

figures, the per gallon price of the motor fuel, the per gallon rate of any tax added to the product price, the total purchase price including the Iowa motor fuel tax and that the total purchase price including tax has been paid; provided, that as to refund invoices made on a billing machine the department of revenue may waive any of the requirements of this subsection.

Approved April 20, 1979

CHAPTER 78

CARRIERS

S. F. 163

AN ACT relating to regulated carriers by providing temporary operating authority for regulated carriers, by establishing uniform regulatory controls for certain commercial carriers, and by requiring interstate carriers exempt from interstate commerce commission regulations to register in this state and instituting an insurance requirement for exempt carriers.

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

Section 1. Section three hundred twenty-five point six (325.6), subsection two (2), Code 1979, is amended to read as follows:

2. The board may allow the provision of temporary service for which there is an immediate and urgent need to a point or points requested by the application for a permanent certificate of public convenience and necessity upon investigation and a finding that ~~no carrier has operating authority to serve these the point or points or no carrier is currently serving these points and upon meeting the requirements of this chapter~~ do not have carrier service capable of meeting the need. The grant of temporary authority shall not become effective until the applicant has complied with the provisions of sections three hundred twenty-five point twenty-six (325.26), three hundred twenty-five point twenty-eight (325.28) and three hundred twenty-five point thirty-five (325.35) of the Code and the rules and regulations of the board. ~~Such temporary authority, and~~ unless suspended or revoked for good cause, shall be valid for such time as the board shall specify but not more than an aggregate of one hundred eighty days, ~~and~~. The grant of temporary authority shall create no presumption that the corresponding application will be granted thereafter.

Sec. 2. Section three hundred twenty-five point twenty-five (325.25), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

325.25 TRANSFER OF CERTIFICATE. A certificate of convenience and necessity shall not be sold, transferred, leased, or assigned, nor shall any contract or agreement with reference to or affecting any certificate be made

without the written approval of the board. The board may hold a hearing at its discretion and shall approve the sale, transfer, lease, or assignment upon a finding that there has been continuous service under the certificate for at least ninety days prior to the transfer and that the transferee is fit, willing, and able to perform the operations authorized by the certificate and that the transfer is consistent with the public interest. Pending determination of an application filed with the board for approval of a sale, transfer, lease, or assignment, the board may grant temporary approval of the proposed operation upon a finding of good cause.

Sec. 3. Section three hundred twenty-five point thirty-five (325.35), Code 1979, is amended to read as follows:

325.35 CERTIFICATE CONDITIONED ON FEE. ~~No~~ A motor vehicle engaged in the transportation of property under a certificate of convenience and necessity issued under the provisions of this chapter shall not be operated on the highways of this state unless there ~~shall have~~ has been paid to the board department for the administration of this chapter an annual fee ~~in the amount of five dollars, provided, however, that the fee herein provided shall not be imposed on any tractor or truck tractor, provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars for each motor truck and ten dollars for each truck tractor or road tractor.~~

~~For the purposes of this section the terms "tractor or truck tractor" shall mean every self-propelled 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.~~

It shall be a simple misdemeanor for any motor carrier to operate any motor vehicle for which the annual fee has not been paid and the board department may revoke the certificate of convenience and necessity of any such violator.

Sec. 4. Section three hundred twenty-six point forty-five (326.45), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

326.45 ISSUANCE--TITLE OBLIGATION. Upon receiving application for and payment of the registration fee and notification of title from the county treasurer, the department shall issue registration identification to the applicant carrier and send the certificate of title to the vehicle owner or lienholder. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code to process registration of vehicles titled in other states.

Sec. 5. Chapter three hundred twenty-six (326), Code 1979, is amended by adding the following new section:

NEW SECTION. TEMPORARY REGISTRATION. The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination with intermediate points authorized by the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration.

