

2004 Legislative Session Index by Code Section

IA Code	Bill	No.	Comments
6B.23	HF	2579	Section 1 relates to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.
6B.25	HF	2579	Section 2 relates to the award of interest earned on the damages.
73.1	HF	2520	Adds a new paragraph stating that all requests for proposals for materials, products, supplies, provisions, and other needed articles and services to be purchased at public expense shall not knowingly be written in such a way as to exclude an Iowa-based company.
252J	HF	2390	Sections 24-26 relate to certificate of noncompliance.
306.46	SF	2118	This bill adds a new section concerning public utility facilities in public road rights-of-way. This bill is effective upon enactment, March 29, 2004. Note: SF 2298, sections 332 and 346, amend this section.
306.46	SF	2298	Section 332 amends SF 2118, section 1, relating to public utility facilities in the right-of-way. Section 336 makes Section 332 effective upon enactment, May 17, 2004.
314.28	SF	2112	Section 3 amends provisions relating to the Keep Iowa Beautiful Fund by allowing funds to be transferred, rather than credited, to the fund. Also allows the DOT to authorize payments from the fund without further action by the General Assembly.
314.28	SF	2298	Section 435 relates to the Keep Iowa Beautiful Fund. See Sections 434 and 436-439 for other changes concerning income tax checkoffs.
321.1	SF	297	Section 80 corrects a Code citation in the definition of "implements of husbandry."
321.1	SF	2070	Section 1 amends the definition of "electric personal assistive mobility device." This section is effective upon enactment, March 29, 2004.

321.15	SF	2070	Section 2 provides that pamphlets containing Code provisions and rules, which the DOT must furnish to county treasurers, may be distributed electronically. This section takes effect January 1, 2005.
321.20	SF	2070	<p>Section 3 eliminates the requirement for signature in pen and ink on motor vehicle title applications. Requires an application for a title and registration for a vehicle to include the social security number, Iowa driver's license number or Iowa nonoperator's identification card number of the owner and of the lessee, if the vehicle is being leased.</p> <p>Requires the Iowa driver's license number or Iowa nonoperator's identification card number of the primary user if the vehicle is owned by a nonresident but is subject to the issuance of an Iowa title or registration.</p> <p>Allows the DOT to implement electronic transactions for titling, registration and funds transfer. Requires firms and lienholders to provide bona fide addresses. Makes technical corrections requiring only the vehicle identification number rather than the serial number, the manufacturer's number and engine number. Requires rulemaking on the method for providing signatures for applications made by electronic means if the DOT develops and implements a program to allow for electronic applications, titling, registering, and electronic funds transfer for vehicles subject to registration. This section takes effect January 1, 2005.</p>
321.20A	SF	2070	Section 4 allows the DOT or county treasurer to deliver a title for a commercial vehicle to the owner or first secured party by electronic means. This section takes effect January 1, 2005.
321.23A	SF	2289	Section 1 adds a new section to allow persons to file a notarized affidavit of correction with the county treasurer to correct information printed incorrectly on a certificate of title, application for certificate of title, damage disclosure statement or other document required for a vehicle title transfer. Also requires the DOT to consult with a representative of the Iowa State County Treasurers Association and promulgate rules and adopt a standard affidavit form or forms to administer this section.
321.24	SF	2070	Section 5 requires the date of perfection instead of the date of notation on the title. No longer requires titles to contain the seal of the county treasurer or the DOT. Strikes requirement to attach a title application to the title. Makes changes to allow for electronic issuance and delivery. Also allows for issuance of a bonded title when a lien has been satisfied but the lienholder cannot be located to release the lien. This section takes effect January 1, 2005.
321.31	SF	2070	Section 6 requires county treasurer to maintain record of liens perfected instead of liens noted. This section takes effect January 1, 2005.

