

CHAPTER 5

MOTOR CARRIERS

H. F. 380

AN ACT to provide for the supervision and regulation by the board of railroad commissioners of this state, of persons engaged in the public transportation of persons or property for hire by motor vehicles and for the enforcement of this act, and punishment for violation of the provisions thereof.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Definitions.** (a) The term "motor vehicle" when
2 used in this act, shall mean any automobile, automobile truck, motor
3 bus, or other self-propelled vehicle, not operated upon fixed rails or
4 track, used for the public transportation of freight or passengers for
5 compensation between fixed termini, or over a regular route, even
6 though there may be occasional, periodic or irregular departures from
7 such termini or route; except those owned by school corporations and
8 used exclusively in conveying school children to and from schools.

9 (b) The term "motor carrier", when used in this act, shall mean
10 any person operating any motor vehicle upon any highway in this
11 state.

12 (c) The term "highway", when used in this act, shall mean every
13 street, road, bridge, or thoroughfare of any kind in this state.

14 (d) The term "commission", when used in this act, shall mean
15 the board of railroad commissioners of this state.

1 SEC. 2. **Powers of commission.** The commission is hereby vested
2 with power and authority, and it shall be its duty to require a periodic
3 inspection of the equipment of every motor carrier and the same shall
4 also be at all times subject to inspection by the commission or its duly
5 authorized representatives; to fix or approve the rates, fares, charges,
6 classifications, and rules and regulations pertaining thereto, of each
7 motor carrier; to regulate and supervise the accounts, schedules, serv-
8 ice and safety of operations of each motor carrier; to prescribe a
9 uniform system and classification of accounts to be used, which among
10 other things shall provide for the setting up of adequate depreciation
11 charges, and after such accounting system shall have been promul-
12 gated, motor carriers shall use no other; to require the filing of annual
13 and other reports; and to supervise and regulate motor carriers in
14 all other matters affecting the relationship between such carriers and
15 the traveling and shipping public. The commission shall also have
16 power and authority by general order or otherwise to prescribe rules
17 and regulations applicable to any and all motor carriers. All control,
18 power and authority over railroads and railroad companies now vested
19 in the commission, in so far as the same is applicable, are hereby
20 specifically extended to include motor carriers.

1 SEC. 3. **Rates of charges.** All charges made by any motor carrier
2 for any service rendered or to be rendered in the public transportation
3 of passengers or property, or in connection therewith, shall be just,
4 reasonable and nondiscriminating, and every unjust, unreasonable, or

5 discriminating charge for such service or any part thereof is prohibited
6 and declared unlawful.

1 **SEC. 4. Certificate necessary.** It is hereby declared unlawful for
2 any motor carrier to operate or furnish public service within this
3 state without first having obtained from the commission a certificate
4 declaring that public convenience and necessity require such opera-
5 tion.

1 **SEC. 5. When certificate to be issued.** Before a certificate shall
2 be issued, the commission shall, after a public hearing, make a finding
3 that the service proposed to be rendered will promote the public con-
4 venience and necessity. If such finding be made, it shall be its duty
5 to issue a certificate. When the certificate is granted, the commis-
6 sion may attach to the exercise of the rights therein conferred such
7 terms and conditions as in its judgment the public convenience and
8 necessity may require. For just cause, the commission may at any
9 time alter, amend or revoke any certificate issued. No certificate of
10 convenience and necessity shall be issued until the applicant has made
11 a satisfactory showing as to his financial ability to carry out the
12 terms and conditions imposed.

1 **SEC. 6. Rules.** The commission shall adopt rules governing the
2 procedure to be followed in the filing of applications and in the con-
3 duct of hearings. All applications shall be in writing and, in addition
4 to the other information required, shall contain the following:

5 (a) The name of the individual, firm or corporation making the
6 application.

7 (b) The principal office or place of business of applicant.

8 (c) A complete description of the route over which the applicant
9 proposes to operate.

10 (d) A schedule setting forth in detail the service which the appli-
11 cant proposes to furnish.

12 (e) A complete description of the equipment which the applicant
13 proposes to use in furnishing the service.

14 (f) A financial statement from which the commission can deter-
15 mine whether or not the applicant is able to engage in the undertaking
16 proposed in the application.

