

Reprinted 2/79

FILED FEB 1 1979

SENATE FILE 163

By COMMITTEE ON TRANSPORTATION
Approved 4/21 (p. 317)

Passed Senate, Date 2-16-79 (p. 482) Passed House, Date _____

Vote: Ayes 42 Nays 5 Vote: Ayes _____ Nays _____

Approved June 1, 1979

A BILL FOR

1 An Act relating to regulated carriers by providing temporary
 2 operating authority for regulated carriers, by establish-
 3 ing uniform regulatory controls for certain commercial
 4 carriers, and by requiring interstate carriers exempt
 5 from interstate commerce commission regulations to
 6 register in this state and instituting an insurance re-
 7 quirement for exempt carriers.

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

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SENATE FILE 163

S-3073

- 1 Amend Senate File 163 as follows:
- 2 1. Page 2, line 34, by striking the words "for
- 3 registration" and inserting in lieu thereof the words
- 4 "for and payment of the registration fee".
- 5 2. Page 5, by striking lines 22 through 27.

S-3073 FILED *Adopted 2/13 (p. 482)*
FEBRUARY 13, 1979

BY JOHN SCOTT
RICHARD F. DRAKE
JOHN W. JENSEN

1 Section 1. Section three hundred twenty-five point six
2 (325.6), subsection two (2), Code 1979, is amended to read
3 as follows:

4 2. The board may allow the provision of temporary service
5 for which there is an immediate and urgent need to a point
6 or points requested by the application for a permanent
7 certificate of public convenience and necessity upon in-
8 vestigation and a finding that ~~no-carrier-has-operating~~
9 ~~authority-to-serve-these~~ the point or points ~~or-no-carrier~~
10 ~~is-currently-serving-these-points-and-upon-meeting-the~~
11 ~~requirements-of-this-chapter~~ do not have carrier service
12 capable of meeting the need. The grant of temporary authority
13 shall not become effective until the applicant has complied
14 with the provisions of sections three hundred twenty-five
15 point twenty-six (325.26), three hundred twenty-five point
16 twenty-eight (325.28) and three hundred twenty-five point
17 thirty-five (325.35) of the Code and the rules and regulations
18 of the board--~~Such-temporary-authority,~~ and unless suspended
19 or revoked for good cause, shall be valid for such time as
20 the board shall specify but not more than an aggregate of
21 one hundred eighty days,-and. The grant of temporary authority
22 shall create no presumption that the corresponding application
23 will be granted thereafter.

24 Sec. 2. Section three hundred twenty-five point twenty-
25 five (325.25), Code 1979, is amended by striking the section
26 and inserting in lieu thereof the following:

27 325.25 TRANSFER OF CERTIFICATE. A certificate of
28 convenience and necessity shall not be sold, transferred,
29 leased, or assigned, nor shall any contract or agreement with
30 reference to or affecting any certificate be made without
31 the written approval of the board. The board may hold a
32 hearing at its discretion and shall approve the sale, transfer,
33 lease, or assignment upon a finding that there has been
34 continuous service under the certificate for at least ninety
35 days prior to the transfer and that the transferee is fit,

1 willing, and able to perform the operations authorized by
2 the certificate and that the transfer is consistent with the
3 public interest. Pending determination of an application
4 filed with the board for approval of a sale, transfer, lease,
5 or assignment, the board may grant temporary approval of the
6 proposed operation upon a finding of good cause.

7 Sec. 3. Section three hundred twenty-five point thirty-
8 five (325.35), Code 1979, is amended to read as follows:

9 325.35 CERTIFICATE CONDITIONED ON FEE. ~~No~~ A motor vehicle
10 engaged in the transportation of property under a certificate
11 of convenience and necessity issued under the provisions of
12 this chapter shall not be operated on the highways of this
13 state unless there ~~shall have~~ has been paid to the ~~board~~
14 department for the administration of this chapter an annual
15 fee ~~in the amount~~ of five dollars, ~~provided, however, that~~
16 ~~the fee herein provided shall not be imposed on any tractor~~
17 ~~or truck tractor, provided, however, that the fee herein~~
18 ~~provided for each semitrailer shall be in the amount of six~~
19 dollars for each motor truck and ten dollars for each truck
20 tractor or road tractor.

