven (7) of this Act.

Whenever the bureau corrects or eliminates data as requested or as ordered by the court, the bureau shall advise all agencies or individuals who have received the incorrect information to correct their files. Upon application to the district court and service of notice on the commissioner of public safety, any individual may request and obtain a list of all persons and agencies who received criminal history data referring to him, unless good cause be shown why the individual should not receive said list.

Sec. 6. NEW SECTION. CIVIL REMEDY. Any person may institute a civil action for damages under chapters twenty-five A (25A) or six hundred thirteen A (613A) of the Code or to restrain the dissemination of his criminal history data or intelligence data in violation of this Act, and any person, agency or governmental body proven to have disseminated or to have requested and received criminal history data or intelligence data in violation of this Act shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorneys' fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

Sec. 7. NEW SECTION. CRIMINAL PENALTIES.

1. Any person who willfully requests, obtains, or seeks to obtain criminal history data under false pretenses, or who willfully communicates or seeks to communicate criminal history data to any agency or person except in accordance with this Act, or any person connected with any research program authorized pursuant to this Act who willfully falsifies criminal history data or any records relating thereto, shall, upon conviction, for each such offense be punished by a fine of not more than one thousand dollars or by imprisonment in the state penitentiary for not more than two years, or by

both fine and imprisonment. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate ~~criminal history data except in accordance with this Act shall~~ for each such offense be fined not more than one hundred dollars or be imprisoned not more than ten days.

2. Any person who willfully requests, obtains, or seeks to obtain intelligence data under false pretenses, or who willfully communicates or seeks to communicate intelligence data to any agency or person except in accordance with this Act, shall for each such offense be punished by a fine of not more than five thousand dollars or by imprisonment in the state penitentiary for not more than three years, or by both fine and imprisonment. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate intelligence data except in accordance with this Act shall for each such offense be fined not more than five hundred dollars or be imprisoned not more than six months, or both.

3. If the person convicted under this section is a peace officer, the conviction shall be grounds for discharge or suspension from duty without pay and if the person convicted is a public official or public employee, the conviction shall be grounds for removal from office.

4. Any reasonable grounds for belief that a public employee has violated any provision of this Act shall be grounds for immediate removal from all access to criminal history data and intelligence data.

Sec. 8. NEW SECTION. INTELLIGENCE DATA. Intelligence data contained in the files of the department of public safety or a criminal justice agency shall not be placed within a computer data storage system.

Intelligence data in the files of the department may be disseminated only to a peace officer, criminal justice agency, or state or federal regulatory agency, and only if the department is satisfied that the need to know and the intended use are reasonable. Whenever intelligence data relating to a defendant for the purpose of sentencing has been provided a court, the court shall inform the defendant or his attorney



that it is in possession of such data and shall, upon request of the defendant or his attorney, permit examination of such data.

If the defendant disputes the accuracy of the intelligence data, he shall do so by filing an affidavit stating the substance of the disputed data and wherein it is inaccurate. If the court finds reasonable doubt as to the accuracy of such information, it may require a hearing and the examination of witnesses relating thereto on or before the time set for sentencing.

Sec. 9. NEW SECTION. No surveillance data shall be placed in files or manual or automated data storage systems by the department or bureau or by any peace officer or criminal justice agency. Violation of the provisions of this section shall be a public offense punishable under section seven (7) of this Act.

Sec. 10. NEW SECTION. RULES. The department shall adopt rules and regulations designed to assure the security and confidentiality of all criminal history data and intelligence data systems.

Sec. 11. NEW SECTION. EDUCATION PROGRAM. The department shall require an educational program for its employees and the employees of criminal justice agencies on the proper use and control of criminal history data and intelligence data.

Sec. 12. NEW SECTION. DATA PROCESSING. Nothing in this Act shall preclude the use of the equipment and hardware of the data processing service center provided for in section nineteen B point three (19B.3), subsection five (5), of the Code for the storage and retrieval of criminal history data. Files shall be stored on the computer in such a manner as the files cannot be modified, destroyed, accessed, changed or overlaid in any fashion by noncriminal justice agency terminals or personnel. That portion of any computer, electronic switch or manual terminal having access to criminal history data stored in the state computer must be under the management control of a criminal justice agency.

Sec. 13. NEW SECTION. REVIEW. The department shall



initiate periodic review procedures designed to determine compliance with the provisions of this Act within the department and by criminal justice agencies and to determine that data furnished to them is factual and accurate.

Sec. 14. NEW SECTION. SYSTEMS FOR THE EXCHANGE OF CRIMINAL HISTORY DATA. The department shall regulate the participation by all state and local agencies in any system for the exchange of criminal history data, and shall be responsible for assuring the consistency of such participation with the terms and purposes of this Act.

Direct access to such systems shall be limited to such criminal justice agencies as are expressly designated for that purpose by the department. The department shall, with respect to telecommunications terminals employed in the dissemination of criminal history data, insure that security is provided over an entire terminal or that portion actually authorized access to criminal history data.

Sec. 15. NEW SECTION. REPORTS TO DEPARTMENT. When it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense has been committed in its jurisdiction, it shall be the duty of the law enforcement agency to report information concerning such crimes to the bureau on a form to be furnished by the bureau not more than thirty-five days from the time the crime first comes to the attention of such law enforcement agency. These reports shall be used to generate crime statistics. The bureau shall submit statistics to the governor, legislature and crime commission on a quarterly and yearly basis.

When a sheriff, police department or other law enforcement agency makes an arrest which is reported to the bureau, the arresting law enforcement agency and any other law enforcement agency which obtains custody of the arrested person shall furnish a disposition report to the bureau whenever the arrested person is transferred to the custody of another law enforcement agency or is released without having a complaint or information filed with any court.

~~Whenever a criminal complaint or information is filed in~~

any court, the clerk shall furnish a disposition report of such case.

The disposition report, whether by a law enforcement agency or court, shall be sent to the bureau within thirty days after disposition on a form provided by the bureau.

Sec. 16. NEW SECTION. REVIEW AND REMOVAL. At least every year the bureau shall review and determine current status of all Iowa arrests reported after the effective date of this Act which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after five years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

Sec. 17. NEW SECTION. EXCLUSIONS. Criminal history data in a computer data storage system does not include:

1. Arrest or disposition data after the person has been acquitted or the charges dismissed.

Sec. 18. NEW SECTION. PUBLIC RECORDS. Nothing in this Act shall prohibit the public from examining and copying the public records of any public body or agency as authorized by chapter sixty-eight A (68A) of the Code.

Criminal history data and intelligence data in the possession of the department or bureau, or disseminated by the department or bureau, are not public records within the provisions of chapter sixty-eight A (68A) of the Code.

Sec. 19. NEW SECTION. There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: a judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or his designee; and two private citizens not connected with law enforcement, appointed by



the governor. The council shall select its own chairman. The members shall serve at the pleasure of those by whom their appointments are made.

The council shall meet at least annually and at any other time upon the call of the governor, the chairman of the council, or any three of its members. Each council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of public safety.

The council shall have the following responsibilities and duties:

1. Shall periodically monitor the operation of governmental information systems which deal with the collection, storage, use and dissemination of criminal history or intelligence data.

2. Shall review the implementation and effectiveness of legislation and administrative rules and regulations concerning such systems.

3. May recommend changes in said rules and regulations and legislation to the legislature and the appropriate administrative officials.

4. May require such reports from state agencies as may be necessary to perform its duties.

5. May receive and review complaints from the public concerning the operation of such systems.

6. May conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this Act. Each criminal justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the council, upon its request, such statistical data, reports, and other information in its possession as the council deems necessary to carry out its functions under this Act. However, the council and its members, in such capacity, shall not have access to criminal history data or intelligence data unless it is data from which individual identities are not ascertainable or data which has been masked so that individual identities are



not ascertainable. However, the council may examine data from which the identity of an individual is ascertainable if requested in writing by that individual or his attorney with written authorization and fingerprint identification.

7. Shall annually approve rules and regulations adopted in accordance with section ten (10) of this Act and rules and regulations to assure the accuracy, completeness and proper purging of criminal history data.

8. Shall approve all agreements, arrangements and systems for the interstate transmission and exchange of criminal history data.

Sec. 20. NEW SECTION. The provisions of sections two (2) and three (3) of this Act shall not apply to the certifying of an individual's operating record pursuant to section three hundred twenty-one A point three (321A.3) of the Code.

---

ARTHUR A. NEU  
President of the Senate

---

ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 115, Sixty-fifth General Assembly.

---

RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor

## AN ACT

RELATING TO THE NUMBERING OF MOTOR VEHICLE REGISTRATION  
PLATES.

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

Section 1. Section three hundred twenty-one point thirty-four (321.34), Code 1973, is amended to read as follows:

321.34 PLATES OR VALIDATION STICKER FURNISHED. The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

The county treasurer shall also issue to applicants for registration of a truck or a truck tractor, not including in the lowest registration class, a two decal emblems ~~for each plate and~~ which emblems designates the gross weight for which the vehicle is registered by figures which show the gross weight in tons. Number plates and weight limitation emblems which are issued with registrations or registration increases are hereby declared to be integral parts of the registration of the vehicle for which issued. The weight limitation emblems shall be applied to both sides of the vehicle, either to the doors of the cab or to the lower front corner of the box, or such other location as designated by the commissioner.

In lieu of issuing new registration plates each year for a vehicle renewing registration, the department may reassign the registration plates previously issued to such vehicle and may adopt and prescribe an annual validation sticker indicating payment of registration fee, which annual validation sticker shall be attached to said registration plates bearing the numerals indicating the year for which the original



plates are validated.

The owner of an automobile who holds an amateur radio license issued by the federal communications commission may, upon written application to the county treasurer accompanied by a fee of five dollars, order special registration plates bearing the call letters authorized the radio station covered by his amateur radio license. When received by the county treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to him. Not more than one set of special registration plates may be issued to an applicant. Said fee shall be in addition to and not in lieu of the fee for regular registration plates.

Special registration plates must be surrendered upon expiration of the owner's amateur radio license or upon transfer of title to the automobile for which such plates have been issued; and the owner shall thereupon be entitled to his regular registration plates.

The county treasurer shall furnish the department of public safety an alphabetically arranged list of those to whom special plates have been issued.

Sec. 2. Section three hundred twenty-one point thirty-five (321.35), Code 1973, is amended to read as follows:

321.35 NUMBERS ON PLATES. Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the numerical designation of the county, as determined by its alphabetical ranking among the counties of the state, in which the vehicle is registered, ~~also~~ the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.

~~The numbers-on-the-plates-issued-for-trucks-and-for-truck tractors-shall-be-so-arranged-on-the-plate-as-to-leave-a-blank space-three-inches-wide-and-four-inches-high-at-one-end-of the-plate-which-is-to-be-the-location-of-the-decalcomania gross weight emblem provided for in section 321.34.--This~~



emblem shall show the gross weight for which registered in as large figures as possible in the upper three inches and the word "ton" in the lower one inch of the emblem. The emblem shall be of such material and quality that it will remain legible during the full registration period and that it cannot be removed from the ~~plate~~ vehicle without its being destroyed.

All motor vehicle registration plates shall be treated with a reflective material according to specifications prescribed by the commissioner of public safety.

Sec. 3. The provisions of this Act shall take effect on January 1, 1975.

---

ARTHUR A. NEU  
President of the Senate

---

ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 130, Sixty-fifth General Assembly.

---

RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor

AN ACT  
RELATING TO THE USE AND OPERATION OF SCHOOL BUSES.

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

Section 1. Section two hundred eighty-five point one (285.1), subsection one (1), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

1. The board of directors in every school district shall provide transportation, either directly or by reimbursement for transportation, for all resident pupils attending public school, kindergarten through twelfth grade, except that:

a. Elementary pupils shall be entitled to transportation only if they live more than two miles from the school designated for attendance.

b. High school pupils shall be entitled to transportation only if they live more than three miles from the school designated for attendance.

For the purposes of this subsection, high school means a school which commences with either grade nine or grade ten, as determined by the board of directors of the school district.

Boards in their discretion may provide transportation for some or all resident pupils attending public school who are not entitled to transportation. Boards in their discretion may collect from the parent or guardian of the pupil not more than the pro rata cost for such optional transportation, determined as provided in subsection twelve (12) of this section.

To the extent that this section as amended by this Act requires transportation which was not required before the effective date of this Act, the board of directors shall not be required to provide such transportation before July 1, 1978.

Sec. 2. Section two hundred eighty-five point one (285.1),



Code 1973, is amended by adding the following new subsections:

NEW SUBSECTION. Transportation authorized by this chapter is exempt from all laws of this state regulating common carriers.

NEW SUBSECTION. Transportation for which the pro rata cost or other charge is collected shall not be provided outside the state of Iowa except in accordance with rules adopted by the state department of public instruction in accordance with chapter seventeen A (17A) of the Code. The rules shall take into account any applicable federal requirements.

Sec. 3. Section two hundred eighty-five point ten (285.10), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, or handicapped persons in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

Sec. 4. Section two hundred eighty-five point ten (285.10), subsection six (6), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

6. Shall purchase liability insurance and other insurance coverage which the board deems advisable to insure the school district, its officers, employees and agents against liability incurred as a result of operating school buses, including but not limited to liability to pupils or other persons lawfully transported. Section six hundred thirteen A point seven (613A.7) of the Code shall apply to such insurance. However, the board of directors in its discretion shall determine the insurance coverages and limits, and the school district and directors shall not be liable as a result of any such discretionary decision.

Sec. 5. Section two hundred eighty-five point eleven (285.11), subsection seven (7), Code 1973, is amended to read as follows:



7. The use of school buses shall be restricted to transporting pupils to and from school and to and from extracurricular activities sponsored by the school when such extracurricular activity is under the direction of a qualified member of the faculty and a part of the regular school program and to transporting other persons to the extent permitted by sections one (1) and three (3) of this Act. School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities. Provided, however, nothing in this subsection shall prohibit the use of school buses in transporting a school teacher going to and from her school when such school is on an established school bus route and such teacher makes arrangements with the district operating such school bus.

Sec. 6. Section two hundred eighty-five point one (285.1), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. Boards in districts operating buses may in their discretion transport senior citizens, children, and handicapped persons, who are not otherwise entitled to free transportation, and shall collect the pro rata cost of transportation. Transportation under this subsection shall not be provided when the school bus is being used to transport pupils to or from school unless the board determines that such transportation is desirable and will not interfere with or delay the transportation of pupils.

Sec. 7. Section three hundred twenty-one point eighteen (321.18), subsection seven (7), Code 1973, is amended to read as follows:

7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in sections one (1) and three (3) of this Act. Upon application the department shall, without charge, issue a registration certificate and shall also issue registration plates which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such plates shall be attached to the front and rear of each bus exempt from

registration under this subsection.

Sec. 8. Section three hundred twenty-one point three hundred seventy-two (321.372), subsection one (1), Code 1973, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A school bus shall, while carrying passengers, have its headlights turned on.

Sec. 9. Section two hundred eighty-five point eleven (285.11), subsection two (2), Code 1973, is repealed.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 219, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor



0001 BY STATE GOVERNMENT (TRANSPORTATION).  
0002 A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTION AND SAFETY.  
0010 APR. 05 73 INTRODUCED, PLACED ON CALENDAR. S. J. 801.  
0020 MAY 02 73 STEERING RECOMMENDS CALENDAR. S. J. 1071.  
0030 MAY 07 73 AMENDMENT S. 522 FILED. S. J. 1128.  
0040 MAY 18 73 AMENDMENT S. 522 ADOPTED. S. J. 1326.  
0050 MAY 18 73 AMENDMENT S. 623 FILED. S. J. 1326.  
0065 MAY 18 73 AMENDMENT S. 623 LOST. S. J. 1326.  
0075 MAY 18 73 AMENDMENT S. 625 FILED. S. J. 1327.  
0085 MAY 18 73 AMENDMENT S. 625 LOST. S. J. 1327.  
0090 MAY 18 73 PASSED SENATE. AYES 34, NAYS 4, S. J. 1327.  
0095 MAY 21 73 EXPLANATION OF VOTE. S. J. 1354.  
0105 MAY 21 73 RECEIVED, REFERRED TO SIFTING. H. J. 1457.  
0115 MAY 29 73 SIFTING RECOMMENDS CALENDAR. H. J. 1593.  
0145 JUN. 04 73 AMENDMENT H. 672 FILED. H. J. 1679.  
0155 JUN. 04 73 AMENDMENT H. 666 FILED. H. J. 1680.  
0165 JUN. 04 73 AMENDMENT H. 678 FILED. H. J. 1681.  
0175 JUN. 04 73 AMENDMENT H. 668 FILED. H. J. 1681.  
0185 JUN. 04 73 AMENDMENT H. 671 FILED. H. J. 1682.  
0195 JUN. 04 73 AMENDMENT H. 669 FILED. H. J. 1682.  
0205 JUN. 04 73 AMENDMENT H. 670 FILED. H. J. 1682.  
0215 JUN. 05 73 AMENDMENT H. 686 FILED. H. J. 1716.  
0225 JUN. 05 73 AMENDMENT H. 688 FILED. H. J. 1716.  
0235 JUN. 05 73 AMENDMENT H. 691 FILED. H. J. 1717.  
0245 JUN. 05 73 AMENDMENT H. 692 FILED. H. J. 1717.  
0255 JUN. 05 73 AMENDMENT H. 693 FILED. H. J. 1717.  
0265 JUN. 05 73 AMENDMENT H. 694 FILED. H. J. 1718.  
0268 JUN. 06 73 AMENDMENT H. 709 FILED. H. J. 1759.  
0270 JUN. 06 73 FISCAL NOTE. HCS.  
0273 JUN. 06 73 AMENDMENT H. 710 FILED. H. J. 1763.  
0280 JUN. 07 73 AMENDMENT H. 709 WITHDRAWN. H. J. 1781.  
0285 JUN. 07 73 AMENDMENT H. 710 ADOPTED. H. J. 1787.  
0295 JUN. 07 73 AMENDMENT H. 666 WITHDRAWN. H. J. 1787.  
0305 JUN. 07 73 AMENDMENT H. 668 WITHDRAWN. H. J. 1787.  
0315 JUN. 07 73 AMENDMENT H. 669 WITHDRAWN. H. J. 1787.  
0325 JUN. 07 73 AMENDMENT H. 670 WITHDRAWN. H. J. 1787.  
0335 JUN. 07 73 AMENDMENT H. 671 WITHDRAWN. H. J. 1787.  
0345 JUN. 07 73 AMENDMENT H. 672 WITHDRAWN. H. J. 1787.  
0355 JUN. 07 73 AMENDMENT H. 678 WITHDRAWN. H. J. 1787.  
0365 JUN. 07 73 AMENDMENT H. 686 WITHDRAWN. H. J. 1787.  
0375 JUN. 07 73 AMENDMENT H. 688 WITHDRAWN. H. J. 1787.  
0385 JUN. 07 73 AMENDMENT H. 691 WITHDRAWN. H. J. 1787.  
0395 JUN. 07 73 AMENDMENT H. 692 WITHDRAWN. H. J. 1787.  
0405 JUN. 07 73 AMENDMENT H. 693 WITHDRAWN. H. J. 1787.  
0410 JUN. 07 73 AMENDMENT H. 694 WITHDRAWN. H. J. 1787.  
0415 JUN. 07 73 PASSED HOUSE. AYES 96, NAYS 1, H. J. 1787.  
0420 JUN. 08 73 EXPLANATION OF VOTE. H. J. 1803.  
0430 JUN. 11 73 EXPLANATION OF VOTE. H. J. 1822.  
0435 JUN. 11 73 MESSAGE FROM HOUSE, WITH AMENDMENT. S. J. 1669.  
0440 JUN. 15 73 SENATE CONCURRED. S. J. 1795.  
0450 JUN. 15 73 PASSED SENATE. AYES 39, NAYS 6, S. J. 1796.  
0460 JUN. 19 73 EXPLANATION OF VOTE. S. J. 1901.  
0470 JUN. 24 73 REPORTED CORRECTLY ENROLLED. S. J. 2153.  
0480 JUN. 24 73 SIGNED BY PRESIDENT. S. J. 2154.  
0490 JUN. 24 73 SIGNED BY SPEAKER. H. J. 2393.  
0500 JUN. 24 73 SENT TO GOVERNOR. S. J. 2154.  
0510 JUL. 20 73 SIGNED BY GOVERNOR. S. J. 2162.  
0520 \* \* \* \* \* END OF 1973 ACTIONS \* \* \* \* \*



---

AN ACT

---

RELATING TO MOTOR VEHICLE INSPECTION AND SAFETY.

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

Section 1. Section three hundred twenty-one point fourteen (321.14), Code 1973, is amended to read as follows:

321.14 SEIZURE OF DOCUMENTS AND PLATES. The department is hereby authorized to take possession of any registration card, certificate of title, permit, or registration plate, certificate of inspection or any inspection document or form, upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

Sec. 2. Section three hundred twenty-one point fifty-one (321.51), subsections four (4) and six (6), Code 1973, are amended to read as follows:

4. The county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, fee therefor, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity thereof, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION THREE HUNDRED TWENTY-ONE POINT NINETY-EIGHT (321.98) OF THE CODE." At such time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the

county treasurer of the county of his residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates for the vehicle to the applicant, however, if the registration fee for the vehicle has been paid for the current year, the county treasurer shall issue a registration card and registration plates for the vehicle to the applicant upon payment of an additional registration fee of five dollars.

6. No vehicle sold or otherwise transferred pursuant to the provisions of this section shall be driven upon the highway until a valid official certificate of inspection has been affixed thereto and an unrestricted certificate of title, a registration card, and registration plates for the vehicle have been issued to the purchaser or transferee except as set out in section three hundred twenty-one point ninety-eight (321.98) of the Code.

Sec. 3. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection four (4), paragraphs a and b, Code 1973, are amended to read as follows:

a. Supervise and cause inspections to be made of each vehicle inspection station issued a permit ~~and-if-he-finds-that-any-station-is-not-properly-equipped-or-that-inspections-are-not-being-properly-conducted-shall-revoke-and-require-the-surrender-of-the-permit-issued-to-the-station. Notice-of-revocation-shall-be-by-certified-mail,-return-receipt-requested,-addressed-to-the-address-for-which-the-permit-was-granted.--Revocation-shall-be-effective-ten-days-after-the-date-of-mailing-of-such-notice-unless-the-permit-holder shall-request-a-hearing-before-the-commissioner-on-the-order-revoking-the-permit.--If-upon-hearing-the-commissioner-does not-reverse-the-order-of-revocation-the-revocation-shall-be immediately-effective-unless-revocation-is-enjoined-by-court action.~~

b. Provide instructions and all necessary forms to



authorized inspection stations for the inspection of vehicles and the issuance of official certificates of inspection. The copy of the certificate of inspection to be delivered by the inspection station to the owner of the vehicle inspected shall state the name and address of the inspection station and shall contain a conspicuous notice in substance as follows: "NOTICE: You should immediately notify the inspection station of any complaint about the inspection of this vehicle. If possible, your notice should be given within fifteen days after the date of inspection or before this vehicle has been driven five hundred miles after the inspection, whichever occurs first, or, if the inspection station sold the vehicle to you, within fifteen days after the sale or before this vehicle has been driven five hundred miles after the sale, whichever occurs first. Your notice should be in writing, specifying the complaint. Notice forms are available at any inspection station. You also have the right to make a complaint about the inspection to the commissioner of public safety, state house, Des Moines, Iowa."

Forms for notice of complaint shall be provided by the department to all authorized inspection stations, who shall provide them to any person upon request. The copy of the certificate of inspection to be delivered by the inspection station to the owner of the vehicle inspected shall also contain a notice, which shall be printed on the face of the certificate of inspection in eight-point bold faced type, which contains the words "THE SAFETY INSPECTION IS APPLICABLE ONLY TO THE ITEMS CHECKED AND DOES NOT GUARANTEE OR WARRANT THE CONDITION OF THESE ITEMS OR THE OVERALL CONDITION OF THE VEHICLE".

Sec. 4. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection seven (7), Code 1973, is amended to read as follows:

7. No person shall make, possess, issue, or knowingly use any imitation or counterfeit of an official certificate



of inspection. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection knowing the certificate to be fictitious, or issued for another vehicle, or issued without an inspection having been made. No person shall possess a blank certificate of inspection nor shall any person issue an official certificate of inspection who does not hold a valid permit for the issuance of such certificate.

Sec. 5. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection eight (8), Code 1973, is amended to read as follows:

8. The fee for inspection, including the issuance of the certificate of inspection, shall be uniform according to class of vehicle and shall be established by the commissioner. The fee shall be a reasonable and just charge based upon the average cost and time necessary to perform the inspection, and shall be retained by the inspection station. No inspection station shall absorb the inspection fee, or advertise or represent in any manner that the fee or any part of the fee is directly or indirectly absorbed by the station, nor shall any inspection station charge a fee for inspection services under this section in an amount other than the fees herein provided.

Sec. 6. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1973, is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, when first registered in this state ~~or~~ and each time when sold at retail or otherwise transferred for use within or without this state, or otherwise transferred when registration is changed from a registration as provided in section three hundred twenty-one point one hundred fifteen (321.115) of the Code to a regular registration, except transfers by operation of law as set out in section

321.47, shall be inspected at an authorized inspection station unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for such motor vehicle not more than sixty days prior to the date on which such vehicle was sold. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. The applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the commissioner, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. The county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the commissioner. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED". A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall



mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals.

Sec. 7. Section three hundred twenty-one point two hundred thirty-eight (321.238), Code 1973, is amended by adding the following new subsections:

NEW SUBSECTION. As used in this section, "sale" means the delivery of possession of a vehicle to a person who has purchased or contracted to purchase the vehicle.

NEW SUBSECTION. After an investigation and hearing conducted by a hearing officer designated by the commissioner of public safety held in the county in which the inspection station is located, the commissioner may, if the hearing officer finds that the inspection station is not properly equipped or it is not properly conducting inspections, issue a warning, suspend the vehicle inspection station's permit for a period not to exceed ninety days, or revoke the vehicle inspection station's permit and require the operator of the vehicle inspection station to surrender the permit issued to the operator.

NEW SUBSECTION. Notice of the suspension or revocation shall be by certified mail, return receipt requested, addressed to the operator of the vehicle inspection station for which the permit was issued. The suspension or revocation shall become effective ten days from the date of the mailing of the notice unless the permit holder files a written request for a review hearing of the suspension or revocation order. The review hearing shall be de novo and shall be conducted at the seat of government by a review board composed of the following persons:

- a. A senior officer of the Iowa highway safety patrol designated by the commissioner.
- b. The state car dispatcher or his designee.



c. An employee of the state highway commission experienced in automotive mechanics designated by the director of highways.

Notwithstanding any other rule or statute to the contrary, the deposition of any witness taken in the manner prescribed by the rules of civil procedure shall be admissible at any hearing conducted by the review board in lieu of the witness appearing in person. Costs of depositions shall be paid from the motor vehicle inspection fund.

After the hearing, the review board may sustain, modify, or reverse the commissioner's order of suspension or revocation. A suspension or revocation sustained or modified by the review board shall take effect ten days from the date of the decision, unless the permit holder files an appeal in the district court of the county in which the vehicle inspection station is located within ten days from the date of the decision of the review board. The order of suspension or revocation sustained or modified and appealed to the district court shall become effective ten days from the date the appeal is filed unless the suspension or revocation is stayed by the court.

The review board shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any hearing conducted by it under this section.

If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge of the district court of the state in and for Polk County may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the said court, for the witness to appear before the review board and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of said court, the clerk shall issue process of subpoena, as directed, under the seal of said court,

requiring the person to whom it is directed to appear at the time and place therein designated.

Witnesses shall receive three dollars for each day's attendance and ten cents per mile for each mile actually travelled. Witnesses shall be compensated from the motor vehicle inspection fund. The treasurer of state may make rules setting forth the procedure for such reimbursement.

NEW SUBSECTION. In any proceedings to suspend or revoke a vehicle inspection station's permit, there shall be a presumption that the inspection of a motor vehicle was properly conducted unless a written notice specifying the complaint is given to the operator or an employee of the vehicle inspection station which inspected the vehicle within fifteen calendar days after the date of the inspection or before the vehicle has been driven five hundred miles after the inspection, whichever occurs first, or if the vehicle inspection station sold the motor vehicle, within fifteen calendar days after the date of the sale or before the vehicle has been driven five hundred miles after the sale, whichever occurs first. The written notice may be informal. This presumption may be overcome only by clear and convincing evidence.

NEW SUBSECTION. No person shall knowingly deliver possession of a motor vehicle, trailer or semitrailer to a person who has purchased or contracted to purchase at retail such motor vehicle, trailer, or semitrailer which does not contain those parts or is not equipped with such lamps and brakes and other equipment in proper condition and adjustment as required by this chapter or which is equipped in any manner in violation of the chapter, except when such sale is made in accordance with the provisions of section three hundred twenty-one point fifty-one (321.51) of the Code.

Sec. 8. Chapter three hundred twenty-one (321), Code 1973, is amended by adding the following new section:

NEW SECTION. No person shall knowingly permit a prospective purchaser to test drive a motor vehicle on the highways of



~~this state unless the vehicle is mechanically safe for the purposes and conditions of the test drive.~~

Sec. 9. Section three hundred twenty-two point twenty-five (322.25), Code 1973, is repealed.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 481, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

\_\_\_\_\_  
ROBERT D. RAY  
Governor



AN ACT  
RELATING TO THE ADMINISTRATION OF THE MOTOR VEHICLE INSPEC-  
TION FEES.

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

Section 1. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection nine (9), Code 1973, is amended to read as follows:

9. All fees collected by the department under the provisions of this section shall be remitted monthly to the treasurer of state. The moneys remitted shall be placed by the treasurer of state in a special fund to be known as the "motor vehicle inspection fund" and shall be used to defray the cost of administering the provisions of this section. Any unencumbered balance in excess of twenty thousand dollars remaining in the motor vehicle inspection fund at the end of each fiscal year shall revert to the general fund of the state on the thirtieth day of September following the end of the fiscal year.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Lyon County Reporter, a newspaper published in

Rock Rapids, Iowa, and in The Sac Sun, a newspaper published  
in Sac City, Iowa.

---

ARTHUR A. NEU  
President of the Senate

---

ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate  
and is known as Senate File 602, Sixty-fifth General Assembly.

---

RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor

AN ACT

TO APPROPRIATE FROM THE GENERAL FUND OF THE STATE TO THE DEPARTMENT OF PUBLIC SAFETY AND VARIOUS DIVISIONS THEREOF.

