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SERVICE BULLETIN

OF THE

IOWA STATE HIGHWAY COMMISSION

MAY

SUPPLEMENT TO VOL. XV. NO. 5

1927

Primary Road Laws

Primary Road Control Law

(42 G. A., Ch. 101, S. F. 104; Ch. 102, S. F. 352; Ch. 103, S. F. 353)

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(Ch. 241, Ch. 242, Compiled Code 1924.)

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SERIES OF 1927

IOWA STATE HIGHWAY COMMISSION

AMES, IOWA

IOWA PRIMARY ROAD CONTROL LAW

(42 G. A., Chapter 101, S. F. 104)

AN ACT to amend, revise, and codify sections forty-six hundred twenty-two (4622), forty-six hundred twenty-three (4623), forty-six hundred eighty-seven (4687) to forty-seven hundred six (4706), inclusive, section forty-seven hundred eight (4708), section forty-seven hundred twelve (4712), section forty-seven hundred eighteen (4718), section forty-seven hundred nineteen (4719), sections forty-seven hundred twenty-seven (4727) to forty-seven hundred thirty-eight (4738), inclusive, section forty-seven hundred forty-one (4741), section forty-seven hundred forty-three (4743), section forty-seven hundred forty-four (4744), section forty-seven hundred fifty-five (4755), and section five thousand one (5001) of the code, 1924, and chapter one hundred fourteen (114) of the laws of the forty-first general assembly, and to amend section five thousand two (5002) of the code, 1924, relative to the primary road system and the primary road fund, to transfer the control of the primary roads to the state, to empower the state to construct and maintain the primary road system, to do away with special assessments for paving primary roads, to refund for such assessments heretofore levied, to do away with the area basis for allotting primary road funds among the counties, to provide for an increase in the membership of the state highway commission, to further prescribe their rights and duties, and limiting their powers with respect to creating an obligation against the state.

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

Sections forty-six hundred eighty-seven (4687) to forty-seven hundred six (4706), inclusive, section forty-seven hundred eight (4708), section forty-seven hundred twelve (4712), section forty-seven hundred eighteen (4718), section forty-seven hundred nineteen (4719), sections forty-seven hundred twenty-seven (4727) to forty-seven hundred thirty-eight (4738), inclusive, section forty-seven hundred forty-one (4741), section forty-seven hundred forty-three (4743), section forty-seven hundred forty-four (4744), section forty-seven hundred fifty-five (4755), and section five thousand one (5001) of the code, 1924, and chapter one hundred fourteen (114) of the laws of the forty-first general assembly, are hereby amended, revised, and codified to read as follows:

Federal Aid Acceptance Authorized

Section 1. The state highway commission is empowered on behalf of the state to enter into any arrangement or contract with and required by the duly constituted federal authorities, in order to secure the full cooperation of the government of the United States, and the benefit of all present and future federal allotments in aid of highway construction, reconstruction, improvement or maintenance. The good faith of the state is hereby pledged to cause to be made available each year, sufficient funds to equal the total of any sums now or hereafter apportioned to the state for road purposes by the United States government for such year, and to maintain the roads constructed with said funds.

[Code 4688 Modified.]

Primary and Secondary Road Systems Defined

Section 2. The highways of the state are, for the purposes of this act, divided into two systems, to wit: the primary road system and the secondary road system. The primary road system shall embrace those main market roads (not including roads within cities and towns) which connect all county seat towns and cities and main market centers, and which have already been designated as primary roads under chapter 241, code of 1924; provided, that the said designation of roads shall be, with the consent of the federal authorities, subject to revision by the state highway commission. Any portion of said primary system so eliminated by any changes shall revert to and become a part of the system from which originally taken. The state highway commission may, for the purpose of affording access to cities, towns or state parks, or for the purpose of shortening the direct line of travel on important routes or to effect connections with inter-state roads at the state line, add such road or roads to the primary road system, but no other increase shall be made in the mileage of the primary roads until the present primary road mileage has been completed as this act provides.

[Code 4689 Modified.]

Primary Road Fund Created

Section 3. There is hereby created a fund which shall be known as the primary road fund, which shall embrace all federal aid road funds, all funds derived from year to year by the state under acts regulatory of motor vehicles (except such portion of such motor vehicle

fees as may by law be set aside for the state highway commission support fund, the motor vehicle department support fund, the refund account, and the reimbursement of county treasurers for collecting the motor fees) all gasoline tax funds devoted to the primary road system, and all other funds that may by law be appropriated for the use of the primary road fund.

[Part of Code 4690 Modified.]

Purpose for Which Primary Road Fund May Be Used

Section 4. Said primary road fund is hereby appropriated for and shall be used in the establishment, construction and maintenance of the primary road system, including the drainage, grading, surfacing, construction of bridges and culverts, the elimination or improvement of railroad crossings, the acquiring of additional right of way, the payment of interest and redemption of any bonds issued in anticipation of said primary road fund, and all other expense incurred in the construction and maintenance of said primary road system, the costs of issuance and redemption of any bonds issued in anticipation of said primary road fund, and the refund of special assessments for paving.

[Part of Code 4690 Modified.]

County Fund Expenditures Reimbursed by Primary Funds

Section 5. *Where additional right of way has been acquired, or where bridges have been built on the primary roads under the supervision of the highway commission, and paid for out of the county road or bridge funds since April 19, 1919, said county shall be reimbursed for said right of way and said bridges out of the primary road fund within three (3) years from the taking effect of this act; provided, however, that any county that has received, or will receive during the year of 1927, primary road money for use on secondary roads, the amount of such primary road money so received by such county and used on the secondary roads shall be deducted from the amount of refunds provided for herein. The refunds made to any county under this section shall at the option of the board of supervisors of said county be placed to the credit of the county road fund or the county bridge fund.

[Part of Code 4690 Modified.]

*Amendment by Senate File 353, 42nd General Assembly. See page 10.

Primary Road Fund Accounting by Highway Commission

Section 6. The state highway commission shall keep accounts in relation to the primary road fund and each primary road bond fund, crediting each fund with all amounts by law creditable thereto and charging each with the amount of all duly and finally approved vouchers for claims properly chargeable thereto. Said highway commission's accounts shall also show the amount of each separate authorization of primary road bonds, and the amount, number, date, maturity, and interest rate of each series of bonds actually issued.

Any balance remaining in any county's allotment of the primary road fund when this act becomes effective (after setting aside enough to maintain the primary roads of said county during 1927, and to pay the principal and interest of primary road bonds or certificates, if any, maturing in said county during 1927), shall be expended for construction work in said county according to the law prior to the time when this act becomes effective.

[Code 4692 Modified; Part New.]

Primary Road Accounting by State Treasurer and Auditor

Section 7. The account of the primary road fund kept by the state auditor and the state treasurer shall show the amount of the primary road fund with all credits thereto and disbursements therefrom. The treasurer of state shall each month certify to the state highway commission the gross amount of motor license fees collected during the preceding month, the amounts of said license fees as accredited by law provided to funds other than the primary road fund, and the amount of said license fees accredited to the primary road fund. Said treasurer shall also each month certify to the said commission as to such amounts as are received (a) from the federal government, (b) from the gasoline tax, or (c) from other sources, and credited to the primary road fund.

