

(P. 842) 3/28/94 Referred back to Committee

FILED MAR 3 1994

SENATE FILE 2258
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2171)
(COMPANION TO LSB 3294HV)

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

A BILL FOR

1 An Act relating to the operation of vehicles on roads by
2 requiring certain drivers of commercial vehicles to comply
3 with federal motor carrier safety regulations and by
4 restricting the operation of all-terrain vehicles and
5 snowmobiles on roads.

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

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 2258

1 Section 1. Section 321.449, unnumbered paragraph 4, Code
2 Supplement 1993, is amended by striking the unnumbered
3 paragraph and inserting in lieu thereof the following:

4 Notwithstanding other provisions of this section, rules
5 adopted under this section for a driver of a commercial
6 vehicle shall not apply to a driver for an agricultural
7 interest, who is not for hire and who is engaged exclusively
8 in intrastate commerce, when the driver's commercial vehicle
9 is operated between the farm and the retail agribusiness
10 location.

11 Sec. 2. Section 321G.1, Code 1993, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 6A. "Freeway" means a highway constructed
14 as a fully controlled access facility with no access to the
15 facility except at established interchanges.

16 Sec. 3. Section 321G.8, subsection 5, Code 1993, is
17 amended to read as follows:

18 5. All-terrain vehicles used in accordance with section
19 ~~321-234A~~ 321G.9, subsection 4, and section 321G.13, subsection
20 9.

21 Sec. 4. Section 321G.9, unnumbered paragraph 1, Code 1993,
22 is amended to read as follows:

23 A person shall not operate an all-terrain vehicle or
24 snowmobile upon roadways or highways, as defined in section
25 321.1, except as provided in ~~section-321-234A~~ and this
26 chapter.

27 Sec. 5. Section 321G.9, subsection 1, Code 1993, is
28 amended to read as follows:

29 1. An all-terrain vehicle or snowmobile shall not be
30 operated at any time within the right of way of any interstate
31 highway or freeway within this state ~~except under-either-of~~
32 ~~the-following-circumstances:~~

33 ~~a--As-provided-in-section-321-234A-~~

34 ~~b--When~~ when using an underpass located on an interstate
35 highway or freeway if all of the following apply:

1 ~~(1)~~ a. The underpass has been abandoned and is no longer
2 being used by motor vehicles or trains.

3 ~~(2)~~ b. Use of the underpass is the only alternative to the
4 use of a traveled roadway.

5 ~~(3)~~ c. Notwithstanding the provisions of chapter 321, use
6 of the underpass does not conflict with any rules or
7 regulations adopted by a federal governmental entity or this
8 state or a political subdivision of this state.

9 Sec. 6. Section 321G.9, subsection 3, paragraph b, Code
10 1993, is amended to read as follows:

11 b. On ~~limited-access-highways~~ freeways and approaches, and

12 Sec. 7. Section 321G.9, subsection 4, Code 1993, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. h. A person operating an all-terrain
15 vehicle or snowmobile on a highway shall have a valid motor
16 vehicle license or a valid safety certificate as provided by
17 this section and the vehicle shall be operated at speeds of
18 less than thirty miles per hour.

19 Sec. 8. Section 321G.9, subsection 7, Code 1993, is
20 amended to read as follows:

21 7. An all-terrain vehicle or snowmobile shall not be
22 operated within the right of way of a primary highway between
23 the-hours-of-sunset-and-sunrise except on the right-hand side
24 of the right of way and in the same direction as the motor
25 vehicular traffic on the nearest lane of the traveled portion
26 of the right of way.

27 Sec. 9. Section 321G.13, subsection 9, Code 1993, is
28 amended to read as follows:

29 9. On any public road or street without a bright-colored
30 pennant-or-flag-displayed-at-least-sixty-inches-above-the
31 ground.--Said-pennant-or-flag-shall-be-a-minimum-of-six-inches
32 by-nine-inches, shall-be-orange-and-shall-provide-a
33 fluorescent-effect bicycle safety flag which extends not less
34 than five feet above the ground attached to the rear of the
35 vehicle. The bicycle safety flag shall be triangular in shape

1 with an area of not less than thirty square inches, be day-
2 glow in color, and shall be in lieu of the reflective
3 equipment required by section 321.383.

