

7/5 3/87

House File 371 substituted 3/18/87

FILED FEB 18 1987

SENATE FILE 200
BY COMMITTEE ON TRANSPORTATION

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing the state department of transportation to
2 adopt and administer federal motor carrier safety and
3 hazardous materials transportation regulations, establishing
4 reporting requirements, making technical corrections, and
5 providing penalties.

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

SENATE FILE 200

S-3083

1 Amend Senate File 200 as follows:
2 1. Page 5, line 14, by inserting after the figure
3 "390-399" the following: "and adopted under chapter
4 17A which rules shall be to a date certain".

S-3083

Filed February 25, 1987

BY BERL PRIEBE
C. JOSEPH COLEMAN

SENATE FILE 200

S-3082

1 Amend Senate File 200 as follows:
2 1. Page 3, line 8, by striking the words ", upon
3 conviction," and inserting the following: "7-upon
4 conviction".

S-3082

Filed February 25, 1987

(adopted 3/18/87 (p. 151) Reconsidered w/d 3/23

BY C. JOSEPH COLEMAN
DONALD V. DOYLE
BERL PRIEBE

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1 Section 1. Section 123.28, unnumbered paragraph 1, Code
2 1987, is amended to read as follows:

3 It is lawful to transport, carry, or convey alcoholic
4 liquors from the place of purchase by the division to a state
5 warehouse or depot established by the division or from one
6 such place to another and, when so permitted by this chapter,
7 it is lawful for the division, a common carrier, or other
8 person to transport, carry, or convey alcoholic liquor sold
9 from a state warehouse, depot, or point of purchase by the
10 state to any place to which the liquor may be lawfully
11 delivered under this chapter. The division shall deliver
12 alcoholic liquor purchased by class "E" liquor control
13 licensees. Class "E" liquor control licensees may deliver
14 alcoholic liquor purchased by class "A", "B", or "C" liquor
15 control licensees, and class "A", "B", or "C" liquor control
16 licensees may transport alcoholic liquor purchased from class
17 "E" liquor control licensees. ~~Notwithstanding-section~~
18 ~~321-2307-sections-321-225-and-321-226-do-not-apply-to-division~~
19 ~~employees-in-the-regular-course-of-their-employment:~~ A common
20 carrier or other person shall not break or open or allow to be
21 broken or opened a container or package containing alcoholic
22 liquor or use or drink or allow to be used or drunk any
23 alcoholic liquor while it is being transported or conveyed,
24 but this section does not prohibit a private person from
25 transporting individual bottles or containers of alcoholic
26 liquor exempted pursuant to section 123.22 and individual
27 bottles or containers bearing the identifying mark prescribed
28 in section 123.26 which have been opened previous to the
29 commencement of the transportation. This section does not
30 affect the right of a special permit or liquor control license
31 holder to purchase, possess, or transport alcoholic liquors
32 subject to this chapter.

33 Sec. 2. Section 321.1, subsection 31, Code 1987, is
34 amended by striking the subsection and inserting in lieu
35 thereof the following:

1 31. "Hazardous material" means a substance or material
2 which has been determined by the United States secretary of
3 transportation to be capable of posing an unreasonable risk to
4 health, safety, and property when transported in commerce, and
5 which has been so designated.

6 Sec. 3. Section 321.1, subsection 32, Code 1987, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 32. "Commercial vehicle" means a vehicle designed
10 principally to transport passengers or property of any kind if
11 any or all of the following apply:

12 a. The vehicle or any combination of vehicles has a gross
13 weight of ten thousand one or more pounds.

14 b. The vehicle has a gross weight rating of ten thousand
15 one or more pounds.

16 c. The vehicle is designed to transport more than fifteen
17 passengers, including the driver.

18 d. The vehicle is used in the transportation of hazardous
19 material in a quantity requiring placarding.

20 Sec. 4. Section 321.1, subsection 43, unnumbered paragraph
21 4, Code 1987, is amended to read as follows:

22 ~~Subject to section 321.1797-a~~ A farmer or the farmer's
23 hired help is not a chauffeur when operating a truck, other
24 than a truck tractor, owned by the farmer and used exclusively
25 in connection with the transportation of the farmer's own
26 products or property.