[Code 4693, Part New.]

Duties of Supervisors Relative to Primary Roads Transferred to Highway Commission

Section 8. The powers and duties of the board of supervisors with respect to the construction and maintenance of primary roads are hereby transferred to the state highway commission.

[New.]

Improvement of Primary System Duty of Highway Commission

Section 9. The state highway commission shall proceed with the improvement of the primary road system as rapidly as the funds become available therefor, until the entire mileage of the primary road system is graded, drained, bridged, and surfaced with gravel, pave-

ment, or other surfacing approved by the commission as adequate for carrying the traffic thereon.

No Indebtedness to Be Incurred

It shall incur no indebtedness on account of such work, except as herein specifically provided, but shall let the necessary contracts and supervise the expenditure of funds derived from primary road bonds and other sources.

Roads Must be Graded and Bridged Before Surfacing

No road shall be surfaced until it has been brought to finished grade and drained. In proceeding with the improvement of primary roads hereunder, the highway commission shall give preference to grading and bridging projects.

Paving Expenditures Limited to 30 Per Cent

Such work shall be completed at the earliest practical date, and not more than thirty (30) per cent of the primary road fund available for construction work in any year may be expended for paving until the entire mileage of the primary road system has been graded, drained and bridged.

Road Improvement Must be Equalized in All Sections of State

Improvement shall be made and carried on in such manner as to equalize the work in all sections of the state, as nearly as possible, giving special attention to bringing the sections of the state, where improvements have been retarded, to an equality and on the same basis with the more advanced sections.

Surveys, Plans and Specifications Must be Completed Before Work Is Done

Section 10. Before proceeding with the improvement of any primary road, the commission shall cause suitable surveys, plans and specifications for said proposed work to be prepared and filed in its office, and the work shall be done in accordance therewith, except in so far as the same may be modified to meet unforeseen or better understood conditions, and no such modification shall be deemed an invalidating matter.

[Code 4699 Modified.]

Contracts Required Where Estimates Exceed \$1,000

Section 11. As soon as the approved plans and specifications for any primary road construction project are filed with the state highway commission, it shall, if the estimated cost exceeds one thousand dollars (\$1,000), proceed to advertise for bids for the construction of said improvement.

No Contracts to State Officials or Their Relatives

No contract shall be let to any state official, elective or appointive, nor to any relative within the third degree, of a member of the state highway commission, nor to any partnership or corporation in which a member of the highway commission is financially interested. The letting of a contract in violation of the foregoing provisions shall invalidate the contract, and such violation in case of such termination, shall be a complete defense to any action to recover any consideration due or earned under the contract at the time of such termination.

[Part of Code 4700 Modified.]

Experience and Financial Responsibility of Bidders to Be Considered

Section 12. In the award of contracts, due consideration shall be given not only to prices bid but also to the mechanical and other equipment and the financial responsibility of the bidder, and his ability and experience in the performance of like or similar contracts.

Commission May Reject All Bids—Private Contracts—Day Labor

The commission may reject any or all bids and may readvertise for bids, or may let by private contract, at a cost not to exceed the lowest bid received, or if the estimated cost of the work proposed does not exceed the sum of five thousand dollars (\$5,000.00) may proceed to the construction of the same by day labor.

Contracts Must Be in Writing and Secured by Bonds

All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof, as provided by law.

[Part of Code 4700 Modified.]

Supervision, Inspection and Direction of Work Charged to Commission

Section 13. The state highway commission is expressly charged with the duty of supervision, inspection and direction of the work of construction of primary roads on behalf of the state, and of supervising the expenditure of all funds paid on account of such work by the state or the county on the primary system and it shall do and perform all other matters and things necessary to the faithful completion of the work herein authorized.

[Part of Code 4701 Modified.]

Engineers Must Give Bonds

Section 14. All engineers having responsible charge of any improvements, shall give bonds for the faithful performance of their duties and for like accounting for all property

entrusted to their custody. All bonds given by such engineers in the employ of the state highway commission shall be deemed to embrace any and all improvements of which they may be in charge.

[Part of Code 4701.]

Improvement and Maintenance Expenditures Paid by Primary Funds

Section 15. All claims for improving and maintaining the primary road system shall be paid from the primary road fund provided however that when bonds have been issued for improving the primary roads, construction claims may be paid from such bond fund.

[Part of Code 4702 Modified.]

Auditing and Payment of Claims

*Section 16. All claims shall be itemized upon voucher forms prepared for that purpose, sworn to by the claimants, certified to by the engineer in charge, audited by the state highway commission, and then forwarded to the state board of audit for final audit. Vouchers, after such final audit by the state board of audit, shall then be forwarded to the auditor of state, who shall draw warrants therefor, and said warrants shall be paid by the treasurer of state from the primary road fund.

[Part of Code 4702 Modified.]

*Amendment by Senate File 353, 42nd General Assembly. See page 10.

Partial Payment on Claims Not Final Acceptance of Work

Section 17. Partial payments may be made on the work during the progress thereof, but no such partial payment shall be deemed final acceptance of the work nor a waiver of any defect therein. The approval of any claims by the state highway commission may be evidenced by the signature of the chairman of said commission or of a majority of the commissioners on the individual claims or on the abstract of a number of such claims with the individual claims attached to said abstract.

[Part of Code 4702 Modified.]

Primary Road Contingent Fund Established

Section 18. The state treasurer is hereby directed to set aside from the primary road fund the sum of three hundred thousand dollars to be known as the primary road contingent fund.

[Code 4703 Modified.]

Claims Payable from Contingent Fund

Section 19. When claims for labor, freight, or other items which must be paid promptly and which are payable from the primary road fund or from the state highway commission maintenance fund, are presented to the said commission for payment, the said commission may direct that warrants in payment of said claims be drawn on said primary road contingent fund. Such warrants when so drawn and signed by the auditor of the state highway commission, shall be honored by the state treasurer for payment from said contingent fund.

[Code 4704.]

Contingent Fund Audit Prescribed

Section 20. The claims in payment of which warrants are drawn on the primary road contingent fund, shall be audited in the usual manner prescribed by law and shall have noted thereon that warrants in payment thereof have been drawn on the said contingent fund. After the final audit of such claims, the state auditor shall draw warrants therefor payable to the treasurer of state and forward the same to the state highway commission for record. When such warrants have been recorded in the office of the said commission, they shall be forwarded to the state treasurer who shall redeem the same, charge them to the proper fund and credit the primary road contingent fund with the amount thereof.

[Code 4705.]

Auditor for State Highway Commission

*Section 21. The director of the budget shall establish and maintain an auditing department in the office of the state highway commission. The director is authorized to employ an auditor and the help necessary to audit all claims and check the records of the state highway commission and their assistants. No claims shall be presented to the state highway commission until said auditor has approved the same. Said auditor shall give a bond to the state in the sum of \$50,000 for the faithful performance of the duties. All expenses for the maintenance of said auditing department and the cost of the bond for the auditor shall be paid from the support funds of state highway commission provided for in section 34 of this act.

*Amended by Senate File 353, 42nd General Assembly. See page 10.

