

March 12, 1957.

House File 469  
By MOTOR VEHICLES, COMMERCE  
AND TRADE COMMITTEE.

Passed House, Date..... 3-26

Passed Senate, Date..... 5-1

Vote: Ayes..... 79 Nays..... 10

Vote: Ayes..... 46 Nays..... 1

Approved.....

**A BILL FOR**

*House concurs in  
Sen. Amendment 52  
& votes yeas 86  
nays 2*

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. Amend section three hundred twenty-seven point  
2 one (327.1), Code 1954, by striking from subsection one (1),  
3 lines eleven (11), twelve (12) and thirteen (13) the words "but  
4 shall not include motor trucks used in the operations defined in  
5 paragraph's (a) and (b) of subsection 5." and by inserting a  
6 period after the word "arrangement".

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

4 The term "contract carrier" shall mean any person who can  
5 satisfactorily establish that he is other than a motor carrier  
6 as defined in chapter three hundred twenty-five (325) of the Code,  
7 or a truck operator or private carrier who engages in transportation  
8 of property by motor truck for compensation under individual,  
9 written bilateral contracts or agreements, providing a special  
10 and individual service which is required by the peculiar needs or  
11 a particular shipper, provided that not more than five (5)  
12 contracts or agreements are in force at any one time, except  
13 that equipment dedicated to the exclusive use of a single

14 shipper or specialized equipment for a specialized service shall  
15 not be limited to five (5) contracts.”

1     Sec. 3. This Act being deemed of immediate importance  
2 shall be in force and effect from and after its passage and  
3 publication in The Lockridge Times, a newspaper published at  
4 Lickridge, Iowa, and in The Fayette County Union, a newspaper  
5 published at West Union, Iowa.

EXPLANATION OF HOUSE FILE 469

The purpose of this Act is to more clearly define and set out what a contract carrier is. At the present time the term as defined in this section is so broad, it is difficult for the commission to properly regulate.

HOUSE FILE 469

1 Amend House File 469 as follows:  
 2 1. Amend House File 469 by striking all of section  
 3 one (1) and substituting in lieu thereof the following:  
 4 Section 1. Section three hundred twenty-seven point  
 5 one (327.1), Code 1954, is amended by striking all of that part  
 6 of subsection one (1) which follows the word "under" in  
 7 line ten (10) thereof and by substituting therefor the  
 8 following. "an individual written contract."  
 9 2. Amend section two (2) by striking therefrom  
 10 lines four (4) to fifteen (15), inclusive, and  
 11 inserting in lieu thereof the following:  
 12 The term "contract carrier" shall mean any  
 13 person who does not hold out to the general public to  
 14 serve it indiscriminately and who, for compensation,  
 15 engages in the business of transportation of property  
 16 by motor truck under individual written contracts, thereby  
 17 providing a special and individual service required by the  
 18 peculiar needs of a particular shipper, but does not  
 19 include, (1) a motor carrier as defined in chapter three  
 20 hundred twenty-five (325), (2) a truck operator, or  
 21 (3) a private carrier.  
 22 The term "individual written contract" shall mean  
 23 an agreement in writing between a contract carrier and  
 24 a shipper, effective for a duration of at least three  
 25 months, imposing mutual obligations to tender freight and  
 26 perform transportation, and specifying the charges. It  
 27 shall be prima facie evidence that any carrier having  
 28 more than five contracts in force at one time is a motor  
 29 carrier and not a contract carrier.  
 30 3. Further amend House File 469 by adding a new  
 31 section three (3) following section two (2) thereof,  
 32 as follows:  
 33 Sec. 3. Any person, firm, or corporation may obtain  
 34 a permit to engage as a contract carrier in this state  
 35 in the transportation of agricultural limestone,  
 36 aggregates such as sand, gravel, crushed or broken stone,  
 37 and all other materials for any private or public use,  
 38 building, road or bridge construction or reconstruction  
 39 project, by filing with the Iowa state commerce  
 40 commission an application therefor. No proof of need  
 41 for service, nor public convenience or necessity shall  
 42 be required of such applicant; there shall be no limita-  
 43 tion on the number of individual contracts, oral or  
 44 written, permitted and no tariff or schedule of rates or  
 45 charges shall be required. The commission shall issue  
 46 such permit when the applicant has paid all fees required  
 47 by this chapter, and complied with the provisions of  
 48 section three hundred twenty-seven point fifteen (327.15)  
 49 relating to insurance protection. The holder of such permit  
 50 shall in all cases comply with the safety rules and  
 51 regulations provided for by this chapter and shall pay all  
 52 annual permit fees required of other contract carriers  
 53 and such permits shall, after due hearing, be subject to  
 54 revocation for violation thereof.  
 55 4. Further amend House File 469 by renumbering the  
 56 present section three (3) to number four (4).

*adopted as amended 3-26*

Filed  
 March 22, 1957.

DARRINGTON of Harrison.  
 PAUL of Poweshiek.  
 RIEHM of Hancock.

HOUSE FILE 469

1 Amend the amendment to House File 469 filed March 22, 1957,  
 2 Paul, and Riehm, by striking from lines thirty-seven (37) and  
 3 thirty-eight (38) the words "any private or public use,  
 4 building," and striking from line thirty-nine (39) the word  
 5 "project" and inserting in lieu thereof the word "projects".

Filed and adopted  
 March 26, 1957.

DARRINGTON of Harrison  
 PAUL of Poweshiek.  
 RIEHM of Hancock.

HOUSE FILE 469

- 1 Amend House File 469 by striking in line 21 the words "a
- 2 private carrier." and inserting in lieu thereof the following:
- 3 "a person whose transportation by motor vehicle is in furtherance
- 4 of a private enterprise other than the business of transportation
- 5 for others for compensation."

Filed  
April 3, 1957.

By WALKER.

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HOUSE FILE 469

- 1 Amend House File 469 by striking the last sentence in
- 2 paragraph 3 of section 2 and inserting in lieu thereof the following:
- 3 "The presence of goods originating from more than five (5) ship-  
pers on
- 4 one vehicle at any one time shall be prima facie evidence that the
- 5 carrier is a motor carrier and not a contract carrier."

Filed  
April 24, 1957.

*adopted 5-1*  
By WALKER.

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HOUSE FILE 469

- 1 Amend the Walker amendment filed April 3, 1957, to House
- 2 File 469, line 1, by striking the word and figure "line 21"
- 3 and inserting in lieu thereof the following. "section 2, line 11".

Filed and adopted  
May 1, 1957.

By WALKER.