21 ~~For the purposes of this section the terms "tractor or~~
22 ~~truck tractor" shall mean every self-propelled vehicle designed~~
23 ~~and used primarily for drawing other vehicles and not so~~
24 ~~constructed as to carry a load other than a part of the weight~~
25 ~~of the vehicle and load so drawn.~~

26 It shall be a simple misdemeanor for any motor carrier
27 to operate any motor vehicle for which the annual fee has
28 not been paid and the ~~board~~ department may revoke the
29 certificate of convenience and necessity of any such violator.

30 Sec. 4. Section three hundred twenty-six point forty-
31 five (326.45), Code 1979, is amended by striking the section
32 and inserting in lieu thereof the following:

33 326.45 ISSUANCE--TITLE OBLIGATION. Upon receiving
34 application for registration and notification of title from
35 the county treasurer, the department shall issue registration

1 identification to the applicant carrier and send the
2 certificate of title to the vehicle owner or lienholder.
3 The department shall adopt rules pursuant to chapter seventeen
4 A (17A) of the Code to process registration of vehicles titled
5 in other states.

6 Sec. 5. Chapter three hundred twenty-six (326), Code 1979,
7 is amended by adding the following new section:

8 NEW SECTION. TEMPORARY REGISTRATION. The department may
9 issue temporary registration for unregistered vehicles subject
10 to registration under this chapter upon application by the
11 owner and payment of a fee of ten dollars for each vehicle.
12 The registration shall be valid for fifteen days and for one
13 trip between specified points of origin and destination with
14 intermediate points authorized by the department. Property
15 or passengers shall not be transported while the vehicle is
16 subject to temporary registration.

17 Sec. 6. Section three hundred twenty-seven point nine
18 (327.9), Code 1979, is amended to read as follows:

19 327.9 FEE. ~~No A~~ motor truck engaged in the transportation
20 of property under a truck operator or contract carrier permit
21 issued under the provisions of this chapter shall not be
22 operated on the highways of this state unless there shall
23 ~~have~~ has been paid to the ~~board~~ department for the
24 administration of this chapter an annual fee ~~in-the-amount~~
25 of five dollars, ~~provided, however, that the fee herein~~
26 ~~provided shall not be imposed on any tractor or truck tractor,~~
27 ~~provided, however, that the fee herein provided for each~~
28 ~~semitrailer shall be in the amount of six dollars~~ for each
29 motor truck and ten dollars for each truck tractor or road
30 tractor.

31 ~~For the purposes of this section the terms "tractor or~~
32 ~~truck tractor" shall mean every self-propelled vehicle designed~~
33 ~~and used primarily for drawing other vehicles and not so~~
34 ~~constructed as to carry a load other than a part of the weight~~
35 ~~of the vehicle and load so drawn.~~

1 It ~~shall be~~ is a simple misdemeanor for ~~any~~ a truck operator
2 or contract carrier to operate ~~any~~ a motor truck for which
3 the annual fee has not been paid and the ~~board~~ department
4 may revoke either the truck operator or contract carrier
5 permit of any such violator or both.

6 Sec. 7. Section three hundred twenty-seven B point one
7 (327B.1), Code 1979, is amended by striking the section and
8 inserting in lieu thereof the following:

9 327B.1 AUTHORITY SECURED AND REGISTERED. It is unlawful
10 for a carrier to perform an interstate transportation service
11 for compensation upon the highways of this state without first
12 registering the authority obtained from the interstate commerce
13 commission or evidence that such authority is not required
14 with the state department of transportation.

15 Registration shall be granted without hearing upon applica-
16 tion and payment of a twenty-five dollar filing fee. Each
17 amendment of supplemental authority shall require a ten dollar
18 filing fee.

19 Upon registration, the state department of transportation
20 shall identify the registration by number and issue annually
21 a decal or sticker bearing the registration number of the
22 carrier for each motor truck, truck tractor or road tractor
23 operating in this state for a one dollar fee per vehicle.

24 The state department of transportation may execute
25 reciprocity agreements with authorized representatives of
26 any state exempting nonresidents from payment of fees as set
27 forth in this chapter. The state department of transportation
28 shall adopt rules pursuant to chapter seventeen A (17A) of
29 the Code for the identification of vehicles operated under
30 reciprocity agreements.

