

CHAPTER 123

TRANSPORTATION — MISCELLANEOUS CHANGES

H.F. 635

AN ACT relating to matters under the purview of the department of transportation, providing fees, and including effective date provisions.

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

DIVISION I AVIATION

Section 1. Section 23A.2, subsection 9, Code 2015, is amended to read as follows:

9. The state department of transportation may, in accordance with chapter 17A, provide for exemption from the application of subsection 1 for the activities related to highway maintenance, highway design and construction, publication and distribution of transportation maps, ~~state aircraft pool operations~~, inventory sales to other state agencies and political subdivisions, equipment management and disposal, vehicle maintenance and repair services for other state agencies, and other similar essential operations.

Sec. 2. REPEAL. Section 328.38, Code 2015, is repealed.

DIVISION II TRANSPORTATION DEPARTMENT AND COMMISSION

DEPARTMENT OF TRANSPORTATION

Sec. 3. Section 307.8, Code 2015, is amended to read as follows:

307.8 Expenses.

~~Members of the commission, the~~ 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 8.

Sec. 4. Section 307.12, subsection 1, paragraphs g and p, Code 2015, are amended to read as follows:

g. Appoint the ~~deputy director of transportation and the~~ administrators of within the department.

p. ~~Administer chapter 327J~~ Apply for, accept, and expend federal, state, or private funds for the improvement of transportation.

Sec. 5. Section 307.12, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. Coordinate the transportation research activities within the department.

Sec. 6. Section 307.12, subsection 2, Code 2015, is amended to read as follows:

2. If in the interest of the state, the director may allow a subsistence expense to an employee under the supervision of the department's administrator for highways responsible for highway programs and activities for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 8A.363, for moving an employee and the employee's family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals.

Sec. 7. Section 307.21, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The department's administrator of ~~administrative services~~ responsible for the operations and finances of the department shall:

Sec. 8. Section 307.21, subsection 7, Code 2015, is amended to read as follows:

7. The administrator of ~~administrative services~~ may purchase items from the department of administrative services and may cooperate with the director of the department of administrative services by providing purchasing services for the department of administrative services.

Sec. 9. Section 307.22, Code 2015, is amended to read as follows:

307.22 Planning and ~~research~~ programming activities.

1. The department's administrator of ~~responsible for transportation~~ planning and research infrastructure program development shall:

a. 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.

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

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

d. Coordinate ~~planning and research~~ duties and responsibilities with the planning functions carried on by other administrators of the department.

e. (1) Annually report by July 1 of each year, for both secondary and farm-to-market systems, miles of earth, granular, and paved surface roads; the daily vehicle miles of travel; and lineal feet of bridge deck under the jurisdiction of each county's secondary road department, as of the preceding January 1, taking into account roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. The annual report shall include those roads transferred to a county pursuant to section 306.8A.

(2) Miles of secondary and farm-to-market roads shall not include those miles of farm-to-market extensions within cities under five hundred population that are placed under county secondary road jurisdiction pursuant to section 306.4.

(3) The annual report of updated road and bridge data of both the secondary and farm-to-market roads shall be submitted to the Iowa county engineers association service bureau.

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

~~f. g.~~ Perform such other planning functions as may be assigned by the director.

2. The ~~functions function~~ of ~~planning and research~~ does not include the detailed design of highways or other modal transportation facilities, but ~~are~~ is restricted to the needs of this state for multimodal transportation systems.

Sec. 10. Section 307.24, Code 2015, is amended to read as follows:

307.24 Administration of ~~highways~~ highway programs and activities.

The department's administrator of ~~highways~~ is responsible for the planning ~~responsible for highway programs and activities shall plan, design, construction construct, and maintenance of maintain~~ the state primary highways and shall administer chapters 306 ~~to through~~ 306C, chapters 309 through 314, chapters 316 through 318, and chapter 320 and perform other duties as assigned by the director. The ~~administration of highways~~ department shall be:

1. Be organized to provide ~~administration assistance~~ for urban systems, ~~for and~~ secondary roads, and to provide other categories of ~~administration assistance~~ as necessary.

2. Devise and adopt standard plans of highway construction and furnish the same to the counties and provide information to the counties on the maintenance practices and policies of the department.

3. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, other than railroad signals or crossing lights, located adjacent to

a primary road and within three hundred feet of a railroad crossing at grade, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of trains or in observing signs erected for the purpose of giving warning of such railroad crossing.

4. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, located adjacent to a primary road and within three hundred feet of an intersection with another primary road, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of other vehicles or signs erected for the purpose of giving warning of such intersection.