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

Section 1. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1973 and ending June 30, 1975, for the department of public safety and various divisions thereof, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. DIVISION OF ADMINISTRATION		
For salaries, support, maintenance, and miscellaneous purposes:	\$ 331,470	\$ 378,920
For matching federal funds with approval of the governor.	\$ 100,000	\$ 100,000
2. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION		
For salaries, support, maintenance and miscellaneous purposes and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code, in the amount of sixteen percent of the salaries of personnel included in the system:	\$ 788,090	\$ 904,510



## 3. DIVISION OF FIRE PROTECTION

~~a. For salaries, support, main-~~  
 tenance, and miscellaneous pur-  
 poses: \$ 178,740 \$ 181,200

4. DIVISION OF HIGHWAY SAFETY  
AND UNIFORMED FORCE

For salaries, support, main-  
 tenance, and miscellaneous pur-  
 poses and for the state's con-  
 tribution to the peace officers'  
 retirement, accident and dis-  
 ability system provided in chap-  
 ter ninety-seven A (97A) of the  
 Code, in the amount of sixteen  
 percent of the salaries of per-  
 sonnel included in the system: \$7,640,690 \$7,881,800

## 5. DIVISION OF DRIVER'S LICENSE

Including motor vehicle fi-  
 nancial and safety responsibility.

For salaries, support, main-  
 tenance and miscellaneous pur-  
 poses: \$1,447,440 \$1,474,350

6. DIVISION OF DRUG LAW EN-  
FORCEMENT

For salaries, support, main-  
 tenance, and miscellaneous pur-  
 poses and for the state's con-  
 tribution to the peace officers'  
 retirement, accident, and dis-  
 ability system provided in chap-  
 ter ninety-seven A (97A) of the  
 Code, in the amount of sixteen  
 percent of the salaries of per-  
 sonnel included in the system: \$ 181,510 \$ 237,690

## 7. DIVISION OF MOTOR REGISTRA-

## TION

For salaries, support, maintenance, and miscellaneous purposes: \$ 924,300 \$ 827,920

## 8. DIVISION OF RADIO COMMUNICATION

For salaries, support, maintenance, and miscellaneous purposes: \$1,014,080 \$1,095,010

## 9. DIVISION OF BEER AND LIQUOR LAW ENFORCEMENT

For salaries, support, maintenance, and miscellaneous purposes and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code, in the amount of sixteen percent of the salaries of personnel included in the system: \$ 259,150 \$ 279,180

Sec. 2. There is appropriated from the general fund of the state to the department of public safety, excluding the Division of Highway Safety and Uniformed Force, the sum of seventy-eight thousand eight hundred (78,800) dollars for each year of the biennium beginning July 1, 1973, and ending June 30, 1975, in order to implement on July 1, 1973 the peace officers pay plan recommended by the governor for the second year of the biennium.

Sec. 3. Section three hundred twenty-one point one hundred eighty-seven (321.187), Code 1973, is amended to read as follows:

321.187 APPOINTMENT OF EXAMINERS. The department is hereby authorized to appoint persons from the members of the



department or may designate the county sheriff for the purpose of examining applicants for operators' and chauffeurs' licenses. It shall be the duty of any such person so appointed to conduct examinations of applicants for operators' and chauffeurs' licenses under the provisions of this chapter to make a written report of findings and recommendations upon such examination to the department. Examiners appointed by the department when on duty shall wear a ~~uniform~~ and proper identifying badge or badges as prescribed by the commissioner which shall be purchased by the department and paid for from the department maintenance fund.

Sec. 4. All federal grants to and the federal receipts of this department and divisions thereof are appropriated for the purpose set forth in such federal grants or receipts.

Sec. 5. No moneys appropriated by this Act shall be used for capital improvements.

Sec. 6. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of appropriations made by this Act for the first fiscal year of the biennium commencing July 1, 1973 shall, on August 31, 1974, revert to the state treasury and to the credit of the fund from which appropriated. In all other respects the provisions of section eight point thirty-three (8.33) of the Code shall apply to appropriations made for the first fiscal year of such biennium. Unencumbered or unobligated balances of appropriations made for the second fiscal year of such biennium shall be subject to section eight point thirty-three (8.33) of the Code.

Sec. 7. When any of the laws of this state are in conflict with this Act, the provisions of this Act shall govern for the biennium.



Sec. 8. Section eighty point thirty-two (80.32), Code 1973, is repealed.

---

ARTHUR A. NEU  
President of the Senate

---

ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 603, Sixty-fifth General Assembly.

---

RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1973

---

ROBERT D. RAY  
Governor

SENATE FILE 126

## AN ACT

RELATING TO THE EDUCATIONAL PROGRAM OF SCHOOLS.

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

Section 1. Section two hundred fifty-seven point twenty-five (257.25), Code 1973, is amended to read as follows:

257.25 EDUCATIONAL STANDARDS. In addition to the responsibilities of the state board of public instruction and the state superintendent of public instruction under other provisions of the Code, the state board of public instruction shall, except as otherwise provided in this section, establish standards, regulations, and rules for the approval of approving all public, parochial, and private nursery, kindergarten, elementary, junior high, and high nonpublic schools and all area vocational schools, area community colleges, and public community or junior colleges in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. A nonpublic school which offers only a prekindergarten program may, but shall not be required to, seek and obtain approval under this chapter. A list of approved schools shall be maintained by the department of public instruction. With respect to area or public community or junior colleges, such standards, regulations, and rules shall be established by the state board of public instruction and the state board of regents, acting jointly. --Sue The approval standards, regulations, and rules established by the state board shall prescribe delineate and be based upon implement the minimum curriculum educational program described below:

1. Nursery school activities If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to

extend their interests and understanding of the world about them, ~~work and play with others and to express themselves.~~ The prekindergarten program shall relate the role of the family to the child's developing sense of self and his perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten teacher employed by a school corporation or county or joint county school system, or its successor agency, and receiving a salary from state and local funds shall hold a certificate certifying that the holder is qualified to teach in prekindergarten.

2. Kindergarten If a school offers a kindergarten programs program, the program shall include experiences designed to develop healthy emotional and social living habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protection and development of physical being, growth in expression, and language arts and communication readiness. A kindergarten teacher shall hold a certificate certifying that the holder is qualified to teach in kindergarten.

3. The following areas shall be taught in the elementary school, grades one through six: Language arts, including reading, handwriting, spelling, oral and written English, and literature; social studies, including geography, history of the United States and Iowa with attention given to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities, and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability, or ethnic background, cultures of other peoples and nations, and American citizenship, including the elementary study of national, state, and local government in the United States; mathematics; science, including conservation of natural resources and environmental awareness; health and physical education, including the effects of alcohol, ~~heretics~~ tobacco,



drugs, and poisons on the human body; the characteristics of communicable diseases; traffic safety, including pedestrian and bicycle safety procedures; music; and art.

4. The following shall be taught in grades seven and eight as a minimum program: Science, including conservation of natural resources and environmental awareness; mathematics; social studies with attention given to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities, and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability, or ethnic background, cultures of other peoples and nations, and American citizenship; language arts which may shall include reading, spelling, grammar, oral and written composition, and may include other communication subjects; health and physical education, including the effects of alcohol, tobacco, drugs and poisons on the human body, the characteristics of communicable diseases, including venereal diseases and current crucial health issues; reading; physical education; music; and art.

5. Provision for special education services and programs, ~~which may be shared by public schools,~~ shall be made for children requiring special education, who are or would otherwise be enrolled in kindergarten through grade eight of such schools.

~~6. School districts with organized and administered junior high schools not limited to grades seven and eight must include the aforementioned minimum program for grades seven and eight regardless of the organizational structure of the district.~~

7. 6. A high school; In grades nine through twelve, shall teach annually the following as a unit of credit shall consist of a course or equivalent related components or partial units taught throughout the academic year. The minimum program for grades nine through twelve shall be:

a. Four units of science including physics and chemistry; ~~However,~~ the units of physics and chemistry may be taught in alternate years.

b. Four units of the social studies. ~~Instruction in~~ American history, American government, government and cultures of other peoples and nations, and general consumer education, family law, and economics, including comparative and consumer economics, shall be included taught in said the units but need not be required as full units. All students shall be required to take one unit of American history which shall give attention to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities, and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability, or ethnic background and one half unit of the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by him, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at such times that these machines or sample ballots are not in use for their recognized purpose.

c. Four units of English, including language arts.

d. Four units of a sequential program in mathematics.

e. One unit of general mathematics.

f. Two units of one foreign language; ~~However,~~ the units of foreign language may be taught in alternate years, provided there is no break in the progression of instruction from one year to the next.

~~g. One unit of physical education with one-eighth unit each semester required of each pupil, except that any pupil participating in an organized and supervised high school athletic program which requires at least as much time of participation per week as such one-eighth unit may be excused from the physical education course during the time of his~~



AN ACT

TO FORBID THE USE OF THE HIGHWAYS OF THIS STATE TO HABITUAL OFFENDERS OF THE TRAFFIC LAWS, AND TO PROVIDE PUNISHMENT FOR THOSE WHO VIOLATE THE PROVISIONS OF THIS ACT.

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

Section 1. NEW SECTION. As used in this Act, "habitual offender" means any person who has accumulated convictions for separate and distinct offenses described in subsections one (1), two (2), or three (3) of this section, committed after July 1, 1974, as follows:

1. Three or more convictions within a six-year period, of the following offenses, either singularly or in combination:

a. Manslaughter resulting from the operation of a motor vehicle.

b. Driving a motor vehicle while under the influence of an alcoholic beverage or a controlled substance as defined in section two hundred four point one hundred one (204.101) of the Code.

c. Driving a motor vehicle while operator's or chauffeur's license is suspended or revoked.

d. Perjury or the making of a false affidavit or statement under oath to the department of public safety.

e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used.

f. Failure to stop and leave information or to render aid as required by section three hundred twenty-one point two hundred sixty-three (321.263) of the Code.

g. A violation of the traffic laws, except parking regulations, committed during a period of suspension or revocation.

2. Six or more convictions of any separate and distinct offenses within a two-year period in the operation of a motor

vehicle which are required to be reported to the department of public safety by section three hundred twenty-one point two hundred seven (321.207) of the Code, except equipment violations, violations of parking regulations of cities, violations of registration laws, operating a vehicle with an expired license or permit, failure to appear, and weights and measures violations and speeding violations of less than six miles per hour over the legal speed limit, as provided by law prior to enactment of Senate File one thousand thirteen (1013), Acts of the Sixty-fifth General Assembly, 1974 Session.

3. The offenses included in subsections one (1) and two (2) of this section shall be deemed to include offenses under any valid town, city, or county ordinance paralleling and substantially conforming to the provisions of the Code concerning such offenses.

Sec. 2. NEW SECTION. The commissioner of public safety shall certify three abstracts of the conviction record as maintained in the department of public safety of any person who appears to be an habitual offender, to the county attorney of the county in which such person resides, or to the attorney general if such person is not a resident of this state. The county attorney or attorney general, upon receiving the abstract from the commissioner of public safety, shall file a petition against the person named therein in the district court of the state of Iowa in the county wherein such person resides or, in the case of a nonresident, in the district court in Polk county. The petition shall request the court to determine whether or not the person named therein is an habitual offender.

Sec. 3. NEW SECTION. The abstract certified by the commissioner may be admitted as evidence as provided in section six hundred twenty-two point forty-three (622.43) of the Code. The abstract shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such abstract, and if such person shall deny any of the facts as

92

stated therein, he shall have the burden of proving that such is untrue.

Sec. 4. NEW SECTION. Upon the filing of the petition, a judge of the district court shall enter an order incorporating by attachment the aforesaid abstract and direct the person named therein as defendant to appear as ordered by the court and show cause why such person should not be barred from operating a motor vehicle on the highways of this state. A copy of the petition, the show cause order, and the abstract shall be served upon the person named therein as defendant in the same manner as an original notice. Service of notice on any nonresident of this state may be made in the same manner as provided in sections three hundred twenty-one point four hundred ninety-eight (321.498) through three hundred twenty-one point five hundred six (321.506), inclusive, of the Code.

Sec. 5. NEW SECTION. If the court finds that the defendant is not the same person named in the abstract, or that the defendant is not an habitual offender as provided in this Act, the proceeding shall be dismissed. If the court finds that the defendant is an habitual offender, the court shall by appropriate judgment direct that such person not operate a motor vehicle on the highways of this state for the period specified in section six (6) of this Act. In such case the defendant shall surrender to the court all licenses or permits to operate a motor vehicle upon the highways of this state. The clerk of the court shall transmit a copy of such judgment together with any licenses or permits surrendered to the department of public safety.

Sec. 6. NEW SECTION. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section one (1), subsection one (1) of this Act for a period of six years from the date of judgment. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section one (1), subsection two (2)

of this Act for a period of one year from the date of judgment.

Sec. 7. NEW SECTION. It shall be unlawful for any person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section six (6) of this Act. Any person guilty of violating the provisions of this section shall upon conviction be punished by imprisonment in the penitentiary for not more than two years and notwithstanding the provisions of section six hundred eighty-seven point two (687.2) of the Code, such conviction shall constitute a misdemeanor and not a felony.

Sec. 8. NEW SECTION. Nothing in sections one (1) through eight (8) of this Act shall be construed as amending, modifying, or repealing any existing law of this state or any ordinance of any political subdivision relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles, or providing penalties for the violation thereof.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 173, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

36



FILED FEB 12 1973

SENATE FILE 173

By DeKOSTER, KENNEDY and  
GRIFFIN

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

## A BILL FOR

1 An Act to forbid the use of the highways of this state to  
2 habitual offenders of the traffic laws, and to provide  
3 punishment for those who violate the provisions of this  
4 Act.

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

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 Section 1. NEW SECTION. As used in this Act, "habitual  
2 offender" means any person who has accumulated convictions  
3 for separate and distinct offenses described in subsections  
4 one (1), two (2), or three (3) of this section, committed  
5 after July 1, 1973 and within a ten-year period, as follows:  
6 1. Three or more convictions, arising from separate acts,  
7 of the following offenses, either singularly or in combination:  
8 a. Manslaughter resulting from the operation of a motor  
9 vehicle.  
10 b. Driving a motor vehicle while under the influence of  
11 an alcoholic beverage or a controlled substance as defined  
12 in section two hundred four point one hundred one (204.101)  
13 of the Code.  
14 c. Driving a motor vehicle while operator's or chauffeur's  
15 license is suspended or revoked.  
16 d. Willfully operating a motor vehicle without a license.  
17 e. Perjury or the making of a false affidavit or statement  
18 under oath to the department of public safety.  
19 f. Any offense punishable as a felony under the motor  
20 vehicle laws of Iowa or any felony in the commission of which  
21 a motor vehicle is used.  
22 g. Failure to stop and leave information or to render  
23 aid as required by section three hundred twenty-one point  
24 two hundred sixty-three (321.263) of the Code.  
25 h. Any violation of the traffic laws, except parking regu-  
26 lations, committed during a period of suspension or revocation.  
27 2. Eight or more convictions of any separate and distinct  
28 offenses in the operation of a motor vehicle which are required  
29 to be reported to the department of public safety by section  
30 three hundred twenty-one point two hundred seven (321.207)  
31 of the Code.  
32 3. The offenses included in subsections one (1) and two  
33 (2) of this section shall be deemed to include offenses under  
34 any valid town, city, or county ordinance paralleling and  
35 substantially conforming to the provisions of the Code

1 concerning such offenses.

2 ~~Sec. 2. NEW SECTION. The commissioner of public safety~~  
3 shall certify three abstracts of the conviction record as  
4 maintained in the department of public safety of any person  
5 who appears to be an habitual offender, to the county attorney  
6 of the county in which such person resides, or to the attorney  
7 general if such person is not a resident of this state. The  
8 county attorney or attorney general, upon receiving the  
9 abstract from the commissioner of public safety, shall file  
10 a petition against the person named therein in the district  
11 court of the state of Iowa in the county wherein such person  
12 resides or, in the case of a nonresident, in the district  
13 court in Polk county. The petition shall request the court  
14 to determine whether or not the person named therein is an  
15 habitual offender.

16 Sec. 3. NEW SECTION. The abstract certified by the com-  
17 missioner may be admitted as evidence as provided in section  
18 six hundred twenty-two point forty-three (622.43) of the Code.  
19 The abstract shall be prima facie evidence that the person  
20 named therein was duly convicted by the court wherein such  
21 conviction or holding was made of each offense shown by such  
22 abstract, and if such person shall deny any of the facts as  
23 stated therein, he shall have the burden of proving that such  
24 is untrue.

25 Sec. 4. NEW SECTION. Upon the filing of the petition,  
26 a judge of the district court shall enter an order  
27 incorporating by attachment the aforesaid abstract and direct  
28 the person named therein as defendant to appear as ordered  
29 by the court and show cause why such person should not be  
30 barred from operating a motor vehicle on the highways of this  
31 state. A copy of the petition, the show cause order, and  
32 the abstract shall be served upon the person named therein  
33 as defendant in the same manner as an original notice. Service  
34 of notice on any nonresident of this state may be made in  
35 the same manner as provided in sections three hundred twenty-



1 one point four hundred ninety-eight (321.498) through three  
2 hundred twenty-one point five hundred six (321.506), inclusive,  
3 of the Code.

4 Sec. 5. NEW SECTION. If the court finds that the defendant  
5 is not the same person named in the abstract, or that the  
6 defendant is not an habitual offender as provided in this  
7 Act, the proceeding shall be dismissed. If the court finds  
8 that the defendant is an habitual offender, the court shall  
9 by appropriate judgment direct that such person not operate  
10 a motor vehicle on the highways of this state for a period  
11 of ten years. In such case the defendant shall surrender  
12 to the court all licenses or permits to operate a motor vehicle  
13 upon the highways of this state. The clerk of the court shall  
14 transmit a copy of such judgment together with any licenses  
15 or permits surrendered to the department of public safety.

16 Sec. 6. NEW SECTION. No license to operate a motor vehicle  
17 in this state shall be issued to the habitual offender for  
18 a period of ten years from the date of judgment.

19 Sec. 7. NEW SECTION. It shall be unlawful for any per-  
20 son convicted as an habitual offender to operate any motor  
21 vehicle in this state while the judgment of the court  
22 prohibiting such operation remains in effect. Any person  
23 guilty of violating the provisions of this section shall upon  
24 conviction be punished by imprisonment of not less than one  
25 nor more than five years, and no portion of such sentence  
26 shall be suspended, except that if the operation of a motor  
27 vehicle by such person was required by a situation of extreme  
28 emergency, said sentence, or any part thereof, may be  
29 suspended.

30 Sec. 8. NEW SECTION. If the denial of the privilege to  
31 drive is based entirely on charges of driving under the  
32 influence of an alcoholic beverage or a controlled substance  
33 as defined in section two hundred four point one hundred one  
34 (204.101) of the Code, the person to whom the privilege is  
35 denied may petition the court for reinstatement on the grounds



1 that all consumption of alcoholic beverages or use of  
 2 ~~controlled substances as defined in section two hundred four~~  
 3 point one hundred one (204.101) of the Code has ceased for  
 4 a period of at least fifteen months. If the court finds that  
 5 such use and consumption has ceased, the court may order a  
 6 provisional reinstatement of such license upon the fulfillment  
 7 of all other requirements for an operator's license under  
 8 chapter three hundred twenty-one (321) of the Code. Such  
 9 provisional reinstatement shall be subject to the conditions  
 10 of section three hundred twenty-one point one hundred eighty-  
 11 one (321.181) of the Code.

12 Sec. 9. NEW SECTION. Nothing in sections one (1) through  
 13 nine (9) of this Act shall be construed as amending, modifying,  
 14 or repealing any existing law of this state or any ordinance  
 15 of any political subdivision relating to the operation of  
 16 motor vehicles, the licensing of persons to operate motor  
 17 vehicles, or providing penalties for the violation thereof.

EXPLANATION

18  
 19 This bill will revoke, for a period of ten years, the  
 20 driving privileges of those who consistently violate our  
 21 traffic laws. The bill provides severe penalties for those  
 22 who would continue to drive after such action is taken against  
 23 them.

24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35

AN ACT

TO REDUCE THE MAXIMUM SPEED LIMITS IMPOSED ON MOTOR VEHICLES OPERATING ON THE HIGHWAYS OF THE STATE AND REPEALING THE MANDATORY REVOCATION FOR SPEED VIOLATIONS.

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

Section 1. Upon the effective date of this Act, the provisions of sections three hundred twenty-one point two hundred eighty-five (321.285), three hundred twenty-one point two hundred eighty-six (321.286), and three hundred twenty-one point two hundred eighty-seven (321.287) of the Code which set speed limits which exceed fifty-five miles per hour shall not apply and the maximum speed limit on any highway in this state shall not exceed fifty-five miles per hour.

Sec. 2. The provisions of section one (1) of this Act shall be effective until the president of the United States declares that there is not a fuel shortage requiring the application of The Emergency Highway Energy Conservation Act or until June 30, 1975, whichever time occurs first.

Sec. 3. Section three hundred twenty-one point two hundred nine (321.209), Code 1973, is amended by striking subsection seven (7).

Sec. 4. This Act shall take effect and be in force on March 1, 1974, after its publication in the West Des Moines Express, a newspaper published in West Des Moines, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

---

ARTHUR A. NEU  
President of the Senate

---

ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1013, Sixty-fifth General Assembly.

---

RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

---

ROBERT D. RAY  
Governor



SENATE FILE 1062

AN ACT

RELATING TO THE FUNCTIONAL CLASSIFICATION AND JURISDICTION OF HIGHWAYS.

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

Section 1. Section three hundred six point one (306.1), subsection one (1), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

1. FUNCTIONAL CLASSIFICATION OF ROADS AND STREETS. The roads and streets of this state are classified into the following systems:

- a. The freeway-expressway system.
- b. The arterial system.
- c. The arterial connector system.
- d. The trunk system.
- e. The trunk collector system.
- f. The area service system.
- g. The municipal arterial system.
- h. The municipal collector system.
- i. The municipal service system.
- j. The municipal residential alley system.
- k. The state park, state institution and other state land road system.
- l. The county conservation parkway system.

Sec. 2. Section three hundred six point one (306.1), subsection two (2), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

For the purpose of functionally classifying the roads and streets of this state ~~to co-operate with the United States department of transportation, as required by section 477 public law 90-495, and for no other purpose~~, the following words and phrases relating to roads and streets shall have the following meanings:

Sec. 3. Section three hundred six point one (306.1), sub-

section two (2), Code 1973, is amended by striking paragraphs f, g, h, i, and j, and inserting in lieu thereof the following:

- f. The area service system shall include those public roads outside of municipalities not otherwise classified.
- g. The municipal arterial system shall consist of those streets within municipalities not included in other classifications which connect principal traffic generating areas or connect such areas with other systems. The municipal arterial system shall not exceed fifteen percent of the entire street mileage under the jurisdiction of a municipality, except that municipalities under two thousand population may exceed such limitation.

h. The municipal collector system shall consist of those streets within municipalities that collect traffic from the municipal service system and connect to other systems. The municipal collector system shall not exceed twenty percent of the entire street mileage under jurisdiction of the municipality, except that municipalities under two thousand population may exceed such limitation.

i. The municipal service system shall consist of those streets and commercial alleys within municipalities which serve primarily as access to commercial and residential property and shall also include streets within municipal parks.

j. The municipal residential alley system shall consist of those alleys which serve primarily as secondary access to residential property.

k. The state park, state institution, and other state land road system shall consist of those roads and streets wholly within the boundaries of state lands operated as parks, institutions, or other state governmental agencies.

l. The county conservation parkway system shall consist of those parkways located wholly within the boundaries of county lands operated as parks, forests, or other public access areas.

Sec. 4. Section three hundred six point three (306.3), Code 1973, is amended by striking the section and inserting

100

in lieu thereof the following:

306.3 DEFINITION OF TERMS. As used in this chapter or in any chapter of the Code relating to highways:

1. "Road" or "street" means the entire width between property lines through private property or designated width through public property of every way or place of whatever nature when any part of such way or place is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

2. "Primary roads" or "primary road system" means those roads and streets, both inside and outside the boundaries of municipalities, classified under section three hundred six point one (306.1) of the Code as freeway-expressway, arterial and arterial connector.

3. "Interstate roads" or "interstate road system" means those roads and streets of the primary road system that are designated by the secretary of the United States department of transportation as the National System of Interstate and Defense Highways in Iowa.

4. "Secondary roads" or "secondary road system" means those roads, outside the boundaries of municipalities, classified as trunk, trunk collector and area service under section three hundred six point one (306.1) of the Code.

5. "Farm-to-market roads" or "farm to market road system" means those rural secondary roads classified as trunk and trunk collector under section three hundred six point one (306.1) of the Code.

6. "Local secondary roads" or "local secondary road system" means those secondary roads which are classified as area service under section three hundred six point one (306.1) of the Code.

7. "Municipal street system" means those streets within municipalities classified as trunk, trunk collector, municipal arterial, municipal collector, municipal service and municipal alleys under section three hundred six point one (306.1) of the Code.

8. "State park roads" means those roads and streets clas-

sified as state park roads under section three hundred six point one (306.1) of the Code.

9. "Institutional roads" means those roads and streets classified as institutional roads under section three hundred six point one (306.1) of the Code.

10. "Other state land roads" means those roads and streets classified as other state land roads under section three hundred six point one (306.1) of the Code.

11. "County conservation parkways" or "county conservation parkway system" means those parkways classified as county conservation parkways under section three hundred six point one (306.1) of the Code.

Sec. 5. Section three hundred six point four (306.4), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

306.4 JURISDICTION OF SYSTEMS. The jurisdiction and control over the roads and streets of the state are vested as follows:

1. Jurisdiction and control over the primary roads shall be vested in the state highway commission.

2. Jurisdiction and control over the secondary roads shall be vested in the county board of supervisors of the respective counties.

3. Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the state highway commission and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. The parties exercising concurrent jurisdiction shall enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof.

4. Jurisdiction and control over the roads and streets in any state park, state institution or other state land shall be vested in the board, commission, or agency in control of such park, institution, or other state land; except that:

a. The state highway commission and the controlling agency



shall have concurrent jurisdiction over any road which is an extension of a primary road and which both enters and exits from the state land at separate points. The state highway commission may expend the moneys available for such roads in the same manner as the commission expends such funds on other roads over which the commission exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement the jurisdiction and control of such road shall remain in the state highway commission.

b. The board of supervisors of any county and the controlling state agency shall have concurrent jurisdiction over any road which is an extension of a secondary road and which both enters and exits from the state land at separate points. The board of supervisors of any county may expend the moneys available for such roads in the same manner as the board expends such funds on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement, the jurisdiction and control of such road shall remain in the board of supervisors of the county.

5. Jurisdiction and control over parkways within county parks and conservation areas shall be vested in the county conservation boards within their respective counties; except that:

a. The state highway commission and the county conservation board shall have concurrent jurisdiction over an extension of a primary road which both enters and exits from a county park or other county conservation area at separate points. The state highway commission may expend moneys available for such roads in the same manner as the commission expends such funds on other roads over which the commission

exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement, the jurisdiction and control of such roads shall remain in the state highway commission.

b. The board of supervisors of any county and the county conservation board shall have concurrent jurisdiction over an extension of a secondary road which both enters and exits from a county park or other county conservation area at separate points. The board of supervisors of any county may expend moneys available for such roads in the same manner as the board expends such funds on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind and type of construction, reconstruction, repair and maintenance and the division of costs thereof. In the absence of such agreement, the jurisdiction and control of such roads shall remain in the board of supervisors of the county.

Sec. 6. Section three hundred six point five (306.5), Code 1973, is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The primary, trunk and trunk collector systems shall be continuous interconnected systems and provision shall be made for the continuity of such systems by the designation of extension within municipalities, state parks, state institutions, other state lands and county parks and conservation areas. The mileage of such extensions of these systems shall be included in the total mileage of a particular primary, trunk or trunk collector system and shall also be listed separately as an extension of such road system.

Sec. 7. Section three hundred six point six (306.6), Code 1973, is amended to read as follows:

306.6 FUNCTIONAL CLASSIFICATION BOARD.

1. A functional classification board shall be appointed for each county and shall operate under procedural rules and

regulations promulgated by the state highway commission under the provisions of chapter 17A. Said board shall consist of three members to be appointed as follows: The state highway commission shall appoint one member from the staff of the state highway commission, the county board of supervisors shall appoint one member which shall be either the county engineer or one of its own members, and the third member shall be a municipal official from within the county who shall be appointed by a majority of the mayors of the cities and towns of the county. The mayors shall meet at the call of the chairman of the county board of supervisors who shall act as chairman of the meeting without vote. In the event the mayors cannot agree to and appoint this member within thirty days after the call of the meeting by the chairman, the two members previously appointed shall select the third member. The board shall serve without additional compensation and shall:

1 a. Classify each segment of each rural public road and each municipal street in the county in accordance with the classifications found in section 306.1.

2 b. Establish continuity between the systems within the county and with the systems of adjacent counties.

3 c. File a copy of the proposed road classification in the office of county engineer for public information and hold a public hearing before final approval of any road classification action. Notice of the date, the time, and the place of such hearing, and the filing of such proposed road classification for public information shall be published in an official newspaper in general circulation throughout the affected area at least twenty days prior to the established date of the hearing.

4 d. Report the selected classifications to the state highway commission. The state highway commission shall review the reports of the county classification boards and may:

a- (1) Alter the classification of roads coinciding with or crossing county lines to provide continuity of the various county systems.

~~b--Reduce-mileage-of-roads-classified-in-the-trunk-system-or-trunk-collector-system-to-assure-equitable-distribution-among-the-counties-of-the-total-mileage-of-such-systems.~~

(2) Adjust the mileage of roads classified in the trunk and trunk collector systems to assure equitable distribution among the counties of the total mileage of such systems.

(3) Any action authorized under subparagraphs one (1) and two (2) of paragraph d of this section shall not be taken by the state highway commission until the proposed action has been thoroughly discussed with the affected county classification boards and their comments heard.

2. There is created a state functional classification review board which shall consist of one state senator appointed by the president of the senate, one state representative appointed by the speaker of the house of representatives, one supervisor appointed by the Iowa state association of county supervisors, one engineer appointed by the Iowa county engineers' association, two persons appointed by the league of Iowa municipalities, one of which shall be a licensed professional engineer, and two persons appointed by the state highway commission, one of which shall be a commissioner and the other a staff member. This board shall select a permanent chairman from among its members by majority vote of the total membership. The chairman and all members of the board shall serve without additional compensation.