[Code 4706 Modified.]

Special Paving Assessments to be Refunded

Section 22. In all cases where special assessments for hard surfacing primary roads

have heretofore been levied under the provisions of chapter 237, acts of the 38th G. A. and amendments thereto, all of the same shall be refunded in the amounts levied, less any refunds heretofore made, out of the primary road fund or out of funds arising from the sale of primary road bonds. No special assessments for paving primary roads shall be levied after this act becomes effective.

[Part of Code 4708 Modified.]

Paving Assessments to be Refunded Within Five Years

Section 23. The state highway commission shall determine the time when such refund shall be made of the assessments levied in any hard surfacing district; provided that refunds shall be made in all districts within a period of five years from the date this act becomes effective.

[New.]

No Interest Payable on Deferred Paving Installments

Section 24. In no case shall interest be allowed on amounts so refunded. Interest on deferred installments shall cease on date of call of the last outstanding certificates of the district.

[Part of Code 4708 Modified.]

Manner of Refunding Special Assessments

Section 25. When it shall have been determined to make the refund of assessments in any particular district, the highway commission shall so advise the county treasurer, and by proper voucher pay over to the county treasurer the amount necessary to make a refund in that particular district. From the reimbursement fund thus created the county treasurer shall pay and credit on the tax list the principal of all unpaid installments and redeem refund warrants drawn by the county auditor and such reimbursement fund shall be used for no other purpose.

The county treasurer shall, immediately upon receipt of funds with which to make a refund in any district, call in and redeem all then outstanding special assessment certificates of the district.

[New.]

Special Assessment Refund Claims Filed with County Auditor and Approved by Supervisors

Section 26. Claims for refund of special assessments shall be filed with the county auditor and approved by the board of supervisors. The county auditor shall draw refund warrants against the reimbursement fund of the district in payment of duly approved refund claims.

In case of sale of such adjoining lands prior to making such refund and such assessments have not been paid in full, the same shall be paid to the parties interested in proportion to the amount paid or assumed by them respectively or as may be agreed between such parties at the time such refund is made.

[Part of Code 4708 Modified.]

Primary Road Certificate Redemption from Primary Road Fund

Section 27. Any primary road certificates issued by any county under section forty-seven hundred nineteen (4719) of the code of 1924, shall be paid, with interest, from the primary road fund. The state highway commission shall make available to said county from the primary road fund a sufficient amount to pay said certificates with interest thereon.

[New.]

Existing Contracts Based on Certificates Remain in Full Force

Section 28. In any county where prior to the time when this act takes effect, contracts for improving the primary road systems have been let and based for their financial arrangements on the issuance of certificates as provided in section forty-seven hundred nineteen (4719) of the code of 1924, said section shall be deemed as remaining in full force and effect until said contracts have been completed and said certificates may be issued under said section the same as though this act had not been adopted.

[New.]

Improvement of Extensions of Primary Roads Within Cities and Towns

Section 29. The state highway commission is hereby given plenary jurisdiction, subject to the approval of the council, to purchase or condemn right of way therefor, and grade, drain, bridge, eliminate danger at railroad crossings, gravel, or hard surface any road or street which is a continuation of the primary road system and which is (1) within any town, or (2) within any city, including cities under special charter having a population of less than twenty-five hundred, or (3) within that part of any city, including cities acting under special charter where the houses or business houses average not less than two hundred feet apart.

The primary road fund shall not be charged with the cost of hard surfacing within cities

and towns specified above in excess of the cost of hard surfacing which is twenty feet in width.

[Code 4731 Modified.]

Commission Authorized to Condemn Right of Way

Section 30. In the improvement of roads hereunder, including extensions of primary roads within cities and towns as provided in the preceding section, the state highway commission shall have the authority to purchase or to institute and maintain proceedings for the condemnation of the necessary right of way therefor. All the provisions of the law relating to the condemnation of lands for public state purposes, shall apply to the provisions hereof in so far as applicable.

[Code 4732 Modified.]

Corporation Line Roads May be Included in Primary System

Section 31. Whenever any public highway located along the corporate line of any town or any city, including cities under special charter, is an extension of the primary road system, it may be included in said primary road system and may be improved and maintained as a part of the primary road system under this act.

[Code 4735 Modified.]

Corporation Line Primary Roads Maintained by Primary Funds

Section 32. Primary roads outside of cities and towns and along the corporate lines of cities and towns shall be maintained by the state highway commission under the patrol system, and the cost of said work paid from the primary road fund.

Primary Road Extensions Within Cities or Towns Maintained by Primary Funds

Extensions of primary roads within any town or within any city having a population less than twenty-five hundred, or within that part of any city, including cities under special charter, where the houses or business houses average not less than two hundred feet apart, may be maintained by the state highway commission and the cost thereof paid out of the primary road fund.

Primary Maintenance Funds Used to Aid Cities and Towns

On extensions of primary roads within that part of any city having a population over twenty-five hundred, including cities under special charter, where the houses or business houses average less than two hundred feet apart, the state highway commission may make payment to the city from the primary road fund for maintenance work performed after this act becomes effective, in no event exceeding an average of two hundred dollars per year per mile of such primary road extension.

[Code 4736 Modified.]

Purchase of Road Materials and Machinery

Section 33. The state highway commission is authorized to purchase road material or road machinery required in the improvement or maintenance of the primary roads, after receiving competitive bids, and to pay for the same out of the primary road fund, and is directed to purchase, rent or lease any machinery or other articles necessary for the use and most economical operation of the field engineering work, the testing of materials, the preparation of plans, and for all allied purposes, in order to enable the commission to carry out the provisions of this act.

[Code 4738 Modified.]

Highway Commission Support Fund Established

Section 34. There is hereby created a fund for the maintenance of the state highway commission consisting of two and one-half per cent of all moneys paid into the state treasury under the act regulatory of licenses on motor vehicles. Said fund shall be used for no other purpose than as a maintenance fund for the state highway commission and shall be drawn out only on warrants drawn by the auditor of state on itemized vouchers approved by the state highway commission. The expenditures of said commission shall be audited by the state board of audit and a full and complete report of all said expenditures shall be published in the annual report under the act creating the state highway commission.

[Code 4744 Modified.]

Bond Issue Programs Approved

Section 35. When any county has voted a bond issue for improvement of primary roads, such improvement program shall be completed as authorized by the voters of said county. Provided, all county primary road improvement programs and the amount of bonds to be issued therefor must be approved by the highway commission.

Limitation on Primary Funds Used to Pay County Bond Issues

Where primary road bonds have been issued by any county under chapter 241 or chapter 242, code of 1924, before or after this act becomes effective, or where bonds have been issued to refund such primary road bonds, the state highway commission shall each year set

aside from the primary road fund an amount equal to the interest and principal of such bonds maturing in such year. Provided, that the amount so set aside on account of any county in any year, plus the cost of maintaining the primary road system in said county during said year, shall not exceed the amount which such county would have received in said year had the primary road fund been allotted among the counties in the ratio that the area of each county bears to the total area of the state.