31 Fees may be subject to reduction or proration pursuant
32 to sections three hundred twenty-six point five (326.5) and
33 three hundred twenty-six point thirty-two (326.32) of the
34 Code.

35 Sec. 8. Chapter three hundred twenty-seven B (327B), Code

1 1979, is amended by adding the following new section:

2 NEW SECTION. INSURANCE OR BOND. Registration under section
3 three hundred twenty-seven B point one (327B.1) of the Code
4 shall not be granted until the carrier has filed with the
5 state department of transportation evidence of insurance or
6 surety bond issued by an insurance carrier or bonding company
7 authorized to do business in this state and in the form
8 prescribed by the rules adopted under 49 U.S.C. 302(b) (2)
9 (1965). The minimum limits of liability for each motor truck
10 are as follows:

11 1. To cover the carrier's liability as an interstate
12 carrier for personal injury or death as a result of any one
13 incident, twenty-five thousand dollars for recovery by one
14 person, and subject to the limit for one person, fifty thousand
15 dollars for more than one person. This coverage need not
16 include injury to carrier's employees while engaged in the
17 course of their employment.

18 2. To cover the carrier's liability as an interstate
19 carrier for damages to property other than that of or in
20 charge of the carrier, as a result of any one incident, ten
21 thousand dollars.

22 3. To cover the carrier's liability as an interstate
23 carrier for loss of or damage to property in the custody of
24 the carrier for the purpose of being transported, as a result
25 of any one incident, two thousand dollars, except that the
26 minimum limit for a combination of tractor and trailer is
27 five thousand dollars.

28 The insurance policy or surety bond shall bind the insurance
29 company or bonding company to make compensation to claimants
30 for the carrier's liability. The insurance policy or surety
31 bond shall also provide that a person having a cause of action
32 against the carrier may bring action directly upon the policy
33 or bond when service cannot be obtained on the interstate
34 carrier within this state.

35 Failure to keep insurance or bond in effect at all times

1 shall cause the registration of the interstate carrier to
2 be revoked.

3 Sec. 9. The provisions of sections four (4) and five (5)
4 of this Act shall become effective July first following
5 enactment. The remaining provisions of this Act shall become
6 effective January first following its enactment.

7 EXPLANATION

8 Section 1 of the bill allows the transportation regulation
9 board to grant carriers temporary operating authority. Section
10 2 provides temporary transfer of operating authority consistent
11 with interstate commerce commission regulations.

12 Sections 3 and 6 of the bill transfers the annual regulatory
13 fee from the trailer to the power unit. The fee on the motor
14 truck is five dollars and the fee on the truck tractor and
15 road tractor is ten dollars which replaces the present six
16 dollar fee on semitrailers. Section 4 simplifies the titling
17 procedure for vehicles registered under the international
18 registration plan. Section 5 provides for issuance of a
19 temporary permit which allows designated highway movement
20 of a commercial vehicle registered under the international
21 registration plan between jobs.

22 Section 7 clarifies that interstate carriers of livestock
23 and unprocessed agricultural commodities are subject to regis-
24 tration of their interstate commerce commission exemption
25 with the state department of transportation and section 8
26 establishes an insurance requirement for these carriers.
27 Authority is granted to enter into reciprocity agreements
28 with other states.

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The Transportation 2/51

Do Pass 5/1 (p. 815)

SENATE FILE 163

By COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 16, 1979)

Passed Senate, Date 2-16-79 (p. 482) Passed House, Date 5-4-79 (p. 2073)

Vote: Ayes 42 Nays 5 Vote: Ayes 90 Nays 0

Approved June 1, 1979
motion to reconsider p. 2075

A BILL FOR

1 An Act relating to regulated carriers by providing temporary
 2 operating authority for regulated carriers, by establish-
 3 ing uniform regulatory controls for certain commercial
 4 carriers, and by requiring interstate carriers exempt
 5 from interstate commerce commission regulations to
 6 register in this state and instituting an insurance re-
 7 quirement for exempt carriers.