It shall be the responsibility of the state functional classification review board to hear any and all appeals from classification boards or board members, relative to disputes arising out of the functional classification of any segment of highway or street. The state functional classification review board shall have the authority and the responsibility to make final administrative determinations based on sound functional classification principles for all disputes relative to functional classification. The review board shall also serve, when requested jointly by state and local jurisdictions, as an advisory committee for review and adjustment



of construction and maintenance guidelines used in updating road and street needs studies.

Sec. 8. Section three hundred thirteen point two (313.2), Code 1973, is amended by striking unnumbered paragraphs one (1) and two (2) and inserting in lieu thereof the following:

The roads and streets of the state are, for the purpose of this chapter, assigned to the functional classification systems established under chapter three hundred six (306) of the Code.

Sec. 9. Sections three hundred six point two (306.2) and three hundred six point nine (306.9), Code 1973, are repealed.

Sec. 10. This Act shall become effective on July 1, 1975; except that no transfer of jurisdiction and control of any road or street as required by this Act shall be effective until the enactment of legislation which allocates the road use tax fund in a manner different from the law existing on January 1, 1974, and in a manner which compensates state, county and municipal jurisdictions for additional highway, road or street needs acquired by such transfer as determined by the state highway commission.

Notwithstanding the foregoing provision of this section, transfers in jurisdiction and control of roads and streets may take place if agreements are entered into by the jurisdictional divisions of government involved in the transfer of such roads and streets.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1062, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

SENATE FILE 1075

AN ACT

RELATING TO THE REGULATION OF VEHICULAR TRAFFIC AT TRAFFIC-CONTROL SIGNALS.

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

Section 1. Section three hundred twenty-one point two hundred fifty-seven (321.257), subsection three (3), Code 1973, is amended to read as follows:

3. RED ALONE OR "STOP". Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown. A right turn shall be permitted at an intersection by vehicular traffic which has come to a complete stop, ~~whenever a sign is in place permitting such turn unless a sign is in place prohibiting such a turn.~~ Any right turn made pursuant to this subsection shall be made in such a manner that it does not interfere with other vehicular or pedestrian traffic lawfully using the intersection.

Vehicular traffic on a one-way highway facing a steady red signal may, after making a stop pursuant to this subsection, cautiously enter the intersection and make a left turn onto an intersecting one-way highway on which traffic travels to the left, unless a sign is in place prohibiting such a turn. Any left turn made pursuant to this subsection shall be made in such a manner that it does not interfere with other vehicular or pedestrian traffic lawfully using the intersection.

No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic, but a vehicle turning right at such inter-

section shall yield the right of way to a pedestrian lawfully entering such intersection.

ARTHUR A. NEU  
President of the Senate

ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1075, Sixty-fifth General Assembly.

RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

ROBERT D. RAY  
Governor

105



## AN ACT

RELATING TO CURB RAMPS FOR THE PHYSICALLY HANDICAPPED.

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

Section 1. NEW SECTION. CURB CUTOUTS AND RAMPS FOR HANDICAPPED.

1. Curbs constructed along any public street in this state, when the street is paralleled or intersected by sidewalks, or when city ordinances or other lawful regulations will require the construction of sidewalks in parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one inch of rise per twelve inches lineal distance, except that a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

2. The requirements of subsection one (1) of this section shall apply after January 1, 1975 to all new curbs constructed and to all replacement curbs constructed at any point along a public street which gives reasonable access to a crosswalk.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1124, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

SENATE FILE 1141

AN ACT

TO CREATE A STATE DEPARTMENT OF TRANSPORTATION BY TRANSFERRING CERTAIN DUTIES OF THE STATE HIGHWAY COMMISSION, IOWA AERONAUTICS COMMISSION, IOWA RECIPROCITY BOARD, IOWA STATE COMMERCE COMMISSION, AND THE DEPARTMENT OF PUBLIC SAFETY TO A STATE DEPARTMENT OF TRANSPORTATION, RELATING TO THE DIMENSIONS OF VEHICLES, AND MAKING COORDINATING AMENDMENTS TO THE CODE, INCLUDING PENALTY PROVISIONS.

WHEREAS, it is the public policy of this state that the general welfare, economic growth, job mobility, convenience, stability, and well-being of the citizens of the state can best be served by a coordinated transportation policy to assure adequate, safe, and efficient transportation facilities and services, and

WHEREAS, in order to accomplish this goal, the general assembly finds that it is necessary to recognize the executive branch of government and to combine and transfer the duties and functions of certain existing state agencies into a state department of transportation created by this Act, and

WHEREAS, that in the reorganization of the executive branch of government relative to the reorganization and regulation of the railroad industry, it shall be the policy of the state that a complete study and survey of the problems of coordination with the federal law, rules and regulations be made, including equalization of taxation, preemption and conflict of authority, authorization and justification for use and application of state and local funds, the improvement of rail facilities through modernizing, regulation and competition, continuation and improvement of service to the shipping public, and

WHEREAS, it is the policy of the state to encourage, foster, and assist in the general development and promotion of highway transportation to promote uniformity in highway design and highway transportation consistent with the economic needs of the state and nation, and

WHEREAS, the duties and responsibilities of the state highway commission should be transferred to the state department of transportation. The duties and responsibilities of the Iowa aeronautics commission should be transferred to the state department of transportation. The duties and responsibilities of the Iowa reciprocity board should be transferred to the state department of transportation. The duties and responsibilities of the department of public safety relating to motor vehicle registration, motor vehicle dealer licensing, motor vehicle inspection, and operators and chauffeurs licensing should be transferred to the state department of transportation. The duties and responsibilities of the Iowa state commerce commission relating to the regulation of railroads and motor transportation should be transferred to the state department of transportation, NOW THEREFORE,

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

DIVISION I

Section 1. NEW SECTION. DEFINITIONS. When used in this division of this Act, unless the context otherwise requires:

1. "Director" means the director of transportation or his designee.
2. "Department" means the state department of transportation.
3. "Commission" means the state transportation commission.
4. "Board" means the transportation regulation board.

Sec. 2. NEW SECTION. DEPARTMENT OF TRANSPORTATION. There is created a state department of transportation which shall be responsible for the planning, development, regulation, and improvement of transportation in the state as provided by law.

Sec. 3. NEW SECTION. TRANSPORTATION COMMISSION. There is created a state transportation commission which shall consist of seven members, not more than four of whom shall be from the same political party. The governor shall appoint

107

S.F. 1141



the members of the state transportation commission for a term of four years, subject to the confirmation of the senate. However, of the members first appointed, one member shall be appointed for a term of one year commencing July 1, 1974 and ending June 30, 1975, two members shall be appointed for a term of two years commencing July 1, 1974 and ending June 30, 1976, two members shall be appointed for a term of three years commencing July 1, 1974 and ending June 30, 1977, and two members shall be appointed for a term of four years commencing July 1, 1974 and ending June 30, 1978.

Of the members first appointed, the governor shall appoint at least two members of the state highway commission and one member of the Iowa aeronautics commission as of July 1, 1974 to the state transportation commission and such persons appointed shall serve simultaneously on the state transportation commission and the state highway commission or the Iowa aeronautics commission. The term of office of all highway commissioners and aeronautics commissioners shall expire June 30, 1975.

The commission shall meet in July of each year for the purpose of electing one of its members as chairman.

Sec. 4. NEW SECTION. CONFLICT OF INTEREST. A person shall not serve as a member of the state transportation commission who has an interest in a contract or job of work or material or the profits thereof or service to be performed for the department. Any member of the state transportation commission who accepts employment with or acquires any stock, bonds, or other interest in any company or corporation doing business with the department shall be disqualified from remaining a member of the state transportation commission.

Sec. 5. NEW SECTION. VACANCIES. Any vacancy on the commission which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval

the name of the appointee for the unexpired portion of the regular term. Any vacancy occurring when the general assembly is in session shall be filled in the same manner as regular appointments are made, and before the end of such session, and for the unexpired portion of the regular term.

In the event the governor fails to make an appointment to fill a vacancy, or fails to submit the appointment to the senate for confirmation, the senate may make the appointment prior to adjournment of the general assembly.

Sec. 6. NEW SECTION. COMPENSATION. Each member of the commission shall receive a salary as fixed by the general assembly.

However, for the fiscal year commencing July 1, 1974 and ending June 30, 1975, members of the state transportation commission shall receive a per diem of forty dollars and all expenses actually incurred in the performance of their official duties. Members of the state transportation commission serving simultaneously as members of the state highway commission or the Iowa aeronautics commission shall continue to receive the salary or per diem provided by law for such persons when performing their official duties as members of the state highway commission or the Iowa aeronautics commission for the fiscal year commencing July 1, 1974 and ending June 30, 1975.

Sec. 7. NEW SECTION. COMMISSION MEETINGS. The commission shall meet at the call of the chairman or when any four members of the commission file a written request with the chairman for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission.

A majority of the commission members shall constitute a quorum.

Sec. 8. NEW SECTION. EXPENSES. Members of the commission, the director, and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of chapter eight (8) of the Code.



Sec. 9. NEW SECTION. REMOVAL FROM OFFICE. Any member of the commission may be removed for any of the causes and in the manner provided in chapter sixty-six (66) of the Code and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

Sec. 10. NEW SECTION. DUTIES. The commission shall:

1. Develop and coordinate a comprehensive transportation policy for the state not later than January 1, 1975, which shall be submitted to the general assembly for its approval, and develop a comprehensive transportation plan by January 1, 1976 to be submitted to the governor and the general assembly, and to update the transportation policy and plan annually.

2. Promote the coordinated and efficient use of all available modes of transportation for the benefit of the state and its citizens including, but not limited to, the designation and development of multi-modal public transfer facilities if carriers or other private businesses fail to develop such facilities.

3. Identify the needs for city, county, and regional transportation facilities and services in the state and develop programs appropriate to meet these needs.

4. Identify methods of improving transportation safety in the state and develop programs appropriate to meet these needs.

5. Adopt rules and regulations in accordance with the provisions of chapter seventeen A (17A) of the Code as it may deem necessary to transact its business and for the administration and exercise of its powers and duties. The transportation commission shall also adopt rules and regulations, which rules and regulations shall be exempt from the provisions of chapter seventeen A (17A) of the Code, governing the length of vehicles and combinations of vehicles which are subject to the limitations imposed under section three hundred twenty-one point four hundred fifty-seven (321.457) of the Code. The commission may adopt such rules and regulations which permit vehicles and combinations of vehicles in excess of the length limitations imposed under

section three hundred twenty-one point four hundred fifty-seven (321.457) of the Code, but not exceeding sixty-five feet in length, which may be moved on the highways of this state. Any such proposed rules and regulations shall be submitted to the general assembly within five days following the convening of a regular session of the general assembly. The general assembly may approve or disapprove the rules and regulations submitted by the commission not later than sixty days from the date such rules and regulations are submitted and, if approved or no action is taken by the general assembly on the proposed rules and regulations, such rules and regulations shall become effective May first and thereafter all laws in conflict therewith shall be of no further force and effect.

6. Approve the budget of the department as prepared by the director, prior to submission of the budget to the governor and the general assembly.

7. Approve the reorganization of any existing divisions within the department.

8. Consider the energy and environmental issues in transportation development.

9. Enter into such contracts and agreements as provided in this Act.

Sec. 11. NEW SECTION. DIRECTOR OF TRANSPORTATION--QUALIFICATIONS--SALARY. The commission shall appoint a director of transportation who shall serve at the pleasure of the commission and who shall in no event be a member of the commission. The director shall not hold any other office under the laws of the United States or of this or any other state or hold any other position for profit. The director shall not engage in any occupation, business, or profession interfering with or inconsistent with his duties, serve on or under any committee of any political party, or contribute to the campaign fund of any person or political party. The director shall be appointed on the basis of his executive and administrative abilities and he shall devote his entire time to the duties of his position.



The director shall receive a salary as fixed by the general assembly.

Sec. 12. NEW SECTION. DUTIES OF THE DIRECTOR. The director shall:

1. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.
2. Employ such personnel as are necessary to carry out the duties and responsibilities of the department, consistent with the provisions of chapter nineteen A (19A) of the Code and subject to the policies of the commission.
3. Assist the commission in developing state transportation policy and a state transportation plan and execute the policies adopted by the commission.
4. Establish temporary advisory boards of such size as he deems appropriate to advise the department, subject to the approval of the commission.
5. Prepare a budget for the department, subject to the approval of the commission, and prepare reports required by law or required by the commission.
6. Appoint the deputy director of transportation and the administrators of the various divisions of the department, subject to the approval of the commission.
7. Review and submit legislative proposals necessary to maintain current state transportation laws.
8. Appoint hearing officers or designate department personnel or the board to conduct hearings required by law or administrative rule.

Sec. 13. NEW SECTION. REASSIGNMENT OF PERSONNEL. The director may reassign personnel within the department among the various divisions of the department in order to properly coordinate the work of the divisions and perform the duties and responsibilities of the department efficiently and economically.

However, any employee so transferred or transferred from one employment system to another either administratively or legislatively, shall not be considered to be a probationary

employee simply because of this action.

Sec. 14. NEW SECTION. DIVISIONS OF THE DEPARTMENT. The following divisions are created within the department:

1. Transportation regulation board.
2. Administration division.
3. Planning division.
4. General counsel division.
5. Highway division.
6. Public transportation division.
7. Transportation regulation and safety division.
8. Railroad transportation division.

The divisions created pursuant to subsections two (2), three (3), and four (4) of this section shall be created as of July 1, 1974. The divisions created pursuant to subsections one (1), five (5), six (6), seven (7), and eight (8), of this section shall be created as of July 1, 1975.

This section shall not restrict the authority of the director to reorganize existing divisions which may be necessary for the proper and efficient operation of the department, subject to the approval of the commission.

Sec. 15. NEW SECTION. TRANSPORTATION REGULATION BOARD. The transportation regulation board shall consist of three members, not more than two of whom shall be from the same political party. The governor shall appoint the members of the board for a term of six years, subject to the confirmation of the senate. However, of the members first appointed, one member shall be appointed for a term of two years commencing July 1, 1975 and ending June 30, 1977, one member shall be appointed for a term of four years commencing July 1, 1975 and ending June 30, 1979, and one member shall be appointed for a term of six years commencing July 1, 1975 and ending June 30, 1981.

Sec. 16. NEW SECTION. VACANCIES. Any vacancy on the transportation regulation board which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next

session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval the name of the appointee for the unexpired portion of the regular term. Any vacancy occurring when the general assembly is in session shall be filled in the same manner as regular appointments are made, and before the end of such session, and for the unexpired portion of the regular term.

In the event the governor fails to make an appointment to fill a vacancy, or fails to submit the appointment to the senate for confirmation, the senate may make the appointment prior to the adjournment of the general assembly.

III  
Sec. 17. NEW SECTION. COMPENSATION. Each member of the transportation regulation board shall receive a salary as fixed by the general assembly. Each member shall be allowed actual and necessary expenses in the same amounts paid to other state employees incurred in the performance of his duties.

Sec. 18. NEW SECTION. DUTIES. The transportation regulation board shall have the following duties and responsibilities:

1. Fix and approve rates, fares, and charges of common carriers regulated by chapters three hundred twenty-five (325), three hundred twenty-seven (327), three hundred twenty-seven A (327A), and four hundred seventy-nine (479) of the Code.
2. Issue certificates of public convenience and necessity pursuant to the provisions of chapters three hundred twenty-five (325) and three hundred twenty-seven A (327A) of the Code.
3. Fix and approve rates, fares, and charges of railroads and conduct safety and service permission hearings with respect to railroads regulated by chapters four hundred seventy-four (474) through four hundred eighty-six (486), inclusive, of the Code.
4. Appoint such counsel as it deems necessary.
5. Investigate the legality of all rates, charges, tariffs,

rules, regulations, and practices of all common carriers and persons under the jurisdiction of the board, and institute civil proceedings before the board or any proper court to correct any illegality on the part of any common carrier and prosecute the same to final determination.

6. Investigate the reasonableness of rates, tariffs, charges, rules, regulations, and practices of all such common carriers in interstate transportation when directed by the board, or when in his judgment they are unlawful, prejudicial, and discriminate against any city, town, community, business, industry, or citizen of the state, and institute before the interstate commerce commission or any other tribunal having jurisdiction and prosecute to final determination any proceeding growing out of such matters.

Sec. 19. NEW SECTION. PROCEEDINGS. The transportation regulation board shall conduct its hearings pursuant to rules and regulations promulgated under the provisions of chapter seventeen A (17A) of the Code.

Sec. 20. NEW SECTION. ENFORCEMENT. The department shall be responsible for the enforcement of all orders issued by the board.

Sec. 21. NEW SECTION. ADMINISTRATION DIVISION. The administrator of the administration division shall have the following duties and responsibilities:

1. Provide for the proper maintenance and protection of the grounds, buildings, and equipment of the department, in cooperation with the department of general services.
2. Establish, supervise, and maintain a system of centralized electronic data processing for the department, in cooperation with the department of general services.
3. Assist the director in preparing the departmental budget.
4. Provide centralized purchasing services for the department, in cooperation with the department of general services.
5. Assist the director in employing the professional, technical, clerical, and secretarial staff for the department and maintain employee records, in cooperation with the merit



employment department and provide personnel services, including but not limited to training, safety education, and employee counseling.

6. Assist the director in coordinating the responsibilities and duties of the various divisions within the department.

7. Carry out all other general administrative duties for the department.

8. Perform such other duties and responsibilities as may be assigned by the director.

The administrator of the administration division may purchase items from the department of general services and may cooperate with the director of general services by providing centralized purchasing services for the department of general services.

Sec. 22. NEW SECTION. PLANNING DIVISION. The administrator of the planning division shall have the following duties and responsibilities:

1. Assist the director in planning all modes of transportation in order to develop an integrated transportation system providing adequate transportation services for all citizens of the state.

2. Develop and maintain transportation statistical data for the department.

3. Assist the director in establishing, analyzing, and evaluating alternative transportation policies for the state.

4. Coordinate the planning division's duties and responsibilities with the planning functions carried on by other divisions of the department.

5. Perform such other planning functions as may be assigned by the director.

The planning functions of this division shall not include the detailed design of highways or other modal transportation facilities, but shall be restricted to the needs of this state for multi-modal transportation systems.

Sec. 23. NEW SECTION. GENERAL COUNSEL DIVISION. The general counsel shall be a special assistant attorney general

appointed by the attorney general who shall act as the attorney for the department and he shall have the following duties and responsibilities:

1. Act as legal advisor to the commission, the director, and the various divisions of the department and provide all legal services for the department except for those provided to the board by its counsel.

The attorney general shall appoint such additional assistant attorneys general as the commission deems necessary to carry out the duties assigned to the general counsel division. The salary of the general counsel shall be fixed by the commission, subject to the approval of the attorney general. The commission shall provide and furnish a suitable office for the general counsel upon request of the attorney general.

Sec. 24. NEW SECTION. HIGHWAY DIVISION. The administrator of the highway division shall be responsible for the planning, design, construction, and maintenance of the state primary highways and shall administer the provisions of chapters three hundred six (306) through three hundred twenty (320) of the Code and perform such other duties as may be assigned by the director. There shall be a subdivision for urban systems, a subdivision for secondary roads, and such other subdivisions as may be necessary within the highway division.

Sec. 25. NEW SECTION. PUBLIC TRANSPORTATION DIVISION. The administrator of the public transportation division shall have the following duties and responsibilities:

1. Advise and assist the director in the development of aeronautics, including but not limited to the location of air terminals, accessibility of air terminals by other modes of public transportation, protective zoning provisions considering safety factors, noise, and air pollution, facilities for private and commercial aircraft, air freight facilities, and such other physical and technical aspects as may be necessary to meet present and future needs.

2. Advise and assist the director in the development of river transportation and port facilities in the state.

3. Advise and assist the director in the study of local and regional transportation of goods and people including intracity and intercity bus systems, dial-a-bus facilities, rural and urban bus and taxi systems, the collection of data from these systems, feasibility study of increased government subsidy assistance and determination of the allocation of such subsidies to each mass transportation system, such other physical and technical aspects which may be necessary to meet present and future needs and apply for, accept, and expend federal, state, or private funds for the improvement of mass transit.

4. Advise and assist the director to study and develop highway transport economics to assure availability and productivity of highway transport services.

5. Administer the provisions of chapters three hundred twenty-two A (322A), three hundred twenty-five (325), three hundred twenty-seven (327), three hundred twenty-seven A (327A), three hundred twenty-seven B (327B), three hundred twenty-eight (328), three hundred twenty-nine (329), three hundred thirty (330) of the Code.

6. Perform such other duties and responsibilities as may be assigned by the director and the commission.

Sec. 26. NEW SECTION. RAILROAD TRANSPORTATION DIVISION. The administrator of the railroad transportation division shall have the following duties and responsibilities:

1. Advise and assist the director in conducting research on the basic railroad problems and identify the present capability of the existing railroads in order to determine the present obligation of the railroads to provide acceptable levels of public service.

2. Advise and assist the director in the development of rail transportation systems for expansion of passenger and freight services.

3. Advise and assist the director in developing programs in anticipation of railroad abandonment, including:

a. Development and evaluation of programs which will encourage improvement of rail freight and the upgrading of

113

rail lines in order to improve freight service.

b. Development of alternative modes of transportation to areas and communities which lose rail service.

c. Represent the state in interstate commerce commission proceedings, coordinate the determination of impacts and reuse potential, and consult and cooperate with any other state agency, officials, and representatives of any political subdivision and citizens having an interest in the proposed abandonment.

d. Advise the director when it may appear in the best interest of the state to assume the role of advocate in railroad abandonments and railroad rate schedules.

4. Develop and maintain a federal-state relationship of programs relating to railroad safety enforcement, track standards, rail equipment, operating rules and transportation of hazardous materials.

5. Advise and assist the director in the conduct of research on railroad-highway grade crossings and encourage and develop a safety program in order to reduce injuries or fatalities.

6. Apply for, accept, and expend federal, state or private funds for the improvement of rail transportation.

7. Advise and assist the director on studies for coordination of railway service with that of other transportation modes.

8. Advise and assist the director with studies of regulatory changes deemed necessary to effectuate economical and efficient railroad service.

9. Advise and assist the director regarding agreements with the owners of operating railroads for the upgrading of railroad right-of-way and trackage on such terms, conditions, rates, rentals, or subsidy levels as may be in the best interest of the state: The commission may enter into contracts and agreements which are binding only to the extent that appropriations have been or may subsequently be made by the legislature to effectuate the purposes of this subsection. For purposes of this Act, "railroad right-of-way and trackage" includes but shall not be limited to any roadbed, drains,

S.F. 1141



fences, ties, switches, rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings, underpasses, overpasses, construction and administration buildings and any and all other property, rights, easements and interest whether owned in fee or leased.

10. Administer the provisions of chapters four hundred seventy-four (474), four hundred seventy-six (476), four hundred seventy-seven (477), four hundred seventy-eight (478), four hundred seventy-nine (479), four hundred eighty (480), four hundred eighty-one (481), four hundred eighty-two (482), four hundred eighty-three (483), four hundred eighty-four (484), four hundred eighty-five (485), and four hundred eighty-six (486) of the Code.

11. Perform such other duties and responsibilities as may be assigned by the director and the commission.

Sec. 27. NEW SECTION. TRANSPORTATION REGULATION AND SAFETY DIVISION. The administrator of the transportation regulation and safety division shall have the following duties and responsibilities:

1. Administer and supervise the registration of motor vehicles pursuant to chapter three hundred twenty-one (321) of the Code.

2. Administer and supervise the licensing of motor vehicle manufacturers, distributors, and dealers pursuant to chapter three hundred twenty-two (322) of the Code.

3. Administer the inspection of motor vehicles pursuant to chapter three hundred twenty-one (321) of the Code.

4. Administer motor vehicle registration reciprocity pursuant to chapter three hundred twenty-six (326) of the Code.

5. Administer the provisions of chapters three hundred twenty-one A (321A), three hundred twenty-one B (321B), three hundred twenty-one E (321E), and three hundred twenty-one F (321F) of the Code relating to motor vehicle financial responsibility, the implied consent law, the movement of vehicles of excessive size and weight, and the leasing and renting of vehicles.

Sec. 28. NEW SECTION. PRORATING DEPARTMENTAL COSTS.

The director shall, with the approval of the commission, prorate the costs of the department which will be expended for highways and such costs shall be paid from money appropriated from the road use tax fund. Prorated costs payable from the road use tax fund shall be based upon that portion of the commission's duties related to the construction, maintenance, and supervision of the public highways within the state or for the payment of bonds issued for the construction of public highways and the payment of interest on such bonds. The general assembly shall appropriate from the general fund of the state the remaining necessary departmental costs.

Sec. 29. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection three (3), Code 1973, is amended to read as follows:

3. Except as to combinations of vehicles, provisions for which are otherwise made in this chapter, no combination of truck tractor and a semitrailer hauling livestock shall have an overall length, inclusive of front and rear bumpers, in excess of sixty feet, nor shall any other combination of vehicles coupled together, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet.

Sec. 30. Section three hundred twenty-one point four hundred fifty-seven (321.457), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred nineteen (219), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. A motor vehicle or combination of vehicles may be operated upon the highways of this state, irrespective of the length and weight limitations imposed by the laws of this state, if the motor vehicle or combination of vehicles is operated within the corporate limits of a city abutting a border of this state and such operations have been approved by ordinance of the city council and if the length and weight of the motor vehicle or combination of vehicles is in conformity with the laws relating to length and weight of

the abutting state on the effective date of this Act. If a city council has authorized such operation upon highways within the corporate limits, then the limit of travel for such motor vehicles or combination of vehicles within the state is extended to the commercial zones as described by federal regulations concerning interstate commerce, forty-nine (49), code of federal regulations, paragraphs one thousand forty-eight point ten (1048.10), one thousand forty-eight point thirty-eight (1048.38), and one thousand forty-eight point one hundred one (1048.101) as they exist on the effective date of this Act.

## DIVISION II

Sec. 31. The provisions of this division shall apply only for the fiscal year commencing July 1, 1974 and ending June 30, 1975. This division shall be printed in the session laws only, and shall not be made a part of the permanent Code of Iowa.

Sec. 32. DEFINITIONS. When used in this division of this Act, unless the context otherwise requires:

1. "Director" means the director of transportation or his designee.
2. "Department" means the state department of transportation.
3. "Commission" means the state transportation commission.
4. "Board" means the transportation regulation board.

Sec. 33. INTERIM DUTIES OF THE COMMISSION AND DIRECTOR. The commission shall commence the development of a transportation policy for the state, to be submitted to the governor and the general assembly for its approval, not later than July 1, 1975. During the fiscal year commencing July 1, 1974 and ending June 30, 1975, the commission shall file quarterly progress reports with the governor and the general assembly outlining the development of the state transportation policy. If the general assembly is not in session when progress reports are due, the reports shall be filed with the legislative council.

The director shall develop the program and budget for the

first operational biennium of the department commencing July 1, 1975 and ending June 30, 1977. Such programs and budget shall be submitted to the commission for its approval. The director shall prepare a table of organization for the department and develop operating procedures providing for the internal management of the department.

For the fiscal year commencing July 1, 1974, and ending June 30, 1975, the salary of the director shall not exceed thirty-five thousand dollars.

The director shall appoint persons qualified and experienced in the fields of management, finance, and planning to assist in organization of the department, subject to the approval of the commission.

Nothing in this section shall prohibit the director from drawing upon expertise and personnel of the state highway commission and the Iowa aeronautics commission or any other public agency.

Sec. 34. INFORMATION AND ASSISTANCE. The commission may call upon the state highway commission, board of regents institutions of higher learning, Iowa reciprocity board, department of public safety, Iowa state commerce commission, and the Iowa aeronautics commission for such information and assistance as may be needed in the performance of its duties and these agencies shall furnish such assistance, information, and cooperation insofar as the same shall be within the resources and authority of the agencies.

All personnel who are employed by the state highway commission, Iowa reciprocity board, department of public safety, Iowa state commerce commission, or the Iowa aeronautics commission and render services for the department shall remain employees of their respective agencies during the fiscal year commencing July 1, 1974 and ending June 30, 1975 and shall receive compensation for services rendered from the state highway commission, Iowa reciprocity board, department of public safety, Iowa state commerce commission, or the Iowa aeronautics commission from funds appropriated to such agencies.



Sec. 35. LOCATION OF OFFICES. The commission shall furnish sufficient office space for the use of the state department of transportation during the fiscal year commencing July 1, 1974 and ending June 30, 1975.

Sec. 36. Any person employed by the director on or after July 1, 1974 and not later than June 30, 1975, whose duty assignments will be terminated because of this Act may be reassigned to other duties in the department on July 1, 1975. The Iowa merit employment commission shall promulgate rules and regulations to carry out any reassignment and shall arbitrate and decide any written appeal made by any employee concerning reassignment or reclassification made necessary by this Act. No employee shall lose any benefits he may have accrued, including but not limited to salary, retirement, vacation, sick leave, or longevity, because of reassignment provided for in this section.

#### DIVISION III

Sec. 37. NEW SECTION. MEMBERS--ORGANIZATION. The Iowa state commerce commission shall be composed of three members, not more than two of whom shall be from the same political party, and each commissioner appointed shall serve for six years from July first of the year of his appointment. Within sixty days after the convening of each regular session of the general assembly, the governor shall appoint, with the approval of two-thirds of the senate, a successor to the member of the Iowa state commerce commission whose term will expire on July first following. Vacancies occurring while the general assembly is in session shall be filled for the unexpired portion of the term as full-term appointments are filled. Vacancies occurring while the general assembly is not in session shall be filled by the governor, but such appointments shall terminate at the end of thirty days after the convening of the next regular session of the general assembly and the vacancy shall be filled for the unexpired portion of the term as full-term appointments are filled.

On the second Tuesday of July of each year, the Iowa state commerce commission shall organize by electing one of its

members as chairman, and appointing a secretary, who shall take the same oath as the commissioners. The commission may employ such additional personnel as it may find necessary.

As used in sections thirty-seven (37) through forty-five (45) of this Act, the words "commerce commission" mean the Iowa state commerce commission.

Sec. 38. NEW SECTION. CERTAIN PERSONS BARRED FROM OFFICE. No person in the employ of any common carrier or other public utility, or owning any bonds, stock, or property in any railroad company or other public utility shall be eligible to the office of Iowa state commerce commissioner or secretary of the commerce commission; and the entering into the employ of any common carrier or other public utility or the acquiring of any stock or other interest in any common carrier or other public utility by such commissioner or secretary after his appointment shall disqualify him to hold the office or perform the duties thereof.

