

March 12, 1957.

House File 478

By PETRUCCELLI, STEVENS, JOHANNES,
WILSON, MAGGERT and BARRINGER.

Passed House, Date..... Passed Senate, Date.....

Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act to amend chapter three hundred twenty-one (321), Code 1954, relating to motor vehicles, to levy and provide for the collection of an axle-mile tax on certain motor vehicles and to provide for the disbursement of said proceeds.

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

- 1 Chapter three hundred twenty-one (321), Code 1954, is
- 2 hereby amended by adding the following:
 - 1 Section 1. There is hereby created a tax for the
 - 2 privilege of using the streets or highways of this state to be
 - 3 known as the "axle-mile equalization tax". Such tax shall not
 - 4 be subject to the provisions of section three hundred twenty-
 - 5 one point fifty-three (321.53) and section three hundred twenty-
 - 6 one point fifty-six (321.56), and shall be in addition to all
 - 7 other taxes now required to be paid except as hereinafter
 - 8 provided.
- 1 Sec. 2 The owner of a motor truck with three or more
- 2 axles, and the owner of a truck tractor or road tractor drawing
- 3 or designed to draw a semitrailer or trailer, shall, before
- 4 using or permitting such vehicle or vehicles to be used upon
- 5 any street or highway in this state, make application to the
- 6 department for an axle-mile equalization tax permit. Such
- 7 application, and such permit when issued, shall set forth the
- 8 number of axles and the gross weight of each motor vehicle and
- 9 such other information as may be reasonably required by the

10 department, which shall be subject to audit and approval by
11 the department. The application shall be signed by the owner
12 or by his authorized representative. The application shall
13 be accompanied by a fee of five dollars.

1 Sec. 3 Upon issuance of a permit, the department shall
2 at the same time issue to the holder of the permit an
3 identification tag in a form prescribed by the department.
4 The permit and the tag shall bear the same number and shall
5 not be transferable. At all times while the truck or tractor
6 is in this state, the permit shall be carried in the driver's
7 cab and the tag shall be so placed as to be plainly visible
8 outside the cab. In case of the loss of a permit or
9 identification plate, the department shall issue a duplicate
10 thereof upon payment of a fee of one dollar.

1 Sec. 4. The tax herein provided shall be in the following
2 amounts: (1) one-half cent ($\frac{1}{2}c$) for each mile of operation on
3 the streets or highways of this state for any motor truck for
4 which has been issued an axle-mile equalization permit for its
5 operation with three or more axles; (2) one cent (1c) for any
6 truck tractor or road tractor for which has been issued an
7 axle-mile equalization permit for its operation as part of a
8 combination with a maximum of three axles; (3) one and one-half
9 cents ($1\frac{1}{2}c$) for each mile of operation on the streets or highways
10 of this state for any truck tractor or road tractor for which
11 has been issued an axle-mile equalization permit for its
12 operation as part of a combination with a maximum of four
13 axles; (4) two cents (2c) for each mile of operation on the
14 streets or highways of this state for any truck tractor or
15 road tractor for which has been issued an axle-mile equalization

16 permit for its operation as part of a combination with a
17 maximum of five axles; (5) two and one-half cents (2½c) for
18 each mile of operation on the streets or highways of this
19 state for any truck tractor or road tractor for which has
20 been issued an axle-mile equalization permit for its operation
21 as part of a combination with a maximum of six axles, or upon
22 any vehicle authorized to operate upon the public streets or
23 highways of this state by section three hundred twenty-one
24 point four hundred sixty-seven (321.467) of the Code.

1 Sec. 5. Except as herein provided, each holder of a permit
2 shall make a report to the department not later than the fifteenth
3 (15th) day of each month, upon a form provided by the department,
4 containing the following information: number of permit,
5 description of vehicle or combination of tractor and semitrailer
6 or trailer including the number of axles authorized by its
7 permit, and miles traveled on the streets or highways of this
8 state during the preceding month and for the year, and such
9 other information as the department may reasonably require.
10 Such report shall be signed by the permit holder. Such report
11 shall be accompanied by a remittance to the department of the
12 amount of tax due under this Act, if any tax is due.