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

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_____ = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Section three hundred twenty-five point six
2 (325.6), subsection two (2), Code 1979, is amended to read
3 as follows:

4 2. The board may allow the provision of temporary service
5 for which there is an immediate and urgent need to a point
6 or points requested by the application for a permanent
7 certificate of public convenience and necessity upon in-
8 vestigation and a finding that ~~no-carrier-has-operating~~
9 authority-to-serve-these the point or points or-no-carrier
10 is-currently-serving-these-points-and-upon-meeting-the
11 requirements-of-this-chapter do not have carrier service
12 capable of meeting the need. The grant of temporary authority
13 shall not become effective until the applicant has complied
14 with the provisions of sections three hundred twenty-five
15 point twenty-six (325.26), three hundred twenty-five point
16 twenty-eight (325.28) and three hundred twenty-five point
17 thirty-five (325.35) of the Code and the rules and regulations
18 of the board.--Such-temporary-authority, and unless suspended
19 or revoked for good cause, shall be valid for such time as
20 the board shall specify but not more than an aggregate of
21 one hundred eighty days;-and. The grant of temporary authority
22 shall create no presumption that the corresponding application
23 will be granted thereafter.

24 Sec. 2. Section three hundred twenty-five point twenty-
25 five (325.25), Code 1979, is amended by striking the section
26 and inserting in lieu thereof the following:

27 325.25 TRANSFER OF CERTIFICATE. A certificate of
28 convenience and necessity shall not be sold, transferred,
29 leased, or assigned, nor shall any contract or agreement with
30 reference to or affecting any certificate be made without
31 the written approval of the board. The board may hold a
32 hearing at its discretion and shall approve the sale, transfer,
33 lease, or assignment upon a finding that there has been
34 continuous service under the certificate for at least ninety
35 days prior to the transfer and that the transferee is fit,

1 willing, and able to perform the operations authorized by
 2 the certificate and that the transfer is consistent with the
 3 public interest. Pending determination of an application
 4 filed with the board for approval of a sale, transfer, lease,
 5 or assignment, the board may grant temporary approval of the
 6 proposed operation upon a finding of good cause.

7 Sec. 3. Section three hundred twenty-five point thirty-
 8 five (325.35), Code 1979, is amended to read as follows:

9 325.35 CERTIFICATE CONDITIONED ON FEE. No A motor vehicle
 10 engaged in the transportation of property under a certificate
 11 of convenience and necessity issued under the provisions of
 12 this chapter shall not be operated on the highways of this
 13 state unless there ~~shall have~~ has been paid to the ~~board~~
 14 department for the administration of this chapter an annual
 15 ~~fee in the amount of five dollars, provided, however, that~~
 16 ~~the fee herein provided shall not be imposed on any tractor~~
 17 ~~or truck tractor, provided, however, that the fee herein~~
 18 ~~provided for each semitrailer shall be in the amount of six~~
 19 dollars for each motor truck and ten dollars for each truck
 20 tractor or road tractor.

21 ~~For the purposes of this section the terms "tractor or~~
 22 ~~truck tractor" shall mean every self-propelled vehicle designed~~
 23 ~~and used primarily for drawing other vehicles and not so~~
 24 ~~constructed as to carry a load other than a part of the weight~~
 25 ~~of the vehicle and load so drawn.~~

26 It shall be a simple misdemeanor for any motor carrier
 27 to operate any motor vehicle for which the annual fee has
 28 not been paid and the ~~board~~ department may revoke the
 29 certificate of convenience and necessity of any such violator.

30 Sec. 4. Section three hundred twenty-six point forty-
 31 five (326.45), Code 1979, is amended by striking the section
 32 and inserting in lieu thereof the following:

33 326.45 ISSUANCE--TITLE OBLIGATION. Upon receiving
 34 application for and payment of the registration fee and
 35 notification of title from the county treasurer, the department

1 shall issue registration identification to the applicant
2 carrier and send the certificate of title to the vehicle owner
3 or lienholder. The department shall adopt rules pursuant
4 to chapter seventeen A (17A) of the Code to process
5 registration of vehicles titled in other states.

6 Sec. 5. Chapter three hundred twenty-six (326), Code 1979,
7 is amended by adding the following new section:

8 NEW SECTION. TEMPORARY REGISTRATION. The department may
9 issue temporary registration for unregistered vehicles subject
10 to registration under this chapter upon application by the
11 owner and payment of a fee of ten dollars for each vehicle.
12 The registration shall be valid for fifteen days and for one
13 trip between specified points of origin and destination with
14 intermediate points authorized by the department. Property
15 or passengers shall not be transported while the vehicle is
16 subject to temporary registration.