5. Construct, reconstruct, improve, and maintain state institutional roads and state park roads which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as defined in chapter 173, and the roads and bridges located on property of community colleges as defined in section 260C.2, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the following manner and amounts:

- a. For department of natural resources facility roads, forty-five and one-half percent.
- b. For department of human services facility roads, six and one-half percent.
- c. For department of corrections facility roads, five and one-half percent.
- d. For national guard facility roads, four percent.
- e. For state board of regents facility roads, thirty percent.
- f. For state fair board facility roads, two percent.
- g. For department of administrative services facility roads, one-half percent.
- h. For department of education facility roads, six percent.

Sec. 11. Section 307.26, Code 2015, is amended to read as follows:

307.26 Rail and water Administration of modal programs and activities.

The department's administrator responsible for rail and water modal programs and activities shall:

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 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 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, the study of the feasibility of increased government subsidy assistance and the allocation of such subsidies to each mass transportation system, the study of such other physical and technical aspects which may be necessary to meet present and future needs, and the application for, acceptance of, and expending of federal, state, or private funds for the improvement of mass transit.

3. Advise and assist the director in the development of rail transportation systems and programs for expansion of improving passenger and freight services.

4. 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 rail lines in order to improve freight service.

~~b. Development of alternative modes of transportation to areas and communities which lose rail service.~~

~~e. b. Advise~~ 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. ~~5.~~ 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.

6. Make surveys, plans, and estimates of cost for the elimination of danger at railroad crossings on highways, and confer with local and railroad officials with reference to elimination of the danger.

~~5.~~ 7. 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 including, but not limited to, the following:

~~a. The implementation of a program of constructing rumble strips at grade crossings on selected hard surface roads.~~

~~b. a.~~ The establishment of standards for warning devices for particularly hazardous crossings or for classes of crossings on highways, which standards ~~are~~ shall be designed to reduce injuries, fatalities, and property damage. Such standards shall regulate the use of warning devices and signs, which shall be in addition to the requirements of section 327G.2. Implementation of such standards shall be the responsibility of the government agency or department or political subdivision having jurisdiction and control of the highway and such implementation shall be deemed adequate for the purposes of railroad grade crossing protection. The department, or the political subdivision having jurisdiction, may direct the installation of temporary protection while awaiting installation of permanent protection. A railroad crossing shall not be found to be particularly hazardous for any purpose unless the department has determined it to be particularly hazardous.

~~e. b.~~ The development and adoption of classifications of crossings on public highways based upon their characteristics, conditions, and hazards, and standards for warning devices, signals, and signs of each crossing classification. The department shall recommend a schedule for implementation of the standards to the government agency, department, or political subdivision having jurisdiction of the highway and shall provide an annual report to the general assembly on the development and adoption of classifications and standards under this paragraph and their implementation, including information about financing installation of warning devices, signals, and signs. The department shall not be liable for the development or adoption of the classifications or standards. A government agency, department, or political subdivision shall not be liable for failure to implement the standards. A crossing warning or improvement installed or maintained pursuant to standards adopted by the department under this paragraph shall be deemed an adequate and appropriate warning for the crossing.

~~6. Apply for, accept, and expend federal, state or private funds for the improvement of rail transportation.~~

~~7. 8.~~ Advise and assist the director ~~on studies for coordination of railway service with that of other~~ to assure availability, efficiency, and productivity of freight and passenger services and to promote the coordination of service between all transportation modes.

~~8. 9.~~ Advise and assist the director with studies of regulatory changes deemed necessary to effectuate economical and efficient railroad service.

~~9. 10.~~ Advise and assist the director regarding agreements with railroad corporations for the restoration, conservation, or improvement of railroad as defined in section 327D.2, subsection 3, 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.

10. 11. Administer chapters 324A, 327C through 327H, 327J, 328, 329, and 330.

12. Administer programs and activities in chapters 306D, 307C, 308A, and 315.

~~11. 13. Perform such other duties and responsibilities as may be assigned by the director and the commission.~~

~~12. Advise and assist in the establishment and development of railroad districts upon request.~~

~~13. Conduct innovative experimental programs relating to rail transportation problems within the state.~~

~~14. Enter the role of "applicant" pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210, and take such actions as are necessary to accomplish this role.~~

~~15. Identify those segments of railroad trackage which, if improved, may provide increased transportation services for the citizens of this state. The department shall develop and implement programs to encourage the improvement of rail freight services on such railroad trackage.~~

~~16. 14. Promote river transportation and coordinate river programs with other transportation modes.~~

~~17. 15. Advise and assist the director in the development of river transportation and port facilities in the state.~~

Sec. 12. Section 307.27, Code 2015, is amended to read as follows:

307.27 Motor vehicles, motor carriers, and drivers.

The department's administrator responsible for the enforcement and regulation of motor carriers, registration of motor vehicles, and licensing of drivers shall:

1. Administer and supervise the registration of motor vehicles and the licensing of drivers pursuant to chapter 321.

2. Administer and supervise the licensing of motor vehicle manufacturers, distributors, and dealers pursuant to chapter 322.