1 **SEC. 7. Hearing—notice.** Upon the filing of the application, the
2 commission shall fix a date for hearing thereon and cause a notice
3 addressed to the citizens of each county through or in which the pro-
4 posed service will be rendered, to be published in some newspaper of
5 general circulation in each county, once each week for two (2) con-
6 secutive weeks. Said hearing shall not be held less than ten (10)
7 days from the date of the last publication and at the office of the
8 commission unless a different place is specified in the notice.

1 **SEC. 8. Objections.** Any person, firm, corporation, city, town, or
2 county whose rights or interests may be affected, shall have the right
3 to make written objections to the proposed application, but all such
4 objections shall be on file with the commission at least five (5) days
5 before the date fixed for said hearing. The commission may permit
6 objections to be filed later, in which event the applicant shall be given
7 reasonable time to meet such objections. It shall consider the appli-
8 cation and any objections filed thereto and may hear testimony to

9 aid it in determining the propriety of granting the application. It
10 may grant the application in whole or in part upon such terms, condi-
11 tions and restrictions and with such modifications as to schedule and
12 route as may seem to it just and proper.

1 **SEC. 9. Expense of hearing.** The applicant shall pay all the costs
2 and expenses of the hearing and necessary preliminary investigation
3 in connection therewith before his application shall be granted. The
4 commission shall have the right to require the applicant to deposit
5 with it at the time the application is filed, an amount of money to be
6 determined by the commission to secure the payment of the said costs
7 and expenses.

1 **SEC. 10. Appeal.** Appeal may be taken from the decision of the
2 commission by the applicant or any party who appeared in opposition
3 to the application, to the district court of any county in which is lo-
4 cated any portion of the route proposed in the application, within
5 thirty days from the time the decision was rendered, by giving at
6 least ten days notice to the commission to be served on its chairman
7 or secretary in the same manner as original notices are now served,
8 and by filing with the clerk of the district court a bond for costs in
9 the sum of not less than five hundred dollars. Upon appeal being taken,
10 the secretary of the commission shall make and certify a transcript
11 of all papers, records and proceedings in connection with such appli-
12 cation and hearing and file the same with the clerk of said court on
13 or before the first day of the next term thereof following the taking
14 of such appeal. The appeal shall be submitted upon the transcript
15 of the evidence and the record made before the commission and the
16 district court shall either affirm or reverse the order of the commis-
17 sion. An appeal may be taken from the judgment of the district
18 court to the supreme court as from other judgments.

1 **SEC. 11. Transfer of certificate.** No certificate of convenience and
2 necessity shall be sold, transferred, leased or assigned until the motor
3 carrier shall have operated thereunder for at least ninety days' con-
4 tinuous service, nor shall any contract or agreement with reference
5 to or affecting any such certificate be made except with the written
6 approval of the commission. Nor shall any person be permitted to
7 take over any such certificate unless he or it shall possess all the
8 qualifications of and meet all the requirements and assume all the
9 obligations imposed upon an original applicant.

1 **SEC. 12. Liability bond.** No certificate shall be issued until and
2 after the applicant shall have filed with the commission a liability in-
3 surance bond, in form to be approved by the commission, issued by
4 some company authorized to do business in this state, in such penal
5 sum as the commission may deem necessary to protect the interests
6 of the public with due regard to the number of persons and amount
7 of property involved, which liability insurance bond shall bind the
8 obligors thereunder to make compensation for injuries to persons and
9 loss of, or damage to, property resulting from the operation of such
10 motor carrier. No other or additional bonds shall be required of any
11 motor carrier by any city, town or other agency of the state.

1 **SEC. 13. Solid tires—weight limit.** No motor carrier shall be per-
2 mitted to operate upon the highways a motor vehicle equipped with

3 solid rubber tires which, together with its maximum load, weighs
4 more than fourteen thousand (14,000) pounds, or one equipped with
5 pneumatic tires which, together with its maximum load, weighs over
6 eighteen thousand (18,000) pounds.

1 **SEC. 14. Powers of cities and towns.** Cities and towns, including
2 cities under special charter, shall have power by ordinance to adopt
3 general rules of operation, and to designate the streets or routes over
4 which motor carriers shall travel; provided, however, that the exer-
5 cise of the power granted in this section shall be reasonable and fair.
6 Nothing in this act shall be construed as repealing chapter three hun-
7 dred six (306), nor section sixty-seven hundred sixty-nine (6769) of
8 the code, 1924. Motor vehicles operating or proposing to operate
9 between cities and towns, the corporate limits of which are not more
10 than one mile apart, shall be considered as coming within the purview
11 of the chapter referred to in this section.