17 Sec. 6. Section three hundred twenty-seven point nine
18 (327.9), Code 1979, is amended to read as follows:

19 327.9 FEE. No A motor truck engaged in the transportation
20 of property under a truck operator or contract carrier permit
21 issued under the provisions of this chapter shall not be
22 operated on the highways of this state unless there ~~shall~~
23 have ~~has~~ been paid to the board ~~department~~ for the
24 administration of this chapter an annual fee ~~in-the-amount~~
25 of five dollars, ~~provided, however, that the fee herein~~
26 ~~provided shall not be imposed on any tractor or truck tractor,~~
27 ~~provided, however, that the fee herein provided for each~~
28 semitrailer shall be in the amount of six dollars for each
29 motor truck and ten dollars for each truck tractor or road
30 tractor.

31 ~~For the purposes of this section the terms "tractor or~~
32 ~~truck tractor" shall mean every self-propelled vehicle designed~~
33 ~~and used primarily for drawing other vehicles and not so~~
34 ~~constructed as to carry a load other than a part of the weight~~
35 ~~of the vehicle and load so drawn.~~

1 It ~~shall be~~ is a simple misdemeanor for any a truck operator
2 or contract carrier to operate any a motor truck for which
3 the annual fee has not been paid and the ~~board~~ department
4 may revoke either the truck operator or contract carrier
5 permit of any such violator or both.

6 Sec. 7. Section three hundred twenty-seven B point one
7 (327B.1), Code 1979, is amended by striking the section and
8 inserting in lieu thereof the following:

9 327B.1 AUTHORITY SECURED AND REGISTERED. It is unlawful
10 for a carrier to perform an interstate transportation service
11 for compensation upon the highways of this state without first
12 registering the authority obtained from the interstate commerce
13 commission or evidence that such authority is not required
14 with the state department of transportation.

15 Registration shall be granted without hearing upon applica-
16 tion and payment of a twenty-five dollar filing fee. Each
17 amendment of supplemental authority shall require a ten dollar
18 filing fee.

19 Upon registration, the state department of transportation
20 shall identify the registration by number and issue annually
21 a decal or sticker bearing the registration number of the
22 carrier for each motor truck, truck tractor or road tractor
23 operating in this state for a one dollar fee per vehicle.

24 The state department of transportation may execute
25 reciprocity agreements with authorized representatives of
26 any state exempting nonresidents from payment of fees as set
27 forth in this chapter. The state department of transportation
28 shall adopt rules pursuant to chapter seventeen A (17A) of
29 the Code for the identification of vehicles operated under
30 reciprocity agreements.

31 Fees may be subject to reduction or proration pursuant
32 to sections three hundred twenty-six point five (326.5) and
33 three hundred twenty-six point thirty-two (326.32) of the
34 Code.

35 Sec. 8. Chapter three hundred twenty-seven B (327B), Code

1 1979, is amended by adding the following new section:

2 NEW SECTION. INSURANCE OR BOND. Registration under section
3 three hundred twenty-seven B point one (327B.1) of the Code
4 shall not be granted until the carrier has filed with the
5 state department of transportation evidence of insurance or
6 surety bond issued by an insurance carrier or bonding company
7 authorized to do business in this state and in the form
8 prescribed by the rules adopted under 49 U.S.C. 302(b) (2)
9 (1965). The minimum limits of liability for each motor truck
10 are as follows:

11 1. To cover the carrier's liability as an interstate
12 carrier for personal injury or death as a result of any one
13 incident, twenty-five thousand dollars for recovery by one
14 person, and subject to the limit for one person, fifty thousand
15 dollars for more than one person. This coverage need not
16 include injury to carrier's employees while engaged in the
17 course of their employment.

18 2. To cover the carrier's liability as an interstate
19 carrier for damages to property other than that of or in
20 charge of the carrier, as a result of any one incident, ten
21 thousand dollars.