3. Administer the inspection of motor vehicles pursuant to chapter 321.

4. Administer motor vehicle registration reciprocity pursuant to chapter 326.

5. Administer the provisions of chapters 321A, 321E, 321F, and 321J 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.

6. Administer the regulation of motor vehicle franchisers pursuant to chapter 322A.

7. Administer the regulation of motor carriers pursuant to ~~chapter~~ chapters 325A, 326, and 327B.

8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. §14504a and United States department of transportation regulations.

9. Administer chapters 321C, 321D, 321H, 321L, 321M, and 322C.

Sec. 13. Section 307.45, Code 2015, is amended to read as follows:

307.45 State-owned lands — assessment.

1. Cities and counties may assess the cost of a public improvement against the state when the improvement benefits property owned by the state and under the jurisdiction and control of the ~~department's administrator of highways department.~~ The director shall pay from the primary road fund the portion of the cost of the improvement which would be legally assessable against the land if privately owned.

2. Assessments against property under the jurisdiction of the ~~department's administrator of highways department~~ shall be made in the same manner as those made against private property, except that the city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the director by certified mail.

3. Assessments against property owned by the state and not under the jurisdiction and control of the ~~department's administrator of highways department~~ shall be made in the same manner as those made against private property and payment shall be subject to authorization by the executive council. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the expense authorized by the executive council.

Sec. 14. Section 307.47, subsections 1 and 3, Code 2015, are amended to read as follows:

1. The highway materials and equipment revolving fund is created from moneys appropriated out of the primary road fund. From this fund shall be paid all costs for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements incurred in the operation of centralized purchasing under the supervision of the ~~department's administrator of highways~~ administrator responsible for highway programs and activities. Direct salaries and expenses properly chargeable to direct salaries shall be paid from the fund. For each month the ~~director~~ administrator responsible for the operations and finances of the department shall render a statement to each highway unit under the supervision of the administrator of highways for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment depreciation used. The expense shall be paid by the ~~administrator of highways~~ administrator responsible for the operations and finances of the department in the same manner as other interdepartmental billings are paid ~~and when the expense is paid by the administrator of highways, the~~. The sum paid shall be credited to the highway materials and equipment revolving fund.

3. ~~When the units under the supervision of the administrator of highways share a highway unit shares equipment with other another administrative units unit of the department, the director shall prorate the costs of the equipment among the administrative units using the equipment.~~

Sec. 15. REPEAL. Sections 307.3, 307.4, 307.5, 307.6, 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2015, are repealed.

STATE TRANSPORTATION COMMISSION

Sec. 16. NEW SECTION. 307A.1A Transportation commission.

1. 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 the members of the state transportation commission for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate.

2. The commission shall meet in May of each year for the purpose of electing one of its members as chairperson.

Sec. 17. Section 307A.2, subsections 1 and 2, Code 2015, are amended by striking the subsections and inserting in lieu thereof the following:

1. Develop, coordinate, and annually update a comprehensive transportation policy and plan for the state.

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 multimodal public transfer facilities if carriers or other private businesses fail to develop such facilities.

Sec. 18. Section 307A.2, subsections 3, 4, 5, 6, 7, 8, 9, 10, and 11, Code 2015, are amended by striking the subsections.

Sec. 19. Section 307A.2, subsection 12, Code 2015, is amended to read as follows:

12. 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. However, in years when the federal government is reauthorizing federal highway funding, the commission shall not be required to adopt and publish the annual plan of improvements to be accomplished until at least ninety days from the enactment of the new federal funding formula. 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. 20. Section 307A.2, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 15. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 1, paragraph "j".

Sec. 21. NEW SECTION. **307A.3 Conflict of interest.**

A person shall not serve as a member of the commission if the person 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 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 commission.

Sec. 22. NEW SECTION. **307A.4 Vacancies on commission.**

Any vacancy in the membership of the commission shall be filled in the same manner as regular appointments are made 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 as required by section 2.32, the senate may make the appointment prior to adjournment of the general assembly.

Sec. 23. NEW SECTION. **307A.5 Compensation — commission members.**

Each member of the commission shall be compensated as provided in section 7E.6.

Sec. 24. NEW SECTION. **307A.6 Commission meetings.**

The commission shall meet at the call of the chairperson or when any four members of the commission file a written request with the chairperson 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. 25. NEW SECTION. **307A.7 Expenses.**

Members of the commission 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 commission shall be subject to the budget requirements of chapter 8.