Sec. 39. NEW SECTION. PROCEEDINGS. The commerce commission may in all cases conduct its proceedings, when not otherwise prescribed by law, in such manner as will best conduce to the proper dispatch of business and the attainment of justice.

Sec. 40. NEW SECTION. QUORUM--PERSONAL INTEREST. A majority of the commerce commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest.

Sec. 41. NEW SECTION. RULES, FORMS, AND SERVICE. The commerce commission may from time to time make or amend such general rules or orders as may be necessary for the preservation of order and the regulation of proceedings before it, including forms of notice and the service thereof, which shall conform as nearly as may be to those in use in the courts of the state.

Sec. 42. NEW SECTION. APPEARANCES--RECORD OF VOTES--PUBLIC HEARINGS. Any party may appear before the commerce commission and be heard in person or by attorney. Every vote

and official action thereof shall be entered of record, and, upon the request of either party or person interested, its proceedings shall be public.

Sec. 43. NEW SECTION. SEAL. The commerce commission shall have a seal, of which courts shall take judicial notice.

Sec. 44. NEW SECTION. OFFICE--TIME EMPLOYED--EXPENSE. The commerce commission shall have an office at the seat of government and each member shall devote his whole time to the duties of the office, and the members and secretary and other employees shall receive their actual necessary traveling expenses while in the discharge of their official duties away from the general offices.

Sec. 45. NEW SECTION. GENERAL JURISDICTION. The commerce commission shall have general supervision of all pipelines and all lines for the transmission, sale, and distribution of electrical current for light, heat, and power pursuant to the provisions of chapters four hundred eighty-nine (489), four hundred ninety (490), four hundred ninety A (490A), and five hundred forty-three (543) of the Code and such other duties as may be provided by law.

#### DIVISION IV

Sec. 46. Section eight A point five (8A.5), subsection four (4), Code 1973, is amended to read as follows:

4. The chairman of the ~~Iowa-highway~~ state transportation commission.

Sec. 47. Section thirteen point seven (13.7), Code 1973, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that his department cannot for reasons stated by him perform said service, which reasons and action of the council shall be entered upon its records.

This section shall not affect the office of the commerce counsel, the transportation regulation board counsel, or the ~~new~~ legal counsel of the Iowa employment security commission.

Sec. 48. Section seventeen point thirty (17.30), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

Each state board, commission, department and division of state government and each institution under the control of the department of social services and the state board of regents and each subdivision division of the ~~highway-commission~~ state department of transportation shall be responsible for keeping a written, detailed, up-to-date inventory of all real and personal property belonging to the state and under their charge, control and management. Such inventories shall be in such form as may be prescribed by the director of the department of general services.

Sec. 49. Section nineteen A point three (19A.3), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. The director of transportation, his deputy, and his divisional administrators, one secretary or stenographer for each, and one administrative assistant or deputy for each.

Sec. 50. Section twenty point one (20.1), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred twenty (120), section ten (10), is amended to read as follows:

20.1 BOARD CREATED. A state war surplus commodities board is hereby created and established hereinafter referred to as the "board", to consist of the commissioner of the department of social services or any division director assigned by him, a member of the state board of regents, a member of the ~~Iowa~~ state highway transportation commission, a member of the executive council of the state, a member of the state conservation commission ~~of-the-state~~, the commissioner of the Iowa state department of health, a member of the department of public instruction, a member of the Iowa development commission, and director of the department of general services.



Sec. 51. Section sixty-four point six (64.6), subsection twenty-three (23), Code 1973, is amended to read as follows:

23. Members state highway transportation commission, five ten thousand dollars.

Sec. 52. Section sixty-eight B point two (68B.2), subsection four (4), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred thirty-nine (139), section one (1), is amended to read as follows:

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, employment security commission, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, state department of revenue, Iowa state commerce commission, Iowa beer and liquor control commission department, board of pharmacy examiners, state conservation commission, ~~aeronautes-commissioner-state-highway~~ commission state department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and Iowa natural resources council.

Sec. 53. Section eighty point nine (80.9), subsection two (2), paragraph b, Code 1973, is amended to read as follows:

b. To enforce all laws relating to traffic on the public highways of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks and buses; ~~to issue operators' and chauffeurs' licenses;~~ to see that proper safety rules are observed and to give first aid to the injured;

Sec. 54. Section four hundred sixty point eight (460.8), Code 1973, is amended to read as follows:

460.8 PAYMENT FROM ROAD FUNDS. The amount fixed by the final order of the board of supervisors to be paid:

1. On account of the primary road system, shall be payable by the state highway-commission department of transportation on due certification of the amount by the county trea-

urer to ~~said-commission~~ the state department of transportation out of the primary road fund.

2. On account of the secondary road system, may be payable from the secondary road construction fund, or from the secondary road maintenance fund, or from both of said funds.

Sec. 55. Section four hundred seventy-one point ten (471.10), Code 1973, is amended to read as follows:

471.10 FINDING BY ~~COMMERCE-COMMISSION~~ TRANSPORTATION REGULATION BOARD. The company, before instituting condemnation proceedings under section 471.9, shall apply in writing to the ~~Iowa-state-commerce-commission~~ transportation regulation board, for permission to so condemn. ~~Said-commission~~ The transportation regulation board shall give notice to the landowner, and examine into the matter, and report by certificate to the clerk of the district court in the county in which the land is situated, the amount and description of the additional lands necessary for such purposes, present and prospective, of such company; whereupon the company shall have power to condemn the lands so certified by the ~~commission~~ transportation regulation board.

Sec. 56. Section four hundred seventy-one point eleven (471.11), Code 1973, is amended to read as follows:

471.11 LANDS FOR WATER STATIONS--HOW SET ASIDE. Lands which are sought to be condemned for water stations, dams, or reservoirs, including all the overflowed lands, if any, shall, if requested by the owner, be set aside in a square or rectangular shape by the ~~Iowa-state-commerce-commission~~ transportation regulation board.

Sec. 57. Section four hundred seventy-two point nineteen (472.19), Code 1973, is amended to read as follows:

472.19 SERVICE OF NOTICE--HIGHWAY MATTERS. Such notice of appeal shall be served in the same manner as an original notice. In case of condemnation proceedings instituted by the state highway-commission department of transportation, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general, or the ~~special-assistant-attorney-general-acting-as~~ department general

11R

counsel to ~~said commission~~ the state department of transportation, or the chief highway engineer for ~~said commission~~ the department. When service of notice of appeal cannot be made as provided in this section, the district court of the county in which the real estate is situated, on application, shall direct what notice shall be sufficient.

Sec. 58. Section four hundred seventy-two point forty-two (472.42), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

472.42 EMINENT DOMAIN--PAYMENT TO DISPLACED PERSONS.

1. Any utility or railroad subject to section four hundred seventy-four point ten (474.10), chapter four hundred ninety (490), or chapter four hundred ninety A (490A) of the Code, authorized by law to acquire property by condemnation that does acquire the property of any person who is displaced thereby after July 1, 1971, shall pay to such person in addition to all other sums of money required by law a displacement allowance in accordance with and in the same manner as provided for acquisition for highway projects in sections three hundred sixteen point four (316.4), three hundred sixteen point five (316.5), three hundred sixteen point six (316.6) and three hundred sixteen point eight (316.8) of the Code.

2. The displacement allowance to be paid by a utility subject to the provisions of chapters four hundred ninety (490) or four hundred ninety A (490A) of the Code, shall be paid in the manner provided in sections three hundred sixteen point four (316.4), three hundred sixteen point five (316.5), three hundred sixteen point six (316.6), and three hundred sixteen point eight (316.8) of the Code and pursuant to rules promulgated by the Iowa state commerce commission. Any person aggrieved by a determination as to eligibility for a payment or the amount of the payment may, upon application, have the matter reviewed by the Iowa state commerce commission. The decision of the Iowa state commerce commission upon review shall be final as to all parties.

3. The displacement allowance to be paid by a railroad subject to the provisions of section four hundred seventy-

four point ten (474.10) of the Code, shall be paid in the manner provided in sections three hundred sixteen point four (316.4), three hundred sixteen point five (316.5), three hundred sixteen point six (316.6), and three hundred sixteen point eight (316.8) of the Code and pursuant to rules promulgated by the transportation regulation board. Any person aggrieved by a determination as to eligibility for a payment or the amount of the payment may, upon application, have the matter reviewed by the transportation regulation board. The decision of the transportation regulation board upon review shall be final as to all parties.

4. Any utility or railroad subject to the provisions of this section that proposes to acquire the property of any person who will be displaced by such acquisition shall inform the person of his right to receive a displacement allowance and, if his right to the displacement allowance or the amount of the allowance is in dispute, his right to appeal to the Iowa state commerce commission or the transportation regulation board.

Sec. 59. Sections eight point two (8.2), eleven point three (11.3), seventeen point nine (17.9), seventy-nine point one (79.1), one hundred eleven point twenty (111.20), one hundred eleven point twenty-three (111.23), one hundred eleven point fifty-eight (111.58), one hundred eleven B point eight (111B.8), three hundred four point twelve (304.12), three hundred five A point two (305A.2), three hundred five A point five (305A.5), four hundred twenty-two point forty-five (422.45), four hundred fifty-five point one hundred eighteen (455.118), four hundred seventy-two point twenty-six (472.26), four hundred ninety point twenty-five (490.25), five hundred seventy-three point eight (573.8), five hundred seventy-three point fifteen (573.15), five hundred seventy-three point twenty-four (573.24), six hundred thirteen point twelve (613.12), and six hundred thirteen point thirteen (613.13), Code 1973, are amended by striking from such sections the words "highway commission", "state highway commission", and "Iowa state highway commission" and inserting in lieu thereof



the words "state department of transportation".

Sec. 60. Chapter three hundred six (306), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.

2. "Agency" means any governmental body which exercises jurisdiction over any road as provided in section three hundred six point four (306.4) of the Code.

Sec. 61. Sections three hundred six point four (306.4), three hundred six point five (306.5), three hundred six point six (306.6), three hundred six point seven (306.7), three hundred six point twelve (306.12), three hundred six point fourteen (306.14), and three hundred six point sixteen (306.16), Code 1973, are amended by striking from such sections the words "state highway commission" and "Iowa state highway commission" and inserting in lieu thereof the word "department".

Sec. 62. Sections three hundred six point ten (306.10), three hundred six point eleven (306.11), three hundred six point twelve (306.12), three hundred six point fourteen (306.14), three hundred six point sixteen (306.16), three hundred six point seventeen (306.17), three hundred six point eighteen (306.18), three hundred six point nineteen (306.19), three hundred six point twenty-two (306.22), three hundred six point twenty-three (306.23), three hundred six point thirty-eight (306.38), three hundred six point thirty-nine (306.39), and three hundred six point forty-one (306.41), Code 1973, are amended by striking from such sections the words "board or commission", "board", "commission", and "commission, board or boards" and inserting in lieu thereof the word "agency".

Sec. 63. Section three hundred six A point ten (306A.10), Code 1973, is amended to read as follows:

306A.10 NOTICE TO RELOCATE--COSTS PAID BY STATE. Whenever the Iowa state highway-commission department of transportation

shall determine that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities and towns, the utility owning or operating such facility shall relocate or remove the same in accordance with statutory notice. The costs of relocation or removal, including the costs of installation in a new location, shall be ascertained by the Iowa state highway-commission department of transportation or as determined in condemnation proceedings for such purposes and paid by the state out of the primary road fund as part of the cost of such federally aided project.

Sec. 64. Section three hundred six B point one (306B.1), Code 1973, is amended by adding the following new subsection:  
NEW SUBSECTION. "Department" means the state department of transportation.

Sec. 65. Sections three hundred six B point two (306B.2), three hundred six B point three (306B.3), three hundred six B point four (306B.4), three hundred six B point five (306B.5), three hundred six B point six (306B.6), three hundred six B point seven (306B.7), and three hundred six B point eight (306B.8), Code 1973, are amended by striking from such sections the words "commission" and "state highway commission" and inserting in lieu thereof the word "department".

Sec. 66. Section three hundred six C point one (306C.1), subsection five (5), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

5. "Department" means the state department of transportation.

Sec. 67. Section three hundred six C point ten (306C.10), subsection one (1), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Department" means the state department of transportation.

Sec. 68. Sections three hundred six C point one (306C.1), three hundred six C point two (306C.2), three hundred six



C point three (306C.3), three hundred six C point four (306C.4), three hundred six C point five (306C.5), three hundred six C point six (306C.6), three hundred six C point eight (306C.8), three hundred six C point ten (306C.10), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section one (1), three hundred six C point eleven (306C.11), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section two (2), three hundred six C point thirteen (306C.13), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), sections three (3) and four (4), three hundred six C point fourteen (306C.14), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section five (5), three hundred six C point fifteen (306C.15), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section six (6), three hundred six C point seventeen (306C.17), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section seven (7), three hundred six C point eighteen (306C.18), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section eight (8), three hundred six C point nineteen (306C.19), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred one (201), section nine (9), three hundred six C point twenty (306C.20), and three hundred six C point twenty-one (306C.21), Code 1973, are amended by striking from such sections the word "commission" and inserting in lieu thereof the word "department".

Sec. 69. Chapter three hundred seven (307), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Commission" means the state transportation commission of the state department of transportation.
2. "Department" means the state department of transporta-

tion.

Sec. 70. Section three hundred seven point five (307.5), subsections three (3), four (4), five (5), six (6), twelve (12), and thirteen (13), Code 1973, are amended to read as follows:

3. ~~Appoint all assistants necessary to carry on the work of the commission, define their duties, fix their compensation, and provide for necessary bonds and the amounts thereof. The term of employment of all such assistants may be terminated by the commission, at any time and for any cause.~~ When in the interest of the state, the commission may allow ~~not to exceed forty-five days~~ a subsistence expense to an employee of the highway division of the department for continuous stay in one location while on duty away from established headquarters and place of domicile or either for a period not to exceed forty-five days; allow automobile expenses in accordance with section 79.9, for moving an employee and his family from place of present domicile to new domicile, and actual transportation expense for moving not to exceed seven thousand pounds of household goods. Such household goods shall not include pets or animals.

4. Investigate highway conditions in any county, and report all violations of duty to the ~~attorney-general~~ department general counsel.

5. Make surveys, plans, and estimates of cost, for the elimination of danger at railroad crossings on highways, and confer with local, and railroad officials, ~~and with the Iowa state-commerce-commission~~ with reference to ~~such~~ elimination of the danger.

6. Assist the board of supervisors and the ~~attorney-general~~ department general counsel in the defense of suits wherein infringement of patents, relative to highway construction, is alleged.

12. Construct, reconstruct, improve and maintain state institutional roads and state park roads as defined in section 306.3 and bridges on such roads, 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 highway commission and the state board, department or commission which has jurisdiction. The highway 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.

13. Prepare, adopt and cause to be published a long-range program for the primary road system, in conjunction with the state transportation plan adopted by the commission. Such program shall be prepared for a period of at least five years and shall be revised, brought up to date and republished at least once every year in order to have a continuing five-year program. The program shall include, insofar as such estimates can be made, an estimate of the money expected to become available during the period covered by the program and a statement of the construction, maintenance, and other work planned to be performed during such period. The commission shall conduct periodic reinspections of the primary roads in order to revise, from time to time, its estimates of future needs to conform to the physical and service conditions of the primary roads. The commission shall annually cause to be published a sufficiency rating report showing the relative conditions of the primary roads. Before the last day of December of each year, the commission shall adopt and cause to be published from its long-range program, a plan of improvements to be accomplished during the next calendar year. This annual program shall list definite projects in order of urgency and shall include a reasonable year's work with the funds estimated to be available. The annual program shall be final and followed by the commission in the next year except that deviations may be made in case of disaster or other unforeseen emergencies or difficulties. The relative urgency of the proposed improvements shall be determined by

a consideration of the physical condition, safety, and service characteristics of the various primary roads.

Sec. 71. Section three hundred seven point ten (307.10), Code 1973, is amended to read as follows:

307.10 STATE-OWNED LANDS--ASSESSMENT. Municipalities and counties may assess the cost of a public improvement when such improvement benefits property owned by the state and under the jurisdiction and control of the state-highway commission highway division of the department. The commission shall pay from the primary road fund such portion of the cost of the improvement as would be legally assessable against the land if privately owned.

Assessments against property under the jurisdiction of the state-highway-commission highway division of the department shall be made in the same manner as those made against private property, except that the municipality or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the commission by restricted certified mail.

Assessments against property owned by the state and not under the jurisdiction and control of the state-highway commission highway division of the department shall be made in the same manner as those made against private property and payment thereof shall be made by the executive council from any funds of the state not otherwise appropriated.

No such assessment in excess of twenty thousand dollars shall be valid unless it is provided for by or contained within a capital appropriation by the general assembly.

Sec. 72. Section three hundred seven point twelve (307.12), Code 1973, is amended to read as follows:

307.12 MATERIALS AND EQUIPMENT REVOLVING FUND. There is appropriated out of the primary road fund the sum of one hundred thousand dollars which shall be known as the highway commission materials and equipment revolving fund. From this fund shall be paid all materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment and equipment replacements incurred in the operation

of centralized purchasing for the highway division of the department. Direct salaries and expenses properly chargeable thereto shall be paid from said fund. For each month the highway commission shall render a statement to each department within the ~~commission~~ highway division for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment depreciation used by such department the highway division. Such expense shall be paid by said-department the highway division in the same manner as other interdepartmental billings are paid and when such expense is paid by the department highway division, such sum shall be credited to the highway ~~commission~~ materials and equipment revolving fund. If any surplus accrues to said revolving fund in excess of one hundred thousand dollars for which there is no anticipated need or use, the governor shall order such surplus reverted to the primary road fund. When the highway division shares equipment with other divisions of the department, the director of transportation shall prorate the costs of the equipment among the divisions using the equipment.

Sec. 73. Section three hundred seven point thirteen (307.13), Code 1973, is amended by adding the following new paragraph:

NEW PARAGRAPH. Any employee of the state highway commission who becomes an employee of the state department of transportation on July 1, 1974 shall retain all rights to longevity pay so long as he continues employment with the state department of transportation.

Sec. 74. Sections three hundred seven point six (307.6), three hundred seven point seven (307.7), and three hundred seven point eleven (307.11), Code 1973, are amended by striking from such sections the words "state highway commission" and inserting in lieu thereof the word "commission".

Sec. 75. Sections three hundred eight point one (308.1), three hundred eight point two (308.2), three hundred eight point three (308.3), three hundred eight point four (308.4), and three hundred eight point five (308.5), Code 1973, are

amended by striking the words "Iowa state highway commission", "state highway commission", and "highway commission" and inserting in lieu thereof the words "state transportation commission".

Sec. 76. Section three hundred eight A point one (308A.1), Code 1973, is amended to read as follows:

308A.1 CONSERVATION COMMISSION AND ~~HIGHWAY~~ STATE TRANSPORTATION COMMISSION TO CO-OPERATE. The state conservation commission, in consultation with the highway state transportation commission, is hereby authorized to establish recreational bikeways within this state for the use, enjoyment, and participation of the public in nonmotorized bicycling. The routes established for such bikeways shall be designed to maximize the safety of cyclists and motorists and may utilize secondary roads when the normal flow of motor vehicle traffic will not be hindered, as well as other infrequently traveled roads, streets, parkways, and appropriate thoroughfares. Such bikeways shall be routed, wherever possible, to allow the enjoyment of scenic views and points of historical interest, and may connect state parks and other recreational areas throughout the state.

Bikeway routes shall be clearly marked with appropriate signs to guide cyclists and to alert motorists. Such signs shall be placed at intervals and designed in such form as prescribed by the conservation commission in consultation with the highway state transportation commission.

The conservation commission is hereby authorized to cooperate with county conservation boards, boards of supervisors, city or town councils, or any private organizations interested in the establishment of bikeways, and may consult with such groups in the planning of appropriate bikeway routes and related activities.

Sec. 77. Chapter three hundred nine (309), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation.



Sec. 78. Sections three hundred nine point sixteen (309.16), three hundred nine point twenty-two (309.22), three hundred nine point forty-two (309.42), three hundred nine point forty-six (309.46), three hundred nine point fifty-six (309.56), three hundred nine point sixty-eight (309.68), three hundred nine point sixty-nine (309.69), three hundred nine point seventy (309.70), three hundred nine point seventy-one (309.71), three hundred nine point seventy-three (309.73), three hundred nine point seventy-nine (309.79), three hundred nine point eighty (309.80), three hundred nine point eighty-two (309.82), three hundred nine point ninety-three (309.93), three hundred nine point ninety-four (309.94), three hundred nine point ninety-five (309.95), and three hundred nine point ninety-six (309.96), Code 1973, are amended by striking from such sections the words "commission", "highway commission", and "state highway commission" and inserting in lieu thereof the word "department".

Sec. 79. Section three hundred ten point one (310.1), Code 1973, is amended by adding the following new subsection:  
NEW SUBSECTION. "Department" means the state department of transportation.

Sec. 80. Section three hundred ten point one (310.1), subsection two (2), Code 1973, is amended to read as follows:

2. "Federal aid" or "federal aid secondary road fund" shall mean funds allotted to the state of Iowa by the federal government to aid in the construction of secondary roads and which funds must be matched with funds under the control of the state-highway-commission department.

Sec. 81. Sections three hundred ten point six (310.6), three hundred ten point eight (310.8), three hundred ten point nine (310.9), three hundred ten point ten (310.10), three hundred ten point eleven (310.11), three hundred ten point thirteen (310.13), three hundred ten point fourteen (310.14), three hundred ten point eighteen (310.18), three hundred ten point twenty-seven (310.27), three hundred ten point twenty-eight (310.28), three hundred ten point twenty-nine (310.29), three hundred ten point thirty-two (310.32), three hundred

ten point thirty-four (310.34), three hundred ten point thirty-five (310.35), and three hundred ten point thirty-six (310.36), Code 1973, are amended by striking from such sections the words "commission", "highway commission" and "state highway commission" and inserting in lieu thereof the word "department".

Sec. 82. Section three hundred eleven point seven (311.7), unnumbered paragraph five (5), Code 1973, is amended to read as follows:

If the engineer's estimated cost of the grading, bridges, culverts, and draining of the road proposed to be included in any special assessment district project under this section, exceeds an average of seven thousand dollars per mile, the board of supervisors of said county may appeal to the state highway transportation commission as to whether the county shall proceed with the construction of said project. The state highway transportation commission shall hold a hearing on said matter, at a time and place of which the petitioners and the county board shall be duly notified, and shall have an opportunity to appear and be heard. After such hearing the state highway transportation commission shall determine whether the county shall proceed with said project, which determination shall be final.

Sec. 83. Chapter three hundred twelve (312), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation.

Sec. 84. Sections three hundred twelve point three (312.3), three hundred twelve point four (312.4), three hundred twelve point five (312.5), three hundred twelve point ten (312.10), three hundred twelve point twelve (312.12), three hundred twelve point fourteen (312.14), and three hundred twelve point fifteen (312.15), Code 1973, are amended by striking from such sections the words "state highway commission" and inserting in lieu thereof the word "department".

Sec. 85. Chapter three hundred thirteen (313), Code 1973,

is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation.

Sec. 86. Sections three hundred thirteen point one (313.1), three hundred thirteen point two (313.2), three hundred thirteen point four (313.4), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred two (102), section nine (9), three hundred thirteen point five (313.5), three hundred thirteen point six (313.6), three hundred thirteen point eight (313.8), three hundred thirteen point nine (313.9), three hundred thirteen point ten (313.10), three hundred thirteen point twelve (313.12), three hundred thirteen point thirteen (313.13), three hundred thirteen point sixteen (313.16), three hundred thirteen point eighteen (313.18), three hundred thirteen point nineteen (313.19), three hundred thirteen point twenty (313.20), three hundred thirteen point twenty-one (313.21), three hundred thirteen point twenty-two (313.22), three hundred thirteen point twenty-three (313.23), three hundred thirteen point twenty-four (313.24), three hundred thirteen point twenty-seven (313.27), three hundred thirteen point twenty-eight (313.28), three hundred thirteen point twenty-nine (313.29), three hundred thirteen point thirty-six (313.36), three hundred thirteen point thirty-seven (313.37), three hundred thirteen point forty-four (313.44), three hundred thirteen point fifty-eight (313.58), three hundred thirteen point fifty-nine (313.59), three hundred thirteen point sixty (313.60), three hundred thirteen point sixty-one (313.61), three hundred thirteen point sixty-two (313.62), three hundred thirteen point sixty-three (313.63), three hundred thirteen point sixty-four (313.64), three hundred thirteen point sixty-five (313.65), three hundred thirteen point sixty-six (313.66), and three hundred thirteen point sixty-seven (313.67), Code 1973, are amended by striking from such sections the words "commission", "highway commission", "state highway commission", and "Iowa highway commission" and inserting in lieu thereof the

word "department".

Sec. 87. Section three hundred thirteen A point one (313A.1), Code 1973, is amended to read as follows:

313A.1 DEFINITIONS. The following words or terms, as used in this chapter, shall have the respective meanings as stated:

1. "Toll bridge" shall mean an interstate bridge constructed, purchased or acquired under the provisions of this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon.

2. "~~Commission Department~~" shall mean the state highway ~~commission, the agency of the state of Iowa created and provided for under the provisions of chapter 307~~ department of transportation.

3. "Construct, constructing, construction or constructed" shall include the completion, reconstruction, remodeling, repair, or improvement of any existing toll bridge or any partially constructed interstate bridge, as well as the construction of any new toll bridge.

4. "Acquisition by purchase, gift, or condemnation" as used in this chapter shall mean acquisition by the state highway ~~commission~~ department, whether such terms "purchase, gift, or condemnation" are used singularly or in sequence.

5. "Federal bridge commission" shall mean any bridge commission organized and operating pursuant to an Act of the Congress of the United States, even though such Act of Congress may declare the bridge commission not to be an agency of the federal government.

Sec. 88. Section three hundred thirteen A point thirty-four (313A.34), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

The ~~commission is authorized to~~ director of transportation may, subject to the approval of the state transportation ~~commission~~, enter into such agreement or agreements with other



state highway commissions and the governmental agencies or subdivisions of the state of Iowa or other states and with federal bridge commissions as they shall find necessary or convenient to carry out the purposes of this chapter, and is authorized to do any and all acts contained in such agreement or agreements that are necessary or convenient to carry out the purposes of this chapter. Such agreements may include, but shall not be restricted to, the following provisions:

Sec. 89. Sections three hundred thirteen A point two (313A.2), three hundred thirteen A point three (313A.3), three hundred thirteen A point four (313A.4), three hundred thirteen A point five (313A.5), three hundred thirteen A point six (313A.6), three hundred thirteen A point seven (313A.7), three hundred thirteen A point eight (313A.8), three hundred thirteen A point nine (313A.9), three hundred thirteen A point ten (313A.10), three hundred thirteen A point eleven (313A.11), three hundred thirteen A point twelve (313A.12), three hundred thirteen A point thirteen (313A.13), three hundred thirteen A point fourteen (313A.14), three hundred thirteen A point fifteen (313A.15), three hundred thirteen A point sixteen (313A.16), three hundred thirteen A point seventeen (313A.17), three hundred thirteen A point eighteen (313A.18), three hundred thirteen A point nineteen (313A.19), three hundred thirteen A point twenty (313A.20), three hundred thirteen A point twenty-one (313A.21), three hundred thirteen A point twenty-two (313A.22), three hundred thirteen A point twenty-three (313A.23), three hundred thirteen A point twenty-four (313A.24), three hundred thirteen A point twenty-five (313A.25), three hundred thirteen A point twenty-six (313A.26), three hundred thirteen A point twenty-seven (313A.27), three hundred thirteen A point twenty-eight (313A.28), three hundred thirteen A point twenty-nine (313A.29), three hundred thirteen A point thirty-one (313A.31), three hundred thirteen A point thirty-two (313A.32), three hundred thirteen A point thirty-four (313A.34), three hundred thirteen A point thirty-five (313A.35), as amended by Acts of the Sixty-fifth General

Assembly, 1973 Session, chapter one hundred thirty-six (136), section three hundred forty-nine (349), and three hundred thirteen A point thirty-six (313A.36), Code 1973, are amended by striking from such sections the words "state highway commission", "Iowa highway commission", and "commission" and inserting in lieu thereof the word "department".

Sec. 90. Chapter three hundred fourteen (314), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.
2. "Agency" means any governmental body which exercises jurisdiction over any road as provided by law.

Sec. 91. Sections three hundred fourteen point one (314.1) and three hundred fourteen point three (314.3), Code 1973, are amended by striking from such sections the words "state highway commission" and "highway commission" and inserting in lieu thereof the word "department".

Sec. 92. Sections three hundred fourteen point one (314.1), three hundred fourteen point three (314.3), three hundred fourteen point four (314.4), three hundred fourteen point five (314.5), three hundred fourteen point nine (314.9), three hundred fourteen point ten (314.10), three hundred fourteen point eleven (314.11), and three hundred fourteen point twelve (314.12), Code 1973, are amended by striking from such sections the words "board or commission" and "boards, commissions" and inserting in lieu thereof the word "agency".

Sec. 93. Section three hundred sixteen point one (316.1), subsection seven (7), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Department" means the state department of transportation.

Sec. 94. Sections three hundred sixteen point one (316.1), three hundred sixteen point four (316.4), three hundred sixteen point five (316.5), three hundred sixteen point six (316.6), three hundred sixteen point seven (316.7), three

hundred sixteen point eight (316.8), three hundred sixteen point nine (316.9), three hundred sixteen point ten (316.10), three hundred sixteen point thirteen (316.13), three hundred sixteen point fourteen (316.14), and three hundred sixteen point fifteen (316.15), Code 1973, are amended by striking from such sections the words "commission" and "state highway commission" and inserting in lieu thereof the word "department".

Sec. 95. Section three hundred seventeen point eleven (317.11), Code 1973, is amended to read as follows:

317.11 WEEDS ON ROADS OR HIGHWAYS. The board of supervisors shall destroy noxious weeds growing in secondary roads, and the highway-commission state department of transportation shall destroy noxious weeds growing on primary roads. Nothing herein shall prevent the landowner from harvesting, in proper season, the grass grown on the road along his land.

Sec. 96. Chapter three hundred nineteen (319), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation.

