

321.324 Operation on approach of emergency vehicles.

Upon the immediate approach of an authorized **emergency vehicle** with any lamp or device displaying a red light or red and blue lights, or an authorized **emergency vehicle** of a fire department displaying a blue light, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized **emergency vehicle** has passed, except when otherwise directed by a police officer. For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.

Upon the approach of an authorized **emergency vehicle**, as above stated, the driver of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized **emergency vehicle** has passed, except when otherwise directed by a police officer.

This section shall not operate to relieve the driver of an authorized **emergency vehicle** from the duty to drive with due regard for the safety of all persons using the highway.

[C39, § 5026.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.324]

2000 Acts, ch 1045, §1

See also § 321.231

For applicable scheduled fines, see § 805.8A, subsection 11, paragraph b

321.451 Emergency vehicles - certificate of designation.

1. The director or the director's designee may designate a privately owned vehicle as an authorized **emergency vehicle** and issue a certificate of designation for the vehicle, upon written request being made on forms provided by the department and showing necessity for the designation. A certificate of designation may be issued for the following privately owned vehicles:

a. An ambulance or fire or rescue vehicle.

b. A state or county medical examiner vehicle.

c. A vehicle owned by a sheriff or full-time paid deputy sheriff if the authorized **emergency vehicle** designation is requested by the sheriff.

d. A vehicle owned by a chief of police or any officer of the police department if the authorized **emergency vehicle** designation is requested by the chief of police.

e. A vehicle owned by a chief of a full-time paid fire department if the authorized **emergency vehicle** designation is requested by the chief of the fire department.

f. A towing or recovery vehicle, subject to rules adopted by the department.

2. The application for a certificate of designation must include the name of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, and a description of how the vehicle will be used as an authorized **emergency vehicle**.

3. The certificate of designation shall at all times be carried with the registration receipt for the vehicle to which the certificate refers. The certificate may be revoked by the director upon a showing of abuse.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.451]

85 Acts, ch 37, §3; 2000 Acts, ch 1133, §12; 2005 Acts, ch 8, §34, 35

Subsection 1, NEW paragraph f

Subsection 2 amended

SIZE, WEIGHT, AND LOAD

321.231 Authorized emergency vehicles and police bicycles.

1. The driver of an authorized **emergency vehicle**, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.
2. The driver of any authorized **emergency vehicle**, may:
 - a. Park or stand an authorized **emergency vehicle**, irrespective of the provisions of this chapter.
 - b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.
3. The driver of a fire department vehicle, police vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:
 - a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - b. Exceed the maximum speed limits so long as the driver does not endanger life or property.
4. The exemptions granted to an authorized **emergency vehicle** under subsection 2 and for a fire department vehicle, police vehicle, or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section [321.433](#) or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph "b" of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

5. The foregoing provisions shall not relieve the driver of an authorized **emergency vehicle** or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

[C39, § [5017.04](#), [5017.05](#), [5023.12](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.231, 321.232, 321.296; C77, 79, 81, §321.231]

97 Acts, ch 71, §1; 98 Acts, ch 1080, §2; 98 Acts, ch 1100, §46

For applicable scheduled fines, see § [805.8A](#), subsection 11, paragraph a **emergency vehicle**

761-451.2(321) Authorized **emergency vehicle certificate.**

451.2(1) Application. Application for a certificate which designates a privately owned vehicle as an authorized **emergency vehicle** shall be submitted to the office of vehicle services on a form prescribed by the department. Iowa Code section [321.451](#) lists the types of privately owned vehicles that may be issued a certificate of designation and the requirements for designation.

451.2(2) Expiration. The certificate of designation expires at midnight on the thirty-first day of December five years from the year in which it was issued.

This rule is intended to implement Iowa Code section [321.451](#).

[[761-Chapter 451](#) appeared as Ch 2, Department of Public Safety, 1973 IDR]

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[Filed 11/2/05, Notice 9/14/05-published 11/23/05, effective 12/28/05]

321.323A Approaching certain stationary vehicles.

1. The operator of a motor vehicle approaching a stationary authorized **emergency vehicle** that is displaying flashing yellow, amber, white, red, or red and blue lights shall approach the authorized **emergency vehicle** with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the authorized **emergency vehicle** if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

2. The operator of a motor vehicle approaching a stationary towing or recovery vehicle, a stationary utility maintenance vehicle, a stationary municipal maintenance vehicle, or a stationary highway maintenance vehicle, that is displaying flashing yellow, amber, or red lights, shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the towing, recovery, utility maintenance, municipal maintenance, or highway maintenance vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

2002 Acts, ch 1013, §1; 2003 Acts, ch 2, §1

For applicable scheduled fines, see § [805.8A](#) , subsection 11, paragraph b

321.256 Obedience to official traffic-control devices.

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer subject to the exceptions granted the driver of an authorized **emergency vehicle** .

[C39, § [5019.05](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.256]

For applicable scheduled fine, see § [805.8A](#) , subsection 8

321.423 Flashing lights.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "*Emergency medical care provider*" means as defined in section [147A.1](#) .

b. "*Fire department*" means a paid or volunteer fire protection service provided by a benefited fire district under chapter [357B](#) or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency.

c. "*Member*" means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed by an ambulance, rescue, or first response service.

2. *Prohibited lights.* A flashing light on or in a motor vehicle is prohibited except as follows:

a. On an authorized **emergency vehicle** .

- b. On a vehicle as a means of indicating a right or left turn, a mechanical failure, or an emergency stop or intent to stop.
- c. On a motor vehicle used by a rural mail carrier when stopping or stopped on or near a highway in the process of delivering mail, if such a light is any shade of color between white and amber and if it is mounted as a dome light on the roof of the vehicle.
- d. On a vehicle being operated under an excess size permit issued under chapter 321E .
- e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection 3 of this section.
- f. A flashing white light is permitted on a vehicle pursuant to subsection 7.
- g. Flashing red and amber warning lights on a school bus as described in section 321.372 , and a white flashing strobe light mounted on a school bus as permitted under section 321.373 , subsection 7.
- h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453 .
- i. Modulating headlamps in conformance with 49 C.F.R. § 571.108 S7.9.4. are permitted on a motorcycle.

