

CHAPTER 169
MOTOR CARRIERS

H. F. 484

AN ACT relating to the registration fee and compensation tax on the motor vehicles of motor carriers.

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

1 SECTION 1. Section three hundred twenty-six point two (326.2),
2 Code 1954, is hereby amended as follows:

3 1. By striking in lines one (1), two (2) and three (3) of said sec-
4 tion the words, "In addition to the regular registration fees or taxes
5 imposed upon motor vehicles,".

6 2. By striking the last paragraph of such section and inserting in
7 lieu thereof the following:

8 "None of the motor vehicles of any motor carrier shall be subject to
9 the payment of the compensation tax, if the motor carrier registers,
10 either voluntarily or because such registration is required by law, in
11 Iowa under the provisions of chapter three hundred twenty-one (321)
12 of the Code, either all of his motor vehicles using the highways of this
13 state or such portion thereof as corresponds to or exceeds the ratio of
14 the number of miles such motor vehicles operate in Iowa to the total
15 number of miles such motor vehicles operate in all states. In addition
16 to the authority granted the reciprocity board by section three hun-
17 dred twenty-one point fifty-six (321.56) of the Code to enter into
18 agreements for such apportionment of motor vehicle registration with
19 the duly authorized representatives of any county, state, territory, or
20 federal district, the reciprocity board is hereby authorized to enter
21 into prorating arrangements with individual interstate motor carriers
22 operating motor vehicles as defined in this chapter. The reciprocity
23 board may require motor carriers to submit under oath such informa-
24 tion as the board deems necessary for the execution of this section.
25 The board's determination of the number and type of vehicles subject
26 to be registered in Iowa shall be final. In determining the total num-
27 ber of motor vehicles of a nonresident motor carrier that shall be reg-
28 istered in Iowa, fractions of a motor vehicle of one-half ($\frac{1}{2}$) or less
29 shall not be included. The commissioner of public safety shall provide
30 suitable identification for each motor vehicle operated by a motor car-
31 rier who registers a portion of his fleet in Iowa under this section.
32 This identification shall be displayed at all times in the manner pre-
33 scribed by the commissioner of public safety."

1 SEC. 2. Section three hundred twenty-one point fifty-six (321.56),
2 Code 1954, is hereby repealed and the following enacted in lieu there-
3 of:

4 "1. A board, to be known as the reciprocity board, is hereby estab-
5 lished to be located at the seat of government. The board shall have
6 three (3) members who shall be: A member of the state highway
7 commission, to be designated by the state highway commission; a
8 member of the state commerce commission, to be designated by the
9 state commerce commission; and the commissioner of public safety.
10 Each member of the board may appoint from the officials of his de-
11 partment a deputy member who shall, in the absence of such member,

12 act as a member of the board with the full powers, authority and re-
13 sponsibility of such member. The duties of the members of the board
14 and their deputies shall be in addition to their regular duties and they
15 shall receive no additional compensation. The board shall maintain no
16 staff, but shall use the staff, facilities, and personnel of the public
17 safety department and the highway and commerce commissions. The
18 attorney general or any assistant attorney general designated by him
19 shall give legal counsel and assistance to the motor vehicle reciprocity
20 board.

21 "2. The motor vehicle reciprocity board shall have authority to make
22 reciprocity agreements with the duly authorized representatives of
23 any county, state, territory or federal district exempting the residents
24 of such county, state, territory or federal district using the highways
25 of this state from the registration requirements of this chapter with
26 such restrictions, conditions, and privileges or lack of them as such
27 board may deem advisable provided the residents of this state when
28 using the highways of such other state shall receive exemptions of a
29 similar kind to a like degree. Such agreements may provide for the
30 denial of registration exemption to one or more particular nonresi-
31 dents at any time if in the opinion of the board such nonresidents
32 should not be granted exemption privileges. Notwithstanding any
33 provisions of this chapter to the contrary or inconsistent herewith
34 such agreements may provide with respect to resident or nonresident
35 fleets of two (2) or more commercial vehicles which are engaged in
36 interstate movement, that the registrations of such fleets be appor-
37 tioned between this state and the other states in which such fleets
38 operate. The percentage of miles such fleets operate in this state, as
39 related to the total miles such fleets operate in all states, shall be used
40 by the board to determine what percentage of the total number of
41 vehicles in such fleets are to be registered in this state. When a ve-
42 hicle has been licensed in one of the reciprocating states under an
43 agreement as provided herein, such vehicle shall not be subject to
44 licensing in the other reciprocating state.

