

1-19-93 (88)

Sub Committee, Transport.
Helling, Drake, Fink

1-11-93 Transportation
(P. 579) 3/14/93 Amend / On Pass W/S 3117
FILED JAN 12 1993
3/25/93 House - Transportation

SENATE FILE 8
BY FRAISE

(P. 757)
Passed Senate, Date 3-22-93 Passed House, Date _____
Vote: Ayes 34 Nays 14 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to transportation services by regulating persons
2 who transport rail workers and requiring liability insurance
3 for taxicabs and making penalties applicable.

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

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SF 8

1 Section 1. Section 321.449, Code 1993, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A person who transports rail
4 workers in Iowa on behalf of a railroad company shall comply
5 with motor carrier safety regulations for maximum hours of
6 service for drivers.

7 Sec. 2. Section 325.1, subsection 3, Code 1993, is amended
8 to read as follows:

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

27 Sec. 3. Section 325.1, Code 1993, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 10A. "Taxicab" means a motor vehicle with
30 a passenger capacity of seven or less, regularly engaged in
31 the business of carrying passengers for hire and not operated
32 on a fixed route.

33 Sec. 4. Section 325.26, Code 1993, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 3. TAXICABS. To cover the assured's

1 legal liability as a taxicab business, the owner shall furnish
2 to the department an insurance policy or certificate of
3 insurance issued by an insurance company licensed to do
4 business in the state, providing insurance coverage for the
5 taxicab business with a minimum liability of five hundred
6 thousand dollars for damage to property of others, including
7 baggage, but excluding property of the insured, or to property
8 hired or leased by the insured, and for the bodily injury or
9 death of others, except to employees of the insured engaged in
10 the course of their employment resulting from accident or
11 collision for which the owner will be liable on account of the
12 liability imposed upon the owner or the owner's agents or
13 servants, due to the negligent operation of the taxicab
14 business. This subsection does not apply to those taxicab
15 businesses having a license, contract, or franchise to operate
16 in municipalities with a population of more than fifteen
17 thousand as shown by the last federal decennial census.

18 EXPLANATION

19 This bill requires that persons who transport rail workers
20 must comply with federal motor carrier safety regulations
21 governing maximum hours of service for drivers and requires
22 that a taxicab business which is not already required to carry
23 liability insurance carry a minimum of \$500,000 of insurance
24 for liability to persons and property. A violation of maximum
25 hours of service rules or failure to carry requisite insurance
26 is punishable by a simple misdemeanor.

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S-3117

1 Amend Senate File 8, as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 88.5, Code 1993, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 13. TRANSPORTATION OF RAILROAD
7 EMPLOYEES AND EQUIPMENT.

8 a. Definitions. As used in this subsection,
9 unless the context otherwise requires:

10 (1) "Motor vehicle" means those vehicles as
11 defined in section 321.1 which are subject to
12 registration and which are provided by a railroad
13 company and used to transport railroad workers to and
14 from their places of employment or during the course
15 of their employment.

16 (2) "Place of employment" means that location
17 where one or more workers are actually performing the
18 labor incident to their employment.

19 (3) "Worker" means an individual employed for any
20 period in work for which the individual is
21 compensated, whether full-time or part-time.

22 b. Compliance with regulations. Motor vehicles
23 shall:

24 (1) Meet all state and federal regulations
25 pertaining to safe construction and maintenance
26 including their coupling devices, lighting devices and
27 reflectors, motor exhaust systems, rear-vision
28 mirrors, service and parking brakes, steering
29 mechanisms, tires, warning and signaling devices, and
30 windshield wipers.

31 (2) Meet all state and federal requirements for
32 safety devices, first-aid kits, and sidewalls,
33 canopies, tailgates, or other means of retaining
34 freight safely.

35 (3) Be operated in compliance with all state and
36 federal regulations pertaining to driving, loading,
37 carrying freight and employees, road warning devices,
38 and the transportation of flammable material.

39 c. Motor vehicle maintained in safe manner. A
40 motor vehicle shall be maintained in a safe manner at
41 all times, whether or not used upon a public highway.

42 d. Heating system. Motor vehicles shall have a
43 safe heating system to maintain a reasonable comfort
44 level in those spaces of the vehicle where the workers
45 are required to ride.