Sec. 26. NEW SECTION. **307A.8 Removal from office.**

Any member of the commission may be removed for any of the causes and in the manner provided in chapter 66 and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

CONFORMING AMENDMENTS

Sec. 27. Section 173.16, unnumbered paragraph 1, Code 2015, is amended to read as follows:

All expenses incurred in maintaining the state fairgrounds and in conducting the annual fair on it the state fairgrounds, including the compensation and expenses of the officers, members, and employees of the board, shall be recorded by the secretary and paid from the state fair receipts, unless a specific appropriation has been provided for that purpose. The board may request special capital improvement appropriations from the state and may

request emergency funding from the executive council for natural disasters. The board may request that the department of transportation provide maintenance in accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

Sec. 28. Section 312.2, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The treasurer of state shall before making the allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out section ~~307A.2~~ 307.24, subsection ~~11~~ 5, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. 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 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 dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

Sec. 29. Section 312.4, subsection 5, Code 2015, is amended to read as follows:

5. The amount of the road use tax fund which has been credited to carry out the provisions of section ~~307A.2~~ 307.24, subsection ~~11~~ 5, section 313.4, subsection 2, and section 307.45.

Sec. 30. Section 313.4, subsection 2, Code 2015, is amended to read as follows:

2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in section ~~307A.2~~ 307.24, subsection ~~11~~ 5, for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in section 307.45.

DIVISION III MOTOR VEHICLES

Sec. 31. Section 321.1, subsection 36C, paragraphs b and c, Code 2015, are amended to read as follows:

b. “Travel trailer” means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed ~~forty~~ forty-five feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than ninety consecutive days in one location it shall be classed as a manufactured or mobile home regardless of the size limitations provided in this paragraph.

c. “Fifth-wheel travel trailer” means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed ~~forty~~ forty-five feet.

Sec. 32. Section 321.19, subsection 1, unnumbered paragraph 2, Code 2015, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word “official” and the department shall keep a separate record. Registration plates issued

for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. However, the director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers or federal law enforcement officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice, the alcoholic beverages division of the department of commerce, disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, persons who are federal agents or officers regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" registration plates, persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates, persons in the economic development authority who are regularly assigned duties relating to existing industry expansion or business attraction, and mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 33. Section 321.189, subsection 6, Code 2015, is amended to read as follows:

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

Sec. 34. Section 321.215, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321J.20, provided the requirements of each section are satisfied.

Sec. 35. Section 321E.29, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Annual permits may be issued for vehicles with divisible loads of hay, straw, ~~or~~ stover, or bagged livestock bedding without a finding of special or emergency situations if the movement meets the requirements of this chapter, provided the following limits are not exceeded:

Sec. 36. Section 321J.20, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary

restricted license under this section if the person is also eligible for a temporary restricted license under section 321.215, provided the requirements of each section are satisfied.

Sec. 37. Section 321L.2, subsection 3, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) (a) A Subject to subparagraph division (b), a statement printed on it as follows: "Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a persons with disabilities parking space or in a parking space not designated as a persons with disabilities parking space if a wheelchair parking cone is used pursuant to Iowa Code section 321L.2A."

(b) After the department has issued the existing supply of placards bearing the statement set forth in subparagraph division (a), the statement printed on each newly issued placard shall be as follows: "Remove from mirror before operating vehicle."

Sec. 38. Section 322.5, subsection 2, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, the state fair, as discussed in chapter 173, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at a fair events event, the state fair, a vehicle shows show, and or a vehicle exhibitions that are exhibition, if the fair event, state fair, vehicle show, or vehicle exhibition is held in the motor vehicle dealer's community, as defined in section 322A.1, for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, the state fair, a vehicle show, or a vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 39. Section 322C.2, subsection 10, Code 2015, is amended to read as follows:

10. "*Travel trailer*" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed ~~forty~~ forty-five feet. "*Travel trailer*" does not include a vehicle that is so designed as to permit it to be towed exclusively by a motorcycle.

Sec. 40. Section 326.14, subsection 3, Code 2015, is amended to read as follows:

3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than the last day of the registration expiration month. A five percent late filing penalty equal to five percent of the fees due to the state of Iowa shall be assessed to an application for renewal postmarked or received on or after the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is 12:01 a.m. of the first day following the last day of the registration expiration month.

Sec. 41. Section 326.16, subsections 2 and 3, Code 2015, are amended to read as follows:

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

3. Failure to receive a renewal notice or an invoice by mail, facsimile transmission, or any other means of delivery does not relieve the registrant of the financial responsibility for the renewal fees, invoiced amount, or accrued penalties. Late penalties calculated by the department in accordance with this chapter shall remain due to the state of Iowa until the fees and penalties are received.

Sec. 42. EFFECTIVE DATE. The following provisions of this division of this Act take effect January 1, 2016:

1. The section of this Act amending section 326.14.
2. The section of this Act amending section 326.16.

DIVISION IV RAIL TRANSPORTATION

Sec. 43. REPEAL. Sections 327F.14, 327F.18, 327F.19, 327F.20, 327F.26, 327F.34, 327F.35, 327G.13, 327G.14, 327G.22, 327G.23, 327G.28, and 327H.25, Code 2015, are repealed.