* 22 The insurance policy or surety bond shall bind the insurance
23 company or bonding company to make compensation to claimants
24 for the carrier's liability. The insurance policy or surety
25 bond shall also provide that a person having a cause of action
26 against the carrier may bring action directly upon the policy
27 or bond when service cannot be obtained on the interstate
28 carrier within this state.

29 Failure to keep insurance or bond in effect at all times
30 shall cause the registration of the interstate carrier to
31 be revoked.

32 Sec. 9. The provisions of sections four (4) and five (5)
33 of this Act shall become effective July first following
34 enactment. The remaining provisions of this Act shall become
35 effective January first following its enactment.

EXPLANATION

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Section 1 of the bill allows the transportation regulation board to grant carriers temporary operating authority. Section 2 provides temporary transfer of operating authority consistent with interstate commerce commission regulations.

Sections 3 and 6 of the bill transfers the annual regulatory fee from the trailer to the power unit. The fee on the motor truck is five dollars and the fee on the truck tractor and road tractor is ten dollars which replaces the present six dollar fee on semitrailers. Section 4 simplifies the titling procedure for vehicles registered under the international registration plan. Section 5 provides for issuance of a temporary permit which allows designated highway movement of a commercial vehicle registered under the international registration plan between jobs.

Section 7 clarifies that interstate carriers of livestock and unprocessed agricultural commodities are subject to registration of their interstate commerce commission exemption with the state department of transportation and section 8 establishes an insurance requirement for these carriers. Authority is granted to enter into reciprocity agreements with other states.

SENATE FILE 163

AN ACT

RELATING TO REGULATED CARRIERS BY PROVIDING TEMPORARY OPERATING AUTHORITY FOR REGULATED CARRIERS, BY ESTABLISHING UNIFORM REGULATORY CONTROLS FOR CERTAIN COMMERCIAL CARRIERS, AND BY REQUIRING INTERSTATE CARRIERS EXEMPT FROM INTERSTATE COMMERCE COMMISSION REGULATIONS TO REGISTER IN THIS STATE AND INSTITUTING AN INSURANCE REQUIREMENT FOR EXEMPT CARRIERS.

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

Section 1. Section three hundred twenty-five point six (325.6), subsection two (2), Code 1979, is amended to read as follows:

2. The board may allow the provision of temporary service for which there is an immediate and urgent need to a point or points requested by the application for a permanent certificate of public convenience and necessity upon investigation and a finding that no carrier has operating authority to serve these the point or points or no carrier is currently serving those points and upon meeting the requirements of this chapter do not have carrier service capable of meeting the need. The grant of temporary authority shall not become effective until the applicant has complied with the provisions of sections three hundred twenty-five point twenty-six (325.26), three hundred twenty-five point twenty-eight (325.28) and three hundred twenty-five point thirty-five (325.35) of the Code and the rules and regulations of the board--seek temporary authority, and 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. The grant of temporary authority shall create no presumption that the corresponding application will be granted thereafter.

Sec. 2. Section three hundred twenty-five point twenty-five (325.25), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

325.25 TRANSFER OF CERTIFICATE. A certificate of convenience and necessity shall not be sold, transferred, leased, or assigned, nor shall any contract or agreement with reference to or affecting any certificate be made without the written approval of the board. The board may hold a hearing at its discretion and shall approve the sale, transfer, lease, or assignment upon a finding that there has been continuous service under the certificate for at least ninety days prior to the transfer and that the transferee is fit, willing, and able to perform the operations authorized by the certificate and that the transfer is consistent with the public interest. Pending determination of an application filed with the board for approval of a sale, transfer, lease, or assignment, the board may grant temporary approval of the proposed operation upon a finding of good cause.

Sec. 3. Section three hundred twenty-five point thirty-five (325.35), Code 1979, is amended to read as follows:

325.35 CERTIFICATE CONDITIONED ON FEE. ~~No a~~ motor vehicle engaged in the transportation of property under a certificate of convenience and necessity issued under the provisions of this chapter shall ~~not~~ be operated on the highways of this state unless there ~~shall have~~ has been paid to the board ~~department~~ for the administration of this chapter an annual fee ~~in the amount of five dollars, provided, however, that the fee herein provided shall not be imposed on any tractor or truck tractor, provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars for each motor truck and ten dollars for each truck tractor or load tractor.~~

~~For the purposes of this section the terms "tractor or truck tractor" shall mean every self-propelled vehicle designed and used primarily for drawing other vehicles and not so~~

~~constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~

It shall be a simple misdemeanor for any motor carrier to operate any motor vehicle for which the annual fee has not been paid and the board department may revoke the certificate of convenience and necessity of any such violator.