46 e. Rule violations. If the commissioner finds
47 that a motor vehicle is in violation of a rule adopted
48 pursuant to this subsection, the commissioner shall
49 enter against the owner of the motor vehicle an order
50 as necessary to protect the safety of workers

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Page 2

1 transported in the motor vehicle. The commissioner
2 may direct in the order, as a condition to the
3 continued use of the motor vehicle, that additions,
4 repairs, improvements, or changes be made and that
5 safety devices and safeguards be furnished and used as
6 required to satisfy the rules in the manner and within
7 the time specified in the order. The order may also
8 require that any driver of the motor vehicle satisfy
9 the minimum standards for a driver under the rules.

10 f. Hours of service. A person who transports
11 workers in Iowa on behalf of a railroad company shall
12 not perform the transportation service in excess of
13 twelve hours in any twenty-four hour period.

14 g. Insurance. A person who transports workers in
15 Iowa on behalf of a railroad company shall be insured
16 by an insurance company licensed to do business in
17 this state, with a minimum liability of five hundred
18 thousand dollars for damage to property of others,
19 including baggage, but excluding property of the
20 insured, or to property hired or leased by the
21 insured, and for the bodily injury or death of others,
22 excluding employees of the insured engaged in the
23 course of their employment resulting from accident or
24 collision for which the owner railroad company or the
25 railroad company's agents or servants may be liable,
26 due to negligent operation.

27 h. Penalty. The owner of a motor vehicle
28 violating this subsection, a rule adopted pursuant to
29 this subsection, or an order issued pursuant to this
30 subsection, or willfully failing to comply with such
31 an order is, upon conviction, subject to a fine of one
32 hundred dollars.

33 i. Enforcement. This section shall be enforced by
34 the commissioner upon receipt of a written complaint.

35 Sec. 2. Section 327F.39, Code 1993, is repealed."

36 2. Title page, by striking lines 1 through 3 and
37 inserting the following: "An Act relating to
38 transporting railroad employees and equipment and
39 making penalties applicable."

By COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3117 FILED MARCH 10, 1993

adopted
3-22-93
(p. 757)

SENATE FILE 8

S-3152

1 Amend the amendment S-3117, to Senate File 8, as
2 follows:
3 1. Page 1, by striking lines 4 through 9 and
4 inserting the following:
5 "Section 1. Section 327F.39, Code 1993, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 327F.39 TRANSPORTATION OF RAILROAD EMPLOYEES AND
9 EQUIPMENT.
10 1. DEFINITIONS. As used in this subsection,
11 unless the context otherwise requires:
12 a. "Administrator" means the administrator for
13 rail and water in the department.
14 b. "Department" means the state department of
15 transportation."
16 2. Page 1, line 10, by striking the figure "(1)"
17 and inserting the following: "c."
18 3. Page 1, line 16, by striking the figure "(2)"
19 and inserting the following: "d."
20 4. Page 1, line 19, by striking the figure "(3)"
21 and inserting the following: "e."
22 5. Page 1, line 22, by striking the letter "b."
23 and inserting the following: "2."
24 6. Page 1, line 24, by striking the figure "(1)"
25 and inserting the following: "a."
26 7. Page 1, line 31, by striking the figure "(2)"
27 and inserting the following: "b."
28 8. Page 1, line 35, by striking the figure "(3)"
29 and inserting the following: "c."
30 9. Page 1, line 39, by striking the letter "c."
31 and inserting the following: "3."
32 10. Page 1, line 42, by striking the letter "d."
33 and inserting the following: "4."
34 11. Page 1, by striking line 46 and inserting the
35 following:
36 "5. RULE VIOLATIONS. If the administrator finds".
37 12. Page 1, line 48, by striking the word
38 "commissioner" and inserting the following:
39 "administrator".
40 13. Page 2, line 1, by striking the word
41 "commissioner" and inserting the following:
42 "administrator".
43 14. Page 2, line 10, by striking the letter "f."
44 and inserting the following: "6."
45 15. Page 2, line 14, by striking the letter "g."
46 and inserting the following: "7."
47 16. Page 2, line 27, by striking the letter "h."
48 and inserting the following: "8."
49 17. Page 2, line 33, by striking the letter "i."
50 and inserting the following: "9."

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S-3152

Page 2

- 1 18. Page 2, line 34, by striking the word
- 2 "commissioner" and inserting the following:
- 3 "administrator".
- 4 19. Page 2, by striking line 35.