Sec. 97. Section three hundred nineteen point eleven (319.11), Code 1973, is amended to read as follows:

319.11 ENFORCEMENT. Boards of supervisors and county attorneys as to secondary roads, and the state-highway commission department and the attorney-general department general counsel as to primary roads, shall enforce section 319.10 by appropriate civil or criminal proceeding or by both such proceedings.

Sec. 98. Sections three hundred nineteen point one (319.1), three hundred nineteen point five (319.5), three hundred nineteen point nine (319.9), and three hundred nineteen point thirteen (319.13), Code 1973, are amended by striking from such sections the words "state highway commission" and "highway commission" and inserting in lieu thereof the word "department".

Sec. 99. Sections three hundred twenty point four (320.4)

and three hundred twenty point eight (320.8), Code 1973, are amended by striking from such sections the words "state highway commission" and inserting in lieu thereof the words "state department of transportation".

Sec. 100. Section three hundred twenty-one point one (321.1), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred seven (207), section one (1), is amended by striking subsections thirty-three (33) and thirty-four (34) and inserting in lieu thereof the following:

33. "Department" means the state department of transportation.

34. "Director" means the director of the state department of transportation or his designee.

Sec. 101. Section three hundred twenty-one point two (321.2), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

321.2 DEPARTMENT. The state department of transportation shall administer and enforce the provisions of this chapter.

The division of the highway safety patrol of the department of public safety shall enforce the provisions of this chapter relating to traffic on the public highway of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks, and buses, and to see that proper safety rules are observed.

The state department of transportation and the department of public safety shall cooperate to insure the proper and adequate enforcement of the provisions of this chapter.

Sec. 102. Section three hundred twenty-one point six (321.6), Code 1973, is amended to read as follows:

321.6 RECIPROCAL ENFORCEMENT--PATROL BEATS IN TOWNS. There shall be reciprocal co-operation between the members of the department, the state department of public safety and local authorities in the enforcing of local and state traffic laws and in making inspections, although this section shall not be construed to give the state department of public safety any right to establish regular patrol beats inside municipal



limits unless requested for a special occasion or emergency by the mayor of such city or town or the sheriff of the county.

Sec. 103. Section three hundred twenty-one point ninety-four (321.94), Code 1973, is amended to read as follows:

321.94 TEST TO DETERMINE TRUE NUMBER. Where it appears that a factory, serial or motor number has been altered, defaced or tampered with, any sheriff, state agent or peace officer of the department of justice, or inspector employed by the ~~motor-vehicle~~ department, or any other person acting under their direction, may apply any recognized process or test to the part containing such number for the purpose of determining the true number.

Sec. 104. Section three hundred twenty-one point one hundred forty-six (321.146), Code 1973, is amended to read as follows:

321.146 UNEXPENDED BALANCES. The treasurer of state shall at the end of said fiscal year ascertain the cost of ~~maintenance-of-the-motor-vehicle-department~~ administering the motor vehicle registration provisions of this chapter and transfer to the road use tax fund the ascertained difference between the amount retained in the general fund under the provision of this chapter and the maintenance cost of said department, together with any unexpended balance in the reimbursement fund.

Sec. 105. Section three hundred twenty-one point two hundred fifty-nine (321.259), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

No person shall place, maintain, or display upon or in view of any highway any sign, signal, marking, or device which purports to be or is an imitation of or resembles an official parking sign, curb or other marking, traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, if such sign, signal, marking, or device has not been authorized by the ~~state-highway-commission-with-reference-to-highways-under-their-jurisdiction,~~

~~department and local authorities with reference to streets and highways under their jurisdiction, and the Iowa state commerce-commission-with-reference-to-railroad-crossings,~~ and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information of a type that cannot be mistaken for official signs.

Sec. 106. Section three hundred twenty-one point four hundred forty-five (321.445), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

Every new or used car, pickup or school bus, 1966 model or newer, sold, offered for sale, or subject to registration in Iowa except commercial vehicles registered with the ~~commerce-commission~~ department, shall be equipped with at least two sets of safety belts or safety harnesses installed for use in the front seat of such vehicle; however, when a pickup or school bus has only an operator's seat, such vehicle need be equipped with only one safety belt or safety harness installed for use by the operator thereof. The safety belts or safety harnesses required shall not be removed unless replaced with approved safety belts or safety harnesses as long as the vehicle is subject to registration.

Sec. 107. Section three hundred twenty-one point four hundred seventy-seven (321.477), Code 1973, is amended to read as follows:

321.477 EMPLOYEES AS PEACE OFFICERS. The ~~state-highway-commission~~ department may designate by resolution certain of its employees upon each of whom there is hereby conferred the authority of a peace officer to control and direct traffic and weigh vehicles, and to make arrests for violations of the motor vehicle laws relating to the operating authority, registration, size, weight, and load of motor vehicles and trailers and registration of a motor carrier's interstate transportation service with the ~~Iowa-commerce-commission~~

department.

Sec. 108. Section three hundred twenty-one point five hundred (321.500), Code 1973, is amended to read as follows:

321.500 ORIGINAL NOTICE--FORM. The original notice of suit filed with the ~~commissiener~~ director of transportation shall be in form and substance the same as now provided in suits against residents of this state, except that that part of said notice pertaining to the return day shall be in substantially the following form, to wit:

"and unless you appear thereto and defend in the district court of Iowa in and for ..... county at the courthouse in ....., Iowa before noon of the sixtieth day following the filing of this notice with the ~~commissiener-of-the-public~~ safety-department director of transportation of this state, default will be entered and judgment rendered against you by the court."

Sec. 109. Section three hundred twenty-one point five hundred two (321.502), Code 1973, is amended to read as follows:

321.502 NOTIFICATION TO NONRESIDENT--FORM. The notification, provided for in section 321.501, shall be in substantially the following form, to wit:

"To ..... (Here insert the name of each defendant and his residence or last known place of abode as definitely as known.)

You will take notice that an original notice of suit against you, a copy of which is hereto attached, was duly served upon you at Des Moines, Iowa, by filing a copy of said notice on the ..... day of ....., 19.., with the ~~com~~ missioner-of-the-public-safety-department director of transportation of the state of Iowa.

Dated at ....., Iowa, this ..... day of ....., 19...

.....  
Plaintiff.  
By.....  
Attorney for plaintiff."

129

Sec. 110. Sections three hundred twenty-one point three (321.3), three hundred twenty-one point four (321.4), three hundred twenty-one point eight (321.8), three hundred twenty-one point nine (321.9), three hundred twenty-one point ten (321.10), three hundred twenty-one point twelve (321.12), three hundred twenty-one point thirty-five (321.35), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred nine (209), section two (2), three hundred twenty-one point forty-three (321.43), three hundred twenty-one point forty-four (321.44), three hundred twenty-one point eighty-six (321.86), three hundred twenty-one point one hundred five (321.105), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred twelve (212), section one (1), three hundred twenty-one point one hundred nine (321.109), three hundred twenty-one point one hundred sixty-five (321.165), three hundred twenty-one point one hundred seventy-seven (321.177), three hundred twenty-one point one hundred eighty-seven (321.187), three hundred twenty-one point one hundred ninety-six (321.196), three hundred twenty-one point two hundred ten (321.210), three hundred twenty-one point two hundred eleven (321.211), three hundred twenty-one point two hundred fifteen (321.215), three hundred twenty-one point two hundred thirty-eight (321.238), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred eight (208), sections three (3) through seven (7), and chapter two hundred fifteen (215), section one (1), three hundred twenty-one point two hundred sixty-one (321.261), three hundred twenty-one point three hundred eighty-three (321.383), three hundred twenty-one point four hundred twenty-three (321.423), three hundred twenty-one point four hundred twenty-four (321.424), three hundred twenty-one point four hundred twenty-eight (321.428), three hundred twenty-one point four hundred twenty-nine (321.429), three hundred twenty-one point four hundred thirty (321.430), three hundred twenty-one point four hundred forty (321.440), three hundred twenty-one point four hundred forty-four (321.444), three hundred twenty-one point four hundred forty-five

S.F. 1141



(321.445), three hundred twenty-one point four hundred fifty-one (321.451), three hundred twenty-one point four hundred sixty-two (321.462), three hundred twenty-one point four hundred sixty-four (321.464), three hundred twenty-one point four hundred eighty-four (321.484), three hundred twenty-one point four hundred ninety-eight (321.498), three hundred twenty-one point five hundred one (321.501), three hundred twenty-one point five hundred five (321.505), and three hundred twenty-one point five hundred nine (321.509), Code 1973, are amended by striking from such sections the words "commissioner", "commissioner of public safety", "safety commissioner", and "commissioner of the public safety department" and inserting in lieu thereof the word "director".

Sec. 111. Sections three hundred twenty-one point nineteen (321.19), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred twenty-one (121), section seventeen (17), three hundred twenty-one point sixty-six (321.66), three hundred twenty-one point seventy-one (321.71), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred ten (210), sections one (1), two (2), and three (3), three hundred twenty-one point eighty-nine (321.89), three hundred twenty-one point one hundred seventy-four (321.174), three hundred twenty-one point one hundred seventy-eight (321.178), three hundred twenty-one point two hundred ten (321.210), three hundred twenty-one point two hundred thirty-eight (321.238), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred eight (208), sections three (3) through seven (7), and chapter two hundred fifteen (215), section one (1), three hundred twenty-one point two hundred seventy-one (321.271), and three hundred twenty-one point three hundred seventy-six (321.376), Code 1973, are amended by striking from such sections the words "state department of public safety" and "department of public safety" and inserting in lieu thereof the word "department".

Sec. 112. Sections three hundred twenty-one point one hundred seven (321.107) and three hundred twenty-one point

one hundred twenty-six (321.126), Code 1973, are amended by striking from such sections the words "Iowa reciprocity board" and inserting in lieu thereof the word "department".

Sec. 113. Sections three hundred twenty-one point one hundred forty-eight (321.148), three hundred twenty-one point two hundred thirty-seven (321.237), three hundred twenty-one point two hundred forty-nine (321.249), three hundred twenty-one point two hundred fifty-two (321.252), three hundred twenty-one point two hundred fifty-four (321.254), three hundred twenty-one point two hundred fifty-nine (321.259), three hundred twenty-one point two hundred eighty-five (321.285), three hundred twenty-one point two hundred eighty-nine (321.289), three hundred twenty-one point two hundred ninety (321.290), three hundred twenty-one point two hundred ninety-three (321.293), three hundred twenty-one point two hundred ninety-five (321.295), three hundred twenty-one point three hundred forty-two (321.342), three hundred twenty-one point three hundred forty-five (321.345), three hundred twenty-one point three hundred forty-seven (321.347), three hundred twenty-one point three hundred forty-eight (321.348), three hundred twenty-one point four hundred forty-three (321.443), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred eighteen (218), section two (2), three hundred twenty-one point four hundred seventy-four (321.474), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred twenty (220), section three (3), three hundred twenty-one point four hundred seventy-six (321.476), three hundred twenty-one point four hundred seventy-nine (321.479), and three hundred twenty-one point four hundred eighty (321.480), Code 1973, are amended by striking from such sections the words "highway commission" and "state highway commission" and inserting in lieu thereof the word "department".

Sec. 114. Section three hundred twenty-one A point one (321A.1), Code 1973, is amended by striking subsection one (1) and inserting in lieu thereof the following:

1. "Director" means the director of transportation or

his designee.

Sec. 115. Section three hundred twenty-one A point two (321A.2), subsection one (1), Code 1973, is amended to read as follows:

1. The commissioner director shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the commissioner director under the provisions of sections 321A.4 to 321A.11, inclusive.

Such hearings shall be held before the commissioner-or-his-duly-authorized-agent director as early as practicable within not to exceed twenty days after receipt of such request in the county wherein the requesting person resides unless the commissioner director and such person agree that such hearing may be held in some other county. Upon such hearing the commissioner-or-his-duly-authorized-agent director may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination under oath of the person requesting such hearing.

Sec. 116. Section three hundred twenty-one A point thirty-five (321A.35), Code 1973, is amended to read as follows:

321A.35 PAST APPLICATION OF CHAPTER. This chapter shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to October 1, 1947. Any person who has before October 1, 1947, had his operator's license suspended or has had his motor vehicle registration plates suspended or who has been refused registration or license to operate a motor vehicle upon the highways of the state of Iowa, under the provisions of sections of the Code in effect before October 1, 1947, and has not had such suspension removed, as therein provided, shall not be issued an operator's license nor be entitled to registration of a motor vehicle in this state until proof is filed with the county treasurer and the state department of public-safety transportation that

the judgment against him rendered by the court has been stayed, satisfied or otherwise discharged of record.

Sec. 117. Sections three hundred twenty-one A point two (321A.2), three hundred twenty-one A point three (321A.3), three hundred twenty-one A point four (321A.4), three hundred twenty-one A point five (321A.5), three hundred twenty-one A point six (321A.6), three hundred twenty-one A point seven (321A.7), three hundred twenty-one A point nine (321A.9), three hundred twenty-one A point ten (321A.10), three hundred twenty-one A point eleven (321A.11), three hundred twenty-one A point twelve (321A.12), three hundred twenty-one A point thirteen (321A.13), three hundred twenty-one A point sixteen (321A.16), three hundred twenty-one A point seventeen (321A.17), three hundred twenty-one A point nineteen (321A.19), three hundred twenty-one A point twenty (321A.20), three hundred twenty-one A point twenty-two (321A.22), three hundred twenty-one A point twenty-four (321A.24), three hundred twenty-one A point twenty-five (321A.25), three hundred twenty-one A point twenty-six (321A.26), three hundred twenty-one A point twenty-seven (321A.27), three hundred twenty-one A point twenty-eight (321A.28), three hundred twenty-one A point twenty-nine (321A.29), three hundred twenty-one A point thirty-one (321A.31), and three hundred twenty-one A point thirty-four (321A.34), Code 1973, are amended by striking from such sections the word "commissioner" and inserting in lieu thereof the word "director".

Sec. 118. Section three hundred twenty-one B point two (321B.2), Code 1973, is amended by adding the following new paragraph:

NEW PARAGRAPH. As used in this chapter, unless the context otherwise requires, "director" means the director of transportation or his designee, and "department" means the state department of transportation.

Sec. 119. Sections three hundred twenty-one B point seven (321B.7), three hundred twenty-one B point eight (321B.8), three hundred twenty-one B point nine (321B.9), three hundred twenty-one B point thirteen (321B.13), three hundred twenty-



one B point twenty (321B.20), and three hundred twenty-one B point twenty-four (321B.24), Code 1973, are amended by striking from such sections the words "commissioner", "commissioner of public safety", "commissioner or his authorized agent", "commissioner or his duly authorized agent", "commissioner or his agent", and "commissioner of public safety or his authorized agent" and inserting in lieu thereof the word "director".

Sec. 120. Sections three hundred twenty-one B point thirteen (321B.13), three hundred twenty-one B point sixteen (321B.16), three hundred twenty-one B point eighteen (321B.18), three hundred twenty-one B point twenty (321B.20), three hundred twenty-one B point twenty-four (321B.24), and three hundred twenty-one B point twenty-six (321B.26), Code 1973, are amended by striking from such sections the words "department of public safety" and inserting in lieu thereof the word "department".

Sec. 121. Section three hundred twenty-one C point one (321C.1), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

~~The commissioner of public safety is hereby authorized to~~ director of transportation may, subject to the approval of the state transportation commission, enter into drivers license compacts with other jurisdictions legally joining therein in substantially the following form.

Sec. 122. Section three hundred twenty-one D point one (321D.1), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

~~The commissioner of public safety is hereby authorized to~~ director of transportation may, subject to the approval of the state transportation commission, enter into vehicle equipment safety compacts with other jurisdictions legally joining therein in substantially the following form.

Sec. 123. Chapter three hundred twenty-one E (321E), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "department" means the state

department of transportation.

Sec. 124. Section three hundred twenty-one E point twenty-two (321E.22), Code 1973, is amended to read as follows:

321E.22 SERVICE OF PROCESS. Service of such process shall be made by serving a copy upon or filing a copy in the office of the secretary of state. The service shall be sufficient service upon the person if notice of the service and a copy of the process are within ten days sent by registered mail by the ~~attorney-general~~ department general counsel to the permit holder at the last known address of said permit holder. An affidavit of compliance therewith of the ~~attorney-general~~ or an assistant attorney-general department general counsel shall be appended to the summons. The issuing authority may order such continuances as may be necessary to afford the permit holder reasonable opportunity to defend the action. The secretary of state shall keep a record of all such processes which shall show the day and hour of such service.

Sec. 125. Sections three hundred twenty-one E point one (321E.1), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred thirteen (213), section three (3), three hundred twenty-one E point two (321E.2), three hundred twenty-one E point ten (321E.10), three hundred twenty-one E point fourteen (321E.14), three hundred twenty-one E point fifteen (321E.15), three hundred twenty-one E point nineteen (321E.19), and three hundred twenty-one E point twenty-five (321E.25), Code 1973, are amended by striking from such sections the words "commission", "state highway commission", and "Iowa state highway commission" and inserting in lieu thereof the word "department".

Sec. 126. Section three hundred twenty-one F point one (321F.1), Code 1973, is amended by striking subsection eight (8), and inserting in lieu thereof the following:

8. "Director" means the director of transportation or his designee.

Sec. 127. Sections three hundred twenty-one F point three (321F.3), three hundred twenty-one F point five (321F.5), three hundred twenty-one F point six (321F.6), three hundred

twenty-one F point seven (321F.7), and three hundred twenty-one F point eleven (321F.11), Code 1973, are amended by striking from such sections the word "commissioner" and inserting in lieu thereof the word "director".

Sec. 128. Sections three hundred twenty-one G point two (321G.2) and three hundred twenty-one G point fourteen (321G.14), Code 1973, are amended by striking from such sections the words "commissioner of public safety" and inserting in lieu thereof the words "director of transportation".

Sec. 129. Section three hundred twenty-two point one (322.1), Code 1973, is amended to read as follows:

322.1 ADMINISTRATION. The administration of this chapter shall be vested in the ~~commissioner-of-public-safety~~ director of transportation. The ~~commissioner~~ department may employ such employees as are necessary for the administration of this chapter, provided the amount expended in any one year shall not exceed the revenue derived from the provisions of this chapter.

Sec. 130. Section three hundred twenty-two point two (322.2), subsection two (2), Code 1973, is amended to read as follows:

2. "Department" means the state department of ~~public safety~~ transportation.

Sec. 131. Section three hundred twenty-two point twelve (322.12), Code 1973, is amended by striking unnumbered paragraph two (2).

Sec. 132. Section three hundred twenty-two point twenty-four (322.24), Code 1973, is amended to read as follows:

322.24 HEARING. The ~~commissioner-of-public-safety~~ director of transportation shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this chapter.

If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby,

any judge of the district court of the state of Iowa in and for Polk county may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the said court, for the witness to appear before the ~~commissioner~~ director of transportation and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of said court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed to appear at the time and place therein designated.

Sec. 133. Section three hundred twenty-two A point one (322A.1), subsection eight (8), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

8. "Board" means the transportation regulation board of the state department of transportation.

Sec. 134. Sections three hundred twenty-two A point six (322A.6), three hundred twenty-two A point seven (322A.7), three hundred twenty-two A point eight (322A.8), three hundred twenty-two A point nine (322A.9), three hundred twenty-two A point ten (322A.10), three hundred twenty-two A point thirteen (322A.13), three hundred twenty-two A point fifteen (322A.15), three hundred twenty-two A point sixteen (322A.16), and three hundred twenty-two A point seventeen (322A.17), Code 1973, are amended by striking from such sections the word "commission" and inserting in lieu thereof the word "board".

Sec. 135. Section three hundred twenty-five point one (325.1), subsection four (4), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Board" means the transportation regulation board of the state department of transportation.

Sec. 136. Section three hundred twenty-five point one (325.1), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. "Department" means the state department



of transportation.

Sec. 137. Section three hundred twenty-five point twenty-two (325.22), Code 1973, is amended to read as follows:

325.22 TRANSCRIPT ON APPEAL. Upon appeal being taken, the ~~secretary-of-the-commission~~ board shall make and certify a transcript of all papers, records, and proceedings in connection with such application and hearing and file the same with the clerk of said court within twenty days following the taking of such appeal.

Sec. 138. Sections three hundred twenty-five point two (325.2), three hundred twenty-five point three (325.3), three hundred twenty-five point four (325.4), three hundred twenty-five point six (325.6), three hundred twenty-five point seven (325.7), three hundred twenty-five point nine (325.9), three hundred twenty-five point ten (325.10), three hundred twenty-five point twelve (325.12), three hundred twenty-five point thirteen (325.13), three hundred twenty-five point fourteen (325.14), three hundred twenty-five point sixteen (325.16), three hundred twenty-five point twenty (325.20), three hundred twenty-five point twenty-one (325.21), three hundred twenty-five point twenty-three (325.23), three hundred twenty-five point twenty-five (325.25), three hundred twenty-five point twenty-six (325.26), three hundred twenty-five point thirty-one (325.31), three hundred twenty-five point thirty-two (325.32), three hundred twenty-five point thirty-three (325.33), three hundred twenty-five point thirty-five (325.35), three hundred twenty-five point thirty-eight (325.38), and three hundred twenty-five point thirty-nine (325.39), Code 1973, are amended by striking from such sections the words "commission" and "state commerce commission" and inserting in lieu thereof the word "board".

Sec. 139. Sections three hundred twenty-five point three (325.3), three hundred twenty-five point eighteen (325.18), three hundred twenty-five point twenty-eight (325.28), three hundred twenty-five point twenty-nine (325.29), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred forty (140), section thirty-seven (37),

three hundred twenty-five point thirty-three (325.33), three hundred twenty-five point thirty-eight (325.38), and three hundred twenty-five point thirty-nine (325.39), Code 1973, are amended by striking from such sections the words "state department of public safety", "department of public safety", "commissioner", and "commissioner of public safety" and inserting in lieu thereof the word "department".

Sec. 140. Section three hundred twenty-six point one (326.1), subsections one (1) and two (2), Code 1973, are amended by striking such subsections and inserting in lieu thereof the following:

1. "Department" means the state department of transportation.
2. "Director" means the director of transportation or his designee.

Sec. 141. Section three hundred twenty-six point five (326.5), Code 1973, is amended to read as follows:

326.5 AUTHORITY TO AGREE TO RECIPROCITY. The board director may, subject to the approval of the transportation commission, enter into reciprocity agreements with the duly authorized representatives of any jurisdiction exempting non-residents of this state using the highways of this state from the registration requirements of chapter 321 and payment of any fees to this state with such conditions, restrictions, and privileges or lack of same as the board director deems advisable.

Sec. 142. Section three hundred twenty-six point fourteen (326.14), Code 1973, is amended to read as follows:

326.14 PLATES AND RECEIPTS FROM-SAFETY-DEPARTMENT. ~~The board shall obtain registration plates and receipts to be issued pursuant to apportionment agreements or arrangements authorized under this chapter from the department of public safety in accordance with law.~~ The board department shall then issue such registration plates and receipts pursuant to apportionment agreements or arrangements authorized under this chapter.

Sec. 143. Section three hundred twenty-six point eighteen

(326.18), Code 1973, is amended to read as follows:

326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT. When a nonresident fleet owner has registered vehicles on a prorated basis, the vehicles shall be considered fully registered insofar as interstate commerce is concerned. The privileges granted to a nonresident pursuant to this chapter shall permit the operation of a vehicle which is simultaneously engaged in interstate movements and intrastate commerce, provided that the owner has intrastate authority or rights granted by the ~~Iowa-state-commerce-commission~~ transportation regulation board. Each vehicle upon which an Iowa base plate is required to be displayed under this chapter shall be considered fully registered for both interstate commerce and intrastate commerce.

Sec. 144. Section three hundred twenty-six point thirty-one (326.31), Code 1973, is amended to read as follows:

326.31 FILING INCORRECT INFORMATION--EFFECT. Whenever the reciprocity-board director has reason to believe that a fleet owner has filed incorrect information with the ~~reciprocity-board, department-of-public-safety, department~~ or the department of revenue, for the purpose of reducing the fleet owner's obligation for registration fees or fuel taxes, the reciprocity-board director may cancel the apportioned registration privileges on all of the vehicles owned by such person. Any person who has such privileges canceled shall be subject to the payment of the full annual registration fee for all vehicles operated on the highways of this state for a period of at least five years thereafter. The ~~commissioner-of-public-safety-and-the~~ director of revenue shall co-operate with the reciprocity-board department in ascertaining the accuracy of all reports filed pertaining to registration fees and motor fuel taxes.

Any person whose privileges are canceled may request an administrative hearing of said action before the transportation regulation board, and during the period pending the hearing the apportioned registration privileges shall be reinstated if the fleet owner posts security with the

reciprocity-board department in an amount sufficient to pay such 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 ~~reciprocity-board, department-of-public-safety, department~~ or the department of revenue. Any person aggrieved by a decision reached at the administrative hearing may appeal from such decision of the transportation regulation board to the district court.

Sec. 145. Section three hundred twenty-six point thirty-four (326.34), subsections one (1) and two (2), Code 1973, are amended by striking the subsections and inserting in lieu thereof the following:

1. "Director" means the director of transportation or his designee.

2. "Participating agencies" means the state department of transportation and the department of revenue.

Sec. 146. Sections three hundred twenty-six point six (326.6), three hundred twenty-six point seven (326.7), three hundred twenty-six point ten (326.10), three hundred twenty-six point eleven (326.11), three hundred twenty-six point twelve (326.12), three hundred twenty-six point thirteen (326.13), three hundred twenty-six point fifteen (326.15), three hundred twenty-six point sixteen (326.16), three hundred twenty-six point nineteen (326.19), three hundred twenty-six point twenty (326.20), three hundred twenty-six point twenty-one (326.21), three hundred twenty-six point twenty-two (326.22), three hundred twenty-six point twenty-three (326.23), three hundred twenty-six point twenty-four (326.24), three hundred twenty-six point twenty-five (326.25), three hundred twenty-six point twenty-six (326.26), three hundred twenty-six point twenty-seven (326.27), three hundred twenty-six point twenty-eight (326.28), and three hundred twenty-six point twenty-nine (326.29), Code 1973, are amended by striking from such sections the words "board", "reciprocity board", and "Iowa reciprocity board" and inserting in lieu thereof the word "department".



Sec. 147. Sections three hundred twenty-six point thirteen (326.13), three hundred twenty-six point nineteen (326.19), three hundred twenty-six point twenty-eight (326.28), three hundred twenty-six point thirty-six (326.36), three hundred twenty-six point thirty-seven (326.37), and three hundred twenty-six point thirty-eight (326.38), Code 1973, are amended by striking from such sections the words "executive secretary" and inserting in lieu thereof the word "director".

Sec. 148. Section three hundred twenty-seven point one (327.1), subsection four (4), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Board" means the transportation regulation board of the state department of transportation.

Sec. 149. Section three hundred twenty-seven point one (327.1), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. "Department" means the state department of transportation.

Sec. 150. Sections three hundred twenty-seven point two (327.2), three hundred twenty-seven point three (327.3), three hundred twenty-seven point four (327.4), three hundred twenty-seven point six (327.6), three hundred twenty-seven point eight (327.8), three hundred twenty-seven point nine (327.9), three hundred twenty-seven point eleven (327.11), three hundred twenty-seven point fourteen (327.14), three hundred twenty-seven point fifteen (327.15), three hundred twenty-seven point sixteen (327.16), three hundred twenty-seven point nineteen (327.19), three hundred twenty-seven point twenty-one (327.21), and three hundred twenty-seven point twenty-three (327.23), Code 1973, are amended by striking from such sections the words "commission" and "Iowa state commerce commission" and inserting in lieu thereof the word "board".

Sec. 151. Sections three hundred twenty-seven point two (327.2), three hundred twenty-seven point three (327.3), three hundred twenty-seven point eight (327.8), three hundred twenty-seven point ten (327.10), three hundred twenty-seven point sixteen (327.16), three hundred twenty-seven point

seventeen (327.17), three hundred twenty-seven point eighteen (327.18), three hundred twenty-seven point twenty (327.20), and three hundred twenty-seven point twenty-two (327.22), Code 1973, are amended by striking the words "department of public safety", "commissioner of public safety", and "reciprocity board" and inserting in lieu thereof the word "department".

Sec. 152. Section three hundred twenty-seven A point one (327A.1), subsection five (5), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

5. "Board" means the transportation regulation board of the state department of transportation.

Sec. 153. Section three hundred twenty-seven A point one (327A.1), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. "Department" means the state department of transportation.

Sec. 154. Sections three hundred twenty-seven A point two (327A.2), three hundred twenty-seven A point four (327A.4), three hundred twenty-seven A point five (327A.5), three hundred twenty-seven A point eight (327A.8), three hundred twenty-seven A point nine (327A.9), three hundred twenty-seven A point twelve (327A.12), three hundred twenty-seven A point fourteen (327A.14), three hundred twenty-seven A point eighteen (327A.18), three hundred twenty-seven A point nineteen (327A.19), and three hundred twenty-seven A point twenty (327A.20), Code 1973, are amended by striking from such sections the words "commission" and "state commerce commission" and inserting in lieu thereof the word "board".

Sec. 155. Sections three hundred twenty-seven A point six (327A.6), three hundred twenty-seven A point seven (327A.7), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred forty (140), section thirty-eight (38), three hundred twenty-seven A point nine (327A.9), three hundred twenty-seven A point twelve (327A.12), and three hundred twenty-seven A point seventeen

(327A.17), Code 1973, are amended by striking from such sections the words "department of public safety", "state department of public safety", and "commissioner of public safety" and inserting in lieu thereof the word "department".

Sec. 156. Sections three hundred twenty-seven B point one (327B.1), three hundred twenty-seven B point two (327B.2), three hundred twenty-seven B point three (327B.3), and three hundred twenty-seven B point four (327B.4), Code 1973, are amended by striking from such sections the words "commission" and "Iowa state commerce commission" and inserting in lieu thereof the words "state department of transportation".

Sec. 157. Section three hundred twenty-eight point one (328.1), subsection eleven (11), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

11. a. "Commission" means the state transportation commission of the state department of transportation.

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

c. "Director" means the director of transportation or his designee.

Sec. 158. Section three hundred twenty-eight point twelve (328.12), Code 1973, is amended to read as follows:

328.12 POWERS AND DUTIES. The commission in carrying out its duties relating to aeronautics shall have the following powers and duties:

1. PROMOTION OF AERONAUTICS. It is empowered and directed to encourage, foster and assist in the general development and promotion of aeronautics in this state, and to make disbursements from the state aviation fund for such purposes.