DIVISION V COMMERCIAL LEARNER'S PERMITS

Sec. 44. Section 321.1, subsections 11 and 20A, Code 2015, are amended to read as follows:

11. For purposes of administering and enforcing the commercial driver's license provisions:

- a. "*Commercial driver*" means the operator of a commercial motor vehicle.
- b. "*Commercial driver's license*" means ~~a driver's license valid for the operation of a commercial motor vehicle~~ commercial driver's license as defined in 49 C.F.R. §383.5.
- c. "*Commercial driver's license information system*" means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
- d. "*Commercial learner's permit*" means commercial learner's permit as defined in 49 C.F.R. §383.5.
- ~~e.~~ e. "*Commercial motor carrier*" means a person responsible for the safe operation of a commercial motor vehicle.
- ~~f.~~ f. "*Commercial motor vehicle*" means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply:
 - (1) The combination of vehicles has a gross combination weight rating or gross combination weight, whichever is greater, of twenty-six thousand one or more pounds ~~provided the, including a~~ towed vehicle or vehicles have having a gross weight rating or gross combination vehicle weight rating, whichever is greater, of ten thousand one or more pounds.
 - (2) The motor vehicle has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of twenty-six thousand one or more pounds.
 - (3) The motor vehicle is designed to transport sixteen or more persons, including the operator, or is of a size and design to transport sixteen or more persons, including the operator, but is redesigned or modified to transport less than sixteen persons with disabilities.
 - (4) The motor vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.
- ~~g.~~ g. "*Employer*" means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns an employee to operate such a vehicle.
- ~~h.~~ h. "*Foreign jurisdiction*" means a jurisdiction outside the fifty United States, and the District of Columbia, ~~and Canada.~~
- ~~i.~~ i. "*Nonresident commercial driver's license*" means a commercial driver's license issued to a person ~~who is not a resident of the United States or Canada domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1), or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2).~~
- ~~j.~~ j. "*Nonresident commercial learner's permit*" means a commercial learner's permit issued to a person domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1), or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2).
- ~~k.~~ k. "*Tank vehicle*" means a commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand

~~gallons or more that is either permanently or temporarily attached to the vehicle or chassis. For purposes of this paragraph, “tank” does not include a portable tank with a rated capacity of less than one thousand gallons or a permanent tank with a rated capacity of one hundred nineteen gallons or less. A commercial motor vehicle transporting an empty storage container tank not designed for transportation with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.~~

20A. “*Driver’s license*” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur’s instruction, commercial ~~driver’s instruction~~ learner’s permit, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, “*driver’s license*” includes any privilege to operate a motor vehicle.

Sec. 45. Section 321.1A, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. For purposes of issuing commercial learner’s permits and commercial driver’s licenses under this chapter, there is a rebuttable presumption that a natural person is a resident of this state if all of the following conditions exist:

(1) The person is enrolled in a commercial driver’s license training program administered by an Iowa-based motor carrier, or its subsidiary, designated by the department as a third-party tester pursuant to section 321.187.

(2) The person is in the process of applying for a commercial learner’s permit for the purpose of completing the training program.

(3) The person is residing in this state for the duration of the training program.

b. This subsection shall not apply if such application results in noncompliance with 49 C.F.R. pt. 384.

Sec. 46. Section 321.12, subsection 2, Code 2015, is amended to read as follows:

2. Operating records relating to a person who has been issued a commercial driver’s license or commercial learner’s permit shall be maintained on file in accordance with rules adopted by the department.

Sec. 47. Section 321.56, subsection 3, Code 2015, is amended to read as follows:

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

Sec. 48. Section 321.174, subsections 2 and 3, Code 2015, are amended to read as follows:

2. a. A person operating a commercial motor vehicle shall not have more than one driver’s license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver’s license or nonresident commercial learner’s permit, or a driver’s license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver’s license, commercial learner’s permit, or driver’s license is valid for the vehicle operated.

b. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a driver’s license valid for the vehicle operated commits a simple misdemeanor.

c. A person who operates a commercial motor vehicle upon the highways of this state after the person’s commercial driver’s license or commercial learner’s permit has been downgraded to a noncommercial status pursuant to section 321.207 commits a simple misdemeanor.

3. A licensee shall have the licensee’s driver’s license in immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a judicial magistrate, district associate judge, district judge, peace officer, or examiner of the department. If the licensee has been issued a commercial learner’s permit, the licensee’s driver’s license includes both the licensee’s commercial learner’s permit and the licensee’s underlying commercial or noncommercial driver’s license. However, a person charged with violating this subsection shall not be convicted and the citation shall be dismissed by the court if the person produces to the clerk of the district court, prior to the licensee’s court date

indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

Sec. 49. Section 321.177, subsection 8, Code 2015, is amended to read as follows:

8. To any person to operate a commercial motor vehicle unless the person is eighteen years of age or older and the person qualifies under federal and state law to be issued a commercial driver's license or commercial learner's permit in this state.