45 "3. The board may require fleet owners to submit under oath such
46 information as the board deems necessary for the proper carrying out
47 of the provisions of this section and the board's determination of the
48 number of vehicles in fleets subject to this section to be registered in
49 this state shall be final.

50 "4. Any nonresident motor vehicle, trailer, or semitrailer shall be
51 subject to all laws, rules and regulations governing the operation of
52 such vehicles on the highways of this state, and violations of such
53 laws, rules or regulations by any carrier may be a ground for denial
54 of registration exemption to such carrier. The registration number
55 plates assigned and furnished to any foreign-licensed motor vehicle,
56 trailer, or semitrailer for the current registration year by another
57 state where the same is licensed shall be displayed on such motor ve-
58 hicle, trailer, or semitrailer substantially as provided in this chapter
59 for vehicles registered pursuant to the provisions thereof.

60 "5. Nothing herein contained shall authorize the waiving of the reg-
61 istration requirements of this chapter relating to motor vehicles oper-
62 ated within this state in intrastate commerce."

1 SEC. 3. Section three hundred twenty-seven point ten (327.10),
2 Code 1954, is hereby amended by striking from line one (1) thereof

3 the words, "Iowa state commerce commission" and inserting in lieu
 4 thereof the words, "reciprocity board established under the provisions
 5 of section three hundred twenty-one point fifty-six (321.56)" and by
 6 striking from line ten (10) thereof the word, "commission" and in-
 7 serting in lieu thereof the word, "board".

Approved May 14, 1957.

CHAPTER 170

CONTRACT CARRIERS

H. F. 469

AN ACT to amend section three hundred twenty-seven point one (327.1), Code 1954, relating to the clarification of the term contract carrier.

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

1 SECTION 1. Section three hundred twenty-seven point one (327.1),
 2 Code 1954, is amended by striking all of that part of subsection
 3 one (1) which follows the word "under" in line ten (10) thereof and
 4 by substituting therefor the following: "an individual written con-
 5 tract."

1 SEC. 2. Section three hundred twenty-seven point one (327.1),
 2 subsection five (5), is hereby stricken and the following enacted in
 3 lieu thereof:

4 The term "contract carrier" shall mean any person who does not
 5 hold out to the general public to serve it indiscriminately and who, for
 6 compensation, engages in the business of transportation of property
 7 by motor truck under individual written contracts, thereby providing
 8 a special and individual service required by the peculiar needs of a
 9 particular shipper, but does not include, (1) a motor carrier as defined
 10 in chapter three hundred twenty-five (325), (2) a truck operator, or
 11 (3) a person whose transportation by motor vehicle is in furtherance
 12 of a private enterprise other than the business of transportation for
 13 others for compensation.

14 The term "individual written contract" shall mean an agreement
 15 in writing between a contract carrier and a shipper, effective for a
 16 duration of at least three months, imposing mutual obligations to
 17 tender freight and perform transportation, and specifying the charges.
 18 The presence of goods originating from more than five (5) shippers
 19 on one vehicle at any one time shall be prima facie evidence that the
 20 carrier is a motor carrier and not a contract carrier.

1 SEC. 3. Any person, firm, or corporation may obtain a permit to
 2 engage as a contract carrier in this state in the transportation of
 3 agricultural limestone, aggregates such as sand, gravel, crushed or
 4 broken stone, and all other materials for road or bridge construction
 5 or reconstruction projects, by filing with the Iowa state commerce
 6 commission an application therefor. No proof of need for service,
 7 nor public convenience or necessity shall be required of such appli-
 8 cant; there shall be no limitation on the number of individual con-
 9 tracts, oral or written, permitted and no tariff or schedule of rates