3. *Blue light.* A blue light shall not be used on any vehicle except for the following:

- a. A vehicle owned or exclusively operated by a fire department.
- b. A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, and necessity for authorization is demonstrated in the request.
- c. An authorized **emergency vehicle** , other than a vehicle described in paragraph "a" or "b" , if the blue light is positioned on the passenger side of the vehicle and is used in conjunction with a red light positioned on the driver side of the vehicle.

A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph "a" or "b" .

4. *Expiration of authority.* The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b" , shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

5. *When used.* The certificate of authorization shall be carried at all times with the certificate of registration of the authorized vehicle and the operator of the vehicle shall not illuminate the blue or white light except in any of the following circumstances:

- a. When the member is en route to the scene of a fire or is responding to an emergency in the line of duty requiring the services of the member.
- b. When the authorized vehicle is transporting a person requiring emergency care.
- c. When the authorized vehicle is at the scene of an emergency.
- d. The use of the blue or white light in or on a private motor vehicle shall be for identification purposes only.

6. *Amber flashing light.* A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of thirty-five miles an hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the

towed equipment shall also be equipped with and display an amber flashing light as required under this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers.

7. *Flashing white light.* Except as provided in section [321.373](#) , subsection 7, and subsection 2, paragraphs "c" and "j" of this section, a flashing white light shall only be used on a vehicle in the following circumstances:

- a. On a vehicle owned or exclusively operated by an ambulance, rescue, or first response service.
- b. On a vehicle authorized by the director of public health when all of the following apply:
 - (1) The vehicle is owned by a member of an ambulance, rescue, or first response service.
 - (2) The request for authorization is made by the member on forms provided by the Iowa department of public health.
 - (3) Necessity for authorization is demonstrated in the request.
 - (4) The head of an ambulance, rescue, or first response service certifies that the member is in good standing and recommends that the authorization be granted.

c. On an authorized **emergency vehicle** .

The Iowa department of public health shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures.

[C39, § [5034.32](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.423]

85 Acts, ch 37, §2; 90 Acts, ch 1225, §1 - 7; 91 Acts, ch 131, §2 - 4; 94 Acts, ch 1087, §2; 95 Acts, ch 41, §25; 95 Acts, ch 118, §25; 96 Acts, ch 1034, §21 - 23; 97 Acts, ch 108, §22; 2000 Acts, ch 1045, §2, 3; 2001 Acts, ch 32, §19; 2005 Acts, ch [8](#), §[29](#) - [31](#)

See also § [321.383](#)

For applicable scheduled fines, see § [805.8A](#) , subsection 3, paragraph d
Subsection 2, paragraph g amended and NEW paragraphs h and i
Subsection 7, unnumbered paragraph 1 amended

321.324A Funeral processions.

1. For purposes of this section, "*funeral procession*" means a procession of motor vehicles accompanying the body of a deceased person during daylight hours which is being escorted by a vehicle continually displaying its emergency signal lamps flashing simultaneously and using lighted head lamps and identifying flags, and keeping all other motor vehicles with lighted head lamps in close formation.

2. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized **emergency vehicle** , shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

3. The funeral home in charge of the funeral procession is liable only in connection with the procession for any negligent, reckless, or intentional act by the funeral home or any employee or agent of the funeral home that results in any death, personal injury or property damage suffered during a funeral procession.

94 Acts, ch 1139, §1

PEDESTRIANS' RIGHTS AND DUTIES

321.433 Sirens, whistles, and bells prohibited.

A vehicle shall not be equipped with and a person shall not use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized **emergency vehicle** may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, but the siren, whistle, or bell shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, or bell when necessary to warn pedestrians and other drivers of the approach of the vehicle.

[C39, § 5034.42; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.433]
98 Acts, ch 1080, §4

For applicable scheduled fine, see § 805.8A , subsection 3, paragraph d

321.288 Control of vehicle - reduced speed.

A person operating a motor vehicle shall have the vehicle under control at all times and shall reduce the speed to a reasonable and proper rate:

1. When approaching and passing a person walking in the traveled portion of the public highway.
2. When approaching and passing an animal which is being led, ridden, or driven upon a public highway.
3. When approaching and traversing a crossing or intersection of public highways, or a bridge, sharp turn, curve, or steep descent, in a public highway.
4. When approaching and passing an emergency warning device displayed in accordance with rules adopted under section 321.449 , or an **emergency vehicle** displaying a revolving or flashing light.
5. When approaching and passing a slow moving vehicle displaying a reflective device or alternative reflective device as provided by section 321.383 .
6. When approaching and passing through a sign-posted road work zone upon the public highway.

[S13, §1571-m18; C24, 27, 31, 35, §5031; C39, § 5023.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.288]

85 Acts, ch 167, §2; 87 Acts, ch 170, §7; 89 Acts, ch 296, §33; 97 Acts, ch 104, §20; 99 Acts, ch 102, §1

For applicable scheduled fine, see § 805.8A , subsection 6, paragraph c

321.445 Safety belts and safety harnesses - use required.

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses which conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. § 571.209 - 571.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year.
2. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under eleven years of age shall be secured as required under section 321.446 .

This subsection does not apply to:

- a. The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.
- b. The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.
- c. The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.
- d. Passengers on a bus.
- e. A person possessing a written certification from a health care provider licensed under chapter 148 , 150 , 150A , or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.
- f. Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle .

The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

4. a. The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986.

b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3 , subsection 1. However, except as provided in section 321.446 , subsection 6, the failure to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of this section must first introduce substantial evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of plaintiff's recovery by an amount not to exceed five percent of the damages awarded after any reductions for comparative fault.

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by persons with physical disabilities who use collapsible wheelchairs.

[C66, 71, 73, 75, 77, 79, 81, §321.445]

84 Acts, ch 1016, §3; 86 Acts, ch 1009, §2; 86 Acts, ch 1211, §43; 87 Acts, ch 120, §5; 92 Acts, ch 1175, §37; 96 Acts, ch 1129, §79; 97 Acts, ch 104, §21; 97 Acts, ch 108, §26; 98 Acts, ch 1080, §6, 7; 2002 Acts, ch 1119, §50; 2004 Acts, ch 1113, §1
For applicable scheduled fines, see § 805.8A , subsection 14, paragraph c

321.366 Acts prohibited on fully controlled-access facilities.

It is unlawful for a person, except a person operating highway maintenance equipment or an authorized **emergency vehicle** , to do any of the following on a fully controlled-access facility:

1. Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line.
2. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.
3. Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.
4. Drive a vehicle into the facility from a local service road.
5. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion.
6. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity.

For the purpose of this section, fully controlled-access facility is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

Violations of this section are punishable as a scheduled violation under section 805.8A , subsection 6, paragraph "d" .

[C58, 62, §306A.9; C66, 71, 73, 75, 77, 79, 81, §321.366]

84 Acts, ch 1022, §8; 84 Acts, ch 1219, §27; 2000 Acts, ch 1203, §14; 2001 Acts, ch 137, §5

321K.1 Roadblocks conducted by law enforcement agencies.

1. The law enforcement agencies of this state may conduct **emergency vehicle** roadblocks in response to immediate threats to the health, safety, and welfare of the public; and otherwise may conduct routine vehicle roadblocks only as provided in this section. Routine vehicle roadblocks may be conducted to enforce compliance with the law regarding any of the following:

- a. The licensing of operators of motor vehicles.
- b. The registration of motor vehicles.
- c. The safety equipment required on motor vehicles.
- d. The provisions of chapters 481A and 483A .

2. Any routine vehicle roadblock conducted under this section shall meet the following requirements:

- a. The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock, shall be determined by policymaking administrative officers of the law enforcement agency.
- b. The roadblock location shall be selected for its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature.

c. There shall be uniformed officers and marked official vehicles of the law enforcement agency or agencies involved, in sufficient quantity and visibility to demonstrate the official nature of the roadblock.

d. The selection of motor vehicles to be stopped shall not be arbitrary.

e. The roadblock shall be conducted to assure the safety of and to minimize the inconvenience of the motorists involved.

3. A law enforcement agency conducting a roadblock in accordance with this section may require the driver to provide proof of financial liability coverage required under section [321.20B](#) .

86 Acts, ch 1220, §23; 2003 Acts, ch 6, §4

321.260 Interference with devices, signs, or signals - unlawful possession - traffic signal preemption devices.

1. a. A person who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes an official traffic-control device, an authorized warning sign or signal or barricade, whether temporary or permanent, a railroad sign or signal, an inscription, shield, or insignia on any of such devices, signs, signals, or barricades, or any other part thereof, shall, upon conviction, be guilty of a simple misdemeanor and shall be required to make restitution to the affected jurisdiction. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars.

b. A person who is convicted under paragraph "a" of an act relating to a stop sign or a yield sign may be required to complete community service in addition to making restitution to the affected jurisdiction.

2. It shall be unlawful for any person to have in the person's possession any official traffic-control device except by legal right or authority. Any person convicted of unauthorized possession of any official traffic-control device shall upon conviction be guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars.

3. a. A person shall not sell, own, possess, or use a traffic signal preemption device except as permitted in connection with the lawful operation of an authorized **emergency vehicle** as defined in section [321.1](#) or as otherwise authorized by the jurisdiction owning and operating an official traffic control signal. A person who is convicted of the unauthorized sale, ownership, possession, or use of a traffic signal preemption device is guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation under this subsection shall include assessment of a fine of not less than two hundred fifty dollars, and if the violation involves the unauthorized use of a traffic signal preemption device, the person may also be required to complete community service.

b. For purposes of this subsection, "*traffic signal preemption device*" means a device that, when activated, is capable of changing an official traffic control signal to green out of sequence.

[C39, § **5019.09**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.260]

90 Acts, ch 1064, §1; 91 Acts, ch 131, §1; 99 Acts, ch 153, §3, 4; 2005 Acts, ch [63](#), §1

NEW subsection 3

ACCIDENTS

805.8A Motor vehicle and transportation scheduled violations.

1. *Parking violations.*

a. For parking violations under sections [321.236](#) , [321.239](#) , [321.358](#) , [321.360](#) , and [321.361](#) , the scheduled fine is five dollars, except if the local authority has established the fine by ordinance pursuant to section [321.236](#) , subsection 1. The scheduled fine for a parking violation pursuant to section [321.236](#) increases by five dollars, as authorized by ordinance pursuant to section [321.236](#) , subsection 1, if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section [805.6](#) , the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority pursuant to section [321.236](#) , subsection 1. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section [321.236](#) , subsection 1, paragraph "a" , are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section [321.362](#) or [461A.38](#) , the scheduled fine is ten dollars.

b. For a parking violation under section [321L.2A](#) , subsection 2, the scheduled fine is twenty dollars.

c. For violations under section [321L.2A](#) , subsection 3, sections [321L.3](#) , [321L.4](#) , subsection 2, and section [321L.7](#) , the scheduled fine is one hundred dollars.