Sec. 4. Section three hundred twenty-six point forty-five (326.45), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

326.45 ISSUANCE--TITLE OBLIGATION. Upon receiving application for and payment of the registration fee and notification of title from the county treasurer, the department shall issue registration identification to the applicant carrier and send the certificate of title to the vehicle owner or lienholder. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code to process registration of vehicles titled in other states.

Sec. 5. Chapter three hundred twenty-six (326), Code 1979, is amended by adding the following new section:

NEW SECTION. TEMPORARY REGISTRATION. The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination with intermediate points authorized by the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration.

Sec. 6. Section three hundred twenty-seven point nine (327.9), Code 1979, is amended to read as follows:

327.9 FEE. No A motor truck engaged in the transportation of property under a truck operator or contract carrier permit issued under the provisions of this chapter shall not be operated on the highways of this state unless there ~~shall~~ have has been paid to the board department for the

~~administration of this chapter an annual fee in the amount of five dollars, provided, however, that the fee herein provided shall not be imposed on any tractor or truck tractor, provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars for each motor truck and ten dollars for each truck tractor or road tractor.~~

~~For the purposes of this section the terms "tractor or truck tractor" shall mean every self-propelled vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~

~~It shall be~~ is a simple misdemeanor for any a truck operator or contract carrier to operate any a motor truck for which the annual fee has not been paid and the board department may revoke either the truck operator or contract carrier permit of any such violator or both.

Sec. 7. Section three hundred twenty-seven B point one (327B.1), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327B.1 AUTHORITY SECURED AND REGISTERED. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the interstate commerce commission or evidence that such authority is not required with the state department of transportation.

Registration shall be granted without hearing upon application and payment of a twenty-five dollar filing fee. Each amendment of supplemental authority shall require a ten dollar filing fee.

Upon registration, the state department of transportation shall identify the registration by number and issue annually a decal or sticker bearing the registration number of the carrier for each motor truck, truck tractor or road tractor operating in this state for a one dollar fee per vehicle.

The state department of transportation may execute reciprocity agreements with authorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall adopt rules pursuant to chapter seventeen A (17A) of the Code for the identification of vehicles operated under reciprocity agreements.

Fees may be subject to reduction or proration pursuant to sections three hundred twenty-six point five (326.5) and three hundred twenty-six point thirty-two (326.32) of the Code.

Sec. 8. Chapter three hundred twenty-seven B (327B), Code 1979, is amended by adding the following new section:

NEW SECTION. INSURANCE OR BOND. Registration under section three hundred twenty-seven B point one (327B.1) of the Code shall not be granted until the carrier has filed with the state department of transportation evidence of insurance or surety bond issued by an insurance carrier or bonding company authorized to do business in this state and in the form prescribed by the rules adopted under 49 U.S.C. 302(b) (2) (1965). The minimum limits of liability for each motor truck are as follows:

1. To cover the carrier's liability as an interstate carrier for personal injury or death as a result of any one incident, twenty-five thousand dollars for recovery by one person, and subject to the limit for one person, fifty thousand dollars for more than one person. This coverage need not include injury to carrier's employees while engaged in the course of their employment.

2. To cover the carrier's liability as an interstate carrier for damages to property other than that of or in charge of the carrier, as a result of any one incident, ten thousand dollars.

The insurance policy or surety bond shall bind the insurance company or bonding company to make compensation to claimants

for the carrier's liability. The insurance policy or surety bond shall also provide that a person having a cause of action against the carrier may bring action directly upon the policy or bond when service cannot be obtained on the interstate carrier within this state.

Failure to keep insurance or bond in effect at all times shall cause the registration of the interstate carrier to be revoked.

Sec. 9. The provisions of sections four (4) and five (5) of this Act shall become effective July first following enactment. The remaining provisions of this Act shall become effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 163, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved *June 1*, 1979

ROBERT D. RAY
Governor