321.34	SF	2070	Sections 7-10 eliminate the requirement that an applicant surrender the current registration receipt when exchanging regular registration plates for certain special plates. These sections take effect January 1, 2005.
321.34	SF	2298	Section 333 increases the natural resources plate fees. Also directs the increased fees to the Department of Natural Resources Wildlife Bureau. Section 347 makes this section effective January 1, 2005.
321.42	SF	2070	Section 11 requires the DOT or county treasurer to issue a replacement title using the applicant's bona fide address. Also provides that fees collected for replacement titles are not refundable. This section takes effect January 1, 2005.
321.45	SF	2070	Section 12 makes a corrective amendment regarding perfection of a lien or security interest. This section takes effect January 1, 2005.
321.46	SF	2070	Section 13 strikes requirement that a transferee list a driver's license number on the application for title. This section takes effect January 1, 2005.
321.46	SF	2070	Section 14 strikes subsection requiring owner of a vehicle that was sold, traded or junked to provide copy of registration receipt in order to receive credit on unused portion of registration. This section takes effect upon enactment, March 29, 2004.
321.47	SF	2289	Section 2 is amended to make application by a third party for a new certificate of title for a valueless mobile, modular, or manufactured home a transfer by operation of law.
321.50	SF	2070	Section 15 amends provisions relating to security interests in motor vehicles to allow for electronic procedures and to require that the date of perfection of a security interest is the date the application for the security interest is delivered to the county treasurer. Also requires secured parties to provide federal employer identification number or social security number. This section takes effect January 1, 2005.
321.50	SF	2070	Section 16 delays the repeal of a provision in Code section 321.50 that sets a deadline for a person who takes possession of a title to deliver the title to a county treasurer for notation of a security interest. This section takes effect January 1, 2005.
321.50	SF	2070	Section 17 requires the county treasurer to certify, upon request of any person, whether there are any security interests or liens against a vehicle. This section takes effect January 1, 2005.

321.50	SF	2289	Section 3 increases from \$5 to \$10 the fee required for notation of a security interest.
321.69	SF	2253	Relates to disclosure requirements for the transfer of ownership of a motor vehicle and provides penalties.
321.74	SF	2070	Section 18 allows the DOT to receive information from the National Motor Vehicle Title Information System concerning a stolen or embezzled vehicle, and then suspend the registration of that vehicle. This section takes effect January 1, 2005.
321.91	HF	2207	Section 35 clarifies that this section relates to a person who abandons a vehicle.
321.101	SF	2070	Section 19 provides for notification of any lienholder who has a perfected lien of the cancellation of the title. This section takes effect January 1, 2005.
321.109	SF	2070	Section 20 requires a nonresident who purchases a vehicle in Iowa for removal to another state to list, on the application for title, the purchaser's social security number, passport number, or driver's license number of a license issued in this state, another state or another country. This section takes effect January 1, 2005.
321.126	SF	2070	Section 21 removes requirement that the owner of a vehicle that is sold or junked be required to provide a copy of the registration receipt when applying for a refund. This section takes effect upon enactment, March 29, 2004.
321.131	SF	2070	Section 22 is amended so that county treasurer lien is perfected as required in Code section 321.50. This section takes effect January 1, 2005.
321.134	SF	2070	Section 23 adds a new subsection that requires the DOT to waive the penalties imposed for late payment of motor vehicle registration fees for an owner who is in the United States military service and is relocated as a result of being placed on active duty on or after September 11, 2001. Requires the DOT to adopt rules including, if necessary, procedures for refunding penalties collected prior to the effective date of this Act. This section is effective upon enactment, March 29, 2004.