2. *Title or registration violations.*

a. For violations under sections [321.32](#) , [321.34](#) , [321.37](#) , [321.38](#) , and [321.41](#) , the scheduled fine is ten dollars.

b. For violations under sections [321.17](#) , [321.47](#) , [321.55](#) , [321.98](#) , and [321.115](#) , the scheduled fine is thirty dollars.

c. For violations under sections [321.25](#) , [321.45](#) , [321.46](#) , [321.48](#) , [321.52](#) , [321.57](#) , [321.62](#) , [321.67](#) , and [321.104](#) , the scheduled fine is fifty dollars.

d. For a violation under section [321.99](#) , the scheduled fine is one hundred dollars.

3. *Equipment violations.*

a. For violations under sections [321.317](#) , [321.386](#) , [321.387](#) , [321.388](#) , [321.389](#) , [321.390](#) , [321.392](#) , [321.393](#) , [321.422](#) , [321.432](#) , [321.436](#) , [321.439](#) , [321.440](#) , [321.441](#) , [321.442](#) , and [321.444](#) , the scheduled fine is ten dollars.

b. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brake lights, under section [321.437](#) , the scheduled fine is ten dollars.

c. For violations under sections [321.382](#) , [321.404A](#) , and [321.438](#) , the scheduled fine is fifteen dollars.

d. For violations of sections [321.383](#) , [321.384](#) , [321.385](#) , [321.398](#) , [321.402](#) , [321.403](#) , [321.404](#) , [321.409](#) , [321.415](#) , [321.419](#) , [321.420](#) , [321.421](#) , [321.423](#) , and [321.433](#) , the scheduled fine is twenty dollars.

e. For a violation of section [321.430](#) , the scheduled fine is thirty-five dollars.

f. For violations under sections [321.234A](#) , [321.247](#) , [321.381](#) , and [321.381A](#) , the scheduled fine is fifty dollars.

4. *Driver's license violations.*

a. For violations under sections [321.174A](#) , [321.180](#) , [321.180B](#) , [321.193](#) , and [321.194](#) , the scheduled fine is thirty dollars.

b. For a violation of section [321.216](#) , the scheduled fine is seventy-five dollars.

c. For violations under sections [321.174](#) , [321.216B](#) , [321.216C](#) , [321.219](#) , and [321.220](#) , the scheduled fine is one hundred dollars.

5. *Speed violations.*

a. For excessive speed violations in excess of the limit under section 321.236 , subsections 5 and 11, sections 321.285 , and 461A.36 , the scheduled fine shall be the following:

- (1) Ten dollars for speed not more than five miles per hour in excess of the limit.
- (2) Twenty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.
- (3) Thirty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.
- (4) Forty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.
- (5) Forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

b. Notwithstanding paragraph "a" , for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

- (1) Twenty dollars for speed not more than five miles per hour in excess of the limit.
- (2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.
- (3) Sixty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.
- (4) Eighty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.
- (5) Ninety dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

c. Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in this subsection.

d. Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

e. For a violation under section 321.295 , the scheduled fine is thirty dollars.

6. *Operating violations.*

a. For a violation under section 321.236 , subsections 3, 4, 9, and 12, the scheduled fine is twenty dollars.

b. For violations under section 321.275 , subsections 1 through 7, sections 321.277A , 321.315 , 321.316 , 321.318 , 321.363 , and 321.365 , the scheduled fine is twenty-five dollars.

c. For violations under sections 321.288 , 321.297 , 321.299 , 321.303 , 321.304 , subsections 1 and 2, sections 321.305 , 321.306 , 321.311 , 321.312 , 321.314 , 321.323 , 321.340 , 321.353 , 321.354 , and 321.395 , the scheduled fine is thirty-five dollars.

d. For violations under sections 321.302 and 321.366 , the scheduled fine is fifty dollars.

7. *Failure to yield or obey violations.*

a. For a violation by an operator of a motor vehicle under section 321.257 , subsection 2, the scheduled fine is thirty-five dollars.

b. For violations under sections 321.298 , 321.307 , 321.308 , 321.313 , 321.319 , 321.320 , 321.321 , 321.327 , 321.329 , and 321.333 , the scheduled fine is thirty-five dollars.

8. *Traffic sign or signal violations.* For violations under section 321.236 , subsections 2 and 6, sections 321.256 , 321.294 , 321.304 , subsection 3, and section 321.322 , the scheduled fine is thirty-five dollars.

9. *Bicycle or pedestrian violations.* For violations by a pedestrian or a bicyclist under section 321.234 , subsections 3 and 4, section 321.236 , subsection 10, section 321.257 , subsection 2, section 321.275 , subsection 8, section 321.325 , 321.326 , 321.328 , 321.331 , 321.332 , 321.397 , or 321.434 , the scheduled fine is fifteen dollars.

9A. *Electric personal assistive mobility device violations.* For violations under section [321.235A](#) , the scheduled fine is fifteen dollars.

10. *School bus violations.*

a. For violations by an operator of a school bus under sections [321.285](#) and [321.372](#) , subsections 1 and 2, the scheduled fine is thirty-five dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

b. For a violation under section [321.372](#) , subsection 3, the scheduled fine is one hundred dollars.

11. *Emergency vehicle violations.*

a. For violations under sections [321.231](#) , [321.367](#) , and [321.368](#) , the scheduled fine is thirty-five dollars.

b. For a violation under section [321.323A](#) or [321.324](#) , the scheduled fine is fifty dollars.

12. *Restrictions on vehicles.*

a. For violations under sections [321.309](#) , [321.310](#) , [321.394](#) , [321.461](#) , and [321.462](#) , the scheduled fine is twenty-five dollars.

b. For violations under section [321.437](#) , the scheduled fine is twenty-five dollars.

c. For height, length, width, and load violations under sections [321.454](#) , [321.455](#) , [321.456](#) , [321.457](#) , and [321.458](#) , the scheduled fine is one hundred dollars.

d. For violations under section [321.466](#) , the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

e. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section [321.463](#) shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections [805.6](#) through [805.11](#) , irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section [805.9](#) applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section [805.9](#) is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

f. For a violation under section [321E.16](#) , other than the provisions relating to weight, the scheduled fine is one hundred dollars.

