



REPUBLICAN CAUCUS STAFF  
HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
DES MOINES, IOWA 50319  
515.281.3440  
IOWAHOUSEREPUBLICANS.COM

## HOUSE REPUBLICAN STAFF ANALYSIS

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Bill: Senate File 205  
Committee: State Government  
Date: April 12, 2011  
Staff: Kristi Kielhorn (2-5290)  
Members: Representatives Iverson

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### Department of Transportation Bill

Senate File 205 is the Department of Transportation's clean-up bill. Many of the policy changes are required to be compliant with federal law.

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### Summary of Action

Passed Senate 48-0  
Passed House Transportation 19-2  
Passed House 98-0  
Signed by Governor

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### Section by Section Analysis

#### Division One-Motor Vehicle

##### Section 1—Code Section Change

This section changes a code section citation to correspond to the correct citation.

##### Section 2—Definition of Conviction

This section amends the definition of *conviction* in Iowa Code to include a plea of guilty or nolo contendere accepted by the court. This change was federally required. It amends Iowa Code Section 321.1(15).

##### Sections 3 through 6—Surviving Spouse Title Transfers

These sections provide that the \$25 title transfer fee is not charged when a vehicle title is transferred and re-titled in the name of a surviving spouse. It also provides that the vehicle remain on the same registration schedule as prior to the title transfer from the deceased spouse to the surviving spouse. (Language added by the Senate).

### Section 7—Commercial Motor Carriers

This section makes it a simple misdemeanor to operate a commercial motor vehicle on the highway if your commercial driver's license has been downgraded to non-commercial status. This change was federally required. [See also Sections 13, 14 and 17].

### Sections 8 through 11—Restricted Licenses and Restricted Communication Devices

These sections deal with clarifications to the teen driver legislation passed in 2010 and violations of law requiring SR-22 insurance. These sections provide that the DOT may suspend the license of a teen driver between the ages of 16—18 if the department receives evidence that the teen has used a prohibited device while driving. These sections also provide that if a citation is issued, it must be issued under 321.178 (teen driver sections) and not 321.193 (general license restrictions). These sections clarify that the DOT may suspend any restricted license or the license of someone under 21 if the department receives evidence that the person violated the restrictions of their respective license. This section clarifies that such a citation must be under 321.180B (GDL provisions) and not under the general license restrictions section.

### Section 12—Vision Screening

This section allows a vision report signed by a licensed vision specialist to apply to a commercial driver license applicant. It is currently allowed for non-commercial driver license applicants.

### Sections 13 and 14—Medical Certificate

This section amends the code to require an applicant for a commercial driver's license to provide self-certification of type of driving and a medical examiner's certificate before the department will issue, renew, or upgrade a commercial driver's license. The department will then notify the national CDL information system of the certification and medical certificate. This change was federally required.

### Sections 15 and 16—School Permit

This section allows the department to suspend a school permit if the licensee violated the restrictions of the license (including the prohibition on electronic devices). This also clarifies what type of citation should be issued.

### Section 17—Downgrade of a CDL

This section states that the department will establish rules for downgrading a CDL for failure to provide the medical certificate or type of driving certificate. This change was federally required.

### Section 18—Empty School Buses

This section exempts persons who operate empty school buses from having to obtain the school bus endorsement on their CDL. There is already a federal exemption for this. It is aimed at allowing the mechanics fixing the buses to drive them without the endorsement.

### Section 19—Property Damage Threshold

This section amends Iowa's financial responsibility law to increase the property damage threshold at which point a person's license and registration is suspended based on failure to provide security after an accident \$1000 to \$1500.

### Section 20—Proof of Financial Responsibility Requirements

This section clarifies that a person applying for a driver's license after a period of suspension is not required to meet proof of financial responsibility requirements if the person was issued a special minor's license and the suspension was for violations under that special license. Similar provisions already exist for the graduated licenses and for the restricted licenses.

### Sections 21 and 22—Accident Reports

These sections raise the property damage threshold amount triggering accident reporting requirements for accidents involving snow mobiles and all-terrain vehicles from \$1000 to \$1500. In 2010, motor vehicle accident reporting requirements were revised to that amount.

*Section 23—Conviction of Fraudulent Practice*

This section prohibits an individual from being involved as a travel trailer dealer or employee for five years if they are convicted of certain crimes. (Current law for car dealers).

*Sections 24 and 25—Regular Route Passenger Certificates*

These sections delete the provisions in Iowa Code chapter 325A that allow transfers of a regular route passenger certificate. (Carriers cannot transfer the US DOT number, so the transfer provision is not meaningful. Fees and requirements for new certificates are the same).

*Sections 26 through 29—Unified Carrier Registration*

These sections strike obsolete provisions relating to the registration of interstate carriers under the single state insurance registration program to reflect that Iowa now participates in the unified carrier registration agreement for regulated motor carriers. These sections strike the requirement for a motor carrier to carry evidence of interstate authority in the motor vehicle being operated. Currently, the penalty for failure to carry proper evidence of interstate authority or exemption from authority is \$250. These sections strike that penalty and replace it with a \$250 scheduled fine for failure to register and pay required fees under the unified carrier registration system, and for failure to register interest authority or exemption from authority with the DOT. Also, the penalty for failure to have proper carrier identification markings is stricken.

*Section 30—Temporary Restricted License*

This section strikes the prohibition and now allows the DOT to issue a temporary restricted license to a defendant whose license was revoked for controlled substance related offenses without further order by the court.

***Division Two—Transit Report***

*Section 31—Report*

Currently, the DOT is required to submit an annual report to the General Assembly, DOM, and the governor providing an analysis of transit programs financed by federal, state, local, and private aid and stating the receipts and disbursements for the programs during the preceding fiscal year. This section eliminates the detailed financial accounting from the requirement and provides for a biennial rather than annual report to be made to the General Assembly and governor only. In the report, the DOT is to recommend methods to increase transportation coordination and improve efficiency of government programs used to finance public transit services.