4 Sec. 10. Section 321G.13, subsection 10, Code 1993, is
5 amended to read as follows:

6 10. On public land without a measurable snow cover except
7 as provided in section ~~321.234A~~ 321G.9, subsection 4, and
8 section 321G.13, subsection 9, or in specific areas permitted
9 by the commission, such as "all-terrain vehicle parks" which
10 are designated and intended for use with or without snow.

11 Sec. 11. Section 321.234A, Code 1993, is repealed.

12 EXPLANATION

13 Section 1 of the bill eliminates the exemption from federal
14 motor carrier safety regulations for a driver of a commercial
15 vehicle for a private carrier who is not for hire and who is
16 engaged exclusively in intrastate commerce when the vehicle is
17 not operated more than 100 miles from the driver's work
18 reporting station. However, the section then provides that
19 the exemption from federal regulations does apply to certain
20 drivers for an agricultural interest who are not for hire and
21 who are engaged in intrastate commerce while operating between
22 a farm and a retail agribusiness location.

23 Sections 2 through 11 of the bill concern the operation of
24 all-terrain vehicles and snowmobiles on roads. The bill
25 defines freeways and provides that these vehicles can only
26 operate on highways that are not freeways if the vehicles are
27 operated on the right-hand side of the highway right of way in
28 the same direction as the traffic at all times. Currently,
29 these vehicles can operate on all highways between sunrise and
30 sunset and must be operated on the right-hand side of the
31 highway only between the hours of sunset and sunrise. The
32 bill repeals section 321.234A dealing with all-terrain
33 vehicles and incorporates the provisions of that section
34 within the chapter dealing exclusively with all-terrain
35 vehicles and snowmobiles, chapter 321G.

SENATE FILE 2258

S-5124

1 Amend Senate File 2258 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 97B.49, subsection 16,
5 paragraph d, subparagraph (7), Code Supplement 1993,
6 is amended to read as follows:

7 (7) An employee of the state department of
8 transportation who is designated as a "peace officer"
9 ~~by resolution~~ under section 321.477, but only if the
10 employee retires on or after July 1, 1990. For
11 purposes of this subparagraph, service as a traffic
12 weight officer employed by the highway commission
13 prior to the creation of the state department of
14 transportation or as a peace officer employed by the
15 Iowa state commerce commission prior to the creation
16 of the state department of transportation shall be
17 included in computing the employee's years of
18 membership service.

19 Sec. ____ . Section 321.1, subsection 50, Code
20 Supplement 1993, is amended to read as follows:

21 50. "Peace officer" means every officer authorized
22 ~~to direct or regulate traffic or to make arrests for~~
23 ~~violations of traffic regulations in addition to its~~
24 ~~meaning in~~ carry out and enforce all laws of the state
25 and the rules and regulations of the department or any
26 other peace officer included in the definition of
27 peace officers under section 801.4. However, the
28 primary responsibility of motor vehicle enforcement
29 officers shall be limited to commercial motor vehicle
30 enforcement. The primary responsibility of motor
31 vehicle investigators shall be fraud investigations
32 relating to vehicle transactions, driver license
33 applications, and issuance and enforcement of laws and
34 regulations relating to motor vehicle dealers."

35 2. Page 1, by inserting after line 10 the
36 following:

37 "Sec. ____ . Section 321.477, Code 1993, is amended
38 to read as follows:

39 321.477 EMPLOYEES AS PEACE OFFICERS.

40 The department ~~may~~ shall designate ~~by resolution as~~
41 peace officers certain ~~of its~~ full-time employees upon
42 ~~each of whom there is hereby conferred~~ who shall have
43 the authority ~~of a peace officer to control and direct~~
44 to carry out and enforce all laws of the state and
45 rules and regulations of the department. Each
46 designated employee's peace officer authority shall
47 include, but not be limited to, controlling and
48 directing traffic and ~~weigh~~, weighing vehicles, and to
49 ~~make~~ making arrests for violations of the motor
50 vehicle laws relating to the operating authority,

S-5124

-1-

S-5124

Page 2

1 registration, size, weight, and load of motor vehicles
2 and trailers and registration of a motor carrier's
3 interstate transportation service with the
4 department."

