

## REGISTRATION OF CARRIER AUTHORITY

### **327B.1 Authority secured and registered.**

1. 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 United States department of transportation or evidence that such authority is not required with the state department of transportation.
2. The department shall participate in the single state insurance registration program for regulated motor carriers as provided in 49 U.S.C. § 14504 and United States department of transportation regulations.
3. Registration for carriers transporting commodities exempt from United States department of transportation regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle.
4. 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 17A for the identification of vehicles operated under reciprocity agreements.
5. Fees may be subject to reduction or proration pursuant to sections 326.5 and 326.32.
6. A motor carrier shall keep proper evidence of interstate authority in the motor vehicle being operated by the motor carrier and the motor carrier owner or driver shall make such evidence available to a peace officer upon request.
7. If a motor carrier owner or driver is cited for failure to have proper evidence of interstate authority, the owner or driver may produce such evidence to the clerk of court prior to the date of such person's court appearance as indicated on the citation, and the owner or driver shall not be convicted of such violation and the citation issued shall be dismissed.

[C66, 71, 73, 75, 77, 79, 81, § 327B.1]

93 Acts, ch 174, § 2; 95 Acts, ch 118, §31; 2003 Acts, ch 108, §57; 2005 Acts, ch 20, §10; 2005 Acts, ch 179, §129

### **Footnotes**

For applicable scheduled fines, see § 805.8A, subsection 13, paragraphs f and g

### **327B.2 Enforcement.**

The state department of transportation may designate by resolution certain of its employees upon each of whom there is hereby conferred the authority of a peace officer to make arrests for violations of laws relating to the registration of a motor carrier's interstate transportation service with the state department of transportation.

[C66, 71, 73, 75, 77, 79, 81, § 327B.2]

### **327B.3 Fees use.**

All fees paid under the provisions of this chapter shall be remitted to the treasurer of state and credited to the

road use tax fund.

[C66, 71, 73, 75, 77, 79, 81, § 327B.3]

#### **327B.4 Private carriers exempt.**

The provisions of this chapter shall not be construed to include private carriers.

[C66, 71, 73, 75, 77, 79, 81, § 327B.4]

#### **327B.5 Penalty.**

Any person violating the provisions of this chapter shall, upon conviction, be subject to a scheduled fine as provided in section 805.8A, subsection 13, paragraphs "f" and "g".

[C77, 79, 81, § 327B.5]

2005 Acts, ch 20, §11

#### **327B.6 Insurance or bond.**

Registration under section 327B.1 shall not be granted until the exempt 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 in a form prescribed by the department. The minimum limits of liability for each interstate motor carrier for hire subject to federal minimum limits of liability are those adopted under United States Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and § 387.9 for motor carriers of property and in 49 C.F.R. § 387.27 and § 387.33 for motor carriers of passengers.

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.

[C81, § 327B.6; 82 Acts, ch 1150, § 8, 9]

90 Acts, ch 1226, § 5; 95 Acts, ch 118, §32

#### **327B.7 Reciprocity for exempt commodity base state registration system.**

The department may enter into a reciprocity agreement on behalf of this state with authorized representatives of other states to become a member of an exempt commodity base state registration system for the registration, insurance verification, and fee collection for carriers hauling commodities exempt from United States department of transportation authority.

95 Acts, ch 118, §33; 2003 Acts, ch 108, §58