27 Sec. 5. Section 321.266, subsection 4, Code 1987, is
28 amended to read as follows:

29 4. Any Notwithstanding section 455B.386, a carrier
30 transporting hazardous ~~materials-by-rail,-air,-water,-or~~
31 material upon a public highway in this state, in the case of
32 an accident involving the transportation of the hazardous
33 ~~materials~~ material, shall immediately notify the police radio
34 broadcasting system established ~~by-the-director-of-public~~
35 safety pursuant to section 693.1 or shall notify a peace

1 officer of the county, ~~township,~~ or municipality city in which
2 the accident occurs. When a local law enforcement agency is
3 informed of the accident, the agency shall notify the Iowa
4 highway safety patrol. ~~For purposes of this section~~
5 ~~"hazardous substances" shall mean hazardous substances as~~
6 ~~defined in the federal Transportation Safety Act of 1974~~
7 ~~{Public Law 93-633, section 103}~~: A person who violates any a
8 provision of this subsection shall, upon conviction, be is
9 guilty of a serious misdemeanor.

10 Sec. 6. Section 321.288, subsection 2, paragraph d, Code
11 1987, is amended to read as follows:

12 d. When approaching and passing ~~a fusee, flares, red~~
13 ~~reflector electric lanterns, red reflectors or red flags~~ an
14 emergency warning device displayed in accordance with rules
15 adopted under section 321.448 321.449, or an emergency vehicle
16 displaying a revolving or flashing light.

17 Sec. 7. Section 321.317, subsection 5, Code 1987, is
18 amended to read as follows:

19 5. Whenever any vehicle or combination of vehicles is
20 disabled or for other reason may present a vehicular traffic
21 hazard requiring unusual care in approaching, overtaking or
22 passing, the operator then may display on the vehicle or
23 combination of vehicles four directional signals of a type
24 complying with the provisions of this section relating to
25 directional signal devices in simultaneous operation. ~~This~~
26 ~~subsection does not exempt any vehicle or combination of~~
27 ~~vehicles from compliance with the provisions of sections~~
28 ~~321.447 and 321.448.~~

29 Sec. 8. Section 321.341, unnumbered paragraph 1, Code
30 1987, is amended to read as follows:

31 ~~Whenever any~~ When a person driving a vehicle approaches a
32 railroad grade crossing and warning is given by automatic
33 signal, or crossing gates, or a flagman flag person, or
34 otherwise of the immediate approach of a train, the driver of
35 such the vehicle shall stop within fifty feet but not less

1 than ~~ten~~ fifteen feet from the nearest ~~track-of-such-railroad~~
2 rail and shall not proceed until the driver can do so safely.

3 Sec. 9. Section 321.343, unnumbered paragraph 1, Code
4 1987, is amended to read as follows:

5 The driver of ~~any~~ a motor vehicle carrying passengers for
6 hire, ~~or-of-any~~ a school bus, or ~~of-any~~ a vehicle carrying
7 ~~explosive-substances-or-flammable-liquids-or-other~~ hazardous
8 ~~materials-as-defined-by-the-federal-department-of~~
9 ~~transportation,-49-Code-of-Federal-Regulations-sections-170-to~~
10 ~~section-189-of-1975,-as-a-cargo-or-part-of-a-cargo~~ material
11 and required to stop before crossing a railroad track by motor
12 carrier safety rules adopted under section 321.449, before
13 crossing at grade any track of a railroad, shall stop ~~such~~ the
14 vehicle within fifty feet but not less than ~~ten~~ fifteen feet
15 from the nearest rail ~~of-such-railroad-and-while-so.~~ While
16 stopped, the driver shall listen and look in both directions
17 ~~along-such-track~~ for ~~any~~ an approaching train, and for signals
18 indicating the approach of a train, ~~except-as-hereinafter~~
19 ~~provided,~~ and shall not proceed until the driver can do so
20 safely.

21 Sec. 10. Section 321.364, Code 1987, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 321.364 PREVENTING CONTAMINATION OF FOOD BY HAZARDOUS
25 MATERIAL.

26 Food intended for human consumption shall not be shipped in
27 a vehicle or container which has been used to transport a
28 hazardous material unless the vehicle or container has been
29 purged of any hazardous material or the transportation is made
30 in a manner that prevents any contact between the food and the
31 hazardous material.

32 Sec. 11. Section 321.365, Code 1987, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 321.365 COASTING PROHIBITED.

1 The driver of a motor vehicle shall not drive with the
2 source of motive power disengaged from the driving wheels
3 except when disengagement is necessary to stop or to shift
4 gears.

5 Sec. 12. Section 321.449, Code 1987, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 321.449 MOTOR CARRIER SAFETY REGULATIONS.

9 A person shall not operate a commercial vehicle on the
10 highways of this state except in compliance with rules adopted
11 by the department under chapter 17A. The rules shall be
12 consistent with the federal motor carrier safety regulations
13 promulgated under United States Code, Title 49, and found in
14 49 C.F.R. §§ 390-399.

15 Rules adopted under this section concerning driver
16 qualifications, hours of service, and recordkeeping require-
17 ments do not apply to the operators of special trucks, other
18 than a truck tractor, operating intrastate.