Manner of Making Refund Payments from Primary Road Funds

The funds so set aside are hereby appropriated for the payment of the maturing principal and interest of primary road bonds issued by said county. Thirty days prior to the maturing of any of said bonds or the interest thereon the state highway commission shall prepare a voucher in favor of the county treasurer and drawn against the primary road fund in the amount set aside therefor. Said voucher shall be paid from the primary road fund in the same manner as other primary road claims. The funds so received by any county treasurer shall be used for paying the maturing interest and principal of such bonds, and for no other purpose.

[New.]

Unexpended Balances in Various Support Funds

Section 36. *That section five thousand two (5002) of the code of 1924 is hereby amended by inserting a period (.) after the word "fund" in the ninth (9th) line thereof, and striking out all of the remainder of said section.

*For text of Section 5002, Compiled Code 1924, as amended by this act, see page 10.

Highway Commission Accounts to be Checked by Certified Accountants

Section 37. The director of the budget shall, at least once each year, cause all books and accounts of the state highway commission to be examined by certified public accountants, and a detailed report of such examinations to be filed and kept in his office.

Highway Commission to be Composed of Five Appointive Members

Section 38. *Section forty-six hundred twenty-two (4622) of the code, 1924, is hereby repealed and the following enacted in lieu thereof:

The state highway commission shall be composed of five appointive members, not more than three of whom shall belong to the same political party, and each commissioner shall serve for four years from July first of the year of his appointment, except as hereinafter provided. The office of said commission shall be located in the city of Ames, Iowa.

*Amended by Senate File 352, 42nd General Assembly. See page 10.

Members of Highway Commission, How Appointed

Section 39. Section forty-six hundred twenty-three (4623) of the code, 1924, is hereby repealed and the following enacted in lieu thereof:

Within sixty days after the convening of the general assembly in regular session in 1929, and each two years thereafter, the governor shall appoint, with the approval of two-thirds of the senate in executive session, a successor or successors to the member or members of said commission whose terms expire on July first following.

Temporary Provision for Appointing Members of Highway Commission

Section 40. *As soon as this act has been approved by the governor, the governor shall appoint, with the approval of two-thirds of the senate in executive session, three members of said commission, one of whom shall serve for a term commencing July 1, 1927, and ending July 1, 1929, and the other two members shall be appointed for a term commencing July 1, 1927, and ending July 1, 1931.

*Amended by Senate File 352, 42nd General Assembly. See page 10.

Cities Under Special Charter Under Provisions of This Act

Section 41. The provisions of this act, in so far as they pertain to cities and towns, shall apply to cities acting under special charter.

Allotments by Highway Commission Limited to Biennium Period

Section 42. All allotments made by the state highway commission to counties voting bond issues for the purpose of hard surfacing, or otherwise improving any portion of the primary road system, shall be paid for within the biennium so as not to create an obligation against the state.

Promise of Allotments from Primary Road Funds Forbidden

Section 43. The highway commission or the highway engineers shall not enter into an agreement, oral or written, with the citizens or officers of any county, to the effect that any amount of money will be furnished from the primary fund for the purpose of supplementing funds to be raised by the sale of county road bonds.

UNEXPENDED BALANCES IN VARIOUS SUPPORT FUNDS

(Section 5002, Compiled Code 1024, as amended by 42 G. A., Chapter 101, S. F. 104)

Unexpended Balances

5002. *At the close of each calendar year, any unexpended balance remaining in the maintenance fund for the state highway commission, in the maintenance fund for the motor vehicle department, and in the reimbursement fund for the payment of refunds, which have accrued from the motor license fees paid in for that period, shall be credited to the primary road fund.

*See Section 36, Senate File 104, 42nd General Assembly. Page 9.

PRIMARY ROAD CONTROL LAW AMENDMENTS

HIGHWAY COMMISSION---HOW COMPOSED---APPOINTMENT OF MEMBERS

(42 G. A., Chapter 102, S. F. 352)

AN ACT to amend the law as it appears in senate file number one hundred four (104) as enacted by the Forty-second General Assembly of Iowa, relating to the primary road system and the appointment of members of the highway commission.

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

Section 1. That the law as it appears in Senate File number one hundred four (104) as enacted by the Forty-second General Assembly of the State of Iowa be and the same is hereby amended by striking all of section thirty-eight (38) of said bill, and by substituting in lieu thereof the following:

Highway Commission Shall Be Composed of Five Appointive Members

"Section 38. From and after July 4, 1927, the state highway commission shall be composed of five appointive members, not more than three of whom shall be from the same political party, and each commissioner shall serve for four years from July first of the year of his appointment, except as hereinafter provided. The office of said commission shall be located in the city of Ames, Iowa."

Temporary Provision for Appointing Members of Highway Commission

Section 2. That the law as it appears in senate file number one hundred four (104) and as enacted by the Forty-second General Assembly of the State of Iowa, be and the same is hereby amended by striking out all of section forty (40) thereof, and by substituting in lieu thereof the following:

"Section 40. Temporary provision. As soon as this act has been approved by the governor, the governor shall appoint, with the approval of two-thirds of the senate in executive session, three members of said commission, one of whom shall serve for a term commencing July 4, 1927, and ending July 1, 1929, and the other two members shall be appointed for a term commencing July 4, 1927, and ending July 1, 1931. The two terms for which appointments were made and confirmed on February 10, 1927, shall continue and the appointees thereto shall serve for such terms."

Section 3. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Clinton Advertiser, a newspaper published in Clinton, Iowa, and the Davenport Daily Times, a newspaper published in Davenport, Iowa.

REIMBURSEMENTS---GASOLINE TAX---AUDITING CLAIMS---AUDITOR

(42 G. A., Chapter 103, S. F. 353)

AN ACT to amend the law as it appears in senate file number one hundred four (104) as enacted by the Forty-second General Assembly of the state of Iowa, relating to the improvement of the primary road system and the appointment of members of the highway commission and an auditor therefor.

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

County Fund Expenditures Reimbursed by Primary Funds

Section 1. That the law as it appears in section five (5) of senate file number one hundred four (104) as enacted by the Forty-second General Assembly of the State of Iowa, be and the same is hereby amended by striking from line six (6) thereof the word and figure "three (3)", five annual payments. The first payment to be made January 1, 1928 and the board of supervisors is authorized to issue certificates anticipating the amount to be received.

Said certificates shall not be issued for a period to exceed six (6) years nor to bear an interest rate to exceed five (5) percent.

One Cent Gasoline Tax to Provide Funds for Reimbursement

There is hereby levied on all gasoline imported and used within this state a license fee of one (1) cent per gallon, which shall be in addition to the license fee levied by chapter six (6), laws of the Forty-first General Assembly. All of the provisions and conditions of said chapter six (6), laws of the Forty-first General Assembly as amended by senate file No. 347, of the 42nd G. A., relating to the levy, collection or payment of the license fee on gasoline shall apply with equal force to the license fee levied herein. Out of the proceeds of said additional license fee the state highway commission shall, each year, set aside a sufficient amount to pay the portion of the bridge and right of way refund becoming due and payable on January first of the succeeding year. The remainder of the proceeds of said additional license fee shall be credited to the primary road fund.