Sec. 50. Section 321.180, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. The department shall adopt rules to administer commercial learner's permits in compliance with the procedures set forth in 49 C.F.R. §383.73. An applicant for a commercial learner's permit must hold a valid class A, B, C, or D driver's license issued in this state, must be at least eighteen years of age, and must meet the qualifications to obtain a valid commercial driver's license, including the requirements set forth in section 321.188, except for the required driving skills test.

b. A commercial learner's permit shall be a separate document from a commercial or noncommercial driver's license. A person operating a vehicle pursuant to a commercial learner's permit shall have both the commercial learner's permit and the commercial or noncommercial driver's license issued to the person within the person's possession.

c. A commercial learner's permit shall be valid for a period not to exceed one hundred eighty days. A commercial learner's permit may be renewed for an additional one hundred eighty days without retaking the general and endorsement knowledge tests required by section 321.188.

d. A commercial learner's permit shall be valid for the operation of a commercial motor vehicle only when the permit holder is accompanied by a holder of a valid commercial driver's license with the proper commercial driver's license group designation and endorsements necessary to operate the commercial motor vehicle, and who is at all times physically present in the front passenger seat of the vehicle, or in the case of a passenger vehicle, directly behind or in the first row behind the permit holder in a position to directly observe and supervise the permit holder.

(1) When a commercial learner's permit is issued to the holder of a commercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle for which the permit holder's commercial driver's license is not valid.

(2) When a commercial learner's permit is issued to the holder of a noncommercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle.

e. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a driving skills test. The holder of a commercial learner's permit is not eligible to take a driving skills test required by section 321.188 for the first fourteen days after the permit holder is issued the permit.

f. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials as defined in 49 C.F.R. §383.5.

Sec. 51. Section 321.180, subsection 4, Code 2015, is amended to read as follows:

4. The instruction permit, chauffeur's instruction permit, and commercial ~~driver's instruction~~ learner's permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license.

Sec. 52. Section 321.182, subsection 3, Code 2015, is amended to read as follows:

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

Sec. 53. Section 321.188, subsections 1 and 6, Code 2015, are amended to read as follows:

1. The department shall adopt rules to administer commercial driver's licenses in compliance with the procedures set forth in 49 C.F.R. §383.73. Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. pt. 391 as adopted by rule by the department.

b. Certify the applicant is not subject to any commercial driver's license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver's license disqualification.

c. Successfully pass knowledge tests and driving skills tests, provide self-certification of type of driving, ~~and~~ provide a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. §390.5, and provide all other required information, proofs, and certificates, as required by rule by the department. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as adopted by rule by the department. Except as required under 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

d. Certify the vehicle to be operated in the driving skills tests ~~represents the largest class of vehicle~~ is representative of the class of motor vehicle the applicant will operate on the highway.

e. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction.

f. Identify all states where the applicant has been licensed to drive any type of motor vehicle during the previous ten years.

6. a. The department may waive the requirement that an applicant pass a driving skills test specified in this section for an applicant who is on active duty in the military service, or who has separated from such service in the ~~last ninety days past year~~, who certifies that during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(1) The applicant has not had more than one driver's license, other than a military license.

(2) The applicant has not had any driver's license suspended, revoked, or canceled.

(3) The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 C.F.R. §383.51(b).

(4) The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 C.F.R. §383.51(c).

(5) The applicant has not had a conviction for a violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of a traffic accident in which the applicant was at fault.

b. An applicant for a waiver of the driving skills test under this subsection shall certify and provide evidence as required by the department that the following apply:

(1) The applicant is regularly employed or was regularly employed within the ~~last ninety days past year~~ in a military position requiring operation of a commercial motor vehicle.

(2) The applicant was exempt from commercial driver licensing requirements pursuant to section 321.176A, subsection 3, or a comparable law of another state implementing 49 C.F.R. §383.3(c).

(3) The applicant was operating a motor vehicle representative of the class of motor vehicle the applicant operates or expects to operate for at least two years immediately preceding honorable separation from military service as evidenced by the person's certificate of release or discharge from active duty, commonly referred to as a DD214.

c. An applicant who obtains a driving skills test waiver under this subsection shall take and successfully pass the knowledge test required pursuant to subsection 1.

Sec. 54. Section 321.189, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. A commercial driver's license shall include the licensee's address as required under federal regulations, and the words "commercial driver's license" or "CDL" shall appear prominently on the face of the license. A commercial learner's permit shall include the permit holder's address as required under federal regulations, and the words "commercial learner's permit" or "CLP" with a statement that the permit is invalid unless accompanied by the permit holder's underlying driver's license shall appear prominently on the face of the permit. If the applicant is a nonresident, the license must conspicuously display the word "~~nonresident~~" "nondomiciled".