13. *Motor carrier violations.*

a. For violations under sections [321.54](#) , [326.22](#) , and [326.23](#) , the scheduled fine is twenty dollars.

b. For a violation under section [321.449](#) , the scheduled fine is twenty-five dollars.

c. For violations under sections [321.208A](#) , [321.364](#) , [321.450](#) , [321.460](#) , and [452A.52](#) , the scheduled fine is one hundred dollars.

d. For violations of section [325A.3](#) , subsection 5, or section [325A.8](#) , the scheduled fine is fifty dollars.

e. For violations of chapter [325A](#) , other than a violation of section [325A.3](#) , subsection 5, or section [325A.8](#) , the scheduled fine is two hundred fifty dollars.

f. For failure to have proper carrier identification markings under section [327B.1](#) , the scheduled fine is fifty dollars.

g. For failure to have proper evidence of interstate authority carried or displayed under section 327B.1 , and for failure to register, carry, or display evidence that interstate authority is not required under section 327B.1 , the scheduled fine is two hundred fifty dollars.

14. *Miscellaneous violations.*

a. *Failure to obey a peace officer.* For a violation under section 321.229 , the scheduled fine is thirty-five dollars.

b. *Abandoning a motor vehicle.* For a violation under section 321.91 , the scheduled fine is one hundred dollars.

c. *Seat belt or restraint violations.* For violations under sections 321.445 and 321.446 , the scheduled fine is twenty-five dollars.

d. *Litter and debris violations.* For violations under sections 321.369 and 321.370 , the scheduled fine is thirty-five dollars.

e. *Open container violations.* For violations under sections 321.284 and 321.284A , the scheduled fine is one hundred dollars.

f. *Proof of financial responsibility.* If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B , subsection 1, the scheduled fine is five hundred dollars; otherwise, the scheduled fine for a violation of section 321.20B , subsection 1, is two hundred fifty dollars. Notwithstanding section 805.12 , fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in section 915.94 , twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

g. *Radar-jamming devices.* For a violation under section 321.232 , the scheduled fine is fifty dollars.

h. *Railroad crossing violations.*

(1) For violations under sections 321.341 , 321.342 , 321.343 , and 321.344 , the scheduled fine is one hundred dollars.

(2) For a violation under section 321.344B , the scheduled fine is two hundred dollars.

i. *Road work zone violations.* The scheduled fine for any moving traffic violation under chapter 321 , as provided in this section, shall be doubled if the violation occurs within any road work zone, as defined in section 321.1 .

2001 Acts, ch 137, §2; 2002 Acts, ch 1013, §2; 2002 Acts, ch 1063, §53; 2003 Acts, ch 108, §116 - 118; 2003 Acts, ch 178, §15; 2004 Acts, ch 1101, §91 ; 2005 Acts, ch 165, §8

Subsection 5, paragraph b amended

321.1 Definitions of words and phrases.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them.

1. "*Agricultural hazardous material*" means a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity, including, but not limited to, a fertilizer, pesticide, soil conditioner, or fuel. "*Agricultural hazardous material*" is limited to material in class 3, 8, or 9, division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material as defined in 49 C.F.R. § 171.8.

1A. "*Alcohol concentration*" means the number of grams of alcohol per any of the following:

a. One hundred milliliters of blood.

b. Two hundred ten liters of breath.

c. Sixty-seven milliliters of urine.

2. "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

3. "Alley" means a thoroughfare laid out, established, and platted as such, by constituted authority.

4. "All-terrain vehicle" means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

5. "Ambulance" means a motor vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities.

6. "Authorized **emergency vehicle**" means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, any subdivision of this state, or any municipality of this state, and privately owned vehicles as are designated or authorized by the director of transportation under section [321.451](#) .

6A. "Bona fide business address" means the current street or highway address of a firm, association, or corporation.

6B. "Bona fide residence" or "bona fide address" means the current street or highway address of an individual's residence. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in section [48A.2](#) , subsection 2.

7. "Business district" means the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

8. "Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire, or a person who operates a truck tractor, road tractor, or a motor truck which has a gross vehicle weight rating exceeding sixteen thousand pounds. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner's or operator's principal business.

A person is not a chauffeur when the operation is by a volunteer fire fighter operating fire apparatus, or is by a volunteer ambulance or rescue squad attendant operating ambulance or rescue squad apparatus. If a volunteer fire fighter or ambulance or rescue squad operator receives nominal compensation not based upon the value of the services performed, the fire fighter or operator shall be considered to be receiving no compensation and classified as a volunteer.

If authorized to transport inmates, probationers, parolees, or work releasees by the director of the Iowa department of corrections or the director's designee, an employee of the Iowa department of corrections or a district department of correctional services is not a chauffeur when transporting the inmates, probationers, parolees, or work releasees.

A farmer or the farmer's hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer's own products or property.

If authorized to transport patients or clients by the director of the department of human services or the director's designee, an employee of the department of human services is not a chauffeur when transporting the patients or clients in an automobile.

A person is not a chauffeur when the operation is by a home care aide in the course of the home care aide's duties.

If authorized to transport students or clients by the superintendent of the Iowa braille and sight saving school or of the Iowa school for the deaf, or the superintendent's respective

designee, an employee of the Iowa braille and sight saving school or the Iowa school for the deaf is not a chauffeur when transporting the students or clients.

9. "*Combination*" or "*combination of vehicles*" shall be construed to mean a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semitrailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit.

10. a. "*Combined gross weight*" means the gross weight of a combination of vehicles.

b. "*Gross combination weight rating*" means the combined gross vehicle weight ratings for each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle is its gross weight.

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.