321.134	SF	2289	Section 4 provides that if payment of a vehicle registration fee is made by electronic means through the county treasurer's authorized web site only, the payment must be initiated by midnight on the first business day of the next month if the last day of the month in which payment is due falls on a Saturday, Sunday or a holiday.
321.149	SF	2070	Section 24 removes the requirement that the documents the DOT furnishes to county treasurers must be paper documents. This section takes effect January 1, 2005.
321.152	SF	2070	Section 25 allows treasurer to retain 60 percent of all fees collected for perfection of security interests. This section takes effect January 1, 2005.
321.153	SF	2070	Section 26 allows electronic submission of a county treasurer's monthly statement of fees and penalties to the DOT. This section takes effect January 1, 2005.
321.160	SF	2070	Section 27 requires the DOT to maintain a current statement of registered vehicle makes and models rather than update it annually. Also, the bill allows for electronic distribution of the statement. This section takes effect January 1, 2005.
321.174	HF	2572	Section 2 provides that a person shall not be convicted of driving without a license if that person produces to the clerk of the district court, prior to the licensee's court date, a valid driver's license.
321.188	SF	2070	Section 28 requires that a commercial driver who applies for a hazardous material endorsement must comply with federal application and security threat assessment requirements. The DOT shall revoke or deny the endorsement if the DOT determines that the applicant has not complied with or met security threat assessment standards. This section is effective upon enactment, March 29, 2004.
321.210B	HF	2207	Section 36 corrects reference to the Department of Revenue.
321.234A	SF	297	Section 81 clarifies when all-terrain vehicles may be operated on a highway.
321.235A	SF	2070	Section 29 amends definition of an electric personal assistive mobility device. This section is effective upon enactment, March 29, 2004.

321.372A	SF	2154	Allows a peace officer to issue a citation for failure to obey school bus warning devices to the owner of the motor vehicle if the peace officer is unable to identify the driver.
321.445	SF	2066	Section 1 requires that a child under the age of 11 (was 6) be secured by a safety belt, safety harness or restraint system in a motor vehicle.
321.446	SF	2066	Section 2 explains the methods on how a child under 11 must be secured in a motor vehicle. How the child must be secured is determined by the age and weight of the child. This section also allows police officers for 18 months (July 1, 2004 to December 31, 2005) to issue only warning citations for violations of Code sections 321.445 and 321.446 (child restraint).
321.446	SF	2066	Section 3 defines "child restraint system."
321G	SF	297	Section 1 through Section 43 remove references to all-terrain vehicles and make other miscellaneous amendments concerning snowmobiles. Section 3 allows the DOT to adopt rules regulating the use of snowmobiles on streets and highways. (Note: A new Code chapter 321I is created relating to all-terrain vehicles.)
321G.22A	SF	297	Section 96 repeals Code section 321G.22A, Code Supplement 2003, relating to the liability of prior owners of land on which an all-terrain vehicle recreational riding area is operated.
321I	SF	297	Section 44 through Section 78 add a new Code chapter 321I relating to all-terrain vehicles. Section 45 allows the DOT to adopt rules regulating the use of all-terrain vehicles on streets and highways. Note: SF 2298, section 371, adds a new subsection to new Code section 321I.10.
321I	SF	2298	Section 371 amends SF 297, section 53, adding a new subsection allowing cities to designate streets within their corporate limits for all-terrain vehicle use.
321J.1A	SF	2070	Section 30 allows the DOT to include educational information about drunk driving in electronically distributed publications as well as in printed form. This section takes effect January 1, 2005.
321J.10A	HF	265	Relates to the withdrawal of blood without a warrant from a person under arrest for an OWI offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

321M.9	HF	2433	Section 1 increases the fees from \$5 to \$7 that are retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards. Section 2 requires the state auditor, in consultation with the DOT and the Iowa County Treasurer's Association, to conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the General Assembly prior to January 1, 2006, and repeat the study and reporting every four years thereafter. Section 3 repeals 2003 Iowa Acts, chapter 8, section 27 which relates to fees to counties.
322.5	HF	2403	Section 28 changes the words "county or district fairs" to "fair events."
322.13	SF	2070	Section 31 allows for electronic notification of a new rule or regulation. This section takes effect January 1, 2005.
322B.2	HF	2208	Section 61 modifies the definition of "modular home."
322D.1	SF	297	Section 82 changes the Code chapter citation to 321I in the definition of "all-terrain vehicle."
322F.1	SF	297	Section 83 changes the Code chapter citation to 321I in the definition of "all-terrain vehicle."
326.15	SF	2070	Section 32 provides that refunds of registration fees paid under Code chapter 326 shall be in accordance with Code section 321.126. Disallows a refund unless the vehicle is subsequently registered. Allows a qualified fleet owner to certify the destruction of registration plates for motor vehicles subject to proportional registration that are removed from the fleet, rather than return the plates to the DOT when applying for a refund. Requires the DOT to adopt rules to define a qualified fleet owner. This section is effective upon enactment, March 29, 2004.
327F.38	SF	2298	Section 334 adds a new section that requires the DOT to adopt rules requiring railroad corporations within the state to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment.
331	HF	2207	Sections 37 and 38 add the words "manufactured or" before the words "mobile homes."
331	HF	2404	Sections 1 to 28 relate to certain alternative forms of county or city governments. Section 31 of this bill states the effective and applicability dates.

