

## CHAPTER 171

### EXEMPTIONS FROM MOTOR CARRIER SAFETY REQUIREMENTS

H.F. 393

AN ACT relating to certain exemptions from federal motor carrier safety regulations.

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

Section 1. Section 321.449, unnumbered paragraph 4, Code 1995, is amended to read as follows:

Notwithstanding other provisions of this section, rules adopted under this section for a ~~driver~~ drivers of a commercial vehicle vehicles shall not apply to a driver ~~for a private carrier, who is not for hire and~~ of a commercial vehicle who is engaged exclusively in intrastate commerce, when the ~~driver's commercial vehicle is not operated more than one hundred miles from the driver's work reporting location~~ vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(5), a driver's report of daily beginning and ending on duty time submitted to the motor carrier at the end of each work week shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce may drive twelve hours, be on duty sixteen hours in a twenty-four hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A driver-salesperson means as defined in 49 C.F.R. § 395.2, adopted as of a specific date by the department by rule.

Approved May 4, 1995

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## CHAPTER 172

### APPLICATION OF PESTICIDES AND OTHER CHEMICALS

S.F. 256

AN ACT providing for pesticides, by providing for the notification of application and providing for the elimination of provisions relating to chemigation.

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

Section 1. Section 206.2, subsection 7, Code 1995, is amended by striking the subsection.

Sec. 2. Section 206.5, subsection 6, Code 1995, is amended by striking the subsection.

Sec. 3. Section 206.19, subsection 3, Code 1995, is amended to read as follows:

3. Determine in cooperation with municipalities, the proper notice to be given by a commercial or public applicator to occupants of adjoining properties in urban areas prior to or after the exterior application of pesticides, and establish a schedule to determine the

periods of application least harmful to living beings, ~~and adopt rules to implement these provisions. The rules shall provide that a commercial or public applicator must provide notice only if an occupant requests that the commercial or public applicator provide the occupant notice in a timely manner prior to the application. The request shall include the name and address of the occupant, a telephone number of a location where the occupant may be contacted during normal business hours and evening hours, and the address of each property that adjoins the occupant's property. The notification shall expire on December 31 of each year, or the date when the occupant no longer occupies the property, whichever is earlier.~~ Municipalities shall cooperate with the department by reporting infractions and in implementing this subsection.

Sec. 4. Section 206.22, subsection 4, Code 1995, is amended by striking the subsection.

Sec. 5. REPEAL. Chapter 206A, Code 1995, is repealed.

Approved May 4, 1995

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## CHAPTER 173

### ARTS AND CULTURAL ENHANCEMENT AND ENDOWMENT

S.F. 390

**AN ACT** relating to recompense to a cooperating teacher and to the Iowa arts and cultural enhancement and endowment program and foundation.

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

Section 1. Section 262.75, Code 1995, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** In lieu of the payment of monetary recompense to a cooperating teacher, the cooperating teacher may direct that the monetary recompense be paid by the institution directly into a scholarship fund which has been established jointly by the board of directors of the school district that employs the teacher and the local teachers' association. In such cases, the cooperating teacher shall receive neither monetary recompense nor any reduction in tuition at the institution.

Sec. 2. Section 303C.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Enhancement account funds shall be available, upon certification by the department of ~~the availability of matching funds from private sources, to nonprofit organizations for the purposes of education, outreach, and enhancement that the applicant has secured nonstate matching funds at least equal to the amount of the grant award. An organization proposing a program must have available funds from private sources in order to receive an equal amount of public funds contained in the enhancement account.~~ The department shall consider the recommendations of the caucus on arts and cultural enhancement made pursuant to section 303C.6, and the recommendations of the advisory council created in section 303C.5, and shall adopt rules pursuant to chapter 17A governing the distribution of funds to organizations. Proposed programs shall do at least one of the following:

Sec. 3. Section 303C.5, Code 1995, is amended to read as follows:

**303C.5 BLOCK GRANTS PROVIDED TO QUALIFIED ORGANIZATIONS.**