

FILLED MARCH 30 1978

SENATE FILE 2215

By COMMITTEE ON TRANSPORTATION

Passed Senate, Date 4-4-78 (p. 128) Passed House, Date 5-11-78 (p. 2503)
Vote: Ayes 45 Nays 0 Vote: Ayes 90 Nays 1
Approved 6-5-78

A BILL FOR

1 An Act relating to motor vehicle transportation regulation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section three hundred twenty-two A point six
2 (322A.6), Code 1977, is amended by adding the following new
3 unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. An applicant seeking permission
5 to enter into a franchise for additional representation of
6 the same line-make in a community shall deposit with the board
7 at the time the application is filed, an amount of money to
8 be determined by the board to secure the payment of the costs
9 and expenses of the hearing. The applicant shall pay the
10 costs of the hearing.

11 Sec. 2. Section three hundred twenty-five point two
12 (325.2), subsection one (1), Code 1977, is amended to read
13 as follows:

14 1. Fix or approve the rates, fares, charges,
15 classifications, and rules and regulations pertaining thereto,
16 of each motor carrier, ~~except that any carrier transporting~~
17 ~~livestock or unprocessed agricultural or horticultural products~~
18 ~~shall be exempt from tariff filing requirements and the~~
19 ~~issuance of freight receipts if such carrier does not transport~~
20 ~~any other property for compensation.~~

21 Sec. 3. Section three hundred twenty-five point six
22 (325.6), Code 1977, as amended by Acts of the Sixty-seventh
23 General Assembly, 1977 Session, chapter one hundred three
24 (103), section fifty-eight (58), is amended to read as follows:

25 1. It is hereby declared unlawful for any motor carrier,
26 except a person operating a motor vehicle in a carpool or
27 vanpool, to transport over a regular route or between fixed
28 termini any person or property, for compensation, from any
29 point or place in the state of Iowa to another point or place
30 in said state irrespective of the route, highway or highways
31 traversed, including the crossing of any state line of the
32 state of Iowa, or the ticket or bill of lading issued and
33 used for such transportation, without first having obtained
34 from the board a certificate declaring that public convenience
35 and necessity require such operation. No carrier of passengers

1 shall operate as a charter carrier in this state unless already
2 possessed of a certificate of convenience and necessity as
3 a common carrier of passengers and operating in this state
4 as such common carrier or possesses a certificate of
5 convenience and necessity to engage in the business of a
6 charter carrier.

7 2. The board may allow the provision of temporary service
8 for which there is an immediate and urgent need to point or
9 points requested by the application for a certificate of
10 public convenience and necessity upon a finding that no carrier
11 has operating authority to serve those points or no carrier
12 is currently serving those points and upon meeting the
13 requirements of this chapter and the rules ~~and regulations~~
14 of the board. Such temporary authority, unless suspended
15 or revoked for good cause, shall be valid for such time as
16 the board shall specify but not more than an aggregate of
17 one hundred eighty days, and shall create no presumption that
18 the corresponding application will be granted thereafter.

19 3. A motor carrier providing primarily passenger service
20 for elderly, handicapped and other transportation disadvantaged
21 persons shall be exempt from certification requirements of
22 this section if it satisfies each of the following
23 requirements:

24 a. The motor carrier is not a corporation organized for
25 profit under the laws of Iowa or any other state or the motor
26 carrier is a governmental organization.

27 b. The motor carrier receives any operating funds from
28 federal, state or local government sources.

29 c. The motor carrier does not duplicate a transportation
30 service provided by a motor carrier issued a certificate of
31 convenience and necessity.

32 Each motor carrier exempt under the provisions of this
33 subsection shall obtain a permit from the department, which
34 shall be nontransferable. Such carriers shall comply with
35 all safety, insurance and other rules of the department

1 pertaining to a publicly funded transit system.

2 Sec. 4. Section three hundred twenty-six point fifteen
3 (326.15), Code 1977, is amended to read as follows:

4 326.15 TOTAL COMPOSITE OVER ONE HUNDRED PERCENT--REFUND.