Auditing and Payment of Claims

Section 2. That the law as it appears in section sixteen (16) of senate file number one hundred four (104) as enacted by the forty-second General Assembly of the State of Iowa, be and the same is hereby repealed and the following enacted in lieu thereof:

"All claims shall be itemized upon voucher forms prepared for that purpose, sworn to by the claimants, certified to by the engineer in charge, and then forwarded to the state highway commission for audit and approval. Upon the approval, by the state highway commission, of vouchers which are payable from the primary road fund, such vouchers shall be forwarded to the auditor of state, who shall draw warrants therefor, and said warrants shall be paid by the treasurer of state from the primary road fund."

Auditor for State Highway Commission

Section 3. That the law as it appears in section twenty-one (21) of senate file number one hundred four (104) as enacted by the Forty-second General Assembly of the state of Iowa be and the same is hereby repealed and the following enacted in lieu thereof:

"The state board of audit shall appoint the auditor of the state highway commission who shall give bond in the sum of fifty thousand dollars (\$50,000.00) for the faithful performance of his duties. The premium on said bond shall be paid by the state highway commission from its support fund. Said auditor shall check and audit all claims against the commission before such claims are approved by the commission, and shall keep all records and accounts relating to the expenditures of the commission. He shall, in the checking and auditing of claims against the commission, and keeping the records and accounts of the commission, be under the direction and supervision of the state board of audit, and act as an agent of said board. The state highway commission shall furnish said auditor with such help and assistants as may be necessary to properly perform the duties herein specified. The executive council may remove said auditor from office for failure to comply with the directions and instructions of the state board of audit in the performance of the duties herein required."

PRIMARY ROAD BOND LAWS

Primary Road Improvement Only.

Procedure where individual counties desire to hasten drainage, grading and hard surfacing of the primary road system within the county borders by voting bond issues remain unchanged at the close of the 42nd General Assembly. The text and section references which follow are from the Compiled Code of 1924, Chapter 241, Sections 4720 to 4726 inclusive. Also Section 4742.

Election in Re Bonds—Notice—Form of Proposition—Canvass—Procedure to Test Legality

Section 4720. If any county desires to hasten the drainage and grading or the hard surfacing of the primary roads of its county at a more rapid rate than would be accomplished by merely employing each year its allotted portion of the primary road fund for said year, it may proceed as follows: The board may submit, or, upon petition of a number of the qualified voters of the county equal to twenty per cent of the total vote cast in said county at the last preceding general election, presented to the board in writing so to do, must submit to the voters of the county at a general election, or at a special election called by the board for such purpose, the question of issuing bonds for the purpose of raising funds to meet the cost of such work, and to provide for the retirement of such bonds and interest thereon.

Notice of such election shall be given by publication once each week for two successive weeks in all the official newspapers of the county, stating the time when such election will be held, and substantially the proposition that will be submitted; the last publication to be at least five days prior to the day such election is to be held.

Special elections shall be conducted in the same manner as general elections are conducted. Said question shall be set forth on the ballots substantially as follows: "Shall the board of supervisors be authorized to issue bonds from year to year, in the aggregate amount not exceeding.....dollars, for the purpose of providing the funds for hard surfacing the primary roads of the county, and to levy a tax on all the property in the county from year to year not exceeding.....mills in any one year, for the payment of the principal and interest of said bonds, provided, however, that the annual allotments to the county of the primary road fund shall be used to retire said bonds as they mature, and only such portion of said tax shall be levied from year to year as may be necessary (1) to pay the interest annually, and (2) to meet any deficiency, if any, between the amount of the principal of the bonds and the said allotments from the primary road fund, together with assessments on benefited property provided by law." Immediately to the right of said proposition shall appear two squares of appropriate size, one above the other. Immediately after the first square shall appear the word "yes." Immediately after the other square shall appear the word "no." The voter shall indicate his vote by a cross in the appropriate square.

The returns of said elections shall be canvassed by the board, and its findings shall be entered at large in the minutes of its proceedings. No proceedings to test or review the legality or correctness of said election shall be maintainable unless instituted within thirty days after the findings of the board have been entered upon the record. The fact of each authorization of bonds by a county shall be at once certified by the county auditor to the state highway commission, with such data relative thereto as the commission may demand.

[38 G. A., ch. 237, § 25.]

Bonds—Form—Denomination—Interest — Payment

Section 4721. If a majority of the votes be in favor of such issue of bonds and tax levy, the board shall from time to time, as necessary to meet the construction cost and expenses incidental thereto, not provided for by funds immediately available from the primary road fund, or from proceeds of special benefit assessments heretofore provided for, issue serial bonds in denominations of five hundred dollars or one thousand dollars each, and at a rate of interest, payable annually, not exceeding five per cent per annum. Bonds and annual interest thereon shall mature on the first day of May. Each bond shall provide that the same shall be payable at the option of the county, on any interest payment date on or after five years from the date of the bond. No bonds shall be sold for less than par value, plus accrued interest. No bonds shall be issued with maturity date postponed more than fifteen years.

[38 G. A., ch. 237, § 26.]

Bond Levy

Section 4722. If a majority of the voters be in favor of such bond issue and tax levy, the board of supervisors shall, each year thereafter during the life of the bonds, levy on all the property of the county such part of such authorized tax as will clearly meet (1) the matured or maturing interest for the ensuing year on all such outstanding bonds, and (2) any amount of maturing principal of bonds, provided, however, that only so much of said tax shall be levied in any year for principal of said bonds, if any, as can not be met (a) by the

county's allotment of the primary road fund available for such ensuing year, and (b) by the proceeds of special assessments on benefited property.

[38 G. A., ch. 237, § 27.]

Bonds—Issuance—Sale—Retirement—Terminating Interest—Exemption from Taxation

Section 4723. All bonds issued under the provisions of this chapter shall be issued in serial form. Each issue shall be authorized by a duly adopted resolution of the board, which resolution shall be entered at large in the minutes of the board. Such resolution shall clearly specify the number of bonds authorized, the amount of each bond, the number or designation of each bond, the rate of interest which each bond shall bear from date, which interest shall not exceed five per cent per annum, payable annually, the date of maturity of each bond, and the authorization to the chairman of the board to sign, and to the county auditor to countersign, the same. When signed and countersigned, the county auditor shall charge the county treasurer with the amount of same and deliver the same to the county treasurer, who shall be responsible therefor on his bond.

The county treasurer shall, when so directed by the board, apply any part or all of said bonds in payment of any warrants duly authorized and issued for the particular purpose for which such bonds are issued, provided the same are applied, for at least par of such bonds plus all accrued interest, or the county treasurer shall, when so directed by the board, advertise and sell any part or all of said bonds for the best attainable price, and for not less than par, plus all accrued interest, and apply the proceeds wholly for a like purpose. Said advertisement shall be inserted once a week for at least two weeks in one official county paper in the county, and for a like period in at least one newspaper of general circulation throughout the state, and may include one or more periodicals devoted to the interest of investors.