331.301	HF	2569	Section 1 allows the board of supervisors to assess a county enforcement surcharge.
331.362	SF	297	Section 84 relates to when a county may regulate traffic on and use of secondary roads and adds citation to Iowa Code section 321I.10.
331.427	SF	297	Section 85 relates to county revenues and adds citation to Iowa Code section 321I.8.
364.3	HF	2530	Section 2 corrects a Code citation.
384.38	HF	2208	Section 65 concerns city assessments to private property and changes "may not" to "shall not."
423	SF	2296	Sections 22-27 add a definition for "sales price" to include rents, royalties and copyright and license fees, correct reference to Legislative Services Agency, and relate to exemptions from sale and use taxes.
423.3	HF	2208	Section 105 corrects the name of the Legislative Services Agency.
423.3	SF	2026	Relates to the phase-out of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.
452A.3	SF	2296	Section 35 relates to the levy of excise tax.
614	HF	2450	Sections 5-9 strike the word "division" and add the word "chapter."
657.1	HF	2397	Relates to the act or property of a public utility with respect to the definition of nuisance.
668.12	HF	2170	Relates to product liability actions.
669.14	HF	2208	Section 101 adds a reference to Iowa Code chapter 85A.
669.25	HF	2403	Section 30 creates a new section concerning liability for a person who performs services for a fair.

714.26	HF	2395	Creates the criminal offense of intellectual property counterfeiting and provides a penalty. Note: SF 2298, section 390, makes an editorial correction to this section.
714.26	SF	2298	Section 390 amends HF 2395 by amending the definition for "retail value."
805.8	HF	2530	Section 4 corrects a Code citation.
805.8	HF	2569	Section 6 relates to the county enforcement surcharge.
805.8A	HF	2207	Section 91 corrects reference to height, weight, length, width, load violations and towed vehicle violations under Iowa Code chapter 321.
805.8B	SF	297	Section 93 makes technical changes to snowmobile and all-terrain vehicle violations. Also increases the scheduled fines.
805.8C	HF	2530	Sections 5 and 6 correct a Code citation.
805.13	HF	2149	Section 2 relates to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.
805.16	SF	297	Section 94 relates to a person under the age of 18 accused of a simple misdemeanor and adds citation to Iowa Code chapter 321I.
see bill	HF	2262	Relates to public retirement systems and other employee benefit related matters. Provides effective and retroactive applicability dates.
see bill	HF	2319	Section 5 adds a new Code section relating to campaign signs. Identifies where campaign signs may and may not be placed.
see bill	HF	2343	Provides for the establishment of a vaccination program for first responders (includes state employees) deployed to disaster locations. This bill is effective upon enactment, March 18, 2004.
see bill	HF	2401	Relates to the comprehensive Petroleum Underground Storage Tank Fund. This bill is effective upon enactment, April 20, 2004.
see bill	HF	2490	Relates to the Uniform Electronic Transactions Act.