1 Sec. 6 The holder of a permit who fails to file a report
2 and pay any amount of axle-mile equalization tax when due, shall
3 pay a penalty of ten dollars (\$10.00). If any report is not
4 filed within thirty (30) days after it is due or if the penalty
5 and axle-mile equalization tax due is not paid within such
6 period of thirty (30) days, the department shall revoke the
7 permit. After a permit has been revoked, neither a new
8 permit nor a trip permit for the same motor truck or tractor

9 shall be issued unless the applicant shall pay an application
10 fee of twenty-five dollars (\$25.00) and all penalties and axle-
11 mile equalization tax due with respect to such motor truck or
12 tractor. The penalties and application fee herein provided
13 shall be in addition to any criminal penalties.

1 Sec. 7. It shall be a misdemeanor punishable as provided
2 in section three hundred twenty-one point four hundred eighty-
3 two (321.482) to operate any vehicle subject to this Act on
4 any street or highway unless an application for a permit for
5 such vehicle has been filed or a valid and unrevoked permit
6 has been issued. Any vehicle operated in violation of this
7 section may be seized by any peace officer and held until
8 application for a permit is filed.

1 Sec. 8. It shall be a felony punishable as provided in
2 section three hundred twenty-one point four hundred eighty-
3 three (321.483) to make any false statement in any application
4 or report required by this Act.

1 Sec. 9. The department shall have power to examine the
2 books and records of any person operating any motor truck or
3 combination of vehicles with three or more axles on the streets
4 or highways of this state for the purpose of determining
5 whether such person is complying with this Act. The department
6 may require such person to furnish to it such information as it
7 may determine may be relevant to such question.

1 Sec. 10. Nonresident motor vehicles with three or more
2 axles whose use of the streets and highways of this state is
3 restricted to less than five miles from the borderline of the
4 state of Iowa, or less than five miles from the city limits
5 of any city or town contiguous to the borderline of the state

6 of Iowa, shall obtain a permit as provided in section two (2)
 7 of this Act and shall file such monthly reports as required in
 8 section five (5) of this Act, but shall be exempted from the
 9 requirement of payment of the axle-mile equalization tax on
 10 all travel within said five-mile limit.

1 Sec. 11. Occasional nonresident motor vehicle operators
 2 may, in lieu of obtaining an axle-mile equalization permit and
 3 paying the axle-mile equalization tax, secure a trip permit from
 4 a member of the department and pay a trip permit fee as follows:

5 Vehicle Type	Axles	Fee
6 Motor Truck	3 or more	\$ 5.00
7 Truck tractor and/or combination	3	7.50
8 Truck tractor and/or combination	4	10.00
9 Truck tractor and/or combination	5	12.50
10 Truck tractor and/or combination	6 and/or special	
11	permits under section (321.467)	15.00

1 Sec. 12. All fees and taxes collected under the provisions
 2 of the axle-mile equalization tax provisions of this chapter
 3 shall be credited by the treasurer of state of Iowa to the
 4 primary road fund, after deducting therefrom the necessary
 5 expenses incidental to the administration of this Act.

1 Sec. 13. The commissioner of public safety, in addition
 2 to other powers conferred upon him by law, shall have the
 3 following powers:

4 To establish a department under his supervision and to
 5 appoint and employ such personnel as may be necessary to carry
 6 out the duties imposed upon him by the provisions of this Act.

7 To adopt and promulgate such rules and regulations
 8 pertaining to the levy, collection and administration of the

9 tax imposed by this Act.

10 To release any property from the lien of any fees, taxes,
11 penalties or interest imposed by this Act upon satisfaction of
12 such lien by full payment of the full amount thereof.

1 Sec. 14. The department may refuse to issue a permit upon
2 any of the grounds contained in section three hundred twenty-one
3 point thirty (321.30) of the Code.

1 Sec. 15. If any section, subsection, paragraph, sentence,
2 clause or phrase of this Act is for any reason held to be
3 unconstitutional or invalid, the unconstitutionality or
4 invalidity shall not affect the constitutionality or validity
5 of the remaining portions of the Act.