19 Rules adopted under this section concerning driver age
20 qualifications do not apply to drivers for private and for-
21 hire motor carriers which operate solely intrastate except
22 when the vehicle being driven is transporting a hazardous
23 material in a quantity which requires placarding. The minimum
24 age for the exempted intrastate operations is eighteen years
25 of age.

26 Sec. 13. Section 321.450, Code 1987, is amended by
27 striking the section and inserting in lieu thereof the fol-
28 lowing:

29 321.450 HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS.

30 A person shall not transport or have transported or shipped
31 within this state any hazardous material except in compliance
32 with rules adopted by the department under chapter 17A. The
33 rules shall be consistent with the federal hazardous materials
34 regulations promulgated under United States Code, Title 49,
35 and found in 49 C.F.R. §§ 107, 171 to 173, 177, and 178.

1 Sec. 14. Section 324.54, Code 1987, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Subject to compliance with rules
4 adopted by the department, annual reporting may be permitted
5 in lieu of quarterly reporting. A licensee permitted to
6 report annually shall maintain records in compliance with this
7 chapter.

8 Sec. 15. Section 325.1, subsection 6, Code 1987, is
9 amended to read as follows:

10 6. The term "charter carrier" means a person who engages
11 in the business of transporting the public by motorbuses under
12 charter. The term "charter carrier" shall not be construed to
13 include taxicabs or persons, firms or corporations having a
14 license, contract or franchise with an Iowa municipality with
15 a population of more than fifteen thousand people as shown by
16 the last federal decennial census, to carry or transport
17 passengers for hire, or a municipality with a population of
18 more than fifteen thousand people as shown by the last federal
19 decennial census, engaged in the business of carrying or
20 transporting passengers for hire, provided however, that
21 municipality or the person, firm or corporation having a
22 license, contract or franchise with an Iowa municipality
23 comply with sections 325.26, 325.28, ~~325.29~~, 325.31 and
24 325.35, or school bus operators when engaged in transportation
25 involving any school activity or regular route common carriers
26 of passengers.

27 Sec. 16. Section 327A.8, unnumbered paragraphs 2 and 3,
28 including subsections 1, 2, and 3, and unnumbered paragraph 4,
29 Code 1987, are amended by striking the unnumbered paragraphs
30 and subsections.

31 Sec. 17. Section 327A.13, Code 1987, is amended to read as
32 follows:

33 327A.13 DISABLED VEHICLES.

34 All vehicles or combination of vehicles shall be equipped
35 with direction signal devices of a type complying with the

1 provisions of section 321.317 relating to such devices and
2 whenever, during hours of darkness, any vehicle is disabled or
3 for any other reason may present a vehicular traffic hazard
4 requiring unusual care in approaching, overtaking or passing
5 the operator of such vehicle shall display such directional
6 signals on such vehicle or combination of vehicles in
7 simultaneous operation. ~~The provisions of this section shall~~
8 ~~not be construed to be in lieu of the provisions of sections~~
9 ~~321.447 and 321.448 and the provisions of the said sections~~
10 ~~shall be fully applicable as provided therein.~~

11 Sec. 18. Section 805.8, subsection 2, paragraphs c, e, h,
12 and o, Code 1987, are amended to read as follows:

13 c. For improperly used or nonused, or defective or
14 improper equipment, other than brakes, driving lights and
15 brakelights, under sections 321.317, 321.387, 321.388,
16 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432,
17 321.436, 321.437, 321.438, subsection 1 or 3, 321.439,
18 321.440, 321.441, 321.442, 321.444, and 321.445 ~~and 321.447~~,
19 the scheduled fine is ten dollars.

20 e. For improperly used or nonused or defective or improper
21 equipment under sections 321.383, 321.384, 321.385, 321.386,
22 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,
23 321.423, 321.430, and 321.433, ~~321.448, 321.449 and 321.450~~,
24 the scheduled fine is twenty dollars.

25 h. For operating, passing, turning and standing violations
26 under sections ~~321.225~~, 321.236, subsections 3, 4, 9 and 12,
27 321.275, 321.295, 321.297, 321.299, 321.303, 321.304,
28 subsections 1 and 2, 321.305, 321.306, 321.311, 321.312,
29 321.314, 321.315, 321.316, 321.318, 321.323, 321.340, 321.344,
30 321.353, 321.354, 321.363, ~~321.364~~, 321.365, 321.366, 321.368,
31 321.382 and 321.395, the scheduled fine is fifteen dollars.

32 o. For violation of registration provisions under section
33 321.17; violation of intrastate hauling on foreign
34 registration under section 321.54; improper operation or
35 failure to register under section 321.55; and violation of

1 requirement for display of registration or plates under
 2 section 321.98, the scheduled fine is twenty dollars.