2. RULES AND REGULATIONS. It shall have power to make such reasonable rules and regulations, consistent with the provisions of this chapter, as may be deemed by the commission to be necessary and expedient for the administration ~~of the affairs of the commission, and the administration~~ and enforcement of this chapter, and to amend said rules and regulations at any time.

137

3. FILING OF RULES. It shall keep on file at the office of the commission, for public inspection, a copy of all its aeronautic rules and regulations with all amendments thereto, and mail copy thereof to all registered landing areas in this state.

4. TECHNICAL SERVICES AVAILABLE. It shall, insofar as is reasonably possible, make available the engineering and other technical services of the ~~commission~~ department, without charge, in connection with aeronautics.

5. INTERVENTION. It may participate as party plaintiff or defendant, or as intervenor, complainant or movant, on behalf of the state or any municipality or citizen thereof, in any proceeding having to do with aeronautics; provided, however, that in any application before the civil aeronautics board the commission shall take no position as between applicants or municipalities.

6. ENFORCEMENT OF AERONAUTICS LAWS. It shall be the duty of the ~~commission, its members and employees, and the director of aeronautics,~~ department to enforce and assist in the enforcement of this chapter and of all rules and regulations issued pursuant thereto, and of all other laws of this state relating to aeronautics; and, in the aid of such enforcement and within the scope of such duties general powers of peace officers are hereby conferred upon the ~~commission, each of its members,~~ the director ~~of aeronautics,~~ and such ~~of the~~ officers and employees of the commission department as may be designated by ~~it~~ the commission to exercise such powers. The commission is further authorized, in the name of this state, to enforce the provisions of this chapter and the rules and regulations issued pursuant thereto by injunction in the courts of this state.

7. USE OF EXISTING FACILITIES. The commission, in the discharge of all functions prescribed by this chapter, law enforcement, technical, and other, to every feasible extent shall use the facilities of other agencies of the state, and such agencies are authorized and directed to make available to the commission such facilities and services.



8. INVESTIGATIONS. The ~~commission, any member thereof, the director of aeronautics,~~ or any officer or employee of the commission department designated by it, when acting for, and with the authority of the commission, shall have the power to hold investigations, inquiries, and hearings concerning matters covered by the provisions of this chapter and orders, rules, and regulations of the commission. In any such inquiry, investigation, or hearing, the person acting for the commission shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books, and documents.

9. REPORTS OF INVESTIGATIONS--LIMITATIONS ON USE. The reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any civil suit, growing out of any matter referred to in said investigation, hearing, or report thereof, except in case of criminal or other proceedings instituted in behalf of the commission or this state under the provisions of this chapter and other laws of this state relating to aeronautics.

10. AUTHORITY TO CONTRACT. It may enter into any contracts necessary to the execution of the powers granted it by this chapter.

11. NO EXCLUSIVE RIGHTS GRANTED. It shall grant no exclusive right for the use of any airway, airport, landing area, or other air navigation facility under its jurisdiction.

Sec. 159. Sections three hundred twenty-eight point nineteen (328.19), three hundred twenty-eight point twenty (328.20), three hundred twenty-eight point twenty-one (328.21), three hundred twenty-eight point twenty-six (328.26), three hundred twenty-eight point twenty-seven (328.27), three hundred twenty-eight point twenty-nine (328.29), three hundred twenty-eight point thirty (328.30), three hundred twenty-eight point thirty-one (328.31), three hundred twenty-eight point thirty-two (328.32), three hundred twenty-eight point thirty-three (328.33), three hundred twenty-eight point thirty-four (328.34), three hundred twenty-eight point thirty-six (328.36),

three hundred twenty-eight point thirty-seven (328.37), three hundred twenty-eight point thirty-eight (328.38), three hundred twenty-eight point thirty-nine (328.39), three hundred twenty-eight point forty (328.40), three hundred twenty-eight point forty-one (328.41), three hundred twenty-eight point forty-three (328.43), three hundred twenty-eight point forty-four (328.44), three hundred twenty-eight point forty-five (328.45), three hundred twenty-eight point forty-nine (328.49), and three hundred twenty-eight point fifty-two (328.52), Code 1973, are amended by striking from such sections the words "commission" and "aeronautics commission" and inserting in lieu thereof the word "department".

Sec. 160. Section three hundred twenty-nine point one (329.1), subsection nine (9), Code 1973, is amended by striking the subsection and inserting in lieu thereof the following:

9. "Department" means the state department of transportation.

Sec. 161. Section three hundred twenty-nine point six (329.6), Code 1973, is amended by striking the words "aeronautics commission of the state" and inserting in lieu thereof the word "department".

Sec. 162. Section three hundred thirty point nine (330.9), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

Before an airport is acquired by any such city or town the plans and specifications therefor shall be submitted to the Iowa state aeronautics-commission department of transportation which shall require that they show:

Sec. 163. Chapter four hundred seventy-four (474), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires "department" means the state department of transportation.

Sec. 164. Section four hundred seventy-four point ten (474.10), Code 1973, is amended to read as follows:

474.10 GENERAL JURISDICTION. The commission state department of transportation shall have general supervision

of all railroads in the state, express companies, car companies, sleeping-car companies, freight and freight-line companies, interurban railway companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight by railroads, except street railroads, ~~and also all lines for the transmission, sale, and distribution of electrical current for light, heat, or power, except in cities and towns.~~ It shall investigate any alleged neglect or violation of law by any such common carrier, its agents, officers, or employees.

Sec. 165. Section four hundred seventy-four point twenty-four (474.24), Code 1973, is amended to read as follows:

474.24 JURISDICTION OF COURTS TO ENFORCE ORDER. The district courts of this state shall have jurisdiction to enforce, by proper decrees, injunctions, and orders, the rulings, orders and regulations affecting public rights, made by the commission state department of transportation as authorized by law for the direction and observance of railroads in this state. The proceedings therefor shall be by equitable action in the name of the state, and shall be instituted by the commerce-counsel department general counsel, whenever advised by the commission department that any railway corporation, or person operating a line of road in this state, is violating and refusing to comply with any rule, order, or regulation made by the commission department, and applicable to such railroad or person.

Sec. 166. Section four hundred seventy-four point thirty-nine (474.39), Code 1973, is amended to read as follows:

474.39 DUTY OF COMMERCE GENERAL COUNSEL AND COUNTY ATTORNEY. When any proceeding has been instituted under sections 474.37 and 474.38, the commerce department general counsel shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall render such assistance as the commerce department general counsel may require of him.

Sec. 167. Section four hundred seventy-four point forty-three (474.43), Code 1973, is amended to read as follows:

474.43 SUITS BY COMMISSION DEPARTMENT. When the commission department has reason to believe that any common carrier has been guilty of extortion or unjust discrimination, it shall immediately cause actions to be commenced and prosecuted against such carrier. Such action may be brought in any county through or into which any line of railway owned or operated by such carrier may extend. No actions thus commenced shall be dismissed unless the commission department and the commerce department general counsel consent thereto. The court in which any such action is pending may, in its discretion, give preference as to the time of trial of such action over other business, except criminal cases.

Sec. 168. Section four hundred seventy-four point fifty-three (474.53), subsection ten (10), Code 1973, is amended to read as follows:

10. Such statistics of the road and of its transportation business for the year as may, in the judgment of the commissioners department, be necessary and proper for the information of the general assembly or as may be required by the governor.

Sec. 169. Sections four hundred seventy-four point eleven (474.11), four hundred seventy-four point twelve (474.12), four hundred seventy-four point thirteen (474.13), four hundred seventy-four point fourteen (474.14), four hundred seventy-four point fifteen (474.15), four hundred seventy-four point sixteen (474.16), four hundred seventy-four point seventeen (474.17), four hundred seventy-four point eighteen (474.18), four hundred seventy-four point nineteen (474.19), four hundred seventy-four point twenty (474.20), four hundred seventy-four point twenty-two (474.22), four hundred seventy-four point twenty-five (474.25), four hundred seventy-four point twenty-six (474.26), four hundred seventy-four point twenty-seven (474.27), four hundred seventy-four point twenty-eight (474.28), four hundred seventy-four point twenty-nine (474.29), four hundred seventy-four point thirty-one (474.31), four hundred seventy-four point thirty-two (474.32), four hundred seventy-four point thirty-three (474.33), four hundred seventy-four point thirty-four (474.34), four hundred seventy-four



point thirty-five (474.35), four hundred seventy-four point thirty-six (474.36), four hundred seventy-four point thirty-seven (474.37), four hundred seventy-four point thirty-eight (474.38), four hundred seventy-four point forty (474.40), four hundred seventy-four point forty-two (474.42), four hundred seventy-four point forty-four (474.44), four hundred seventy-four point forty-six (474.46), four hundred seventy-four point forty-seven (474.47), four hundred seventy-four point forty-nine (474.49), four hundred seventy-four point fifty (474.50), four hundred seventy-four point fifty-one (474.51), four hundred seventy-four point fifty-two (474.52), and four hundred seventy-four point fifty-three (474.53), Code 1973, are amended by striking from such sections the words "commission", "state commerce commission", and "Iowa state commerce commission" and inserting in lieu thereof the word "department".

Sec. 170. Section four hundred seventy-five point seven (475.7), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

475.7 DUTIES. The commerce counsel shall:

1. Act as attorney for, and legal advisor of, the Iowa state commerce commission.
2. Investigate the legality of all rates, charges, rules, regulations, and practices of all persons under the jurisdiction of the commission, and institute civil proceedings before the commission or any court to correct any illegality on the part of any such person and prosecute the same to final determination.
3. Appear for the commission or for the state and its citizens and industries in all actions instituted in any state or federal court which involves the validity of any rule, regulation, or order of the commission, and prosecute in any state or federal court in the name of the state, all actions necessary to enforce, or to restrain the violation of any rule, order, or regulation of the commission.

Sec. 171. Section four hundred seventy-six point eighteen (476.18), Code 1973, is amended to read as follows:

476.18 PREFERRED STOCK. Any railway corporation may increase its capital stock by the issuance of preferred stock in one or more classes entitled to such rate or rates of preferred dividends not exceeding eight percent per annum, and to such other preferences including accumulation thereon for future payment of any dividends not earned or paid in any fiscal or corporate year, and with such other privileges and rights as may be authorized by the stockholders pursuant hereto, and may issue the same either in exchange for property upon compliance with the provisions of sections 492.5 to 492.8, inclusive, or for sale for cash at par or for the retirement of its indebtedness at the rate of par for par; no such stock increase shall be made, and no such preferred stock shall be issued, unless authorized by the vote of not less than seventy-five percent of the total amount of the capital stock of such corporation at the time outstanding, expressed at a meeting called for the purpose, upon not less than thirty days' notice inserted in a newspaper published in the city or town wherein such corporation may have its principal place of business in this state, and mailed to each stockholder of record at his address appearing upon the stock books of such corporation, provided that the plan and purpose for the issuance of any preferred stock under the provisions of this section, shall first be submitted to and receive the approval of the Iowa state commerce-commission department of transportation.

Sec. 172. Section four hundred seventy-seven point thirty-six (477.36), Code 1973, is amended to read as follows:

477.36 DUTY TO ENFORCE. It shall be the duty of the said Iowa state commerce-commission department of transportation to enforce the provisions of section 477.35, and, upon a complaint signed by five or more shippers of livestock, it shall be its duty to investigate the stockyards and loading facilities at any such station and determine their adequacy and shall have power to make such order for the improvement of said yards as shall, in its judgment, seem necessary.

Sec. 173. Section four hundred seventy-seven point forty-

eight (477.48), Code 1973, is amended to read as follows:

477.48 INVESTIGATION BY COMMISSION DEPARTMENT. It shall be the duty of the Iowa state commerce-commission department of transportation to receive written statements of violations of section 477.45, and when so requested to hold the same without disclosure of the name of the person making such statement, and to investigate each and every complaint filed alleging such violation.

Sec. 174. Section four hundred seventy-seven point forty-nine (477.49), Code 1973, is amended to read as follows:

477.49 HEARING--REPORT. The commission state department of transportation in making such investigation shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers, and must file a report of such investigation in writing with a full statement of its finding to the governor.

Sec. 175. Section four hundred seventy-seven point fifty (477.50), Code 1973, is amended to read as follows:

477.50 PROSECUTIONS. In all cases of violation of said provisions, the state commerce-commission department of transportation, through the attorney-general general counsel division, must at once begin the prosecution of all parties against whom evidence of violation is found; but said provisions shall not be construed to prevent any other person from beginning prosecution for violation thereof.

Sec. 176. Section four hundred seventy-seven point fifty-eight (477.58), Code 1973, is amended to read as follows:

477.58 CHANGING NAMES OF STATIONS. In all cases where any railway company shall fail or refuse to make the name of the railway station conform to the name of the village, incorporated town, or city within the limits of which it is situated, it shall be the duty of the state commerce-commission department of transportation to order a change of the name of said railway station to effect such uniformity, within sixty days after a petition in writing by the town council of said incorporated town or city, or, in the case of a village, by the township trustees, asking for such order,

is filed with said the state commerce-commission department of transportation.

Sec. 177. Section four hundred seventy-seven point fifty-nine (477.59), Code 1973, is amended to read as follows:

477.59 NOTICE. When the commissioners state department of transportation shall order a change in the name of a railway station, they it shall give the company owning or operating the same notice of such order, and if it is not complied with within thirty days from the date of service of such notice, the commissioners state department of transportation shall notify the attorney-general-thereof, who general counsel division which shall begin proceedings in the proper court to compel the enforcement of said order.

Sec. 178. Section four hundred seventy-seven point sixty (477.60), Code 1973, is amended to read as follows:

477.60 VIOLATIONS. A failure to comply with the order of the commissioners state department of transportation within thirty days from service of such notice shall also be a misdemeanor, for which said company shall be subject to a fine of one thousand dollars, and noncompliance for each thirty days thereafter shall constitute a separate and distinct offense, subject to a fine of one thousand dollars.

Sec. 179. Section four hundred seventy-eight point twenty-one (478.21), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred four (204), section two (2), is amended to read as follows:

478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever a railway track crosses or shall hereafter cross a highway, street or alley, the railway company owning such track and the state-highway-commission highway division of the department of transportation, in the case of primary highways, the board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city or town, in the case of streets and alleys located within such city or town, may agree upon the location and manner of crossing, or crossing protection, or upgrading thereof, or upon a separation of grades so as to carry such

141

S.F. 1141



highway over or under the railway track, and upon any change, alteration, vacation or relocation of such highway, street or alley, and upon repairs, alteration, or elimination of any crossing, and upon the expense each party shall pay for such changes, except that if flasher light or gate signals are ordered installed prior to July 1, 1973 the maintenance thereof shall be assumed by the railroad and if flasher light or gate signals are ordered installed on or after July 1, 1973 the maintenance thereof shall be assumed equally by the railroad and the grade crossing safety fund; provided, however, the grade crossing safety fund shall not expend more than four hundred fifty dollars for any one crossing in any one year; provided, however, nothing contained herein shall be construed to affect any of the provisions of chapter 387.

Sec. 180. Chapter four hundred seventy-eight (478), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, the term "department" means the state department of transportation.

Sec. 181. Sections four hundred seventy-eight point thirteen (478.13), four hundred seventy-eight point fourteen (478.14), four hundred seventy-eight point fifteen (478.15), four hundred seventy-eight point sixteen (478.16), four hundred seventy-eight point seventeen (478.17), four hundred seventy-eight point eighteen (478.18), four hundred seventy-eight point twenty-two (478.22), four hundred seventy-eight point twenty-three (478.23), four hundred seventy-eight point twenty-six (478.26), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred four (204), section three (3), four hundred seventy-eight point twenty-nine (478.29), four hundred seventy-eight point thirty (478.30), four hundred seventy-eight point thirty-three (478.33), four hundred seventy-eight point thirty-four (478.34), four hundred seventy-eight point thirty-five (478.35), and four hundred seventy-eight point thirty-six (478.36), Code 1973, are amended by striking from such sections the words "commission", "commissioners", and "state commerce

commission" and inserting in lieu thereof the word "department".

Sec. 182. Section four hundred seventy-nine point two (479.2), unnumbered paragraph four (4), Code 1973, is amended to read as follows:

The term "switching service" is hereby defined to be shifting of a car or of cars between two points, both of which points are within the industrial vicinity of an industry, a group of industries, a station, a village, or a city; as such industrial vicinity may be defined by the ~~state-commerce~~ commission department.

Sec. 183. Section four hundred seventy-nine point two (479.2), Code 1973, is amended by adding the following new paragraph:

NEW PARAGRAPH. The term "department", as used in this chapter, means the state department of transportation.

Sec. 184. Section four hundred seventy-nine point forty-eight (479.48), unnumbered paragraph one (1), Code 1973, is amended by striking such paragraph and inserting in lieu thereof the following:

As used in this chapter, unless the context otherwise requires:

Sec. 185. Sections four hundred seventy-nine point five (479.5), four hundred seventy-nine point ten (479.10), four hundred seventy-nine point fourteen (479.14), four hundred seventy-nine point twenty-one (479.21), four hundred seventy-nine point twenty-five (479.25), four hundred seventy-nine point twenty-seven (479.27), four hundred seventy-nine point thirty-seven (479.37), four hundred seventy-nine point thirty-eight (479.38), four hundred seventy-nine point thirty-nine (479.39), four hundred seventy-nine point forty-one (479.41), four hundred seventy-nine point forty-three (479.43), four hundred seventy-nine point forty-four (479.44), four hundred seventy-nine point forty-six (479.46), four hundred seventy-nine point forty-nine (479.49), four hundred seventy-nine point fifty (479.50), four hundred seventy-nine point fifty-one (479.51), four hundred seventy-nine point fifty-four

143

(479.54), four hundred seventy-nine point fifty-six (479.56), four hundred seventy-nine point fifty-seven (479.57), four hundred seventy-nine point fifty-eight (479.58), four hundred seventy-nine point fifty-nine (479.59), four hundred seventy-nine point sixty-one (479.61), four hundred seventy-nine point sixty-two (479.62), four hundred seventy-nine point sixty-three (479.63), four hundred seventy-nine point sixty-four (479.64), four hundred seventy-nine point sixty-five (479.65), four hundred seventy-nine point sixty-six (479.66), four hundred seventy-nine point sixty-seven (479.67), four hundred seventy-nine point sixty-eight (479.68), four hundred seventy-nine point sixty-nine (479.69), four hundred seventy-nine point seventy (479.70), four hundred seventy-nine point seventy-one (479.71), four hundred seventy-nine point seventy-two (479.72), four hundred seventy-nine point seventy-three (479.73), four hundred seventy-nine point seventy-four (479.74), four hundred seventy-nine point eighty-one (479.81), four hundred seventy-nine point eighty-two (479.82), four hundred seventy-nine point eighty-three (479.83), four hundred seventy-nine point eighty-four (479.84), four hundred seventy-nine point ninety-eight (479.98), four hundred seventy-nine point one hundred three (479.103), four hundred seventy-nine point one hundred nine (479.109), four hundred seventy-nine point one hundred ten (479.110), four hundred seventy-nine point one hundred eleven (479.111), four hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-nine point one hundred thirteen (479.113), and four hundred seventy-nine point one hundred fourteen (479.114), Code 1973, are amended by striking from such sections the words "commission", "state commerce commission", and "Iowa state commerce commission" and inserting in lieu thereof the word "department".

Sec. 186. Chapter four hundred eighty-one (481), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, "department" means the state department of transportation.

Sec. 187. Sections four hundred eighty-one point one

(481.1), four hundred eighty-one point three (481.3), four hundred eighty-one point four (481.4), four hundred eighty-one point five (481.5), four hundred eighty-one point six (481.6), four hundred eighty-one point seven (481.7), and four hundred eighty-one point eight (481.8), Code 1973, are amended by striking the words "commission", "commissioners", and "state commerce commission" and inserting in lieu thereof the word "department".

Sec. 188. Section four hundred eighty-two point two (482.2), Code 1973, is amended to read as follows:

482.2 EMINENT DOMAIN. Every corporation formed under the provisions of section 482.1 shall have power to take and hold, for the purposes therein mentioned, such real estate as may be found necessary by the state ~~commerce-commission~~ department of transportation for the location of its depot and approaches, which it may acquire by purchase or condemnation as provided for the taking of private property for works of internal improvement.

Sec. 189. Section four hundred eighty-three point three (483.3), Code 1973, is amended to read as follows:

483.3 EXCEPTION--APPROVAL BY ~~COMMISSION~~ DEPARTMENT. No tax shall be levied to aid in the electrification of any steam railway for the benefit of any person, firm, or individual, who is not the owner in fee simple of said steam railway, unless with or prior to the presentation of the petition to the board of supervisors asking for said election, the agreement between the person, firm, or corporation proposing to electrify said steam railway and the owner of said steam railway, for its electrification and use, has been presented to the state ~~commerce-commission~~ department of transportation, and its duration, terms, and conditions found suitable by said ~~commission~~ department, and said approval made a matter of record in the proceedings of said ~~commission~~ department, and certified to such board of supervisors.

Sec. 190. Section four hundred eighty-four point one (484.1), Code 1973, is amended by adding the following new paragraph:



NEW PARAGRAPH. As used in this chapter, "department" means the state department of transportation.

Sec. 191. Sections four hundred eighty-four point sixteen (484.16), four hundred eighty-four point seventeen (484.17), four hundred eighty-four point eighteen (484.18), four hundred eighty-four point twenty-three (484.23), four hundred eighty-four point twenty-four (484.24), and four hundred eighty-four point twenty-five (484.25), Code 1973, are amended by striking the words "commission" and "state commerce commission" and inserting in lieu thereof the word "department".

Sec. 192. Chapter four hundred eighty-five (485), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation.

Sec. 193. Section four hundred eighty-five point three (485.3), unnumbered paragraph three (3), Code 1973, is amended to read as follows:

Such notice of appeal shall be served and proof of service thereof made in the same manner as an original notice in a civil action, and shall be filed with the ~~secretary of the state-commerce-commission~~ department. Service of such notice of appeal may be made upon any attorney appearing for any party in the proceedings before the ~~state-commerce-commission~~ department with the same force and effect as if served upon such party.

Sec. 194. Sections four hundred eighty-five point two (485.2), four hundred eighty-five point three (485.3), four hundred eighty-five point four (485.4), four hundred eighty-five point five (485.5), and four hundred eighty-five point six (485.6), Code 1973, are amended by striking the words "commission", "state commerce commission", and "Iowa state commerce commission" and inserting in lieu thereof the word "department".

Sec. 195. Chapter four hundred eighty-six (486), Code 1973, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless

the context otherwise requires, "department" means the state department of transportation.

Sec. 196. Sections four hundred eighty-six point two (486.2), four hundred eighty-six point three (486.3), four hundred eighty-six point four (486.4), four hundred eighty-six point five (486.5), and four hundred eighty-six point six (486.6), Code 1973, are amended by striking the words "commission", "state commerce commission", and "Iowa state commerce commission" and inserting in lieu thereof the word "department".

Sec. 197. Sections three hundred seven point one (307.1), three hundred seven point two (307.2), three hundred seven point three (307.3), three hundred seven point four (307.4), three hundred seven point eight (307.8), three hundred seven point nine (307.9), three hundred twenty-six point three (326.3), three hundred twenty-six point four (326.4), three hundred twenty-eight point two (328.2), three hundred twenty-eight point three (328.3), three hundred twenty-eight point four (328.4), three hundred twenty-eight point five (328.5), three hundred twenty-eight point six (328.6), as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one hundred twenty-four (124), section sixteen (16), three hundred twenty-eight point seven (328.7), three hundred twenty-eight point eight (328.8), three hundred twenty-eight point nine (328.9), three hundred twenty-eight point ten (328.10), three hundred twenty-eight point eleven (328.11), three hundred twenty-eight point seventeen (328.17), three hundred twenty-eight point eighteen (328.18), four hundred seventy-four point one (474.1), four hundred seventy-four point two (474.2), four hundred seventy-four point three (474.3), four hundred seventy-four point four (474.4), four hundred seventy-four point five (474.5), four hundred seventy-four point six (474.6), four hundred seventy-four point seven (474.7), and four hundred seventy-four point eight (474.8), Code 1973, are repealed.

Sec. 198. All rules, regulations, forms, orders, and directives promulgated by and in effect for the Iowa aeronautics commission on the effective date of this Act shall continue in full force and effect as rules, regulations, forms,

orders, and directives of the state department of transportation until amended or supplemented by affirmative action of the state transportation commission.

All rules, regulations, forms, orders, and directives promulgated by and in effect for the state highway commission on the effective date of this Act shall continue in full force and effect as rules, regulations, forms, orders, and directives of the state department of transportation until amended or supplemented by affirmative action of the state transportation commission.

All rules, regulations, forms, orders, and directives promulgated by and in effect for the Iowa reciprocity board on the effective date of this Act shall continue in full force and effect as rules, regulations, forms, orders, and directives of the state department of transportation until amended or supplemented by affirmative action of the state transportation commission.

All rules, regulations, forms, orders, and directives promulgated by and in effect for the department of public safety under the provisions of chapter three hundred twenty-one (321) of the Code relating to the registration of motor vehicles, motor vehicle inspection, and the licensing of drivers of motor vehicles, chapter three hundred twenty-one A (321A) of the Code relating to financial responsibility, chapter three hundred twenty-one B (321B) of the Code relating to the implied consent law, chapter three hundred twenty-one F (321F) of the Code relating to leasing and rental of vehicles, and chapter three hundred twenty-two (322) of the Code relating to motor vehicle dealer licensing shall continue in full force and effect as rules, regulations, forms, orders, and directives of the state department of transportation until amended or supplemented by affirmative action of the state transportation commission.

All rules, regulations, forms, orders, and directives promulgated by and in effect for the Iowa state commerce commission pursuant to the provisions of chapters three hundred twenty-two A (322A), three hundred twenty-five (325), three hundred twenty-seven (327), three hundred twenty-seven A (327A), and three hundred twenty-seven B (327B), and chapters

four hundred seventy-four (474) through four hundred eighty-six (486), inclusive, of the Code shall continue in full force and effect as rules of the state department of transportation until amended or supplemented by affirmative action of the state transportation commission.

Sec. 199. All employees of the state highway commission, Iowa aeronautics commission, and Iowa reciprocity board are transferred to the state department of transportation. Any employee of the Iowa state commerce commission and the department of public safety whose duty assignments will be terminated because of this Act may be reassigned to other duties or may be transferred to the state department of transportation. The Iowa merit employment commission shall promulgate rules and regulations to carry out such reassignment or transfer and shall arbitrate and decide any written appeal made by any employee concerning any transfer, reassignment, or reclassification made necessary by this Act. No employee shall lose any benefits he may have accrued, including but not limited to salary, retirement, vacation, sick leave, or longevity, because of reassignment provided in this section.

Sec. 200. The provisions of divisions one (I) and two (II) of this Act shall become effective July 1, 1974. The provisions of divisions three (III) and four (IV) of this Act shall become effective July 1, 1975.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1141, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor



SENATE FILE 1324

AN ACT

MAKING AN APPROPRIATION FROM THE PRIMARY ROAD FUND TO THE STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF A NEW MATERIALS LABORATORY.

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

Section 1. There is appropriated from the primary road fund to the state highway commission the sum of three million (3,000,000) dollars, or so much thereof as may be necessary, to be used for the construction of a new materials laboratory.

Sec. 2. The state highway commission is authorized to obtain and accept any federal grants and funds to the state to be used in connection with the funds appropriated by this Act.

Sec. 3. Any unencumbered balance remaining as of June 30, 1977 of the appropriation made by this Act shall revert to the primary road fund.

Sec. 4. It is the intent of the general assembly that the funds appropriated pursuant to this Act shall be used for the purpose of constructing a new materials laboratory. The materials laboratory is to be located on the real property presently occupied by the state highway commission at Ames, Iowa. The materials laboratory is to contain approximately

65,000 square feet and will be located in such a manner that each of the two floors will have a ground level entrance.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1324, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

1324

SENATE FILE 1333

AN ACT

RELATING TO OBSTRUCTIONS ON PUBLIC HIGHWAYS, ESTABLISHING PROCEDURES FOR THE REMOVAL OF OBSTRUCTIONS, AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF COSTS.

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

Section 1. Section three hundred nineteen point two (319.2), Code 1973, is amended to read as follows:

319.2 FENCES AND ELECTRIC TRANSMISSION POLES. Poles used for telephone, telegraph, or other transmission purposes, shall not be removed until notice, in writing, of not less than thirty days, has been given to the owner or company operating such lines, or in the event the owner or company has been unable to remove such poles within such thirty-day period due to storm or other act of God, then such poles shall not be removed until the owner or company shall have had a reasonable time thereafter to remove such poles, and in case of fences, notice in writing of not less than ~~sixty~~ thirty days has been given to the owner, occupant, or agent of the land enclosed by said fence, unless such poles or fences constitute an immediate and dangerous hazard to persons or property lawfully using the right-of-way.

Sec. 2. Section three hundred nineteen point seven (319.7), Code 1973, is amended to read as follows:

319.7 DUTY OF ROAD OFFICERS. It shall be the duty of all officers responsible for the care of public highways, outside cities and towns, to remove from the traveled portion and shoulders of the highways within their several jurisdictions, all open ditches, water breaks, and like obstructions, and to employ labor for this purpose in the same manner as for the repair of highways.

Sec. 3. Section three hundred nineteen point thirteen (319.13), Code 1973, is amended to read as follows:

319.13 RIGHT AND DUTY TO REMOVE. At ~~if~~ the following constitute an immediate and dangerous hazard, all billboards, advertising signs or devices, fences other than right of way boundary fences, or any temporary obstruction, including abandoned vehicles except signs or devices authorized by law or approved by the highway authorities, placed or erected upon the right of way of any public highway shall without notice or liability in damages be removable and the costs thereof assessed against:

1. The owner of any billboard, advertising sign or device so removed.
2. The vehicle owner in the case of abandoned vehicles.
3. The abutting property in the case of fences other than right of way line fences and other temporary obstructions placed by the owner of or tenant on said property.
4. The owner or person responsible for placement of all other obstructions.

Any such obstruction not constituting an immediate and dangerous hazard shall be removed without liability after forty-eight hour notice served in the same manner in which an original notice is served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the obstruction that the obstruction will be removed at the expense of such person after the notice is given.

Such removal and assessment of cost in the case of primary roads shall be by the highway commission and in the case of secondary roads by the board of supervisors.

