

FILED APR 14 1976

SENATE FILE 1306

By COMMITTEE ON JUDICIARY

Passed Senate, Date 4-21-76 (1373) Passed House, Date 5-29-76 (p. 3323)  
Vote: Ayes 45 Nays 0 Vote: Ayes 60 Nays 0  
Approved 6-23-76

## A BILL FOR

1 An Act relating to the reporting of accidents involving the  
2 transportation of hazardous materials and providing a  
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter three hundred twenty-one (321), Code  
2 1975, is amended by adding the following new section:

3 NEW SECTION. Any carrier transporting hazardous materials  
4 by rail, air, water, or upon a public highway in this state,  
5 in the case of an accident involving the transportation of  
6 hazardous materials, shall immediately notify the police radio  
7 broadcasting system established by the commissioner of public  
8 safety pursuant to section seven hundred fifty point one  
9 (750.1) of the Code or shall notify a peace officer of the  
10 county, township, or municipality in which the accident occurs.  
11 When a local law enforcement agency is informed of the acci-  
12 dent, the agency shall notify the Iowa highway safety patrol.  
13 For purposes of this section "hazardous substances" shall  
14 mean hazardous substances as defined in the federal  
15 Transportation Safety Act of 1974 (Public Law ninety-three  
16 dash six hundred thirty-three (93-633), section one hundred  
17 three (103)). A person who violates any provision of this  
18 section shall, upon conviction, be guilty of a misdemeanor.

19 Sec. 2. House File seven hundred thirty-six (736), as  
20 enacted by the Sixty-sixth General Assembly, 1976 Session,  
21 is repealed.

22 EXPLANATION

23 House File 736 was passed by the House on April 21, 1975  
24 by a vote of 84-0, passed by the Senate on February 6, 1976  
25 by a vote of 46-0, and signed by the Governor on February  
26 20, 1976. It was not amended after introduction.

27 The title of House File 736, as enacted, is defective.  
28 It does not refer to the penalty or the prohibited conduct  
29 contained in the body of the bill. The Supreme Court of Iowa,  
30 in State v. Nickelson, 169 N.W.2d 832 (Iowa 1969), held that  
31 a bill enacted without such reference is void.

32 The Supreme Court of Iowa does not appear to have explained  
33 how to cure an enacted bill which is void because of a title  
34 defect. Courts of other jurisdictions, however, have stated  
35 that an enacted bill which is void because of a title defect

1 may be validated by reenactment of the bill with a proper  
2 title. See, Owen v. Cheney, 238 So.2d 650 (Fla. 1970); Teepie  
3 v. Wayne County, 23 Pa. Co. Ct. 361 (1900). No other method  
4 of validation was discovered.

5 This bill validates House File 736 by reenactment.

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enacted by the Sixty-sixth General Assembly, 1976 Session,  
is repealed.

SENATE FILE 1306

AN ACT

RELATING TO THE REPORTING OF ACCIDENTS INVOLVING THE TRANSPORTATION OF HAZARDOUS MATERIALS AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:

NEW SECTION. Any carrier transporting hazardous materials by rail, air, water, or upon a public highway in this state, in the case of an accident involving the transportation of hazardous materials, shall immediately notify the police radio broadcasting system established by the commissioner of public safety pursuant to section seven hundred fifty point one (750.1) of the Code or shall notify a peace officer of the county, township, or municipality in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the Iowa highway safety patrol. For purposes of this section "hazardous substances" shall mean hazardous substances as defined in the federal Transportation Safety Act of 1974 (Public Law ninety-three dash six hundred thirty-three (93-633), section one hundred three (103)). A person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor.

Sec. 2. House File seven hundred thirty-six (736), as

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1306, Sixty-sixth General Assembly.

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STEVEN C. CROSS  
Secretary of the Senate

Approved June 23, 1976

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ROBERT D. RAY  
Governor