5 3. Page 3, by inserting after line 10 the
6 following:

7 "Sec. ____ . Section 327B.2, Code 1993, is amended
8 to read as follows:
9 327B.2 ENFORCEMENT.

10 ~~The state~~ State department of transportation may
11 ~~designate-by-resolution-certain-of-its-employees-upon~~
12 ~~each-of-whom-there-is-hereby-conferred~~ employees
13 designated as peace officers under section 321.477
14 shall have the authority of-a-peace-officer to make
15 arrests for violations of laws relating to the
16 registration of a motor carrier's interstate
17 transportation service with the state department of
18 transportation.

19 Sec. ____ . Section 801.4, subsection 11, paragraph
20 h, Code 1993, is amended to read as follows:

21 h. ~~Such-employees~~ Employees of the state
22 department of transportation as who are designated as
23 "peace officers" by ~~resolution-of~~ the department under
24 section 321.477."

25 4. Page 3, by inserting after line 11 the
26 following:

27 "Sec. ____ . The amendments to section 97B.49,
28 subsection 16, section 321.1, subsection 50, section
29 321.477, section 327B.2, and section 801.4, subsection
30 11, paragraph "h", contained in this Act, are repealed
31 on July 1, 1995."

32 5. Title page, line 5, by inserting after the
33 word "roads" the following: ", and relating to peace
34 officer authority".

35 6. By renumbering as necessary.

By MICHAEL E. GRONSTAL
RICHARD F. DRAKE
JOHN W. JENSEN

JEAN LLOYD-JONES
LARRY MURPHY

S-5124 FILED MARCH 9, 1994

SENATE FILE 2258

S-5129

1 Amend Senate File 2258 as follows:

2 1. Page 2, by striking lines 17 and 18 and
3 inserting the following: "this section. An all-
4 terrain vehicle operated on a highway shall be
5 operated at speeds of less than thirty miles per hour
6 and a snowmobile operated on a highway shall be
7 operated at speeds of less than fifty-five miles per
8 hour."

By JOHN P. KIBBIE

S-5129 FILED MARCH 9, 1994

SENATE FILE 2258

S-5122

1 Amend Senate File 2258 as follows:

2 1. Page 2, by striking lines 17 and 18 and
3 inserting the following: "this section."

4 2. Page 2, by striking lines 22 and 23 and
5 inserting the following: "operated within the right-
6 of-way of a primary highway between the hours of
7 sunset and sunrise except on the right-hand side".

8 3. By striking page 2, line 27, through page 3,
9 line 3.

10 4. By renumbering as necessary.

By MERLIN E. BARTZ

JIM LIND

ALLEN BORLAUG

PAUL D. PATE

JOHN P. KIBBIE

BERL E. PRIEBE

RANDAL J. GIANNETTO

JOHN W. JENSEN

S-5122 FILED MARCH 9, 1994

SENATE FILE 2258

S-5247

1 Amend Senate File 2258 as follows:

2 1. Page 1, by striking lines 1 through 10 and
3 inserting the following:

4 "Section 1. Section 321.449, unnumbered paragraph
5 4, Code Supplement 1993, is amended to read as
6 follows:

7 Notwithstanding other provisions of this section,
8 rules adopted under this section for a driver of a
9 commercial vehicle shall not apply to a driver for a
10 private-carrier farm operation, as defined in section
11 352.2, or for an agricultural interest, who is not for
12 hire and who is engaged exclusively in intrastate
13 commerce, when the driver's commercial vehicle is not
14 operated more-than-one-hundred-miles-from-the-driver's
15 work-reporting-location between the farm, as defined
16 in section 352.2, and another farm; between the farm
17 and a market for farm products, as defined in section
18 352.2; or between the farm and an agribusiness
19 location."