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 motor carrier*" means a person responsible for the safe operation of a commercial motor vehicle.

e. "*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 of twenty-six thousand one or more pounds provided the towed vehicle or vehicles have a gross weight rating or gross combination weight rating of ten thousand one or more pounds.

(2) The motor vehicle has a gross vehicle weight rating 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.

f. "*Foreign jurisdiction*" means a jurisdiction outside the fifty United States, the District of Columbia, and Canada.

g. "*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.

h. "*Tank vehicle*" means a commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank having a rated capacity of one thousand one or more gallons that is either permanently or temporarily attached to the vehicle or chassis.

12. "*Commercial vehicle*" means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any of the following apply:

a. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one or more pounds.

b. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds.

c. The vehicle is designed to transport sixteen or more persons, including the driver.

d. The vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.

13. "*Component part*" means any part of a vehicle, other than a tire, having a component part number.

14. "*Component part number*" means the vehicle identification derivative consisting of numerical and alphabetical designations affixed to a component part by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the component part.

15. "*Conviction*" means a final conviction or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court.

15A. "*Crane*" means a machine for raising, shifting, and lowering heavy weights by means of a projecting swinging arm.

16. "*Crosswalk*" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

17. "*Dealer*" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state.

18. "*Demolisher*" means any agency or person whose business is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles.

19. "*Department*" means the state department of transportation. "*Commission*" means the state transportation commission.

20. "*Director*" means the director of the state department of transportation or the director's designee.

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, 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.

20B. "*Electric personal assistive mobility device*" means a self-balancing, nontandem two-wheeled device powered by an electric propulsion system that averages seven hundred fifty watts and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles per hour. The maximum speed shall be calculated based on operation of the device by a person who weighs one hundred seventy pounds when the device is powered solely by the electric propulsion system. For purposes of this chapter, "*electric personal assistive mobility device*" does not include an assistive device as defined in section [216E.1](#) .

21. "*Endorsement*" means an authorization to a person's driver's license required to permit the person to operate certain types of motor vehicles or to transport certain types or quantities of hazardous materials.

22. "*Essential parts*" mean all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

23. "*Established place of business*" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the dealer's or manufacturer's books and records are kept and a large share of the dealer's or manufacturer's business is transacted.

24. *"Farm tractor"* means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

24A. *"Fence-line feeder"* means a vehicle used exclusively for the mixing and dispensing of nutrients to bovine animals at a feedlot.

24B. *"Financial liability coverage"* means any of the following:

- a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section [321A.21](#) or specified in another provision of the Code, whichever is greater.
- b. A bond filed with the department pursuant to section [321A.24](#) .
- c. A valid statement issued by the treasurer of state pursuant to section [321A.25](#) attesting to the filing of a certificate of deposit with the treasurer of state.
- d. A valid certificate of self-insurance issued by the department pursuant to section [321A.34](#) .

25. *"Fire vehicle"* means a motor vehicle which is equipped with pumps, tanks, hoses, nozzles, ladders, generators, or other fire apparatus used to transport fire personnel, fight fires, and respond to emergencies.

26. *"Foreign vehicle"* means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

27. The linear measure of the plot of ground upon which the building is located abutting upon the highway shall be deemed *"frontage occupied by the building"* , and the phrase *"frontage on such highway for a distance of three hundred feet or more"* shall mean the total frontage on both sides of the highway for such distance.

28. *"Garage"* means every place of business where motor vehicles are received for housing, storage, or repair for compensation.

28A. *"Grain cart"* means a vehicle with a nonsteerable single or tandem axle designed to move grain.

29. a. *"Gross weight"* means the empty weight of a vehicle plus the maximum load to be carried by the vehicle. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle.

b. *"Unladen weight"* means the weight of a vehicle or vehicle combination without load.

c. *"Gross vehicle weight rating"* means the weight specified by the manufacturer as the loaded weight of a single vehicle.

30. *"Guaranteed arrest bond certificate"* means any printed, unexpired certificate issued by an automobile club or association to any of its members, or any printed, unexpired certificate issued by an insurance company authorized to write automobile liability insurance within this state, which certificate is signed by such member or insured and contains a printed statement that such automobile club, association, or insurance company and a surety company which is doing business in this state under the provisions of section [515.48](#) , subsection 2, guarantee the appearance of the person whose signature appears on the certificate and that they will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed one thousand dollars. If such insurance company is itself qualified under the provisions of section [515.48](#) , subsection 2, the

insurance company may be its own surety. Bail in this form shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as provided by law.

31. "*Hazardous material*" means a substance or material which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

32. "*Implement of husbandry*" means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. "*Implements of husbandry*" includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph "a", fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. "*Reconstructed*" as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used. A vehicle covered under this subsection, if it otherwise qualifies, may be operated as special mobile equipment and under such circumstances this subsection shall not be applicable to such vehicle, and such vehicle shall not be required to comply with sections 321.384 through 321.423, when such vehicle is moved during daylight hours; however, the provisions of section 321.383 shall remain applicable to such vehicle.

33. "*Intersection*" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

34. "*Laned highway*" means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

35. "*Light delivery truck*", "*panel delivery truck*", or "*pickup*" means any motor vehicle designed to carry merchandise or freight of any kind, not to exceed two thousand pounds.

36. "*Local authorities*" means every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state.

36A. "*Low-speed vehicle*" means a motor vehicle manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. § 571.500. A low-speed vehicle which is in compliance with the equipment requirements in 49 C.F.R. § 571.500 shall be deemed to be in compliance with all equipment requirements of this chapter.

36B. "*Manufactured home*" is a factory-built structure constructed under authority of 42 U.S.C. § 5403, which is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

36C. a. "*Manufactured or mobile home*" means any 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 so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

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 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 feet.

d. *"Motor home"* means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in subparagraphs (1), (4), or (5) of this paragraph, of the following permanently installed systems which meet American national standards institute and national fire protection association standards in effect on the date of manufacture:

(1) Cooking facilities.