Sec. 55. Section 321.191, subsections 1, 4, 7, and 9, Code 2015, are amended to read as follows:

1. *Instruction permits.* The fee for an instruction permit, other than a special instruction permit, chauffeur's instruction permit, or commercial ~~driver's instruction~~ learner's permit, is six dollars. The fee for a special instruction permit is ten dollars. The fee for a chauffeur's instruction permit or commercial ~~driver's instruction~~ learner's permit is twelve dollars.

4. *Commercial driver's licenses.* The fee for a commercial driver's license, other than ~~an instruction~~ a commercial learner's permit, for the operation of a commercial motor vehicle is eight dollars per year of license validity.

7. *Endorsements and removal of ~~air-brake~~ restrictions.* The fee for a double/triple trailer endorsement, tank vehicle endorsement, ~~and or~~ hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake, full air brake, manual transmission, tractor-trailer, or passenger vehicle restriction on a commercial driver's license or commercial learner's permit is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a commercial driver's license, no fee is payable for retaining endorsements or the removal of ~~the air-brake~~ a restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

9. *Upgrading a license class privilege — fee adjustment.*

a. If an applicant wishes to upgrade a license class privilege, the fee charged shall be prorated on full-year fee increments of the new license in accordance with rules adopted by the department. The expiration date of the new license shall be the expiration date of the currently held driver's license. The fee for a commercial driver's license endorsement, the removal of ~~an air-brake~~ a restriction, or a commercial ~~driver's license instruction~~ learner's permit shall not be prorated.

b. As used in this subsection "*to upgrade a license class privilege*" means to add any privilege to a valid driver's license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction or learner's permit to a class license, adding any privilege to a section 321.189, subsection 7, license, adding an instruction or learner's permit privilege, adding a section 321.189, subsection 7, license to an instruction or learner's permit, and adding any privilege relating to a driver's license issued to a minor under section 321.194 or 321.178.

Sec. 56. Section 321.196, subsections 1 and 4, Code 2015, are amended to read as follows:

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

the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years.

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license or commercial learner's permit upon application without an examination provided that the applicant meets one of the following conditions:

- a. The applicant satisfactorily passes a vision test as prescribed by the department.
- b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.
- c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department. An applicant shall not be eligible for electronic renewal of a driver's license if the most recent previous renewal of the applicant's driver's license occurred electronically.

Sec. 57. Section 321.201, subsection 2, Code 2015, is amended to read as follows:

2. a. Upon cancellation of a commercial driver's license or commercial learner's permit for providing false information or committing fraud in the application, the applicant shall not operate a commercial motor vehicle in this state and shall not be issued a license valid to operate a commercial motor vehicle for a period of sixty days.

b. The department shall disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit. The department shall adopt rules to administer this paragraph that substantially comply with 49 C.F.R. §383.73(k).

Sec. 58. Section 321.204, subsection 2, Code 2015, is amended to read as follows:

2. The department shall notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state, if applicable, of the disqualification of a commercial driver within ten days of any of the following:

a. The disqualification of the commercial driver under section 321.201 or section 321.208 if the disqualification is for sixty days or more.

b. The suspension or revocation of a commercial driver's license or commercial learner's permit if the suspension or revocation is for sixty days or more.

c. The cancellation of a commercial driver's license or commercial learner's permit.

Sec. 59. Section 321.206, Code 2015, is amended to read as follows:

321.206 Surrender of license — duty of court.

If a person is convicted in court of an offense for which this chapter requires mandatory revocation of the person's driver's license or, if the person's license is a commercial driver's license or commercial learner's permit and the conviction disqualifies the person from operating a commercial motor vehicle, the court shall require the person to surrender the driver's license held by the person and the court shall destroy the license or forward the license together with a record of the conviction to the department as provided in section 321.491.

Sec. 60. Section 321.207, Code 2015, is amended to read as follows:

321.207 Downgrade of commercial driver's license or commercial learner's permit.

The department shall adopt rules for downgrading a commercial driver's license or commercial learner's permit to a noncommercial status upon a driver's failure to provide a medical examiner's certificate as required pursuant to section 321.188, subsection 1, paragraph "c", or upon a driver's failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph "c". The rules shall substantially comply with 49 C.F.R. §383.71 and 383.73, as adopted by rule by the department.

Sec. 61. Section 321.208, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. Operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person's commercial driver's license or commercial learner's permit is revoked, suspended, or canceled or the person is disqualified from operating a commercial motor vehicle.