Bonds of each series shall be retired in the order of the issuance of each series. The county treasurer shall, in disposing of said bonds, keep an accurate record of the name and postoffice address of all persons to whom any of said bonds are issued, with a particular designation and description of the bonds delivered to each person. Any subsequent holder of any of such bonds may present the same to the county treasurer and cause his name and postoffice address to be entered in lieu of such former holder. Whenever the fund from which such bonds are payable is sufficient to pay the legally retirable series of any issue of bonds, the county treasurer shall, by mail, as shown by his records, promptly notify the record holder thereof of such fact, and from and after the expiration of twenty days from the mailing of such notice, all interest on such bonds shall cease. If bonds are presented and paid prior to the expiration of such time, interest shall be computed only to the time of such presentation and payment. Bonds, and road certificates (whether issued in anticipation of special assessments or in anticipation of annual allotments of the primary road fund), shall not be taxed.

Nature of Bonds—Refunding. Section 4724. The bonds authorized by the preceding section are general obligations of the county. The board of supervisors may refund at any time, at a less rate of interest, primary road bonds upon which payment has become optional or unmatured primary road bonds, with the consent of the owner. Should the funds on hand not be sufficient to retire said bonds on the date of maturity thereof, the board of supervisors shall refund the same through the issuance of county funding bonds, as provided in Sections 5275 to 5277 inclusive, 5287, and 5288.

How Payable. Any refunding bonds and the interest accruing thereon shall be payable from the same funds from which the original bonds and the interest thereon were payable.

Authorization and Issuance of Bonds

Section 4725. The county auditor shall certify to the state highway commission a correct copy of each resolution which authorizes the issuance of bonds or road certificates which are anticipatory either of special assessments or annual allotments, and from time to time a like certificate as to the actual issuance of bonds or road certificates, under such resolution, together with such data relative thereto as the commission may demand.

[38 G. A., ch. 237, § 29.]

Retirement of Immature Bonds

Section 4726. Whenever available funds created under this chapter are not needed for pending or contemplated improvements, the board of supervisors may, with the consent of any holder of immatured bonds, retire the same by purchase at a price not exceeding par and accrued interest.

[38 G. A., ch. 237, § 30.]

Limitation on Indebtedness

Section 4742. The amount of bonds issued under this chapter by any county shall not, when added to all other indebtedness of the county, exceed in the aggregate three per cent on the actual value of the taxable property within such county to be ascertained by the last state and county tax list previous to the incurring of such indebtedness, any other statute to the contrary notwithstanding.

[38 G. A., ch. 237, § 43.]

NOTE: Standard forms for proceeding under the above law will be furnished by the commission on request.

Improvement of County and Primary Roads

Counties may issue bonds for the improvement of both county and primary road systems under the law as it appears in the Compiled Code of 1924, Chapter 242, Sections 4756 to 4773, inclusive.

Bonds and Taxes

Section 4756. In addition to other methods provided by law for the improvement of roads, any county having a population of more than seventy thousand may issue bonds for the purpose of raising funds to pay the cost of draining, grading, bridging, paving and/or graveling, and completing the construction of the primary and county roads and may levy taxes for the payment of such portions of said bonds and the interest thereon as are not paid by the primary road fund or the county road, drainage, and bridge and culvert funds, when authorized by a vote of the people, by proceeding as hereinafter provided.

[40 Ex. G. A., ch. 25, § 51.]

Proposed Plan

Section 4757. The board of supervisors may by resolution or upon petition of at least ten per cent of the legal voters, residents of the county, as shown by the poll books of the last preceding election, shall propose a program of highway improvement, specifying the portions of primary and/or county roads proposed to be improved, the general nature of the improvements, the time within which it is proposed to complete said improvements, and the estimated cost of each of the roads included in said program.

[40 Ex. G. A., ch. 25, § 52.]

Approval of Plan

Section 4758. The proposed program of improvement on primary roads shall be subject to the same approval by the highway commission as is required in other improvements on the primary roads.

[40 Ex. G. A., ch. 25, § 53.]

Notice of Hearing

Section 4759. The board of supervisors shall fix a time for hearing upon said proposed program of improvement and the county auditor shall cause to be published in two newspapers of general circulation in the county once each week for two weeks, a notice of such hearing and a description of the roads proposed to be improved, the general nature of the proposed improvements, and an estimate of the cost of each road proposed to be improved. At such hearing any citizen may appear and object and be heard. After the hearing the board may dismiss the proceedings or shall adopt a program for road improvements substantially as proposed.

[40 Ex. G. A., ch. 25, § 55.]

Submission of Plan

Section 4760. The board may, or upon petition of a number of qualified electors of the county equal to ten per cent of the total number of votes cast for governor in said county at the last preceding general election, must submit a program to the voters of the county at a general election or at a special election called for that purpose, the questions of issuing bonds from year to year to be designated as primary road bonds or county road bonds, as the case may be, and of raising funds with which to pay said bonds and the interest thereon as the same may become due.

[40 Ex. G. A., ch. 25, § 56.]

Form of Submission

Section 4761. The form of the ballot shall be substantially as follows:

"1. Shall the board of supervisors be authorized to issue from year to year, serial bonds to be known as primary road bonds, in the aggregate amount not exceeding dollars, to provide funds in the following amounts and for the following purposes:

a.dollars (\$.....) for draining, grading, bridging, hard surfacing and completing the construction of primary roads described as follows: (Here set forth the location of the primary roads to be graded, drained, bridged, and hard surfaced, the length and estimated cost of each portion thereof.)

b.dollars (\$.....) for draining, grading, bridging and completing construction without surfacing primary roads described as follows: (Here set forth the location of the primary roads to be drained, graded and construction work completed without surfacing, the length and estimated cost of each portion thereof.)

c.dollars (\$.....) for surfacing with gravel primary roads described as follows: (Here set forth the location of the primary roads to be surfaced with gravel, and the length and estimated cost of each portion thereof.)

2. And shall the county's allotment of the primary road fund, except such portion as is required for the maintenance of the primary road system, miscellaneous expenditures, and the payment of outstanding indebtedness (if any) against the primary road fund, be appropriated and used for the payment of said primary road bonds and interest thereon.

3. Shall the board of supervisors be authorized to issue from year to year, serial bonds to be known as county road bonds, in the aggregate amount not exceedingdollars, to provide funds for the following purposes:

a.dollars (\$.....) for draining, grading, bridging, and completing construction without surfacing, the county roads described as follows: (Here set forth the location of the county roads to be drained, graded and construction completed without surfacing, the length and estimated cost of each portion thereof.)

b.dollars (\$.....) for surfacing with gravel county roads described as follows: (Here set forth the location of the county roads to be surfaced with gravel, the length and estimated cost of each portion thereof.)

4. And shall all the county road, drainage, and bridge funds coming into the county treasury from taxes and all other sources, except such as are required for the maintenance of such roads, the construction of bridges and miscellaneous expenditures, be appropriated and used for the payment of said county road bonds and interest thereon.

5. And shall the board of supervisors of the county be authorized to levy and collect taxes on all the taxable property of the county from year to year, in amounts sufficient to pay any part of the principal and the interest on said bonds of both classes, as the same mature, which funds so appropriated are insufficient to pay.

YES ☐

NO ☐

[40 Ex. G. A., ch. 25, § 57.]

Combining or Separating Proposition

Section 4762. The propositions for the improvement of primary roads and of county roads may be submitted by the board as a single proposition or separately.

[40 Ex. G. A., ch. 25, § 58.]