(2) Ice box or mechanical refrigerator.

(3) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.

(4) Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

(5) Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.

(6) A one hundred ten - one hundred fifteen volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

37. *"Manufacturer"* means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. It does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person. It includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section [321.124](#) .

"Completed motor vehicle" means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations.

"Final stage manufacturer" means a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle. A final stage manufacturer shall furnish to the department a document which identifies that the vehicle was incomplete prior to that manufacturing operation. The identification shall include the name of the incomplete vehicle manufacturer, the date of manufacture, and the vehicle identification number to ascertain that the document applies to a particular incomplete vehicle.

"Incomplete vehicle" means an assemblage, as a minimum, consisting of a frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be a part of the completed vehicle, that requires further manufacturing operations, other than the addition of readily attachable equipment, components, or minor finishing operations.

38. *"Metal tire"* means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

39. Reserved.

40. a. *"Motorcycle"* means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor and a motorized bicycle.
- b. *"Motorized bicycle"* or *"motor bicycle"* means a motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters and not capable of operating at a speed in excess of thirty miles per hour on level ground unassisted by human power.
- c. *"Bicycle"* means a device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
41. *"Motor truck"* means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers.
42. a. *"Motor vehicle"* means a vehicle which is self-propelled, but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires and are not operated upon rails.
- b. *"Used motor vehicle"* or *"secondhand motor vehicle"* or *"used car"* means a motor vehicle of a type subject to registration under the laws of this state which has been sold *"at retail"* as defined in chapter 322 and previously registered in this or any other state.
- c. *"New motor vehicle or new car"* means a motor vehicle subject to registration which has not been sold *"at retail"* as defined in chapter 322 .
- d. *"Car"* or *"automobile"* means a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.
43. Reserved.
44. *"Multipurpose vehicle"* means a motor vehicle designed to carry not more than ten people, and constructed either on a truck chassis or with special features for occasional off-road operation.
45. *"Nonresident"* means every person who is not a resident of this state.
46. *"Official traffic-control devices"* means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
47. *"Official traffic-control signal"* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
48. *"Operator"* or *"driver"* means every person who is in actual physical control of a motor vehicle upon a highway.
49. *"Owner"* means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purpose of this chapter.
50. *"Peace officer"* means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in section 801.4 .
51. *"Pedestrian"* means any person afoot.
52. *"Person"* means every natural person, firm, copartnership, association, or corporation. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesperson, or otherwise.
53. *"Pneumatic tire"* means every tire in which compressed air is designed to support the load.

54. *"Private road"* or *"driveway"* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
- 54A. *"Product identification number"* or the acronym PIN means a group of unique numerical or alphabetical designations assigned to a complete fence-line feeder, grain cart, or tank wagon by the manufacturer or by the department and affixed to the vehicle, pursuant to rules adopted by the department, as a means of identifying the vehicle or the year of manufacture.
- 54B. *"Proof of financial liability coverage card"* means either a liability insurance card issued under section [321.20B](#) , a bond insurance card issued under section [321A.24](#) , a security insurance card issued under section [321A.25](#) , or a self-insurance card issued under section [321A.34](#) .
55. *"Railroad"* means a carrier of persons or property upon cars operated upon stationary rails.
56. *"Railroad corporation"* means any corporation organized under the laws of this state or any other state for the purpose of operating the railroad within this state.
57. *"Railroad sign"* or *"signal"* means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
58. *"Railroad train"* means an engine or locomotive with or without cars coupled thereto, operated upon rails.
59. *"Reconstructed vehicle"* means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.
60. *"Registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the county treasurer and the calendar year for vehicles registered by the department or motor trucks and truck tractors with a combined gross weight exceeding five tons which are registered by the county treasurer. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors with a combined gross weight exceeding five tons, *"registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month in which the lease expires.
61. Reserved.
62. *"Rescue vehicle"* means a motor vehicle which is equipped with rescue, fire, or life support equipment used to assist and rescue persons in emergencies or support emergency personnel in the performance of their duties.
63. *"Residence district"* means the territory within a city contiguous to and including a highway, not comprising a business, suburban, or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.
- 63A. *"Retractable axle"* means an axle designed with the capability of manipulation or adjustment of the weight on the axle.
64. *"Right-of-way"* means the privilege of the immediate use of the highway.
- 64A. *"Road tractor"* means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
65. *"Roadway"* means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
66. *"Road work zone"* means the portion of a highway which is identified by posted or moving signs as the site of construction, maintenance, survey, or utility work. The zone

starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the work zone has ended.

67. "*Rural residence district*" means an unincorporated area established by a county board of supervisors which is contiguous to and including a secondary highway, not comprising a business district, where forty percent or more of the frontage of the highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business. For purposes of this subsection, farm houses and farm buildings are not to be considered.

68. "*Safety zone*" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

68A. "*Salvage pool*" means the business of selling at auction wrecked or salvage vehicles, as defined in section [321.52](#) .

69. "*School bus*" means every vehicle operated for the transportation of children to or from school, except vehicles which are:

a. Privately owned and not operated for compensation;

b. Used exclusively in the transportation of the children in the immediate family of the driver;

c. Operated by a municipally or privately owned urban transit company or a regional transit system as defined in section [324A.1](#) for the transportation of children as part of or in addition to their regularly scheduled service; or

d. Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

70. "*School district*" means the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city.

71. "*Semitrailer*" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Wherever the word "*trailer*" is used in this chapter, same shall be construed to also include "*semitrailer*" .

A "*semitrailer*" shall be considered in this chapter separately from its power unit.

72. "*Sidewalk*" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

73. "*Solid tire*" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

74. "*Specially constructed vehicle*" means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

75. "*Special mobile equipment*" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery and ditch-digging apparatus. This description does not exclude other vehicles which are within the general terms of this subsection.

