

CHAPTER 22
REGULATIONS APPLICABLE TO CARRIERS

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 8]
[Prior to 7/26/23, see Transportation Department[761] Ch 520]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

661—22.1(321) Safety and hazardous materials regulations.

22.1(1) Regulations.

a. Motor carrier safety regulations. The Iowa department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, 2023).

b. Hazardous materials regulations. The Iowa department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 2023).

c. Copies of regulations. Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

22.1(2) Carriers subject to regulations.

a. Operators of commercial vehicles, as defined in Iowa Code section 321.1, are subject to the Federal Motor Carrier Safety Regulations adopted in this rule unless exempted under Iowa Code section 321.449.

b. Operators of vehicles transporting hazardous materials in commerce are subject to the Federal Hazardous Materials Regulations adopted in this rule unless exempted under Iowa Code section 321.450.

c. Operators of vehicles for hire, designed to transport 7 or more persons, but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire designed to transport 7 or more persons, but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

22.1(3) Declaration of knowledge of regulations. Operators of commercial vehicles who are subject to the regulations adopted in this rule shall at the time of application for authority to operate in Iowa or upon receipt of their Iowa registration declare knowledge of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations adopted in this rule.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

[ARC 7750B, IAB 5/6/09, effective 6/10/09; ARC 8720B, IAB 5/5/10, effective 6/9/10; ARC 9493B, IAB 5/4/11, effective 6/8/11; ARC 0034C, IAB 3/7/12, effective 4/11/12; ARC 0660C, IAB 4/3/13, effective 5/8/13; ARC 2019C, IAB 6/10/15, effective 7/15/15; ARC 2525C, IAB 5/11/16, effective 6/15/16; ARC 2986C, IAB 3/15/17, effective 4/19/17; ARC 3840C, IAB 6/6/18, effective 7/11/18; ARC 4401C, IAB 4/10/19, effective 5/15/19; ARC 5018C, IAB 4/8/20, effective 5/13/20; ARC 5547C, IAB 4/7/21, effective 5/12/21; ARC 6307C, IAB 5/4/22, effective 6/8/22; ARC 6970C, IAB 4/5/23, effective 5/10/23; Editorial change: IAC Supplement 7/26/23; ARC 8008C, IAB 5/15/24, effective 6/19/24]

661—22.2(321) Definitions. The following definitions apply to the regulations adopted in rule 761—520.1(321):

“*Any requirements which impose any restrictions upon a person*” as used in Iowa Code section 321.449(6) means the requirements in 49 CFR Parts 391 and 395.

“*Driver age qualifications*” as used in Iowa Code section 321.449(3) means the age qualifications in 49 CFR 391.11(b)(1).

“*Driver qualifications*” as used in Iowa Code section 321.449(2) means the driver qualifications in 49 CFR Part 391.

“*Farm customer*” as used in Iowa Code section 321.450(3) means a retail consumer residing on a farm or in a rural area or city with a population of 3000 or less.

“*Hours of service*” as used in Iowa Code section 321.449(2) means the hours of service requirements in 49 CFR Part 395.

“*Record-keeping requirements*” as used in Iowa Code section 321.449(2) means the record-keeping requirements in 49 CFR Part 395.

“Rules adopted under this section concerning physical and medical qualifications” as used in Iowa Code sections 321.449(5) and 321.450(2) means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

“Rules adopted under this section for a driver of a commercial vehicle” as used in Iowa Code section 321.449(4) means the regulations in 49 CFR Parts 391 and 395.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15; Editorial change: IAC Supplement 7/26/23]

661—22.3(321) Motor carrier safety regulations exemptions.

22.3(1) The following intrastate vehicle operations are exempt from the motor carrier safety regulations concerning inspection in 49 CFR Part 396.17 as adopted in rule 761—520.1(321):

- a. Implements of husbandry including nurse tanks as defined in Iowa Code section 321.1.
- b. Special mobile equipment (SME) as defined in Iowa Code section 321.1.
- c. Unregistered farm trailers as defined in rule 761—400.1(321), pursuant to Iowa Code section 321.123.
- d. Motor vehicles registered for a gross weight of five tons or less when used by retail dealers or their employees to deliver hazardous materials, fertilizers, petroleum products and pesticides to farm customers.

22.3(2) Reserved.