3 For no-evidence-or-improper-evidence-of-intrastate
 4 authority-carried-or-displayed-under-section-325.34;-operation
 5 of-vehicle-by-an-unqualified-driver-under-sections-325.34-and
 6 327.22;-and-operating-a-vehicle-in-violation-of-maximum-hours
 7 of-service-or-failure-to-maintain-and-display-evidence-of
 8 hours-of-service-under-sections-325.34-and-327.22 failure to
 9 comply with administrative rules adopted under section 325.3,
 10 327.3 or 327A.17 which require that evidence of intrastate
 11 authority be carried and displayed upon request, that a valid
 12 lease be carried and displayed upon request, or that a valid
 13 fee receipt be carried and displayed upon request, the
 14 scheduled fine is twenty-five dollars.

15 For no-or-improper failure to have proper carrier
 16 identification markings under section 325.31, 327.19, 327A.8
 17 or 327B.1, the scheduled fine is fifteen dollars.

18 For no-or-improper failure to have proper evidence of
 19 interstate authority carried or displayed under section 327B.1
 20 and for failure to register, carry, or display evidence that
 21 interstate authority is not required under section 327B.1, the
 22 scheduled fine is one hundred dollars.

23 For violations of rules adopted by the department under
 24 section 321.449, the scheduled fine is twenty-five dollars.

25 For violation of section 321.364 or rules adopted under
 26 section 321.450, the scheduled fine is fifty dollars.

27 Sec. 19. Sections 321.179, 321.225, 321.226, 321.227,
 28 321.447, 321.448, 325.29, 325.37, 325.38, 325.39, 327.18,
 29 327A.7, 327A.10, 327A.11, and 327A.12, Code 1987, are
 30 repealed.

31 Sec. 20. This Act takes effect January 1 following
 32 enactment.

33 EXPLANATION

34 Sections 1, 4, 7, 15, and 17 are coordinating amendments
 35 required to delete references to sections of the Code being

1 repealed in section 18 of the bill.

2 Sections 2 and 3 define "commercial vehicle" and "hazardous
3 material" in lieu of the present definitions of "explosives"
4 and "flammable liquid" which are defined in the federal
5 hazardous materials regulations authorized for adoption by
6 this bill.

7 Section 5 limits the requirement to report hazardous
8 material incidents to the state highway safety patrol to
9 incidents in the highway mode, removes the conflicting
10 hazardous substance terminology, and recognizes the newer
11 hazardous substance spill reporting requirements of chapter
12 455B which cover both transportation and fixed facility
13 incidents.

14 Section 6 substitutes "emergency warning devices" for a
15 list of such devices for disabled commercial vehicles, for
16 which motorists are required to adjust their speed to a
17 reasonable and proper rate.

18 Sections 8 and 9 adjust the stopping point at a railroad
19 grade crossing to be consistent with federal regulations and
20 current warning device placement and pavement marking
21 standards.

22 Section 10 substitutes a section which includes a
23 prohibition of the transportation of food products in a
24 container or vehicle that previously transported hazardous
25 materials unless it has been cleaned or is packaged
26 sufficiently to prevent contamination for a section setting
27 requirements on where to drive and when to honk the horn on
28 various road alignments.

29 Section 11 updates the current law prohibiting coasting
30 down grades and makes the law consistent with federal regula-
31 tions.

32 Section 12 substitutes the authority to adopt federal motor
33 carrier safety regulations for the present section relating to
34 warning device equipment for trucks carrying explosives.

35 Section 13 substitutes the authority to adopt federal

1 hazardous material transportation regulations for the present
2 explosive transportation section.

3 Section 16 repeals the flammable liquid transport marking
4 requirements that are inconsistent with national standards and
5 with international emergency response procedures relating to
6 such vehicles.

7 Section 18 prescribes scheduled penalties for various truck
8 and bus law violations.

9 Section 19 repeals truck safety provisions in various Code
10 sections that now will be covered in a single Code section for
11 all classes of truck carriers under section 9 of this Act.

12 Section 20 establishes a January 1, 1988 effective date to
13 allow time for amendment and adoption of rules through a
14 normal rulemaking process and for affected persons to make any
15 necessary adjustments in their operations.

16

SENATE FILE 200

S-3184

1 Amend Senate File 200 as follows:

- 2 1. Title page, lines 4 and 5, by striking the
- 3 words "and providing penalties" and inserting the
- 4 following: "providing penalties, and providing an
- 5 effective date".

S-3184

Filed March 18, 1987

Adopted 3/23 (y 844)

BY C. JOSEPH COLEMAN

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LSB 2354SC 72