1 Sec. 16. Amend section three hundred twenty-one point
2 one hundred forty-five (321.145), Code 1954, by inserting in
3 line three (3) following "chauffeur's license fees" the
4 following: "and the axle-mile equalization tax".

1 Sec. 17. Section three hundred twenty-one point thirty
2 (321.30), Code 1954, is hereby amended by adding the following
3 subsection: "If the tax provided by the axle-mile equalization
4 tax has not been paid."

1 Sec. 18. Amend section three hundred twenty-one point
2 ninety-seven (321.97), Code 1954, by inserting after the word
3 "application" in line three (3), the words "for axle-mile
4 equalization tax permit or".

1 Sec. 19. This Act shall be effective on and after October
2 1, 1957.

EXPLANATION OF HOUSE FILE 478

The bill is designed to equalize the contribution for highway construction and maintenance made by automobiles and light trucks through registration and payment of gas taxes, and the contribution which should be made by heavy trucks and tractor-trailer combinations.

The use of the Iowa highways by the heavy units amounted to 450,000,000 miles based

on a 1953 survey by the highway committee, with less than 50 percent of the truck units making any contribution to the increased construction and maintenance costs required by the presence of the heavy truck units on Iowa primary roads. The bill imposes a tax upon three axle units and larger units graduated from one-half cent per mile of travel in the state of Iowa for three axle trucks to two and one-half cents per mile for six axles or more and special permit vehicles, and requires the filing of monthly reports following issuance of a permit.

It provides a simple effective means for contribution to our primary road fund; is administered and collected by the department of public safety, and is estimated to produce at least \$6,586,000 annual revenue based on the 1953 traffic survey. It is similar to an Ohio law passed in 1953 which produced a gross annual revenue of \$11,780,000 with an administrative and enforcement cost of 4.2 percent and follows the same theory as laws in effect in Oregon, New York, Colorado, Utah, Kansas and New Mexico.

From and after the effective date of this act, the compensation tax act should be repealed.

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- 1 Amend House File 478 by inserting after section five (5) a
- 2 new section as follows:
- 3 "Sec. 6. If a vehicle described in a permit provided for by
- 4 this Act is registered in Iowa and the registration fee paid as
- 5 required by sections three hundred twenty-one point one hundred
- 6 nineteen (321.119), three hundred twenty-one point one hundred
- 7 twenty (321.120), or three hundred twenty-one point one hundred
- 8 twenty-one (321.121) of the Code, or if a motor truck, truck
- 9 tractor or road tractor and each semitrailer (or trailer drawn
- 10 by it) is registered in the state of Iowa and the fee paid as
- 11 required by sections three hundred twenty-one point one hundred
- 12 twenty-two (321.122) or three hundred twenty-one point one
- 13 hundred twenty-three (321.123) of the Code, the amounts of the
- 14 registration fee so paid on each truck, truck tractor or road
- 15 tractor in any year may be credited against any amount of axle-
- 16 mile equalization tax due in any such year on the vehicle, and
- 17 no axle-mile equalization tax shall be paid in any year for such
- 18 motor truck or truck tractor or road tractor until the amount of
- 19 axle-mile equalization tax for such motor truck, truck tractor or
- 20 road tractor in such year shall be equal to or in excess of the
- 21 amount of Iowa registration fee for such motor truck, truck
- 22 tractor or road tractor for such year. A permit holder shall
- 23 state on the first report required by this Act in any year
- 24 whether any such Iowa registration fee has been paid and the
- 25 amount thereof together with the registration number assigned to
- 26 the vehicle or vehicles described in the permit. If such
- 27 registration fee has been paid, the holder of the permit shall
- 28 report as provided by this Act but need not make further
- 29 remittance for that year until some amount of axle-mile
- 30 equalization tax becomes due."
- 31 Further amend House File 478 by renumbering the subsequent
- 32 sections.

Filed
March 19, 1957

PETRUCELLI of Scott.