1 **SEC. 15. Requirements.** (a) Every motor vehicle and all parts
2 thereof shall be maintained in a safe and sanitary condition at all
3 times, and shall be at all times, subject to inspection by the commis-
4 sion and its duly authorized representatives.

5 (b) Every driver employed by a motor carrier shall be at least
6 twenty-one years of age; in good physical condition; of good moral
7 character; shall be fully competent to operate the motor vehicle under
8 his charge, and shall hold a regular chauffeur's license from the state
9 motor vehicle department.

10 (c) On passenger carrying motor vehicles passengers shall not be
11 permitted to ride on the running boards, fenders or on any other
12 outside part of the vehicle.

13 (d) On freight carrying motor vehicles no part of the load shall
14 be allowed to project more than six inches beyond the running board,
15 or measure more than eight feet wide over all.

16 (e) All motor vehicles, upon approaching any steam or electric
17 railroad track at grade shall be brought to a stop at such a point
18 within fifty feet of the steam or electric railroad track as will clear
19 the track and still allow the driver of the motor vehicles to obtain a
20 view of the track in both directions. Before proceeding to cross said
21 track, the driver shall look in both directions and ascertain if the
22 way is clear.

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

27 (g) Accidents arising from or in connection with the operation of
28 motor vehicles shall be reported to the commission in such detail and
29 in such manner as the commission may require.

30 (h) There shall be attached to each motor vehicle such distinctive
31 markings or tags as shall be prescribed by the commission.

1 **SEC. 16. Additional rules.** The commission shall promulgate such
2 other safety rules and regulations as it may deem necessary to govern
3 and control the operation of motor vehicles upon the highways and
4 the maintenance and inspection thereof.

1 **SEC. 17. Cancellation.** For violation of any provision of this act,

2 or of any rule or regulation promulgated thereunder by any motor
3 carrier, the commission may, in addition to other penalties herein pro-
4 vided, revoke and cancel the certificate of such motor carrier.

1 **SEC. 18. Misdemeanor—penalty.** Every owner, officer, agent, or
2 employee of any motor carrier, and every other person who violates
3 or fails to comply with, or who procures, aids or abets in the violation
4 of any provision of this act, or who fails to obey, observe or comply
5 with any order, decision, rule or regulation, direction, demand or
6 requirement or any part or provision thereof, of the commission, or
7 who procures, aids or abets any corporation or person in his failure
8 to obey, observe or comply with any such order, decision, rule, direc-
9 tion, demand or regulation or any part or provision thereof, shall be
10 guilty of a misdemeanor and upon conviction shall be punished by a
11 fine not exceeding one thousand dollars or by imprisonment in the
12 county jail not exceeding one year, or by both such fine and imprison-
13 ment.

1 **SEC. 19. Publication clause.** This act being deemed of immediate
2 importance shall be in full force and effect from and after its publica-
3 tion in the Clermont Enterprise, a newspaper published in Clermont,
4 Iowa, and the Des Moines Daily Record, a newspaper published in
5 Des Moines, Iowa.

Approved April 3, A. D. 1925.

I hereby certify that the foregoing act was published in the Clermont Enterprise
April 16, 1925, and Des Moines Daily Record April 10, 1925.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 6

GASOLINE LICENSE FEE

S. F. 312

AN ACT imposing a license fee on gasoline used or sold for use in the state of Iowa, providing for the payment, collection, refund, distribution and expenditure thereof; providing for penalties for violations of the law; amend section forty-six hundred thirty-five (4635) of the code, 1924; and making an appropriation for carrying out the provisions of this act.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Amount of fee.** A license fee of two cents (2¢) per gal-
2 lon or fraction of a gallon is hereby imposed on all gasoline in this
3 state for any purpose whatsoever. Any person using gasoline within
4 the state shall be liable for the fee herein provided for unless the
5 same shall have been previously paid. License fees shall be collected
6 and disposed of in the manner hereinafter provided.

1 **SEC. 2. Definition of terms.** (a) The term "distributor" as used
2 in this act shall mean any person who brings into the state or who
3 produces, refines, manufactures or compounds within the state any
4 gasoline to be used within the state or sold or otherwise disposed of