Bonds—maturity—Interest

Section 4763. All bonds issued hereunder for grading, draining, bridging, or paving, shall mature in not more than fifteen years from date of issue. All bonds issued hereunder for graveling shall mature in not more than seven years from date of issue. Each bond shall show on its face the date of its maturity and shall be payable on said date. The interest rate shall not exceed five per cent per annum payable semi-annually. No bond shall be sold for less than par, plus accrued interest.

[40 Ex. G. A., ch. 25, § 59.]

Apportionment of Primary Allotment

Section 4764. If at said election, the said proposition as to primary roads or as to the primary and county roads carries, the state highway commission shall on or before September first each year during the life of said primary road bonds, set aside from said county's allotment of the primary road fund:

1. A sufficient amount to maintain the primary road system of said county during the ensuing year.

2. A sufficient amount to pay the maturing principal and interest of primary road bonds and/or certificates (if any) heretofore issued under other provisions of law.

3. A sufficient amount to meet any unavoidable miscellaneous necessary expenditures on the primary road system not properly chargeable to maintenance.

The amount remaining in said county's allotment of the primary road fund after said funds have been set aside for each year during the life of said bonds, is, in so far as necessary, hereby appropriated, dedicated, and pledged to the payment of the principal and interest of primary road bonds issued hereunder, and shall be used for no other purpose.

[40 Ex. G. A., ch. 25, § 60.]

Limitation on Bonds

Section 4765. The maximum aggregate amount of bonds to be issued serially which any county shall be authorized to issue for improving the roads in the county road system shall not be, including interest, more than one-half of the sum which might be realized by the levies allowed by law in that county for the county road, county road building, county drainage, county bridge and culvert funds during the period of years over which said bonds extend. Such maximum amount shall be determined from the millage allowed by law computed upon the assessed valuation of the real and personal property (exclusive of moneys and credits) in the county for the year last preceding the issuance of such bonds. The total sum of bonds issued for the purpose of improving primary roads by grading, draining, completing construction and graveling, shall not exceed sixty-five per cent of the estimated receipts from the primary road fund for the period for which such bonds are issued. Such estimate shall be based upon the receipts in such fund in the county for the year last preceding the issuance of such bonds.

[40 Ex. G. A., ch. 25, § 60-a1.]

Refunding to Meet Deficiency

Section 4766. If the funds so set apart for the payment of said bonds and interest are at the time of the maturity thereof insufficient to pay the same, refunding bonds may be issued

for the payment of such deficiency. Such refunding bonds shall be issued on the same terms and conditions and be payable in the same manner as the original bonds.

[40 Ex. G. A., ch. 25, § 60-a2.]

Budget Required

Section 4767. If at said election the said proposition as to county roads or as to both county and primary roads, carries, the board of supervisors shall make a budget of the county road, the county road drainage and the county bridge and culvert funds separately and shall set aside funds for each of said purposes sufficient for the maintenance and drainage of the county roads and the building of necessary county bridges and culverts.

[40 Ex. G. A., ch. 25, § 61.]

Funds Provided

Section 4768. The board of supervisors shall levy and collect from year to year a sufficient amount of taxes which, together with said appropriated funds, shall be sufficient to pay the bonds herein authorized to be issued, and the interest thereon as the same mature, for primary or county roads or both, as the case may be, and none of said funds so to be appropriated or taxes to be levied and collected shall be used for any other purpose than the payment of said bonds and interest until the same are fully paid.

[40 Ex. G. A., ch. 25, § 62.]

Limitation on Tax

Section 4769. No amount of additional taxes herein authorized for the payment of primary or county road bonds and/or interest thereon, shall be levied unless and until all the funds and maximum tax levies herein pledged respectively for such purposes have been exhausted.

[40 Ex. G. A., ch. 25, § 63.]

Limitation on Expenditures

Section 4770. The aggregate cost of improving each kind of road described in the questions submitted, shall not be more than ten per cent in excess of the estimated cost thereof.

[40 Ex. G. A., ch. 25, § 64.]

Statutes Applicable.

Section 4771. All the provisions of law with reference to voting primary road bonds and the issuance and sale thereof shall apply to bonds issued hereunder, and all provisions of the primary and county road laws, respectively, shall apply to highway improvements made hereunder, all except as herein otherwise provided.

[40 Ex. G. A., ch. 25, § 65.]

Maintenance Funds—Use

Section 4772. The funds herein authorized to be set aside for maintaining the primary and county roads, respectively, shall be sufficient, in so far as existing sources of revenue will permit, to maintain said roads continuously in a good state of repair. Consideration shall be given to the maintenance of completed roads, to the end that investment therein shall be protected and preserved. The funds so set aside for maintenance shall be used only for such purpose, and any taxpayer of the county may enforce the provisions of this section by appropriate action at law or in equity in any court of competent jurisdiction.

[40 Ex. G. A., ch. 25, § 66.]

Optional Procedure

Section 4773. Any county having a population of seventy thousand or less may adopt the additional method herein provided for the improvement of the roads of such county, but in any such county separate ballot boxes must be provided for the voters residing in cities and towns, and for the voters residing outside of cities and towns. The proposition submitted shall not be deemed to be carried in any such county unless a majority vote cast is in favor thereof both in the incorporated and unincorporated territory.

[40 Ex. G. A., ch. 25, § 66-a1.]

NOTE: Standard forms for proceeding under the above law will be furnished by the commission on request.

NEW HIGHWAY TRAFFIC LAWS

Primary Roads Declared Arterial Highways with Right of Way Over Intersecting Roads

(42 G. A., Chapter 105, S. F. 209)

AN ACT to make the primary roads arterial highways and to regulate traffic as it enters upon such highways.

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

Primary Roads Arterial Highways

Section 1. Primary roads outside of cities and towns are hereby designated as arterial highways.

Primary Roads Have Right of Way

Section 2. The traffic on such arterial highways shall have the right of way over the traffic on any other highway intersecting therewith. At the intersection of two arterial highways the state highway commission shall determine which traffic shall have the right of way.

Traffic Entering from Side Roads Must Stop

Section 3. At intersections of side roads with arterial highways the traffic on the side roads shall come to a stop before entering upon the arterial highway, or may proceed cautiously without coming to a stop as the state highway commission may determine.

Highway Commission Authorized to Place Direction Signs

Section 4. The state highway commission shall furnish and erect suitable standard signs on side roads or streets directing traffic thereon which is approaching a primary road to stop or to proceed cautiously as the case may be. The cost of such signs shall be paid out of the primary road fund. Traffic on such side roads shall comply with such signs. Failure to do so shall render the driver of such vehicle subject to a fine of not more than twenty-five dollars or imprisonment in the county jail for not more than five days or both such fine and imprisonment.

Regulations Relative to Speed of Motor Vehicles on Streets and Highways

Speed of Motor Vehicles in Cities and Towns
(42 G. A., Chapter 120, S. F. 188)

AN ACT to repeal section five thousand thirty (5030) of the code, 1924, relative to the speed of motor vehicles in cities and towns and to enact a substitute therefor. Also to amend section five thousand and twenty-nine (5029) of the code as amended by chapter fifteen (15) of the acts of the Forty-first (41st) General Assembly relative to the speed of motor vehicles outside of cities and towns.