see bill	HF	2497	Provides for a sick leave and vacation incentive program for state employees. Also includes language concerning span of control. This bill is effective upon enactment. April 2, 2004. Note: SF 2298, section 31, includes this same span of control requirement.
see bill	HF	2516	Relates to the performance of a notarial act by a chief officer or chief officer's designee when certifying a uniform citation and complaint under oath. This bill is effective upon enactment, April 8, 2004. Note: SF 2298, section 349, makes an editorial correction to HF 2516, section 1.
see bill	HF	2549	Relates to expenditures from the Waste Tire Management Fund.
see bill	SF	2066	Section 4 requires the DOT, in cooperation with the Department of Public Safety (DPS), to develop and implement public awareness and education programs to foster compliance with the child restraint system requirements of SF 2066. If funds are available to cover the costs, the DOT and DPS must make every reasonable effort to identify existing programs administered by state and local government agencies that provide assistance to low-income families and to coordinate efforts with those agencies to assist Iowa parents in complying with the requirements of SF 2066.
see bill	SF	2070	Section 33 repeals 2003 Iowa Acts, chapter 8, sections 9, 10 and 12 relating to certificate of title. This section is effective upon enactment, March 29, 2004.
see bill	SF	2070	Section 34 repeals Iowa Acts, chapter 8, section 29, subsection 3 relating to effective and retroactive applicability dates. This section is effective upon enactment, March 29, 2004.
see bill	SF	2112	Section 1 appropriates money from the Road Use Tax Fund to the DOT for various purposes. Section 2 appropriates money from the Primary Road Fund to the DOT for various purposes. Section 4 amends provisions relating to the Keep Iowa Beautiful Fund by requiring that the Department of Revenue transfer, rather than credit, designated income tax checkoff contributions to the fund. Also allows the DOT to authorize payments from the fund.
see bill	SF	2179	Relates to Ethics Laws and the Iowa Ethics and Campaign Disclosure Board.

see bill	SF	2269	<p>Section 4 requires the state voter registration system to be coordinated with other state agency databases including the DOT's driver license records. This bill is effective upon enactment, April 16, 2004, and applies to elections held on or after September 15, 2004.</p>
see bill	SF	2269	<p>Section 8 relates to voter registration form. This bill is effective upon enactment, April 16, 2004, and applies to elections held on or after September 15, 2004.</p> <p>Note: SF 2298, section 355, amends this section.</p>
see bill	SF	2269	<p>Section 13 relates to the verification of voter registration information with DOT records. This bill is effective upon enactment, April 16, 2004, and applies to elections held on or after September 15, 2004.</p> <p>Note: SF 2298, section 356, amends this section.</p>
see bill	SF	2284	<p>Relates to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities.</p> <p>Note: SF 2298, sections 325-327, amend this bill.</p>
see bill	SF	2288	<p>Section 53 appropriates federal and other nonstate grants, receipts and funds to the DOT.</p>
see bill	SF	2298	<p>This bill makes, reduces and transfers appropriations, provides for government and economic development related taxation, and other properly related matters. Also includes effective, retroactive and other applicability date provisions. The following is a brief summary of sections related or of interest to the DOT:</p> <p>Section 4: Appropriates the first \$1 million of fees collected by the DOT for certified abstracts to the lowAccess Revolving Fund.</p> <p>Section 5: Accesses a monthly \$2 per contract administrative charge on all health insurance plans administered by the Department of Administrative Services.</p> <p>Section 12: Appropriates money to the Governor and Lieutenant Governor, including funding for the State-Federal Relations Office.</p> <p>Section 17: Appropriates money from the use tax receipts to the Department of Inspections and Appeals.</p> <p>Section 18: Appropriates money for the salary model administrator. Requires the DOT and other state agencies to provide salary data.</p> <p>Section 19: Appropriates money from the Road Use Tax Fund to the Department of Management.</p>

Section 25: Appropriates money from the Motor Fuel Tax Fund to the Department of Revenue.

Section 31: Requires the Department of Administrative Services, in consultation with the Department of Management, to pursue a goal of increasing the ratio of the number of employees per supervisor for executive branch agencies to 12 employees to 1 supervisor by December 31, 2005.

Note: HF 2497, section 2, includes this same span of control requirement.

Section 43: Appropriates money from the "unassigned revenue fund" administered by the Iowa Comprehensive Underground Storage Tank Fund Board to the Department of Natural Resources.