76. "*Special truck*" means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-two tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities

purchased by the owner for use in the owner's own farming operation or occasional use for charitable purposes. "Special truck" also means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-two tons used by a person engaged in farming who assists another person engaged in farming through an exchange of services. A "special truck" does not include a truck tractor operated more than fifteen thousand miles annually.

77. "Stinger-steered automobile transporter" means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, recreational vehicles, or boats in which the fifth wheel is located on a drop frame located below and behind the rearmost axle of the power unit.

78. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

79. "Suburban district" means all other parts of a city not included in the business, school, or residence districts.

80. "Tandem axle" means any two or more consecutive axles whose centers are more than forty inches but not more than ninety-six inches apart.

80A. "Tank wagon" means a vehicle designed to carry liquid animal or human excrement.

81. "Through (or thru) highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a peace officer or traffic-control signal. The term "arterial" is synonymous with "through" or "thru" when applied to highways of this state.

82. "Tourist attraction" means a business, activity, service, or site where a major portion of the product or service provided is tourist oriented.

83. "Tourist-oriented directional sign" means a sign providing identification and directional information for a tourist attraction.

83A. "Towing or recovery vehicle" means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles.

83B. "Tracked implement of husbandry" means a fence-line feeder, grain cart, or tank wagon that is mounted on a chassis attached to a pair of tracks that transfer the weight of the implement to the ground or the roadway surface.

84. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.

85. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

86. "Trailer coach" means either a trailer or semitrailer designed for carrying persons.

87. "Transporter" means a person engaged in the business of delivering vehicles of a type required to be registered or titled in this state who has received authority to make delivery as specified by rules adopted by the department.

88. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. However, a truck tractor may have a box, deck, or plate for carrying freight, mounted on the frame behind the cab, and forward of the fifth-wheel connection point.

89. *"Used vehicle parts dealer"* means a person engaged in the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration under this chapter.

90. *"Vehicle"* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. *"Vehicle"* does not include:

a. Any device moved by human power.

b. Any device used exclusively upon stationary rails or tracks.

c. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

d. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

91. *"Vehicle identification number"* or the initials VIN mean the numerical and alphabetical designations affixed to a vehicle or a component part of a vehicle by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the vehicle.

92. *"Vehicle rebuilder"* means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration under this chapter, which have been damaged or wrecked.

93. *"Vehicle salvager"* means a person engaged in the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under this chapter.

94. *"Where a vehicle is kept"* shall refer to the county of residence of the owner or to the county where the vehicle is mainly kept if said owner is a nonresident of the state.

[S13, §1571-m1, -m20; C24, 27, §4863, 5030, 13012; C31, 35, §4863, 4960-d1, 5030, 13012; C39, § 5000.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.1; 81 Acts, ch 101, §1; 81 Acts 2d Ex, ch 2, §5; 82 Acts, ch 1056, §1, ch 1122, §1, ch 1254, §1] 82 Acts, ch 1062, §1, 2, 38; 83 Acts, ch 9, §3, 8; 83 Acts, ch 24, §1, 12; 84 Acts, ch 1219, §21; 84 Acts, ch 1252, §1; 84 Acts, ch 1292, §2; 85 Acts, ch 21, §41; 85 Acts, ch 35, §1, 2; 85 Acts, ch 37, §1; 85 Acts, ch 40, §1; 86 Acts, ch 1056, §1; 86 Acts, ch 1071, §1; 86 Acts, ch 1210, §1, 2; 86 Acts, ch 1237, §19; 86 Acts, ch 1238, §13; 87 Acts, ch 170, §2 - 4; 87 Acts, ch 186, §1, 2; 87 Acts, ch 189, §1; 88 Acts, ch 1047, §1; 88 Acts, ch 1083, §1, 2; 89 Acts, ch 34, §1; 89 Acts, ch 83, §40, 41; 89 Acts, ch 118, §1; 90 Acts, ch 1183, §3; 90 Acts, ch 1230, §6 - 14; 91 Acts, ch 56, §1; 91 Acts, ch 219, §14; 92 Acts, ch 1048, §1; 92 Acts, ch 1104, §1; 92 Acts, ch 1175, §19, 28; 93 Acts, ch 114, §1; 93 Acts, ch 139, §7; 94 Acts, ch 1087, §1; 95 Acts, ch 10, §1; 95 Acts, ch 55, §1, 2; 95 Acts, ch 56, §1; 95 Acts, ch 118, §1, 2; 96 Acts, ch 1005, §1; 96 Acts, ch 1129, §113; 97 Acts, ch 100, §1; 97 Acts, ch 104, §5; 97 Acts, ch 108, §1, 2; 97 Acts, ch 139, §1, 17, 18; 97 Acts, ch 148, §7, 9; 98 Acts, ch 1073, §1 - 4; 98 Acts, ch 1075, §20; 98 Acts, ch 1121, §8; 99 Acts, ch 13, §1 - 3, 29; 99 Acts, ch 108, §1 - 3; 99 Acts, ch 188, §1; 2000 Acts, ch 1005, §1; 2000 Acts, ch 1016, §1; 2000 Acts, ch 1025, §1, 6; 2000 Acts, ch 1133, §1; 2001 Acts, ch 32, §15; 2001 Acts, ch 132, §1; 2001 Acts, ch 153, §15, 17; 2001 Acts, ch 176, §80; 2002 Acts, ch 1063, §17, 18; 2003 Acts, ch 6, §1; 2003 Acts, ch 24, §2; 2004 Acts, ch 1013, §1, 35; 2004 Acts, ch 1132, §80; 2004 Acts, ch 1175, §397, 400; 2005 Acts, ch 8, §2, 3; 2005 Acts, ch 20, §4

NEW subsections 6A and 6B

Subsection 61 stricken

Subsection 88 amended