Sec. 6. Section three hundred twenty-seven point nine (327.9), Code 1979, is amended to read as follows:

327.9 FEE. No A motor truck engaged in the transportation of property under a truck operator or contract carrier permit issued under the provisions of this chapter shall not be operated on the highways of this state unless there ~~shall have~~ has been paid to the board department for the administration of this chapter an annual fee ~~in--the-amount~~ of five dollars; ~~provided, however, that the fee herein provided shall not be imposed on any tractor or truck tractor; provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars~~ for each motor truck and ten dollars for each truck tractor or road tractor.

~~For the purposes of this section the terms "tractor or truck tractor" shall mean every self-propelled 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.~~

It ~~shall be~~ is a simple misdemeanor for any a truck operator or contract carrier to operate any a motor truck for which the annual fee has not been paid and the board department may revoke either the truck operator or contract carrier permit of any such violator or both.

Sec. 7. Section three hundred twenty-seven B point one (327B.1), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327B.1 AUTHORITY SECURED AND REGISTERED. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the interstate commerce commission or evidence that such authority is not required with the state department of transportation.

Registration shall be granted without hearing upon application and payment of a twenty-five dollar filing fee. Each amendment of supplemental authority shall require a ten dollar filing fee.

Upon registration, the state department of transportation shall identify the registration by number and issue annually a decal or sticker bearing the registration number of the carrier for each motor truck, truck tractor or road tractor operating in this state for a one dollar fee per vehicle.

The state department of transportation may execute reciprocity agreements with authorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall adopt rules pursuant to chapter seventeen A (17A) of the Code for the identification of vehicles operated under reciprocity agreements.

Fees may be subject to reduction or proration pursuant to sections three hundred twenty-six point five (326.5) and three hundred twenty-six point thirty-two (326.32) of the Code.

Sec. 8. Chapter three hundred twenty-seven B (327B), Code 1979, is amended by adding the following new section:

NEW SECTION. INSURANCE OR BOND. Registration under section three hundred twenty-seven B point one (327B.1) of the Code shall not be granted until the carrier has filed with the state department of transportation evidence of insurance or surety bond issued by an insurance carrier or bonding company authorized to do business in this state and in the form prescribed by the

rules adopted under 49 U.S.C. 302(b) (2) (1965). The minimum limits of liability for each motor truck are as follows:

1. To cover the carrier's liability as an interstate carrier for personal injury or death as a result of any one incident, twenty-five thousand dollars for recovery by one person, and subject to the limit for one person, fifty thousand dollars for more than one person. This coverage need not include injury to carrier's employees while engaged in the course of their employment.

2. To cover the carrier's liability as an interstate carrier for damages to property other than that of or in charge of the carrier, as a result of any one incident, ten thousand dollars.

The insurance policy or surety bond shall bind the insurance company or bonding company to make compensation to claimants for the carrier's liability. The insurance policy or surety bond shall also provide that a person having a cause of action against the carrier may bring action directly upon the policy or bond when service cannot be obtained on the interstate carrier within this state.

Failure to keep insurance or bond in effect at all times shall cause the registration of the interstate carrier to be revoked.

Sec. 9. The provisions of sections four (4) and five (5) of this Act shall become effective July first following enactment. The remaining provisions of this Act shall become effective January first following its enactment.

Approved June 1, 1979

CHAPTER 79 ABANDONED RAILROAD LINE

H. F. 450

AN ACT relating to the responsibilities of a person who acquires a railroad right-of-way outside of a city or contiguous to agricultural land in a city.

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

Section 1. Chapter three hundred twenty-seven G (327G), Code 1979, is amended by adding the following new section:

NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG RIGHTS-OF-WAY. A person, including a state agency or political subdivision of the state, who acquires a railroad right-of-way after the effective date of this Act for a purpose other than farming has all of the following responsibilities concerning that right-of-way:

1. Construction, maintenance, and repair of the fence on each side of the property, however, this requirement may be waived by a written agreement with the adjoining landowner.