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

Cities and Towns May Establish Motor Vehicle Speed Zones

Section 1. That section five thousand thirty (5030) of the code, 1924, is hereby repealed and the following enacted as a substitute therefor:

"Cities and towns may, by ordinance, establish a suburban district in which the maximum speed of any vehicle shall be the same as that provided by law for vehicles on the highways outside of cities and towns; a residence district in which the maximum speed of any vehicle shall be twenty-five (25) miles per hour and a business district in which the maximum speed of any vehicle shall be fifteen miles per hour.

Highway Commission to Place Speed Limit Signs

The state highway commission shall furnish and place on the extension primary roads, within any city or town that has adopted such ordinance, suitable standard signs showing the points at which the rate of speed changes and the maximum rate of speed in the district which the vehicle is entering. On all other main highways the city or town shall furnish and erect suitable signs giving similar information to traffic on such highways.

The ordinance adopted by the city or town shall fix the punishment for violation thereof, not to exceed twenty-five dollars (\$25.00) or five days in jail, which punishment shall, during the existence of such ordinance, supersede that otherwise specified in this chapter.

Forty Miles Per Hour Maximum Speed of Motor Vehicles on Public Roads

Section 2. *Section five thousand twenty-nine (5029) of the code as amended by chapter

fifteen (15) of the acts of the forty-first (41) general assembly, is hereby amended by striking out of line five (5) of said section of the code the words "thirty-five" and inserting in lieu thereof the word "forty".

*Section 5029, Compiled Code 1924, referring to speed regulations on public highways, as amended by section 2, Senate File 188, is as follows:

Section 5029. **Maximum speed.** No person shall in any event operate a motor vehicle upon the public highways at a greater rate of speed than as follows:

1. Forty miles per hour if the weight of vehicle and load is less than three tons and the vehicle is equipped with pneumatic tires, and twenty-five miles per hour if such vehicle is equipped with solid rubber tires.

2. Twenty-five miles per hour if the weight of the vehicle and load is more than three tons and less than six tons and the vehicle is equipped with pneumatic tires, and twenty miles per hour if such vehicle is equipped with solid rubber tires.

3. Sixteen miles per hour if the weight of the vehicle and load is more than six tons and the vehicle is equipped with pneumatic tires, and twelve miles per hour if such vehicle is equipped with solid tires.

4. Ten miles per hour if the vehicle or any trailer is equipped with two or more metal tires. [S., '13, Pars. 1571-m19, 1571-m20; 38 G. A., ch. 275, Par. 27; 40 Ex. G. A., H. F. 277, Par. 161.]

Passenger Carrying Motor Vehicle Speed Limit 35 Miles Per Hour

(42 G. A., Chapter 247, H. F. 476)

AN ACT to amend section fifteen (15) of chapter five (5), acts of the Forty-first (41) General Assembly, relating to the speed of passenger carrying motor vehicles.

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

*Section 1. Section fifteen (15) of chapter five (5), acts of the forty-first (41) general assembly, is hereby amended by striking from line twenty-four (24) thereof the word "thirty" and inserting in lieu thereof the word "thirty-five".

Section 2. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Des Moines Daily Record, a newspaper published at Des Moines, Iowa, and the Marshalltown Times Republican, a newspaper published at Marshalltown, Iowa.

*Section 15, Chapter 5, 41st General Assembly, as amended by H. F. 476, 42nd General Assembly, text of which is given above, is as follows:

(f) No passenger carrying motor vehicle shall be driven upon the highways at a greater rate of speed than thirty-five miles an hour, nor shall any freight carrying motor vehicle be driven upon the highways at a greater rate of speed than twenty miles per hour.

Road Machinery Operating on Highways Must Carry Red Danger Signals

(42 G. A., Chapter 106, H. F. 505)

AN ACT to require the equipping with signal lights of road machinery being used upon any public highway open to the public, and to require the placing of said signal lights upon such machinery when the same is being operated or parked after sundown, and providing penalties for violations.

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

Section 1. No tractor, motor truck, road grader, road drag, or other piece of road machinery operated by gasoline, kerosene, or coal shall be used upon any public highway in this state which is open to traffic by the public, unless there is carried at least two red danger signal lanterns or lights, each capable of remaining continuously lighted for at least sixteen (16) hours.

It shall be the duty of each person charged with the operation of any tractor, motor truck, road grader, road drag, or other piece of road machinery which is required by the preceding paragraph to carry red danger signal lights, to place and maintain in a lighted condition at least one signal light upon the front and one upon the rear of any such tractor, truck, grader, drag, or other piece of road machinery from the time the sun sets until the time the sun rises the following day, whenever the same is being operated or stationed upon any public highway open to traffic by the public.

It shall be the duty of the highway commission, the board of supervisors of each county, and each road patrolman to enforce the provisions of this act as to any such tractor, truck, grader, drag or other piece of road machinery under their direction and control, respectively.

Section 2. Any person directly chargeable with a duty under the provisions of section one

(1) hereof, and who fails to perform said duty, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed ten (10) days.

Advertising Signs Which Obstruct View of Highway and Cotton Bearing Trees Nuisances

(42 G. A., Chapter 228, H. F. 396)

AN ACT to amend section twelve thousand three hundred ninety-six (12396) of the code, 1924, relating to and defining nuisances.

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

Advertising Signs Which Obstruct View Nuisances

Section 1. Section twelve thousand three hundred ninety-six of the code, 1924, is amended by adding thereto the following subdivisions:

7. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.

Cotton Bearing Trees Declared Public Nuisances

8. Cotton bearing cottonwood trees and all other cotton bearing poplar trees in cities acting under special charter of more than fifty thousand (50,000) population.

Obstructions on Highways and Streets

(42 G. A., Chapter 240, H. F. 438)

AN ACT to amend section thirteen thousand one hundred eighteen (13118) of the code, 1924, relating to certain obstructions in highways.

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

Wire, Tin Cans and Rubbish on the Roads

Section 1. *Section thirteen thousand one hundred eighteen (13118) of the code, 1924, is hereby amended by inserting after the word "kind" in line four (4) thereof a comma (,) and the words: "wire, tin cans, or other rubbish along or".

Interference with Drags, Graders and Vehicles declared Nuisance

Section 2. *Section thirteen thousand one hundred eighteen (13118) of the code, 1924, is hereby further amended by striking the period at the end thereof and adding a comma (,) and the following words: "or in such manner as to come in contact with any road drag, grader, or other vehicle being used or driven on said streets, alleys, or highways."

*Section 13118 Compiled Code 1924 relating to obstructions on the public highway as amended by House File 438, 42nd General Assembly, is as follows:

13118. **Placing glass in highways.** It shall be unlawful for any person or persons to place or leave any broken glass, glass bottles, glassware, or glass of any kind, wire, tin cans, or other rubbish along or in the highways, or in the streets and alleys of any city or town in such a manner as to interfere with safe travel, or in such manner as to injure horses or vehicles while being used or driven on said streets, alleys, and highways, or in such manner as to come in contact with any road drag, grader, or other vehicle being used or driven on said streets, alleys, or highways.

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