Sec. 62. Section 321.208, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit:

Sec. 63. Section 321.208, subsections 3, 5, and 6, Code 2015, are amended to read as follows:

3. A person is disqualified from operating a commercial motor vehicle for three years if an act or offense described in subsection 1 or 2 occurred while the person was operating a commercial motor vehicle transporting hazardous material ~~of a type or quantity requiring vehicle placarding~~ materials as defined in 49 C.F.R. §383.5.

5. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a commercial ~~or noncommercial~~ motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a noncommercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101 and held a commercial driver's license or commercial learner's permit at the time the offense was committed.

6. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle, or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license, commercial learner's permit, or noncommercial motor vehicle driving privileges:

a. Operating a commercial motor vehicle upon a highway when not issued a commercial driver's license or commercial learner's permit.

b. Operating a commercial motor vehicle upon a highway when not issued the proper class of commercial driver's license, commercial learner's permit, or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

c. Operating a commercial motor vehicle upon a highway without immediate possession of a commercial driver's license or commercial learner's permit valid for the vehicle operated.

d. Speeding fifteen miles per hour or more over the legal speed limit.

e. Reckless driving.

f. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

g. Following another motor vehicle too closely.

h. Improper lane changes in violation of section 321.306.

i. Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle.

j. Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle.

Sec. 64. Section 321.208, subsection 9, paragraph b, Code 2015, is amended to read as follows:

b. For one year upon conviction for the first violation and for not less than three years and not more than five years upon conviction for a second or subsequent violation of an out-of-service order while transporting hazardous materials required to be placarded as defined in 49 C.F.R. §383.5, or while operating a commercial motor vehicle designed to transport more than fifteen passengers including the driver.

Sec. 65. Section 321.208, subsection 12, paragraph b, Code 2015, is amended to read as follows:

b. The effective date of disqualification shall be thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or, notwithstanding chapter 17A, the department may notify the person by first class mail. If immediate notice is served, the peace officer shall take the commercial driver's license or commercial learner's permit of the driver, if issued within the state, and issue a temporary commercial driver's license or commercial learner's permit effective for only thirty days. The peace officer shall immediately send the person's commercial driver's license or commercial learner's permit to the department in addition to the officer's certification required by this subsection.

Sec. 66. Section 321.208, subsection 13, Code 2015, is amended to read as follows:

13. Upon notice, the disqualified person shall surrender the person's commercial driver's license or commercial learner's permit to the department and the department may issue a driver's license valid only to operate a noncommercial motor vehicle upon payment of ~~a one dollar~~ the fee for a replacement driver's license under section 321.195. The department shall notify the commercial driver's license information system of the disqualification if required to do so under section 321.204.

Sec. 67. Section 321.208A, subsection 1, Code 2015, is amended to read as follows:

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to a fine of not less than two thousand five hundred dollars upon conviction for the first violation of an out-of-service order and not less than five thousand dollars for a second or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

Sec. 68. Section 321.215, subsection 4, Code 2015, is amended to read as follows:

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

Sec. 69. Section 321.218, subsection 4, Code 2015, is amended to read as follows:

4. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 or the imminent hazard provisions of 49 C.F.R. §383.52 commits a serious misdemeanor if a commercial driver's license or commercial learner's permit is required for the person to operate the commercial motor vehicle.

Sec. 70. Section 321J.1, subsection 7, Code 2015, is amended to read as follows:

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

Sec. 71. Section 321J.8, subsection 1, paragraph c, subparagraph (2), Code 2015, is amended to read as follows:

(2) If the person is operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate the presence of a controlled substance or other drug or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation

of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

Sec. 72. Section 321J.13, subsection 6, paragraph c, Code 2015, is amended to read as follows:

c. Such a holding by the court in the criminal action is binding on the department, and the department shall rescind the revocation. If the offense for which the revocation was imposed was committed while the person was operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit and the department disqualified the person from operating a commercial motor vehicle under section 321.208, subsection 2, paragraph "a" or "b", as a result of the revocation, the department shall also rescind the disqualification.

Sec. 73. Section 321J.20, subsection 5, Code 2015, is amended to read as follows:

5. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle.

Sec. 74. Section 321M.1, subsections 1 and 5, Code 2015, are amended to read as follows:

1. "Commercial driver's license" means a driver's license valid for the operation of a commercial motor vehicle, including a commercial learner's permit, as regulated by chapter 321.

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

Sec. 75. EMERGENCY RULES. The department of transportation may adopt rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act relating to the department's administration of commercial learner's permits and commercial driver's licenses in compliance with the procedures set forth in 49 C.F.R. §383.73 pursuant to this division of this Act, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any emergency rule adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4, subsection 1.

Sec. 76. EFFECTIVE UPON ENACTMENT. The provisions of this division of this Act relating to emergency rules, being deemed of immediate importance, take effect upon enactment.

Sec. 77. EFFECTIVE UPON ENACTMENT ON OR AFTER JULY 1. Unless otherwise provided, this division of this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Approved June 26, 2015