5 If the composite percentage apportioned by an owner on a fleet
6 of vehicles based in Iowa to each of the states with which
7 Iowa has an apportionment agreement is more than one hundred
8 percent percentagewise, the fleet owner may file a claim with
9 the department for a refund of registration fees paid in
10 excess of one hundred percent percentagewise. The claim for
11 such refund shall be filed on or after December ~~1~~ first of
12 the year for which refund is requested, and the fleet owner
13 shall furnish satisfactory evidence of the alleged overpayment.
14 The department shall prescribe and provide suitable forms
15 requisite or deemed necessary to process such claims and
16 insure that claims are paid to fleet owners who have complied
17 with proportional registration requirements. The fleet owner
18 may elect to apply any such refund to proportional registration
19 fees payable the next registration year in lieu of any refund
20 payable under this section. The state of Iowa shall not be
21 liable for claims ~~filed after December 1 of the following~~
22 year unless filed within four full years following the calendar
23 year for which the application is made.

24 Sec. 5. Section three hundred twenty-seven point one
25 (327.1), subsection six (6), unnumbered paragraph two (2),
26 Code 1977, is amended to read as follows:

27 The term "individual written contract" shall mean an
28 agreement in writing between a contract carrier and a shipper,
29 effective for a duration of at least three months, imposing
30 mutual obligations to tender freight and perform
31 transportation, and specifying the charges. ~~The presence~~
32 ~~of goods originating from more than five shippers on one~~
33 ~~vehicle at any one time shall be prima facie evidence that~~
34 ~~the carrier is a motor carrier and not a contract carrier.~~
35 The board shall authorize by rule the number of contracts

1 which contract carriers may have in effect and on file at
2 any one time. Special permission may be obtained from the
3 board to file more than the prescribed number of contracts
4 upon good cause shown.

5 Sec. 6. Section three hundred twenty-seven point four
6 (327.4), Code 1977, is amended to read as follows:

7 327.4 POWERS. All control, power, and authority over
8 railroads and railroad companies, motor vehicles and motor
9 carriers now vested in the board, insofar as the same are
10 applicable, are hereby specifically extended to include truck
11 operators and contract carriers. However, any truck operator
12 transporting livestock or unprocessed agricultural or
13 horticultural products shall be exempt from tariff filing
14 requirements and the issuance of freight receipts for such
15 commodities.

16 Sec. 7. The provisions of this Act shall become effective
17 January 1, 1979.

18 EXPLANATION

19 This bill provides for the posting of a bond to pay for
20 the costs of modifying a chapter 322A franchise. This bill
21 exempts from the tariff filing requirements of chapter 327
22 the motor truck operators transporting certain agricultural
23 products. This bill provides an exemption for certain
24 passenger services serving disabled passengers from the
25 certification requirements for motor carriers. This bill
26 extends to four years the time allowed for filing refund
27 applications for certain motor vehicle registration fees.
28 This bill eliminates the maximum contracts a contract carrier
29 may have before being considered a motor carrier.

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SENATE FILE 2215

AN ACT

RELATING TO MOTOR VEHICLE TRANSPORTATION REGULATION.

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

Section 1. Section three hundred twenty-two A point six (322A.6), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An applicant seeking permission to enter into a franchise for additional representation of the same line-make in a community shall deposit with the board at the time the application is filed, an amount of money to be determined by the board to secure the payment of the costs and expenses of the hearing. The applicant shall pay the costs of the hearing.