By WILLIAM W. DIELEMAN

EUGENE FRAISE

S-5247 FILED MARCH 17, 1994

SENATE FILE 2258

S-5134

1 Amend the amendment, S-5124, to Senate File 2258 as
2 follows:

3 1. Page 2, by inserting after line 26 the
4 following:

5 "Sec. ____ . MOTOR VEHICLE ENFORCEMENT OFFICERS.
6 The office of motor vehicle enforcement of the motor
7 vehicle division of the state department of
8 transportation shall be transferred to the department
9 of public safety, effective July 1, 1994. The
10 appropriations, grants, motor vehicles, equipment,
11 supplies, and records of or used by the employees of
12 the office of motor vehicle enforcement of the state
13 department of transportation shall also be transferred
14 to the department of public safety, effective July 1,
15 1994. All references in the Code which authorize the
16 motor vehicle enforcement office of the motor vehicle
17 division of the state department of transportation to
18 perform enforcement related duties shall be considered
19 authority for the transferred employees to perform
20 those same enforcement related duties as employees of
21 the department of public safety. The commissioner of
22 public safety and the director of transportation shall
23 work jointly to implement the transfer authorized
24 under this Act."

25 2. By renumbering as necessary.

By JIM KERSTEN

S-5134 FILED MARCH 9, 1994

SENATE FILE 2258

S-5135

1 Amend Senate File 2258 as follows:

2 1. By striking page 1, line 11 through page 3,
3 line 11.

4 2. Title page, by striking lines 3 through 5 and
5 inserting the following: "with federal motor carrier
6 safety regulations."

7 3. By renumbering as necessary.

By JEAN LLOYD-JONES

S-5135 FILED MARCH 9, 1994

SENATE FILE 2258

S-5123

1 Amend Senate File 2258 as follows:

2 1. Page 2, by striking lines 17 and 18 and
3 inserting the following: "this section."

By JOHN JENSEN

S-5123 FILED MARCH 9, 1994

Dielman
Pate
Gettings

SSB 2/7/
Transportation
NOW
SENATE/HOUSE FILE 2258
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

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

A BILL FOR

1 An Act relating to the operation of vehicles on roads by
2 requiring certain drivers of commercial vehicles to comply
3 with federal motor carrier safety regulations and by
4 restricting the operation of all-terrain vehicles and
5 snowmobiles on roads.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 321.449, unnumbered paragraph 4, Code
2 Supplement 1993, is amended by striking the unnumbered
3 paragraph.

4 Sec. 2. Section 321G.1, Code 1993, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 6A. "Freeway" means a highway constructed
7 as a fully controlled access facility with no access to the
8 facility except at established interchanges.

9 Sec. 3. Section 321G.8, subsection 5, Code 1993, is
10 amended to read as follows:

11 5. All-terrain vehicles used in accordance with section
12 ~~321-234A~~ 321G.9, subsection 4, and section 321G.13, subsection
13 9.

14 Sec. 4. Section 321G.9, unnumbered paragraph 1, Code 1993,
15 is amended to read as follows:

16 A person shall not operate an all-terrain vehicle or
17 snowmobile upon roadways or highways, as defined in section
18 321.1, except as provided in ~~section-321-234A~~ and this
19 chapter.

20 Sec. 5. Section 321G.9, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. An all-terrain vehicle or snowmobile shall not be
23 operated at any time within the right of way of any interstate
24 highway or freeway within this state ~~except under-either-of~~
25 ~~the-following-circumstances:~~

26 ~~a.--As-provided-in-section-321-234A-~~

27 ~~b.--When~~ when using an underpass located on an interstate
28 highway or freeway if all of the following apply:

29 {1} a. The underpass has been abandoned and is no longer
30 being used by motor vehicles or trains.

31 {2} b. Use of the underpass is the only alternative to the
32 use of a traveled roadway.

33 {3} c. Notwithstanding the provisions of chapter 321, use
34 of the underpass does not conflict with any rules or
35 regulations adopted by a federal governmental entity or this

1 state or a political subdivision of this state.

2 Sec. 6. Section 321G.9, subsection 3, paragraph b, Code
3 1993, is amended to read as follows:

4 b. On ~~limited-access-highways~~ freeways and approaches, and

5 Sec. 7. Section 321G.9, subsection 4, Code 1993, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. h. A person operating an all-terrain
8 vehicle or snowmobile on a highway shall have a valid motor
9 vehicle license or a valid safety certificate as provided by
10 this section and the vehicle shall be operated at speeds of
11 less than thirty miles per hour.