Upon removal of the obstruction, the highway authority may immediately send a statement of the cost of removal to the person responsible for the obstruction. If within ten days after sending the statement the cost is not paid, the highway authority may institute proceeding in the district court system to collect the cost of removal.

Sec. 4. Chapter three hundred nineteen (319), Code 1973, is amended by adding the following new section:

147



NEW SECTION. PERMIT REQUIRED. A person shall not excavate, fill or make any physical change within the right-of-way of a public road or highway without obtaining a permit from the highway authority having jurisdiction of such public road or highway. Any work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the excavation, fill or physical change within the right-of-way of a public road or highway does not conform to the specifications that accompany the permit, the person shall be notified to make such conforming changes. If after twenty days the changes have not been made, the public road or highway authority may make the necessary changes and immediately send a statement of the cost to the person responsible for the work done not in conformance to the specifications. If within ten days after sending the statement the cost is not paid, the highway authority may institute proceedings in the district court system to collect the cost of correction. Utility companies are exempt from the provisions of this section.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
ANDREW VARLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1333, Sixty-fifth General Assembly.

\_\_\_\_\_  
RALPH R. BROWN  
Secretary of the Senate

Approved \_\_\_\_\_, 1974

\_\_\_\_\_  
ROBERT D. RAY  
Governor

BILLS INTRODUCED BUT NOT ENROLLED

HOUSE

- H.F. 21            A Bill for an Act relating to racing on highways.
- Passed the House 93-0 and was referred to subcommittee in the Senate. Died in subcommittee at the close of the session.
- H.F. 76            A Bill for an Act relating to the mandatory revocation of the driver's license for persons convicted of possession of a controlled substance in a motor vehicle.
- Referred to a House subcommittee and died there at the close of the session.
- H.F. 237           A Bill for an Act relating to standards for ambulance services and providing penalties for violations.
- Referred to a House subcommittee and died there at the close of the session.
- H.F. 244           A Bill for an Act relating to the use of flashing lights on emergency vehicles.
- Referred to a House subcommittee and died there at the close of the session.
- H.F. 339           A Bill for an Act relating to providing ambulance service to unincorporated areas, and authorizing a levy therefore.
- Referred to subcommittee which recommended passage. Amendments filed and bill returned to subcommittee where it died at the close of the session.
- H.F. 533           A Bill for an Act relating to the creation of an ambulance service expense fund.
- Subcommittee recommended passage. Amendments filed and bill was returned to subcommittee where it died at the close of the session.



- H.F. 653      A Bill for an Act relating to standards for ambulance services and providing penalties for violations.
- Referred to subcommittee and died there at the close of the session.
- H.F. 701      A Bill for an Act prohibiting the use of ice grips or tire studs on certain motor vehicles (studded tires).
- Referred to subcommittee and died therein.
- H.F. 1039     A Bill for an Act relating to stopping on the traveled portion of a highway.
- Passed the House 80-0. Referred to subcommittee and died therein.
- H.F. 1058     A Bill for an Act relating to the overall length of combinations of vehicles permitted in the border cities.
- Referred to the Transportation subcommittee and died therein.
- H.F. 1071     A Bill for an Act to require the taking of blood samples from deceased persons killed in automobile accidents to determine the presence of alcohol and controlled substances.
- Passed House 91-1 and sent to Senate. Referred to subcommittee and died therein. (see section below for further discussion)
- H.F. 1088     A Bill for an Act relating to equipping motor vehicles with a device which prevents operation by any persons who has a BAC of .10% or more.
- Referred to subcommittee and died therein.
- H.F. 1103     A Bill for an Act providing that motorcycles must be operated with both wheels in contact with the highway.
- Passed the House 82-6. Referred to Senate subcommittee and died therein.

- H.F. 1106 A Bill for an Act relating to special stops and use of flashing signal lights and stop arms for school buses.  
Passed House 97-1 and referred to Senate subcommittee. Died therein at the close of the session.
- H.F. 1111 A Bill for an Act relating to distances to be complied with when passing motor vehicles.  
Passed House 78-14. Referred to Senate subcommittee and died therein.
- H.F. 1120 A Bill for an Act relating to hearing and appeal of the revocation, cancellation, or suspension of an operator's license.  
Died at the close of the session.
- H.F. 1211 A Bill for an Act relating to speed limits in school districts.  
Referred to subcommittee and died therein.
- H.F. 1241 A Bill for an Act relating to the movement of oversize mobile homes.  
Referred to subcommittee and died therein.
- H.F. 1250 A Bill for an Act creating a motor vehicle safety study and making an appropriation.  
Referred to subcommittee and died therein.
- H.F. 1288 A Bill for an Act to provide for a uniform classified operator's license system and amending certain penalty provisions.  
Died in the House
- H.F. 1408 A Bill for an Act relating to highway safety and control of traffic at highway intersections.  
Died in committee.
- H.F. 1416 A Bill for an Act relating to standards for ambulance services, authorizing county boards of supervisors to



levy taxes to provide ambulance service, and providing penalties for violations.

Died in subcommittee.

H.F. 1428

A Bill for an Act relating to the movement of overweight vehicles on the highways of this State.

Died at the close of the session.

BILLS INTRODUCED BUT NOT ENROLLED

SENATE

- S.F. 16 A Bill for an Act relating to the taxation of studded tires and providing penalties for violations.
- Referred to subcommittee and died therein at the close of the session.
- S.F. 135 A Bill for an Act relating to equipment of motorcycles and motorcycle riders (helmets). Passed the Senate 30-15.
- Passage recommended by House committee but the Bill died at the close of the session. (see section below for further discussion)
- S.F. 168 A Bill for an Act relating to operators and chauffeur's licenses.
- Referred to subcommittee and died therein.
- S.F. 318 A Bill for an Act relating to the offense of operating a motor vehicle while under the influence of alcohol and the penalties provided therefore; making certain acts illegal and providing a penalty for their commission, and relating to procedures required in the application of the implied consent law.
- Referred to subcommittee and died therein.
- S.F. 368 A Bill for an Act relating to the issuance of special motor vehicle registration plates to persons whose driver's license has been mandatorily revoked.
- Referred to Senate subcommittee and died therein.
- S.F. 1134 A Bill for an Act creating a motor vehicle safety study and making an appropriation.
- Referred to subcommittee and died therein.
- S.F. 1167 A Bill for an Act making an owner of a motor vehicle subject to penalty for the alteration of his motor vehicle.
- Referred to subcommittee and died therein.



S.F. 1198

A Bill for an Act relating to the annual registration of passenger motor vehicles and pickup trucks.

Referred to subcommittee and died therein.

S.F. 1270

A Bill for an Act relating to the length of a truck tractor and single semi-trailer combination used on the highways.

Referred to subcommittee and died therein.

S.F. 1293

A Bill for an Act relating to the issuance of a new certification of title for a demolished or destroyed vehicle which has been issued a certificate of inspection.

Passed Senate 45-0 but died in the House.

S.F. 1304

A Bill for an Act relating to the use of bicycles upon the public roads and highways and providing penalties for violations.

Referred to subcommittee and died therein.

## MOTORCYCLE HELMET LEGISLATION

The 65th Iowa General Assembly spent considerable time and effort in study, discussion, and debate on a bill to require motorcyclists to wear helmets. After minor amendments such a bill did pass the Senate and was sent to the Iowa House of Representatives. In the House, passage was recommended by the Committee on State Government and amendments to the bill were offered. At the close of the session, the bill died.

The history of the Bill as well as the nature of the debate around it can best be seen in outline form. What follows is an outline of the Bill's history, including amendments, a listing of all dates, etc. from the General Assembly computer files, copies of the Bill as introduced in and as passed by the Senate, and copies of the text of all amendments filed. In addition, a copy and short history of H.F. 344, a similar House Bill, are included.

### MOTORCYCLE HELMETS - Senate File 135

#### I. Comparison of Bill and Standard:

The Bill as introduced followed text recommended in Sup. 1, Vol. 3, Motorcycle Safety, November, 1971, except that it permits use of windscreen rather than other eye-protective devices. N.H.T.S.A. recommends 4 square inches of reflective material at left, right, and rear of the helmet (previously called for 10" at sides), while the Bill would not require this.

#### II. Senate amendments in final version passing Senate were:

- A. Addition of "Upon highways of this state" placing motorcycles operating elsewhere beyond scope of law.
- B. Requirement that motorcycles operating on the highways have head lamps on.

#### III. Amendments - See computer listing for a summary of all dates.

- A. S58 - requires head lamp to be lighted
  - 1. Filed 2-8-73
  - 2. Adopted 2-23-73
- B. S67 - deletes all required protective headgear and deletes all reference to it



1. Filed 2-12-73
2. Lost 2-23-73

C. S147 - rewords S58 requiring headlamps

1. Filed 2-23-73
2. Adopted 2-23-73

D. S148 - amends opening to read "Act relating to equipment of motorcycles and motorcycle riders" rather than just motorcycle riders

1. Filed 2-23-73
2. Adopted 2-23-73

E. S145

1. Changes law to apply only to motorcycles operated on the highways, as opposed to all motorcycles operated.
2. Filed 2-23-73
3. Adopted 2-23-73

F. S144

1. Would require all retail motorcycle sales to include a helmet.
2. Would require headgear and eye-protective device unless a motorcycle is equipped with a windscreen, in which case eye-protection need not be worn. (No mention of enclosed cab, as in U.V.C.)
3. Would require commissioner to approve headgear, etc., as in U.V.C.
4. Filed 2-23-73
5. Withdrawn 2-23-73

IV. Legislative Record

- A. Amended Bill passed Senate 2-23-73 and sent to Iowa House of Representatives.
- B. Referred to Committee on State Government.

- C. Amendment filed 2-28-73 (H.117) which would require that:
  - 1. eye-protective devices be worn by all operators;
  - 2. boots be worn;
  - 3. windscreens be required equipment.
- D. Subcommittee formed 3-9-73
- E. Amendment H.155 filed would exempt law enforcement officers and parade groups from provision on helmet and eye-protection. (Last 1973 action)
- F. Subcommittee (same members) formed 1-18-74.
- G. Committee Report recommends passage 3-14-74.
- H. Amendment H.2497, filed 3-14-74, would amend Act so that it applies only to those under the age of 18.
- I. Amend H.259, filed 3-20-74, limit Act to apply only to those highways with speed limits in excess of 35 mph.
- J. Amendment H.2715, filed 4-1-74, would add a new section requiring DPI, with assistance of DPS, to develop a motorcycle course. This course may be offered in conjunction with school driver's education courses, and would be required of all applicants for motorcycle licenses. A course would also be offered for those holding a motorcycle license before the new course would be offered.
- K. Amendment 2945, filed 4-22-74 would add a new section providing that a person not wearing protective headgear which complies with the standards set by the Commissioner shall not recover damages for head injuries sustained in an accident, unless he was riding in an enclosed compartment; nor shall the estate of such a person who dies as a result of head injuries sustained in such an accident recover, unless he was riding in an enclosed cab.
- L. Amendment H.2988, filed 4-24-74, would insert a new section requiring all vehicles other than motorcycles



to display lighted head lamps from sunset to sunrise and at such other times when conditions are such that persons and vehicles on the highway are not clearly discernable at a distance of 500 feet. (Motorcycles would still be required to display a lighted head lamp at all times.)

- M. Amendment H.2987, filed 4-24-74, would change from "commissioner" to "commissioner as subject to the provisions of Chapter 17A of the Code."
- N. Amendment 2992, filed 4-24-74
1. Would require the commissioner to promulgate rules in accordance with Chapter 17A to establish standards for head and eye protective devices, giving due regard for product availability, uniform national standards, if any, and safety of and convenience to the individual.
  2. A person who operates a motorcycle without such head protection and either such eye-protection or a wind-screen shall not be in violation of this Act nor shall he be negligent per se in any civil action, but shall be subject to the provisions in 3 below (not to apply to those in an enclosed cab).
  3. A person riding a motorcycle or his estate, without head or eye protection shall not be barred from recovering damages unless his negligence is deemed greater than that of the party against whom the action is sought, but any damage allowed shall be diminished in proportion to the amount of negligence attributable to the person whose contributory negligence was causal to the death or injury.
- O. Amend H.2985, filed 4-24-74, would cause Act not to take effect until July 1, 1976.
- P. Amendment H.3011, filed 4-25-74, would amend wording of H.2992 above. Does not change the meaning of H.2992 but deletes superfluous wording.

(NO FURTHER AMENDMENTS. SESSION ENDED MAY 4, 1974)

HELMET LEGISLATION - HOUSE FILE 344

I. Summary of the Bill

A. Introduced 3-5-73

B.

1. Commissioner shall approve headgear (not eye protection), issue regulations establishing standards and specifications and publish lists of approved equipment.
2. Any operator of a motorcycle who suffers injury to the head area or dies as the result of a head injury subsequent to any accident in which he was involved and in which he was not wearing protective headgear as approved by the commissioner, in contributorily negligent, unless he was riding in an enclosed compartment.

II. History of Bill

A. Referred to Judiciary and Law Enforcement Committee 3-5-73

B. Subcommittee 3-9-73

C. 1973 Session ends

D. New subcommittee 1-18-74

NO FURTHER ACTION ON BILL. NO AMENDMENTS FILED.



ISTORY: SENATE FILE  
00' BY STATE GOVERNMENT.

# 135

01 A BILL FOR AN ACT RELATING TO EQUIPMENT OF MOTORCYCLES AND MOTORCYCLE  
RIDERS.

010 FEB. 05 73 INTRODUCED, PLACED ON CALENDAR. S. J. 230.  
~~020 FEB. 08 73 AMENDMENT S. 58 FILED. S. J. 280.~~  
~~030 FEB. 12 73 AMENDMENT S. 67 FILED. S. J. 299.~~  
040 FEB. 23 73 AMENDMENT S. 67 LOST. S. J. 407.  
050 FEB. 23 73 AMENDMENT S. 147 FILED. S. J. 408.  
060 FEB. 23 73 AMENDMENT S. 147 ADOPTED. S. J. 408.  
065 FEB. 23 73 AMENDMENT S. 58 ADOPTED. S. J. 408.  
X070 FEB. 23 73 AMENDMENT S. 148 FILED. S. J. 408.  
080 FEB. 23 73 AMENDMENT S. 148 ADOPTED. S. J. 408.  
090 FEB. 23 73 AMENDMENT S. 145 FILED. S. J. 408.  
100 FEB. 23 73 AMENDMENT S. 145 ADOPTED. S. J. 408.  
105 FEB. 23 73 AMENDMENT S. 144 FILED. S. J. 408.  
110 FEB. 23 73 AMENDMENT S. 144 WITHDRAWN. S. J. 408.  
130 FEB. 23 73 PASSED SENATE. AYES 30, NAYS 15, S. J. 409.  
140 FEB. 23 73 EXPLANATION OF VOTE. S. J. 411.  
150 FEB. 28 73 RECEIVED, REFERRED TO STATE GOVERNMENT. H. J. 449.  
160 FEB. 28 73 AMENDMENT H. 117 FILED. H. J. 450.  
X180 MAR. 09 73 SUBCOMMITTEE, BITTLE, DOYLE, AND FERGUSON. H. J. 530.  
190 MAR. 09 73 AMENDMENT H. 155 FILED. H. J. 531.  
0200 \* \* \* \* \* END OF 1973 ACTIONS \* \* \* \* \*  
0210 JAN. 18 74 SUBCOMMITTEE, BITTLE, DOYLE, AND FERGUSON H. J. 110.  
0220 MAR. 14 74 COMMITTEE REPORT. H. J. 1016.  
0230 MAR. 14 74 RECOMMENDED PASSAGE. H. J. 1016.  
0240 MAR. 14 74 AMENDMENT H. 2497 FILED. H. J. 1021.  
0250 MAR. 15 74 COMMITTEE REPORT ADOPTED. H. J. 1023.  
0260 MAR. 20 74 AMENDMENT H. 2590 FILED. H. J. 1136.  
0270 APR. 01 74 AMENDMENT H. 2715 FILED. H. J. 1389.  
X280 APR. 22 74 AMENDMENT H. 2945 FILED. H. J. 1978.  
0290 APR. 24 74 AMENDMENT H. 2988 FILED. H. J. 2077.  
0300 APR. 24 74 AMENDMENT H. 2987 FILED. H. J. 2078.  
0320 APR. 24 74 AMENDMENT H. 2992 FILED. H. J. 2078.  
0325 APR. 24 74 AMENDMENT H. 2985 FILED. H. J. 2085.  
0330 APR. 25 74 AMENDMENT H. 3011 FILED. H. J. 2123.

FILED  
FEB 5 1973

SENATE FILE 135  
By COMMITTEE ON STATE GOVERNMENT

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

## A BILL FOR

1 An Act relating to equipment of motorcycle riders.

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

3 Section 1. Chapter three hundred twenty-one (321), Code  
4 1973, is amended by adding the following new section:

5 NEW SECTION. EQUIPMENT OF MOTORCYCLE RIDERS.

6 1. No person shall operate or ride upon a motorcycle  
7 unless:

8 a. He is wearing protective headgear which complies with  
9 standards established by the commissioner; and

10 b. He is wearing an eye-protective device of a type  
11 approved by the commissioner, except when the motorcycle is  
12 equipped with a windscreen.

13 2. This section shall not apply to persons riding within  
14 an enclosed cab.

15 3. The commissioner shall approve or disapprove protective  
16 headgear and eye-protective devices required by this section  
17 and issue and enforce regulations establishing standards and  
18 specifications for the approval of protective headgear and  
19 eye-protective devices. The commissioner shall publish lists  
20 of all protective headgear and eye-protective devices which  
21 have been approved.

### 22 EXPLANATION

23 The present law providing for the operation of motorcycles  
24 is almost identical to provisions of the Uniform Vehicle Code  
25 with one notable exception. Iowa does not require persons



1 on motorcycles to wear protective headgear. This bill requires  
2 motorcycle riders to wear protective headgear and requires  
3 ~~operators to wear eye-protective equipment unless the cycle~~  
4 is equipped with a windscreen.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

By COMMITTEE ON STATE GOVERNMENT

SENATE AMENDMENTS  
SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

Passed Senate, Date..... Passed House, Date .....

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

Approved .....

## A BILL FOR

1 An Act relating to equipment of motorcycles and  
2 motorcycle riders.

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

4 Section 1. Chapter three hundred twenty-one (321), Code  
5 1973, is amended by adding the following new section:

6 **NEW SECTION. EQUIPMENT OF MOTORCYCLE RIDERS.**

7 1. No person shall operate or ride a motorcycle upon  
8 the highways of this state unless:

9 a. He is wearing protective headgear which complies with  
10 standards established by the commissioner; and

11 b. He is wearing an eye-protective device of a type  
12 approved by the commissioner, except when the motorcycle is  
13 equipped with a windscreen.

14 2. This section shall not apply to persons riding within  
15 an enclosed cab.

16 3. The commissioner shall approve or disapprove protective  
17 headgear and eye-protective devices required by this section  
18 and issue and enforce regulations establishing standards and  
19 specifications for the approval of protective headgear and  
20 eye-protective devices. The commissioner shall publish lists  
21 of all protective headgear and eye-protective devices which  
22 have been approved.

23 Sec. 2. Section three hundred twenty-one point three  
24 hundred eighty-four (321.384), Code 1973, is amended by  
25 adding the following new paragraph:



26 **NEW PARAGRAPH.** No motorcycle shall be operated upon  
27 the highway of the state without a lighted head lamp.

28 **EXPLANATION**

29 The present law providing for the operation of motorcycles  
30 is almost identical to provisions of the Uniform Vehicle Code  
31 with one notable exception. Iowa does not require persons  
32 on motorcycles to wear protective headgear. This bill requires  
33 motorcycle riders to wear protective headgear and requires  
34 operators to wear eye-protective equipment unless the cycle  
35 is equipped with a windscreen.

Faint, illegible text, likely bleed-through from the reverse side of the page.

S-58

1 Amend Senate File 135 by adding the following new sec-  
2 tion:  
3 Sec. \_\_\_\_ . Section three hundred twenty-one point three  
4 hundred eighty-four (321.384), Code 1973, is amended by  
5 adding the following new paragraph:  
6 NEW PARAGRAPH. In addition, every motorcycle upon a  
7 highway within the state shall at all times display  
8 head lamps. lighted

Filed  
February 8, 1973

By WILLITS

SENATE FILE 135

S-67

1 Amend Senate File 135, page 1, as follows:  
2 1. By striking all of lines 8 and 9.  
3 2. Line 10, by striking the letter "b" and inserting  
4 in lieu thereof the letter "a".  
5 3. Lines 15 and 16, by striking the words "protect-  
6 ive headgear and".  
7 4. Line 18, by striking the words "protective head-  
8 gear and".  
9 5. Line 20, by striking the words "protective head-  
10 gear and".

Filed  
February 12, 1973

By WILLITS, TIEDEN, and RODGERS

SENATE FILE 135

S-147

1 Amend the Willits amendment S-58 to Senate File 135, by  
2 striking lines 6, 7 and 8 and inserting in lieu thereof  
3 the following:  
4 NEW PARAGRAPH. No motorcycle shall be operated upon  
5 the highway of the state without a lighted head lamp.

Filed and adopted.  
February 23, 1973

By DE KOSTER

SENATE FILE 135

S-148

1 Amend Senate File 135, line 1, by inserting after the  
2 "of" the words "motorcycles and". word

Filed and adopted  
February 23, 1973

By WILLITS



SENATE FILE 135

S-145

- 1 Amend Senate File 135 as follows:
- 2 Page 1, line 6, by striking the word "upon" and by
- 3 inserting the words "upon the highways of this state"
- 4 following the word "motorcycle".

Filed and adopted  
February 23, 1973

By GLENN

SENATE FILE 135

S-144

- 1 Amend Senate File 135 by striking everything after
- 2 the enacting clause and inserting in lieu thereof the
- 3 following:
- 4 Section 1. Chapter three hundred twenty-one (321),
- 5 Code 1973, is amended by adding the following new
- 6 sections:
- 7 NEW SECTION. SALE OF MOTORCYCLES. Any person
- 8 engaged in the sale of motorcycles at retail shall
- 9 not sell any motorcycle without including protective
- 10 headgear as a part of the sales transaction as
- 11 standard equipment for the motorcycle.
- 12 NEW SECTION. EQUIPMENT FOR MOTORCYCLE RIDERS.
- 13 A person shall not ride on any motorcycle unless he
- 14 is wearing protective headgear and an eye-protective
- 15 device which complies with the standards established
- 16 by the commissioner. An eye-protective device shall
- 17 not be required when the motorcycle is equipped with
- 18 a windscreen. The provisions of this section shall
- 19 not apply to the operator of a motorcycle.
- 20 NEW SECTION. DEPARTMENTAL RULES. The commissioner
- 21 shall approve or disapprove protective headgear and
- 22 eye-protective devices required by this Act and issue
- 23 and enforce regulations establishing standards and
- 24 specifications for the approval of protective headgear
- 25 and eye-protective devices. The commissioner shall

Page 2

- 1 publish lists of all protective headgear and eye-
- 2 protective devices which have been approved.

Filed and withdrawn  
February 23, 1973

By GLUBA

H-117

- 1 Amend Senate File 135, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, lines 12 and 13, by striking the words
- 4 ", except when the motorcycle is equipped with a
- 5 windscreen".
- 6 2. Page 1, by inserting after line 13, the
- 7 following new paragraph:
- 8 c. He is wearing boots not less than eighteen
- 9 inches in height.
- 10 3. Page 1, by inserting after line 22 the
- 11 following new subsection:
- 12 Every motorcycle shall be equipped with a wind-
- 13 screen of a type approved by the commissioner.

Filed  
February 28, 1973

By EDELEN of Emmet

SENATE FILE 135

H-155

- 1 Amend Senate File 135, as amended, passed by the
- 2 Senate and reprinted, as follows:
- 3 Page 1B, after line 27, insert the following new
- 4 section:
- 5 NEW SECTION. The provisions of section one (1) of
- 6 this Act shall not apply to law-enforcement officers
- 7 and members of parade groups sponsored by corporations
- 8 enumerated in section five hundred four point five
- 9 (504.5) of the Code.

H-155 Filed  
March 9, 1973

By MILLEN of Van Buren

SENATE FILE 135

H-2497

- 1 Amend Senate File 135, as passed by the Senate
- 2 and reprinted, page 1, line 7 by inserting after the
- 3 word "person" the words, "who is under the age of
- 4 eighteen years".

H-2497 Filed  
March 14, 1974

By AVENSON of Fayette

SENATE FILE 135

H-2590

- 1 Amend Senate File 135, as amended, passed, and
- 2 reprinted by the Senate, page 1, line 8, by striking
- 3 the words "the highways of this state" and inserting
- 4 in lieu thereof the words "any highway of this state
- 5 which has a posted speed limit in excess of thirty-
- 6 five miles per hour".

H-2590 Filed  
March 20, 1974

By BRANSTAD of Winnebago



H—2715

1 Amend Senate File 135, as amended, passed, and re-  
 2 printed by the Senate, page 1B, by inserting after  
 3 line 27 the following new section:  
 4 Sec. \_\_\_\_ . NEW SECTION. The department of public  
 5 instruction shall, with the assistance of the depart-  
 6 ment of public safety, develop and provide a course  
 7 of instruction on the safe operation of motorcycles  
 8 which shall be offered to any person after July 1, 1975.  
 9 The department of public instruction may provide that  
 10 this course be offered in the public schools in con-  
 11 junction with the drivers education courses offered  
 12 pursuant to section three hundred twenty-one point  
 13 one hundred seventy-eight (321.178) of the Code. Per-  
 14 sons applying for a license to operate a motorcycle  
 15 after July 1, 1975 shall not be issued such license  
 16 until the applicant has submitted proof of satisfactorily  
 17 completing the course of instruction. The department  
 18 of public instruction shall offer a course of instruc-  
 19 tion for persons who have obtained a license to operate  
 20 a motorcycle before July 1, 1975.

H—2715 Filed  
 April 1, 1974

By HORN of Linn

## SENATE FILE 135

H—2945

1 Amend Senate File 135, as amended, passed, and re-  
 2 printed by the Senate, page 1B, by inserting after  
 3 line 27 the following new section:  
 4 Sec. \_\_\_\_ . NEW SECTION. A person who operates a  
 5 motorcycle without wearing protective headgear which  
 6 complies with standards established by the commis-  
 7 sioner shall not recover damages for head injuries  
 8 sustained in an accident unless he was riding in an  
 9 enclosed compartment. The estate of a person who  
 10 operated a motorcycle without wearing protective  
 11 headgear which complies with standards established  
 12 by the commissioner shall not recover any damages if  
 13 the decedent died as a result of head injuries  
 14 sustained in an accident, unless he was riding in an  
 15 enclosed compartment.

H—2945 Filed  
 April 22, 1974

By HORN of Linn

H—2988

- 1 Amend Senate File 135, as amended, passed and re-  
2 printed by the Senate, as follows:  
3 1. Page 1, by inserting before line 23 the follow-  
4 ing new section:  
5 Sec. \_\_\_\_\_. Section three hundred twenty-one point  
6 three hundred eighty-four (321.384), subsection one  
7 (1), Code 1973, is amended to read as follows:  
8 1. Every motor vehicle other than a motorcycle,  
9 upon a highway within the state, at any time from  
10 sunset to sunrise, and at such other times when con-  
11 ditions such as fog, snow, sleet, or rain provide in-  
12 sufficient lighting to render clearly discernible per-  
13 sons and vehicles on the highway at a distance of  
14 five hundred feet ahead, shall display lighted head  
15 lamps as provided in section 321.415, subject to  
16 exceptions with respect to parked vehicles as here-  
17 inafter stated.  
18 2. Page 1, line 25, by striking the word "para-  
19 graph" and inserting in lieu thereof the word "sub-  
20 section".  
21 3. Page 1B, by striking lines 26 and 27, and in-  
22 serting in lieu thereof the following:  
23 NEW SUBSECTION. Every motorcycle shall display  
24 lighted head lamps as provided in section three hundred  
25 twenty-one point four hundred fifteen (321.415), at  
26 all times when the motorcycle is being operated on  
27 a highway in this state.  
28 4. By renumbering sections in conformity with  
29 this amendment.

H—2988 Filed  
April 24, 1974

By MONROE of Des Moines

SENATE FILE 135

H—2987

- 1 Amend Senate File 135, as amended, passed and re-  
2 printed by the Senate, page 1, line 16, by inserting  
3 after the word "commissioner" the words ", subject to  
4 the provisions of chapter seventeen A (17A) of the  
5 Code,".

H—2987 Filed  
April 24, 1974

By MONROE of Des Moines



1 Amend Senate File 135, as amended, passed and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 4 through 22 and in-  
4 serting in lieu thereof the following:

5 Section 1. Chapter three hundred twenty-one (321),  
6 Code 1973, is amended by adding the following new sec-  
7 tion:

8 NEW SECTION. EQUIPMENT PRESCRIBED FOR MOTORCYCLE  
9 RIDERS.

10 1. A person who operates or rides on a motorcycle  
11 shall be subject to the provisions of section two (2)  
12 of this Act unless he complies with each of the fol-  
13 lowing specifications:

14 a. The person is wearing protective headgear  
15 which meets the minimum standards established by the  
16 commissioner pursuant to subsection four (4) of this  
17 section.

18 b. Either the person is wearing in place an eye-  
19 protective device of a type which meets the minimum  
20 standards established by the commissioner or the motor-  
21 cycle is equipped with a windscreen.

22 2. The failure of a person to comply with subsec-  
23 tion one (1) of this section shall not constitute a  
24 violation of this chapter, nor shall such failure  
25 constitute negligence per se in any civil action.

26 3. This section shall not apply to a person  
27 riding within an enclosed cab.

28 The commissioner, pursuant to chapter seventeen A  
29 (17A) of the Code, shall promulgate rules as follows:

30 a. Establishing minimum standards and specifica-  
31 tions for the head and eye-protective devices specified  
32 in subsection one (1) of this section, giving due re-  
33 gard, insofar as practicable, to product availability,  
34 uniform national standards if any, and safety of and  
35 convenience to the individual.

36 b. Approving or disapproving head and eye-protect-  
37 tive devices according to the minimum standards es-  
38 tablished.

39 c. Identifying all protective headgear and eye-  
40 protective devices which meet or surpass the minimum  
41 standards established.