Sec. 2. Section three hundred twenty-five point two (325.2), subsection one (1), Code 1977, is amended to read as follows:

1. Fix or approve the rates, fares, charges, classifications, and rules ~~and regulations~~ pertaining thereto, of each motor carrier, ~~except that any carrier transporting livestock or unprocessed agricultural or horticultural products shall be exempt from tariff-filing requirements and the issuance of freight receipts if such carrier does not transport any other property for compensation.~~

Sec. 3. Section three hundred twenty-five point six (325.6), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section fifty-eight (58), is amended to read as follows:

1. It is hereby declared unlawful for any motor carrier, except a person operating a motor vehicle in a carpool or vanpool, to transport over a regular route or between fixed termini any person or property, for compensation, from any point or place in the state of Iowa to another point or place in said state irrespective of the route, highway or highways

traversed, including the crossing of any state line of the state of Iowa, or the ticket or bill of lading issued and used for such transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require such operation. No carrier of passengers shall operate as a charter carrier in this state unless already possessed of a certificate of convenience and necessity as a common carrier of passengers and operating in this state as such common carrier or possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

2. The board may allow the provision of temporary service for which there is an immediate and urgent need to point or points requested by the application for a certificate of public convenience and necessity upon a finding that no carrier has operating authority to serve those points or no carrier is currently serving those points and upon meeting the requirements of this chapter and the rules ~~and regulations~~ of the board. Such temporary authority, 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 shall create no presumption that the corresponding application will be granted thereafter.

1. A motor carrier providing primarily passenger service for elderly, handicapped and other transportation disadvantaged persons shall be exempt from certification requirements of this section if it satisfies each of the following requirements:

a. The motor carrier is not a corporation organized for profit under the laws of Iowa or any other state or the motor carrier is a governmental organization.

b. The motor carrier receives any operating funds from federal, state or local government sources.

c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a certificate of convenience and necessity.

Each motor carrier exempt under the provisions of this

subsection shall obtain a permit from the department, which shall be nontransferable. Such carriers shall comply with all safety, insurance and other rules of the department pertaining to a publicly funded transit system.

Sec. 4. Section three hundred twenty-six point fifteen (326.15), Code 1977, is amended to read as follows:

326.15 TOTAL COMPOSITE OVER ONE HUNDRED PERCENT--REFUND.
If the composite percentage apportioned by an owner on a fleet of vehicles based in Iowa to each of the states with which Iowa has an apportionment agreement is more than one hundred percent percentagewise, the fleet owner may file a claim with the department for a refund of registration fees paid in excess of one hundred percent percentagewise. The claim for such refund shall be filed on or after December 1 first of the year for which refund is requested, and the fleet owner shall furnish satisfactory evidence of the alleged overpayment. The department shall prescribe and provide suitable forms requisite or deemed necessary to process such claims and insure that claims are paid to fleet owners who have complied with proportional registration requirements. The fleet owner may elect to apply any such refund to proportional registration fees payable the next registration year in lieu of any refund payable under this section. The state of Iowa shall not be liable for claims ~~filed after December 1 of the following year unless filed within four full years following the calendar year for which the application is made.~~

Sec. 5. Section three hundred twenty-seven point one (327.1), subsection six (6), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The term "individual written contract" shall mean an agreement in writing between a contract carrier and a shipper, effective for a duration of at least three months, imposing mutual obligations to tender freight and perform transportation, and specifying the charges. ~~The presence of goods originating from more than five shippers on one vehicle at any one time shall be prima facie evidence that the carrier is a motor carrier and not a contract carrier.~~

The board shall authorize by rule the number of contracts which contract carriers may have in effect and on file at any one time. Special permission may be obtained from the board to file more than the prescribed number of contracts upon good cause shown.

Sec. 6. Section three hundred twenty-seven point four (327.4), Code 1977, is amended to read as follows:

327.4 POWERS. All control, power, and authority over railroads and railroad companies, motor vehicles and motor carriers now vested in the board, insofar as the same are applicable, are hereby specifically extended to include truck operators and contract carriers. However, any truck operator transporting livestock or unprocessed agricultural or horticultural products shall be exempt from tariff filing requirements and the issuance of freight receipts for such commodities.

Sec. 7. The provisions of this Act shall become effective January 1, 1979.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2215, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved 6/5, 1978

ROBERT D. RAY
Governor