12 Sec. 8. Section 321G.9, subsection 7, Code 1993, is
13 amended to read as follows:

14 7. An all-terrain vehicle or snowmobile shall not be
15 operated within the right of way of a primary highway between
16 the-hours-of-sunset-and-sunrise except on the right-hand side
17 of the right of way and in the same direction as the motor
18 vehicular traffic on the nearest lane of the traveled portion
19 of the right of way.

20 Sec. 9. Section 321G.13, subsection 9, Code 1993, is
21 amended to read as follows:

22 9. On any public road or street without a bright-colored
23 ~~pennant-or-flag-displayed-at-least-sixty-inches-above-the~~
24 ~~ground;--Said-pennant-or-flag-shall-be-a-minimum-of-six-inches~~
25 ~~by-nine-inches;--shall-be-orange-and-shall-provide-a~~
26 fluorescent-effect bicycle safety flag which extends not less
27 than five feet above the ground attached to the rear of the
28 vehicle. The bicycle safety flag shall be triangular in shape
29 with an area of not less than thirty square inches, be day-
30 glow in color, and shall be in lieu of the reflective
31 equipment required by section 321.383.

32 Sec. 10. Section 321G.13, subsection 10, Code 1993, is
33 amended to read as follows:

34 10. On public land without a measurable snow cover except
35 as provided in section ~~321-234A~~ 321G.9, subsection 4, and

1 section 321G.13, subsection 9, or in specific areas permitted
2 by the commission, such as "all-terrain vehicle parks" which
3 are designated and intended for use with or without snow.

4 Sec. 11. Section 321.234A, Code 1993, is repealed.

5

EXPLANATION

6 Section 1 of the bill eliminates the exemption from federal
7 motor carrier safety regulations for a driver of a commercial
8 vehicle for a private carrier who is not for hire and who is
9 engaged exclusively in intrastate commerce when the vehicle is
10 not operated more than 100 miles from the driver's work
11 reporting station.

12 Sections 2 through 11 of the bill concern the operation of
13 all-terrain vehicles and snowmobiles on roads. The bill
14 defines freeways and provides that these vehicles can only
15 operate on highways that are not freeways if the vehicles are
16 operated on the right-hand side of the highway right of way in
17 the same direction as the traffic at all times. Currently,
18 these vehicles can operate on all highways between sunrise and
19 sunset and must be operated on the right-hand side of the
20 highway only between the hours of sunset and sunrise. The
21 bill repeals section 321.234A dealing with all-terrain
22 vehicles and incorporates the provisions of that section
23 within the chapter dealing exclusively with all-terrain
24 vehicles and snowmobiles, chapter 321G.

25

BACKGROUND STATEMENT

26

SUBMITTED BY THE AGENCY

27 Section 1 of the bill deals with certain drivers for a
28 private carrier. Currently, drivers for private carriers who
29 are not for hire and who are engaged exclusively in intrastate
30 commerce are exempted from driver and log-book requirements
31 under the federal motor carrier safety regulations when the
32 driver's commercial vehicle is not operated more than 100
33 miles from the driver's work reporting location.

34 The Iowa department of transportation has received a letter
35 from the federal highway administration stating Iowa has

1 several variances in the Iowa Code regarding intrastate
2 operations of commercial motor vehicles and most of these
3 variances are within the tolerance guidelines except this one
4 exemption. Failure to address this variance before October 1,
5 1994, will likely jeopardize Iowa's motor carrier safety
6 assistance program funding for federal fiscal year 1995.

7 Section 1 of this bill eliminates this exemption and
8 requires all private carriers to meet federal motor carrier
9 safety regulations, including driver and log-book
10 requirements.

11 Sections 2 through 11 concern operation of all-terrain
12 vehicles and snowmobiles on roads.

13 This portion of the bill defines "freeway" as a fully
14 controlled access highway where access is available only at
15 interchange locations (i.e. the interstate system).

16 To be consistent with snowmobile regulations, all-terrain
17 vehicles (ATVs) will no longer be allowed to operate on
18 freeway constructed highways.

19 Currently, snowmobiles and ATVs can operate within the
20 median of a four-lane divided highway during the daytime but
21 nighttime operation is prohibited. In the interest of safety
22 for all vehicular and recreational traffic, this bill
23 prohibits snowmobiles and ATVs from operating in the medians
24 of all four-lane divided highways at all times.

25
26
27
28
29
30
31
32
33
34
35