By RICHARD F. DRAKE

3.22.93 Lost

S-3152 FILED MARCH 17, 1993

SENATE FILE 8

S-3151

- 1 Amend the amendment, S-3117, to Senate File 8 as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "RAILROAD".
- 5 2. Page 1, by striking lines 12 and 13 and
- 6 inserting the following: "registration and which are
- 7 provided by an employer and used to transport workers
- 8 to and".
- 9 3. Page 2, line 11, by striking the words "a
- 10 railroad company" and inserting the following: "an
- 11 employer".
- 12 4. Page 2, line 15, by striking the words "a
- 13 railroad company" and inserting the following: "an
- 14 employer".
- 15 5. Page 2, by striking lines 24 and 25 and
- 16 inserting the following: "collision for which the
- 17 employer or the employer's agents or servants may be
- 18 liable,".
- 19 6. Page 2, line 38, by striking the word
- 20 "railroad".

By RICHARD F. DRAKE

S-3151 FILED MARCH 17, 1993

3/22/93 out of order

SENATE FILE 8
BY FRAISE

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1993)
ALL New Language by the Senate

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

A BILL FOR

1 An Act relating to transporting railroad employees and equipment
2 and making penalties applicable.

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

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S.F. 8

1 Section 1. Section 88.5, Code 1993, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 13. TRANSPORTATION OF RAILROAD EMPLOYEES
4 AND EQUIPMENT.

5 a. Definitions. As used in this subsection, unless the
6 context otherwise requires:

7 (1) "Motor vehicle" means those vehicles as defined in
8 section 321.1 which are subject to registration and which are
9 provided by a railroad company and used to transport railroad
10 workers to and from their places of employment or during the
11 course of their employment.

12 (2) "Place of employment" means that location where one or
13 more workers are actually performing the labor incident to
14 their employment.

15 (3) "Worker" means an individual employed for any period
16 in work for which the individual is compensated, whether full-
17 time or part-time.

18 b. Compliance with regulations. Motor vehicles shall:

19 (1) Meet all state and federal regulations pertaining to
20 safe construction and maintenance including their coupling
21 devices, lighting devices and reflectors, motor exhaust
22 systems, rear-vision mirrors, service and parking brakes,
23 steering mechanisms, tires, warning and signaling devices, and
24 windshield wipers.

25 (2) Meet all state and federal requirements for safety
26 devices, first-aid kits, and sidewalls, canopies, tailgates,
27 or other means of retaining freight safely.

28 (3) Be operated in compliance with all state and federal
29 regulations pertaining to driving, loading, carrying freight
30 and employees, road warning devices, and the transportation of
31 flammable material.

32 c. Motor vehicle maintained in safe manner. A motor
33 vehicle shall be maintained in a safe manner at all times,
34 whether or not used upon a public highway.

35 d. Heating system. Motor vehicles shall have a safe

1 heating system to maintain a reasonable comfort level in those
2 spaces of the vehicle where the workers are required to ride.

3 e. Rule violations. If the commissioner finds that a
4 motor vehicle is in violation of a rule adopted pursuant to
5 this subsection, the commissioner shall enter against the
6 owner of the motor vehicle an order as necessary to protect
7 the safety of workers transported in the motor vehicle. The
8 commissioner may direct in the order, as a condition to the
9 continued use of the motor vehicle, that additions, repairs,
10 improvements, or changes be made and that safety devices and
11 safeguards be furnished and used as required to satisfy the
12 rules in the manner and within the time specified in the
13 order. The order may also require that any driver of the
14 motor vehicle satisfy the minimum standards for a driver under
15 the rules.

16 f. Hours of service. A person who transports workers in
17 Iowa on behalf of a railroad company shall not perform the
18 transportation service in excess of twelve hours in any
19 twenty-four hour period.

20 g. Insurance. A person who transports workers in Iowa on
21 behalf of a railroad company shall be insured by an insurance
22 company licensed to do business in this state, with a minimum
23 liability of five hundred thousand dollars for damage to
24 property of others, including baggage, but excluding property
25 of the insured, or to property hired or leased by the insured,
26 and for the bodily injury or death of others, excluding
27 employees of the insured engaged in the course of their
28 employment resulting from accident or collision for which the
29 owner railroad company or the railroad company's agents or
30 servants may be liable, due to negligent operation.

31 h. Penalty. The owner of a motor vehicle violating this
32 subsection, a rule adopted pursuant to this subsection, or an
33 order issued pursuant to this subsection, or willfully failing
34 to comply with such an order is, upon conviction, subject to a
35 fine of one hundred dollars.

1 i. Enforcement. This section shall be enforced by the
2 commissioner upon receipt of a written complaint.

3 Sec. 2. Section 327F.39, Code 1993, is repealed.

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