This rule is intended to implement Iowa Code sections 321.1, 321.123, 321.449 and 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15; Editorial change: IAC Supplement 7/26/23]

661—22.4(321) Hazardous materials exemptions. These exemptions apply to the regulations adopted in rule 761—520.1(321):

22.4(1) Pursuant to Iowa Code section 321.450(3), “retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business” are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

22.4(2) Rescinded IAB 3/10/99, effective 4/14/99.

This rule is intended to implement Iowa Code section 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15; Editorial change: IAC Supplement 7/26/23]

661—22.5(321) Safety fitness.

22.5(1) *New motor carrier safety audits.* Peace officers in the commercial motor vehicle unit of the Iowa department of public safety shall perform safety audits of new motor carriers and shall have the authority to enter a motor carrier’s place of business for the purpose of performing these audits. These audits shall be performed in compliance with 49 CFR Part 385 and shall be completed within 18 months from the day the motor carrier commences business.

22.5(2) *Motor carrier compliance reviews.* Peace officers in the commercial motor vehicle unit of the Iowa department of public safety shall perform compliance reviews of motor carriers and shall have the authority to enter a motor carrier’s place of business for the purpose of performing these compliance reviews. These compliance reviews shall be performed in compliance with 49 CFR Part 385.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 5018C, IAB 4/8/20, effective 5/13/20; Editorial change: IAC Supplement 7/26/23]

661—22.6(321) Out-of-service order. A person shall not operate a commercial vehicle or transport hazardous material in violation of an out-of-service order issued by an Iowa peace officer. An out-of-service order for noncompliance shall be issued when either the vehicle operator is not qualified to operate the vehicle or the vehicle is unsafe to be operated until required repairs are made. The out-of-service order shall be consistent with the North American Uniform Out-of-Service Criteria.

This rule is intended to implement Iowa Code sections 321.3, 321.208A, 321.449, and 321.450.

[Editorial change: IAC Supplement 7/26/23]

661—22.7(321) Driver’s statement. A “driver” as used in Iowa Code sections 321.449(5) and 321.450(2) shall carry at all times a notarized statement of employment. The statement shall include the following:

1. The driver’s name, address and social security number;
2. The name, address and telephone number of the driver’s pre-July 29, 1996, employer;
3. A statement, signed by the pre-July 29, 1996, employer or the employer’s authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa; and
4. A statement showing the driver’s physical or medical condition existed prior to July 29, 1996.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15; Editorial change: IAC Supplement 7/26/23]

661—22.8(321) Planting and harvesting period. In accordance with the provisions of 49 CFR 395.1(k), the planting and harvesting period pertaining to agricultural operations is January 1 through December 31.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15; ARC 3483C, IAB 12/6/17, effective 12/18/17; ARC 3609C, IAB 1/31/18, effective 3/7/18; Editorial change: IAC Supplement 7/26/23]

661—22.9(325A) Marking of motor vehicles. “Motor vehicle” is defined in Iowa Code chapter 325A. Before placing any motor vehicle in service, the motor vehicle shall be clearly marked with letters and figures large enough to be easily read at a distance of 50 feet and in a color in contrast to the background. These markings shall be painted on each side of the motor vehicle or may consist of a removable device that meets identification and legibility requirements and is securely placed on each side of the motor vehicle.

22.9(1) Motor carriers operating intrastate only shall display:

- a. Name of motor carrier under whose authority the motor vehicle is being operated.
- b. U.S. DOT number followed by the letters “IA” if the motor carrier has been issued a number by the Federal Motor Carrier Safety Administration.

22.9(2) Motor carriers operating both interstate and intrastate shall display markings in accordance with 49 CFR Part 390.21.

[ARC 4346C, IAB 3/13/19, effective 4/17/19; Editorial change: IAC Supplement 7/26/23]

661—22.10(325A) Bills of lading or freight receipts.

22.10(1) Requirements. Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, shall issue a bill of lading or receipt on the date freight is received for shipment. The bill of lading or receipt shall show the following:

- a. Name of motor carrier.
- b. Date and place received.
- c. Name of consignor.
- d. Name of consignee.
- e. Destination.
- f. Description of shipment.
- g. Signature of motor carrier or agent issuing the bill of lading or receipt.
- h. Freight described in apparent good order unless an exception is noted.

22.10(2) Retention. There shall be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The copy may be either paper or electronic except that a bill of lading or receipt of freight consisting of hazardous materials must be a paper copy as required in accordance with 49 CFR Part 172. The motor carrier shall carry a copy of the bill of lading or receipt with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier shall keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department’s representatives and any peace officer.

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