Section 46: Delays the repeal of Chapter 424, environmental protection charge on petroleum diminution, from June 30, 2014 to June 30, 2016.

Section 187: Encourages state agencies to purchase products from Iowa State Industries. Also requires state agencies to obtain bids from Iowa State Industries for purchases of office furniture exceeding \$5,000.

Section 215: Relates to General Fund expenditure limitation.

Section 264: Funds collective bargaining agreements from available resources.

Section 265: Relates to noncontract state employees' pay plans and step increases.

Section 266: Appropriates money from the Road Use Tax Fund and Primary Road Fund to the Salary Adjustment Fund.

Section 267: Relates to authorization of special funds for salary adjustments; excludes the Primary Road Fund and Road Use Tax Fund.

Section 268: Relates to use of federal moneys to fund salary adjustments for employees of state agencies.

Section 278: **Note:** The Governor item vetoed this section.

Section 288, subsection 14: Appropriates money from the Rebuild Iowa Infrastructure Fund to the DOT for the Iowa aviation weather system, runway marking program, aviation improvement program and vertical infrastructure improvements at commercial air service and general aviation airports within the state.

Section 312: Appropriates money from the General Fund for aviation and rail assistance.

Section 313: Appropriates money from the Primary Road Fund to the Department of Administrative Services.

Section 314: Appropriates money from the Road Use Tax Fund to the Department of Administrative Services.

Section 316: Amends 2003 Iowa Acts, Chapter 171, Section 2 by allowing money that remains unencumbered or unobligated to be used for restocking the DOT's salt storage. **Section 317** makes Section 316 effective upon enactment, May 17, 2004.

Section 321: Specifies that money from the Rebuild Iowa Infrastructure Fund must first go to the Vertical Infrastructure Fund.

Section 322: Adds a new section concerning the Vertical Infrastructure Fund.

Note: A portion of Section 322 was item vetoed.

Sections 325 to 327: Amend SF 2284 relating to regional transit districts.

Section 332: Amends SF 2118, section 1, relating to public utility facilities in the right-of-way. **Section 346** makes Section 332 effective upon enactment, May 17, 2004.

Section 333: Increases the natural resources plate fees. Also directs the increased fees to the Department of Natural Resources Wildlife Bureau. **Section 347** makes this section effective January 1, 2005.

Section 334: Adds a new section that requires the DOT to adopt rules requiring railroad corporations within the state to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment.

Section 335: **Note:** The Governor item vetoed this section.

Section 342: Extends the deadline until December 1, 2004, for the Department of Administrative Services, with the assistance of the Department of Management, to complete the study of merging the state's data centers and workforce.

Section 349: Amends HF 2516, section 1, concerning performance of a notarial act by a chief officer.

Sections 355 and 356: Amend SF 2269, sections 8 and 13, concerning the application for voter registration.

Section 371: Amends SF 297, section 53 (321I.10). This amendment actually moves the location of the Code language within Iowa Code chapter 321I that allows cities to designate streets within their corporate limits for all-terrain vehicle use. This same language is also in SF 297, section 45 (321I.2).

Section 390: Amends HF 2395 by amending the definition for "retail value."

Section 397: Amends SF 2070, section 35, to correct a citation concerning

effective dates.

Section 400 makes Section 397 effective upon enactment, May 17, 2004, and applies retroactively to the date of enactment of SF 2070.

Section 434-438: Relate to the income tax checkoffs including the Keep Iowa Beautiful Fund checkoff. **Section 439** relates to effective and applicability dates for Sections 436-438.

Note: Sections 332-335, 371, 390 and 435 of SF 2298 are also indexed by the Code section they amend.

see bill	SJR	2010	Proposes an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect. This article does not apply to taxes and fees subject to Article VII, sections 5 and 8, this includes motor vehicle fees and fuel taxes.
see bill	SR	148	Urges the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa.
see bill	SR	175	Requests that the Legislative Council establish a study committee to meet during the 2004 legislative interim to consider options for using renewable energy for economic development. This committee should also focus on electricity generation, co-generation and use of ethanol and alternative fuels.