42 Sec. 2. Chapter six hundred nineteen (619), Code  
43 1973, is amended by adding the following new section:

44 NEW SECTION. COMPARATIVE NEGLIGENCE.

45 1. This section shall apply only in actions in  
46 which contributory negligence, as the term is used  
47 in this section, is alleged against the operator or  
48 a rider of a motorcycle, and may be raised only on  
49 the grounds of the failure of such a party to comply  
50 with subsection one (1) of section one (1) of this  
51 Act.

52 2. For the purpose of this section, "person"  
53 means only the operator of or a rider on a motorcycle.

54 3. Contributory negligence, including that type  
55 of contributory negligence sometimes designated as  
56 "assumption of risk", for failure to comply with  
57 subsection one (1) of section one (1) of this Act  
58 shall not bar recovery in an action by a person or  
59 his legal representative to recover damages for  
60 negligence resulting in death or in injury to the



61 person or the person's property, if such negligence  
62 was not greater than the negligence of the party  
63 against whom recovery is sought, but any damages  
64 allowed shall be diminished in the proportion to  
65 the amount of negligence attributable to the per-  
66 son whose contributory negligence was causal to the  
67 death or injury.

68 The provisions of this section shall apply to  
69 those situations in which the negligent party has  
70 the last clear chance to avoid the injury and to  
71 those situations in which the defendant's negligence  
72 consists of a failure to recognize that the plaintiff  
73 is in a zone of immediate danger.

74 2. By renumbering sections in conformity with this  
75 amendment.

H-2992 Filed  
April 24, 1974

By MONROE of Des Moines  
HORN of Linn  
JUNKER of Woodbury

SENATE FILE 135

H-2985

1 Amend Senate File 135, as amended, passed and re-  
2 printed by the Senate, page 2, by inserting before  
3 line 28 the following new section:  
4 Sec. \_\_\_\_\_. This Act shall take effect on July 1,  
5 1976.

H-2985 Filed  
April 24, 1974

By MONROE of Des Moines

SENATE FILE 135

H-3011

1 Amend the Monroe, et al., amendment H-2992 to  
2 Senate File 135, as passed by the Senate and reprinted,  
3 by striking from line 12 the words "each of".

H-3011 Filed  
April 25, 1974

By JUNKER of Woodbury



PRESSETERKEY FOR NEXT PAGE

RY: HOUSE FILE # 344  
BY HORN.

A BILL FOR AN ACT RELATING TO PROTECTIVE HEADGEAR FOR MOTORCYCLE OPERATORS, AND FAILURE OF OPERATORS TO COMPLY THEREWITH.

MAR. 05 73 INTRODUCED, REFERRED TO JUDICIARY AND LAW ENFORCEMENT.  
H. J. 486.

MAR. 09 73 SUBCOMMITTEE, NIELSEN, STROTHMAN, AND WEST. H. J. 530.  
\* \* \* \* \* END OF 1973 ACTIONS \* \* \* \* \*

JAN. 18 74 SUBCOMMITTEE, EDELEN, HILL, JESSE, ANDERSON, AND NEWHARD.  
H. J. 108.

BY DOYLE, NIELSEN, FULLERTON, PETERSON, HANSEN, MILLER OF CALHOUN,  
AND CONNORS (KELLY)

A BILL FOR AN ACT RELATING TO THE METHOD OF PAYING COURT REPORTERS.

MAR. 05 73 INTRODUCED, REFERRED TO COUNTY GOVERNMENT. H. J. 486.

MAR. 09 73 SUBCOMMITTEE, BORTELL, O HALLORAN, AND EDELEN. H. J. 530.

MAR. 27 73 COMMITTEE REPORT. H. J. 640.

MAR. 27 73 RECOMMENDED PASSAGE. H. J. 640.

MAR. 28 73 COMMITTEE REPORT ADOPTED. H. J. 648.

\* \* \* \* \* END OF 1973 ACTIONS \* \* \* \* \*

JAN. 14 74 RETURNED TO COUNTY GOVERNMENT. H. J. 9.

## BLOOD ALCOHOL CONCENTRATION TESTING LEGISLATION

Legislation to require blood alcohol concentration (BAC) tests of individuals involved in fatal crashes was introduced in both houses of the Iowa Legislature during the Second Session of the 65th General Assembly. Major progress toward passage was made by the House Bill (HF 1071), with the Bill passing the House April 23, 1974. Once in the Senate, the Bill was referred to the Judiciary Committee, where it died at the close of the session.

The progress of the Bill and the nature of the opposition to it can best be seen by reviewing the following outline of its history and the text of the amendments proposed. Included in addition to the outline are copies of both House and Senate Bills as introduced, computer listings of the history of both, and copies of all amendments proposed.

### HOUSE FILE 1071: BAC Testing

- I. Standard 8 - Evaluation procedures may be performed if:
  - A. Quantitative tests are required of all drivers and on all pedestrians 15 years of age or older who die within 4 hours after involvement in a crash and who die from injuries sustained in the crash.
  - B. No internal embalming procedures are performed by individuals having custody of deceased persons until authorized to do so by the post-mortem investigator.
  - C. Specimen analysis is performed which is specific for ethyl alcohol.
  - D. Chemical tests are performed on at least 90% of drivers and pedestrians over age 15 who die within 4 hours of a crash.
  - E. Data are tabulated monthly for local jurisdictions and the State.
- II. Provisions of House File 1071 (Also Senate Companion Bill, Senate File 1045)
  - A. Requires that chemical tests be performed to determine alcohol concentration and concentration of controlled substance, if feasible, in the blood of any motor vehicle operator who is killed in a crash or who dies within 4 hours after a crash.



- B. A report shall be filed with the State Department of Public Safety within 5 days from the data such tests are conducted.
- C. DPS shall use the information for statistical purposes and the records shall be public records under Chapter 68A of the Code of Iowa.
- D. Note that the Act would require BAC testing of all drivers and of no pedestrians who are killed in crashes or who die within 4 hours of a crash.

### III. History of the Bill

- A. Introduced and referred to Committee on State Government 1-28-74.  
Subcommittee formed 2-1-74  
Sifting recommends calendar 4-17-74
- B. Amendment H.2076, 1-30-74; proposed by Miller (Calhoun) and Brinck (Lee).
  - 1. Would make records not public record.
  - 2. Would make records available to an attorney representing a party in a court action if he obtains a district court order.
  - 3. Withdrawn 4-23-74
- C. Amendment H.2411, 3-6-74; proposed by Kreamer (Polk)
  - 1. Strikes all of H.F. 1071.
  - 2. Amends Iowa's implied consent law so that only unconscious persons are deemed to have given consent, as opposed to dead persons as well.
  - 3. Would require the county medical examiner to perform BAC tests when the operator of a motor vehicle, any passenger, or any pedestrian over the age of 14 is killed in a crash or dies within 4 hours of involvement in a crash. Such tests would be required of all deceased persons and all surviving drivers of involved vehicles. Test is also to be for concentration of controlled substance if feasible.
  - 4. Withdrawn 4-22-74.

- D. Amendment H.2934, filed 4-19-74; proposed by Hargrove (Johnson)
1. Amends Kreamer amendment as follows: Would require records to be used for statistical purposes only and the identity of such persons not be revealed.
  2. Withdrawn, 4-22-74.
- E. Amendment H.2935, filed 4-19-74; amends Kreamer Amendment, proposed by Hargrove (Johnson)
1. Alters wording of Iowa's implied consent law as it would read in Kreamer amendment above. This change would make the law compatible with 2 below.
  2. Would require the consent of the deceased father, mother, spouse or son, or daughter, depending on the age of the son or daughter.
  3. Withdrawn, 4-22-74.
- F. Amendment H. 2937, filed 4-19-74; proposed by Hargrove (Johnson)
1. Amends Kreamer's Amendment by not allowing the results of a test to be used in any civil action.
  2. Withdrawn 4-22-74.
- G. Amendment H.2941, filed 4-22-74; proposed by Kreamer (Polk)
1. Would strike everything after the enacting clause and amend the Act as follows:
    - a. Repeats C.2 above, in Kreamer H.2411.
    - b. Adds a new section so that when any motor vehicle operator or any pedestrian over age 15 is killed within 4 hours of involvement in an accident, tests for BAC, and controlled substance concentration, if feasible, shall be performed on the blood of all deceased persons and on all surviving drivers of vehicles directly or indirectly involved.
  2. This amendment is poorly worded, as no BAC test would be performed if only a pedestrian under age 15 were killed in a crash.
  3. Divided and Adopted 4-23-74.



- H. Amendment H.2942, filed 4-22-74
1. Amends the implied consent law so that test may be performed only on an unconscious person (deletes references to dead) and only then if the mother, father, spouse, son or daughter, has given consent for such a test to a licensed physician.
  2. Lost, 4-22-74.
- I. Amendment H.2946, filed 4-22-74; proposed by Hargrove (Johnson)
1. Amends Bill to permit use of BAC information collected under the Act for statistical purposes only and to forbid the revelation of individual identities.
  2. Withdrawn, 4-23-74, amendment H.2956 substituted.
- J. Amendment H.2949, filed 4-22-74; proposed by Lipsky (Linn)
1. Eliminates any reference to age in H.2941 (Kreamer, II), thus in any pedestrian death BAC tests would be performed, and would be performed regardless of the age of the individuals involved.
  2. Adopted, 4-22-74.
- K. Amendment H.2951, filed 4-22-74; proposed by Miller (Calhoun) and Brinck (Lee)
1. Amends Kreamer H.2941, by requiring that test results not be made public unless so ordered by a district court judge when the publications of such results are in the interest of justice.
  2. Withdrawn, 4-23-74.
- L. Amendment H.2952, filed 4-22-74; proposed by Hill (Polk) and Knok (Pottawattamie)
1. Amends Kreamer, H.2941, to require the test only of deceased persons and not of "all drivers directly or indirectly involved."
  2. Adopted, 4-23-74.

- M. Amendment H.2956, filed 4-23-74; proposed by Connors (Polk), Kreamer (Polk), Hargrove (Johnson) and Nielson (Polk)
1. Requires the results of tests not be made public in a manner which identifies individuals except to a party or potential party to a civil suit or his attorney, or to a county attorney for the purpose of preparing a criminal action arising out of such an accident. Such information is to be held in confidence except to the extent that it is admissible as evidence.
  2. Substituted for H.2946, 4-23-74.
  3. Adopted, 4-23-74.
- N. PASSED HOUSE, 4-23-74.
- O. Sent to Senate, 4-25-74.
- P. Referred to Judiciary Committee, 4-26-74.

SESSION ENDED MAY 4, 1974. BILL DIED IN COMMITTEE.



BY: SENATE FILE # 1043  
BY PLYMAT, PRIEBE, RAMSEY, ROBINSON AND TAYLOR (KREAMER, DUNLAP,  
HIGGINS, HUTCHINS AND WULFF).

A BILL FOR AN ACT TO REQUIRE THE TAKING OF BLOOD SAMPLES FROM DECEASED  
PERSONS KILLED IN AUTOMOBILE ACCIDENTS TO DETERMINE THE PRESENCE OF  
ALCOHOL AND CONTROLLED SUBSTANCES.

JAN. 24 74 INTRODUCED, PASSED ON FILE. S. J. 194.  
JAN. 25 74 REFERRED TO JUDICIARY. S. J. 203.  
FEB. 08 74 SUBCOMMITTEE, COLEMAN, SHAW, AND RILEY. S. J. 340.

BY: HOUSE FILE # 1071  
BY KREAMER, DUNLAP, HIGGINS, HUTCHINS AND WULFF (PLYMAT, PRIEBE, RAMSEY,  
ROBINSON AND TAYLOR).

A BILL FOR AN ACT TO REQUIRE THE TAKING OF BLOOD SAMPLES FROM DECEASED  
PERSONS KILLED IN AUTOMOBILE ACCIDENTS TO DETERMINE THE PRESENCE OF  
ALCOHOL AND CONTROLLED SUBSTANCES.

JAN. 28 74 INTRODUCED, REFERRED TO STATE GOVERNMENT. H. J. 211.  
JAN. 30 74 AMENDMENT H. 2076 FILED. H. J. 261.  
FEB. 01 74 SUBCOMMITTEE, WEST, HARPER, AND BITTLE. H. J. 292.  
MAR. 06 74 AMENDMENT H. 2411 FILED. H. J. 807.  
APR. 17 74 SIFTING RECOMMENDS CALENDAR. H. J. 1858.  
APR. 19 74 AMENDMENT H. 2934 FILED. H. J. 1946.  
APR. 19 74 AMENDMENT H. 2935 FILED. H. J. 1946.  
APR. 19 74 AMENDMENT H. 2937 FILED. H. J. 1946.  
APR. 22 74 AMENDMENT H. 2411 WITHDRAWN. H. J. 1961.  
APR. 22 74 AMENDMENT H. 2934 WITHDRAWN. H. J. 1961.  
APR. 22 74 AMENDMENT H. 2935 WITHDRAWN. H. J. 1961.  
APR. 22 74 AMENDMENT H. 2937 WITHDRAWN. H. J. 1961.  
APR. 22 74 AMENDMENT H. 2941 FILED. H. J. 1961.  
APR. 22 74 AMENDMENT H. 2942 FILED. H. J. 1962.  
APR. 22 74 AMENDMENT H. 2942 LOST. H. J. 1963.  
APR. 22 74 AMENDMENT H. 2946 FILED. H. J. 1963.  
APR. 22 74 AMENDMENT H. 2949 FILED. H. J. 1964.  
APR. 22 74 AMENDMENT H. 2949 ADOPTED. H. J. 1964.  
APR. 22 74 AMENDMENT H. 2951 FILED. H. J. 1975.  
APR. 22 74 AMENDMENT H. 2952 FILED. H. J. 1975.  
APR. 23 74 AMENDMENT H. 2956 FILED. H. J. 1990.  
APR. 23 74 SUBSTITUTED H. 2956 FOR H. 2946. H. J. 1990.  
APR. 23 74 AMENDMENT H. 2946 WITHDRAWN. H. J. 1990.  
APR. 23 74 AMENDMENT H. 2956 ADOPTED. H. J. 1990.  
APR. 23 74 AMENDMENT H. 2951 WITHDRAWN. H. J. 1990.  
APR. 23 74 AMENDMENT H. 2952 ADOPTED. H. J. 1991.  
APR. 23 74 AMENDMENT DIVISION H. 2941A ADOPTED. H. J. 1991.  
APR. 23 74 AMENDMENT DIVISION H. 2941B ADOPTED. H. J. 1991.  
APR. 23 74 AMENDMENT H. 2076 WITHDRAWN. H. J. 1991.  
APR. 23 74 PASSED HOUSE. AYES 91, NAYS 1, H. J. 1991.  
APR. 25 74 RECEIVED, PASSED ON FILE. S. J. 1606.  
APR. 26 74 REFERRED TO JUDICIARY. S. J. 1648.



FILED JAN 24 1974

SENATE FILE 1045

By PLYMAT, PRIEBE, RAMSEY,  
ROBINSON and TAYLOR  
(Kreamer, Dunlap, Higgins,  
Hutchins and Wulff)

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

## A BILL FOR

1 An Act to require the taking of blood samples from deceased  
2 persons killed in automobile accidents to determine the  
3 presence of alcohol and controlled substances.

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

5 Section 1. NEW SECTION. When the operator of a motor vehicle  
6 is killed in an accident or dies within four hours of a motor  
7 vehicle accident and upon request of a peace officer, a licensed  
8 physician, medical technologist, or registered nurse designated  
9 by a licensed physician shall make such tests as are necessary  
10 to determine the presence and percentage of concentration of  
11 alcohol, and controlled substance if feasible, in the blood of  
12 the deceased. A report shall be filed by the licensed physician,  
13 medical technologist, or registered nurse with the department of  
14 public safety within five days from the date the tests are con-  
15 ducted. The department of public safety shall use the informa-  
16 tion for statistical purposes and the records shall be public  
17 records under the provisions of chapter sixty-eight A (68A) of  
18 the Code.

### EXPLANATION

19  
20 The purpose of this bill is to permit the Department of  
21 Public Safety to gather accurate data to determine how many  
22 fatal accidents involve drunken drivers. These records are also  
23 declared to be public records. The data may serve a valuable  
24 purpose in aiding the Department to develop programs to remove  
25 the drinking driver from the roadways of this state.

LSB 3185  
bk/dg

CPB-16191 12/72



JAN 28 1974

STATE GOVERNMENT

HOUSE FILE 1071

By KREAMER, DUNLAP, HIGGINS,  
HUTCHINS and WULFF  
(Plymat, Priebe, Ramsey,  
Robinson and Taylor)

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

## A BILL FOR

1 An Act to require the taking of blood samples from deceased  
2 persons killed in automobile accidents to determine the  
3 presence of alcohol and controlled substances.

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

5 Section 1. NEW SECTION. When the operator of a motor vehicle  
6 is killed in an accident or dies within four hours of a motor  
7 vehicle accident and, upon request of a peace officer, a licensed  
8 physician, medical technologist, or registered nurse designated  
9 by a licensed physician shall make such tests as are necessary  
10 to determine the presence and percentage of concentration of  
11 alcohol, and controlled substance, if feasible, in the blood of  
12 the deceased. A report shall be filed by the licensed physician,  
13 medical technologist, or registered nurse with the department of  
14 public safety within five days from the date the tests are con-  
15 ducted. The department of public safety shall use the informa-  
16 tion for statistical purposes and the records shall be public  
17 records under the provisions of chapter sixty-eight A (68A) of  
18 the Code.

### EXPLANATION

19  
20 The purpose of this bill is to permit the Department of  
21 Public Safety to gather accurate data to determine how many  
22 fatal accidents involve drunken drivers. These records are also  
23 declared to be public records. The data may serve a valuable  
24 purpose in aiding the Department to develop programs to remove  
25 the drinking driver from the roadways of this state.

LSB 3185  
bk/dg

CPB-16200 2/73



H—2076

1 Amend House File 1071 as follows:

2 1. Page 1, line 16, by inserting after the word  
3 "shall" the word "not".4 2. Page 1, line 18, by inserting after the word  
5 "Code" the following:6 ", however, a judge of the district court shall  
7 issue an order, upon request of an attorney repre-  
8 senting a party to a court action, to the department  
9 of public safety requiring that such information be  
10 made available to the attorney making the request".H—2076 Filed  
January 30, 1974By MILLER of Calhoun  
BRINCK of Lee

## HOUSE FILE 1071

H—2411

1 Amend House File 1071 by striking everything after  
2 the enacting clause and inserting in lieu thereof the  
3 following:4 Section 1. Section three hundred twenty-one B  
5 point five (321B.5), Code 1973, is amended to read as  
6 follows:7 321B.5 ~~DEAD-OR-UNCONSCIOUS~~ UNCONSCIOUS PERSONS.  
8 Any person who is ~~dead~~, unconscious or who is other-  
9 wise in a condition rendering him incapable of consent  
10 or refusal shall be deemed not to have withdrawn the  
11 consent provided by section 321B.3, and the test may  
12 be given; provided that a licensed physician shall  
13 certify in advance of such test that such person is  
14 ~~dead~~, unconscious or otherwise in a condition render-  
15 ing him incapable of consent or refusal. In such case  
16 such condition shall obviate the requirements of  
17 arrest and advice pursuant to section 321B.6.18 Sec. 2. Chapter three hundred thirty-nine (339),  
19 Code 1973, is amended by adding the following new  
20 section:21 NEW SECTION. When the operator of a motor vehicle,  
22 any passenger in a motor vehicle, or any pedestrian  
23 fourteen years of age or older is killed or dies  
24 within four hours as a result of a motor vehicle  
25 accident, the county medical examiner shall conduct  
26 such tests as are necessary on all such deceased persons  
27 and all surviving drivers of involved motor vehicles  
28 to determine the presence and percentage of concentration  
29 of alcohol and controlled substance if feasible, in  
30 their blood. A report shall be filed by the county  
31 medical examiner with the department of public safety  
32 within five days from the date the tests are conducted.H—2411 Filed  
March 6, 1974

By KREAMER of Polk



HOUSE FILE 1071

H-2934

1 Amend the Kreamer amendment, H-2411, to House File  
2 1071 as follows:  
3 1. Line 17, by inserting after the period the words  
4 "The department of public safety may use such information  
5 for statistical purposes only and the identity of such  
6 persons shall not be revealed."  
7 2. Line 32, by inserting after the period the  
8 words "The department of public safety may use such  
9 information for statistical purposes only and the  
10 identity of deceased shall not be revealed."

H-2934 Filed  
April 19, 1974

By HARGRAVE of Johnson

HOUSE FILE 1071

H-2935

1 Amend the Kreamer amendment, H-2411, to House File  
2 1071 as follows:  
3 1. By striking lines 8 through 17 and inserting  
4 in lieu thereof the following:  
5 Any If a person who is dead, unconscious or who is  
6 otherwise in a condition rendering him incapable of  
7 consent or refusal shall-be-deemed-not-to-have-with-  
8 drawn-the-consent-provided-by-section-321B-37--and the  
9 test may be given; provided that a licensed physician  
10 shall certify in advance of such test that such person  
11 is dead, unconscious or otherwise in a condition  
12 rendering him incapable of consent or refusal and the  
13 licensed physician has received the consent to perform  
14 such a test from the mother, father, spouse, or son  
15 or daughter, if the son or daughter is eighteen years  
16 of age or older, of such person. In-such-case-such  
17 condition-shall-obviate-the-requirements-of-arrest  
18 and-advice-pursuant-to-section-321B-6-  
19 2. Line 26, by inserting after the word "persons"  
20 the words "with the consent of the father, mother,  
21 spouse, or son or daughter, if such son or daughter is  
22 eighteen years of age or older,".

H-2935 Filed  
April 19, 1974

By HARGRAVE of Johnson

HOUSE FILE 1071

H-2937

1 Amend the Kreamer amendment, H-2411, to House File  
2 1071 as follows:  
3 1. Line 17, by inserting after the period the words  
4 "The results of any test conducted under the provisions  
5 of this section shall not be introduced or used as  
6 evidence in any civil action."  
7 2. Line 32, by inserting after the period the  
8 words "The results of any test conducted under the  
9 provisions of this section shall not be introduced or  
10 used as evidence in any civil action."

By HARGRAVE of Johnson



H—2941

1 Amend House File 1071 by striking everything after  
2 the enacting clause and inserting in lieu thereof the  
3 following:

4 Section 1. Section three hundred twenty-one B  
5 point five (321B.5), Code 1973, is amended to read as  
6 follows:

7 321B.5. ~~DEAD-OR-UNCONSCIOUS~~ UNCONSCIOUS PERSONS.  
8 Any person who is ~~dead~~, unconscious or who is other-  
9 wise in a condition rendering him incapable of con-  
10 sent or refusal shall be deemed not to have withdrawn  
11 the consent provided by section 321B.3, and the test  
12 may be given; provided that a licensed physician shall  
13 certify in advance of such test that such person is  
14 ~~dead~~, unconscious or otherwise in a condition render-  
15 ing him incapable of consent or refusal. In such  
16 case such condition shall obviate the requirements of  
17 arrest and advice pursuant to section 321B.6.

18 Section 2. Chapter three hundred thirty-nine  
19 (339), Code 1973, is amended by adding the following  
20 new section:

21 NEW SECTION. When the operator of a motor vehicle,  
22 or any pedestrian fifteen years of age or older, is  
23 killed or dies within four hours as a result of a  
24 motor vehicle accident, the county medical examiner  
25 shall conduct such tests as are necessary to determine  
26 the presence and percentage of concentration of alco-  
27 hol and controlled substance, if feasible, in the  
28 blood of all such deceased persons and all surviving  
29 drivers of motor vehicles involved, directly or in-  
30 directly, in such fatal accident. A report shall be  
31 filed by the county medical examiner with the depart-  
32 ment of public safety within five days from the date  
33 the tests are conducted.

H—2941 Filed  
April 22, 1974

By KREAMER of Polk

## HOUSE FILE 1071

H—2942

1 Amend the Kreamer amendment, H-2941, to  
2 House File 1071 as follows:

3 1. By striking lines 8 through 17 and  
4 inserting in lieu thereof the following:

5 Any If a person who is ~~dead~~, unconscious  
6 or who is otherwise in a condition rendering  
7 him incapable of consent or refusal ~~shall be~~  
8 ~~deemed not to have withdrawn the consent~~  
9 ~~provided by section 321B.3, and~~ the test may  
10 be given; provided that a licensed physician  
11 shall certify in advance of such test that  
12 such person is ~~dead~~, unconscious or otherwise  
13 in a condition rendering him incapable of  
14 consent or refusal and the licensed physician  
15 has received the consent to perform such a  
16 test from the mother, father, spouse, or son or  
17 daughter, if the son or daughter is eighteen



18 years of age or older, of such person. If  
19 the licensed physician is unable to contact the  
20 mother, father, spouse, or son or daughter who is  
21 eighteen years of age or older, for the purpose  
22 of obtaining consent to perform the test, the  
23 licensed physician shall sign a statement  
24 indicating that he is unable to contact any  
25 person to obtain consent and shall conduct  
26 the test without consent. In-such-case-such  
27 condition-shall-obviate-the-requirements  
28 of-arrest-and-advice-pursuant-to-section-321B-6-

29 2. By striking in line 27 all after the  
30 first use of the comma and by striking lines  
31 28 through 33 and inserting in lieu thereof  
32 the following:

33 provided that the licensed physician  
34 has received the consent to perform such a  
35 test from the mother, father, spouse, or son  
36 or daughter, if the son or daughter is eighteen  
37 years of age or older, of such person. If  
38 the licensed physician is unable to contact  
39 the mother, father, spouse, or son or daughter  
40 who is eighteen years of age or older, for the  
41 purpose of obtaining consent to perform the test,  
42 the licensed physician shall sign a statement  
43 indicating that he is unable to contact any  
44 person to obtain consent and shall conduct the  
45 test without consent.

H—2942 Filed and lost  
April 22, 1974

By HARGRAVE of Johnson

HOUSE FILE 1071

H—2946

1 Amend the Kreamer amendment, H-2941, to  
2 House File 1071 as follows:  
3 1. By inserting after line 17 the following  
4 new paragraphs:  
5 The department of public safety may use  
6 such information for statistical purposes only,  
7 and the identity of such persons shall not  
8 be revealed.

9 2. By inserting after line 33 the following  
10 new paragraphs:  
11 The department of public safety may use such  
12 information for statistical purposes only,  
13 and the identity of such persons shall not be  
14 revealed.

H—2946 Filed  
April 22, 1974

By HARGRAVE of Johnson

HOUSE FILE 1071

H—2949

1 Amend the Kreamer amendment H-2941 to House  
2 File 1071, line 22, by striking the words "fifteen  
3 years of age or older".

H—2949 Filed and adopted  
April 22, 1974

By LIPSKY of Linn



HOUSE FILE 1071

H—2951

1 Amend the Kreamer amendment H-2941 to House File  
2 1071 as follows:  
3 1. By inserting after line 17 the following:  
4 "However, the results of such test shall not  
5 be made public unless so ordered by a judge of the  
6 district court when the publication of such results  
7 are in the interest of justice."  
8 2. By inserting after line 33 the following:  
9 "However, the results of such test shall not  
10 be made public unless so ordered by a judge of the  
11 district court when the publication of such results  
12 are in the interest of justice."

H—2951 Filed  
April 22, 1974

By MILLER of Calhoun  
BRINCK of Lee

HOUSE FILE 1071

H—2952

1 Amend the Kreamer amendment, H-2491, to House  
2 File 1071, by striking lines 27 through 30 and  
3 inserting in lieu thereof the following:  
4 "hol and controlled substance, if feasible, in the  
5 blood of all such deceased persons. A report shall  
6 be".

H—2952 Filed  
April 22, 1974

By HILL of Polk  
KNOKE of Pottawattamie

HOUSE FILE 1071

H—2956

1 Amend the Kreamer amendment, H-2941 to House File  
2 1071 as follows:  
3 1. By inserting after line 33 the following new  
4 unnumbered paragraph:  
5 "The department of public safety shall not reveal  
6 the results of any such tests in a manner which  
7 identifies an individual tested, except to a party or a  
8 potential party to a civil or criminal action arising  
9 out of any such accident or his attorney or to a  
10 county attorney for the purpose of preparing a  
11 criminal action arising from such accident. Any  
12 person obtaining such information shall maintain the  
13 information in confidence, except to the extent that  
14 it is admissible as evidence under section three  
15 hundred twenty-one B point ten (321B.10) of the Code."

H—2956 Filed, substituted  
for amendment H-2946 and adopted  
April 23, 1974

By CONNORS of Polk  
KREAMER of Polk  
HARGRAVE of Johnson  
NIELSEN of Polk



HOUSE CONCURRENT RESOLUTIONS

HCR 12, 1-30-73

Urges Congress to take action to require that the sides of railroad cars be marked with luminous paint or tape

(Laid over under Rule 25)

HCR 21, 3-2-73

Creates a committee to study Iowa's motor vehicle laws and the U.V.C. and authorizes that committee to retain consultants, etc., so as to return with a report and legislative bill drafts.

(Laid over under Rule 25)

HCR 58, 6-7-73

Creates a study committee to determine the effectiveness of present motor vehicle safety inspection in this state and to prepare legislation to implement the operation of state motor vehicle inspection stations. The committee is to report to the 1974 session of the Legislature.

(Laid over under Rule 25)

HCR 111, 2-7-74

In view of the inconvenience and cost of issuing registration plates annually and the increased opportunity for violation inherent in multi-year use of plates relying on stickers, a study committee is created to review and recommend changes in the motor vehicle licensing procedure.

(Laid over under Rule 25)

SENATE CONCURRENT RESOLUTIONS

SCR 18, 1-31-73

Urges Congress to take action to require the sides of railway cars to be marked with luminous paint or tape as a safety feature.

SCR 25, 2-26-73

Creates a study committee to conduct during the 1973-74 legislative interim a "comprehensive study of Iowa's motor vehicle laws and the U.V.C.", and that the committee be authorized to retain consultants, etc., if necessary, and that a report and legislative bill drafts be prepared.

SCR 47

Creates a study committee to conduct during the interim a comprehensive study of alcohol-related highway fatalities. Committee is to prepare a report and legislative bill drafts.

SCR 104

The Senate, with the concurrence of the House, recognizes the Sioux City-Woodbury County ASAP as a demonstration project for the State, and that highway traffic safety agencies and organizations are encouraged to utilize its resources and services.

SCR 114, 3-25-74

Creates a study committee on an inter-city bikeway network and uniform regulation of bicycle transportation. The committee is to prepare a report and legislative bill drafts. The resolution makes clear that the safety of bicyclists on the highways was a significant reason for the creation of the study committee.

31723 021181847