

FEB 26 1973

HOUSE FILE 290

Place On Calendar

By COMMITTEE ON TRANSPORTATION

House File 290  
Kinley, Chairman  
Hultman  
Taylor

*Comm. 3/23*  
*Rept 1/14/74, Pass 1/16*

Passed House, Date 3-20-73 (561) Passed Senate, Date 3-15-74 (836)  
Vote: Ayes 87 Nays 7 Vote: Ayes 40 Nays 6  
Approved 3-29-74

### A BILL FOR

1 An Act relating to the imposition of penalties for viola-  
2 tions of vehicle laws relating to movement of oversized  
3 and overweight vehicles and loads and weights in excess  
4 of those for which the vehicle is registered.

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

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1 Section 1. Section three hundred twenty-one point four  
2 hundred sixty-three (321.463), unnumbered paragraphs eight  
3 (8) and nine (9), Code 1973, are amended to read as follows:

4 Any person who operates any vehicle in violation of the  
5 provisions of this section, and any owner, or any other per-  
6 son, employing or otherwise directing the operator of any  
7 vehicle who requires or knowingly permits the operation of  
8 any vehicle in violation of the provisions of this section  
9 shall upon conviction or a plea of guilty be punished in ac-  
10 cordance with the following schedule:

11 AXLE AND, TANDEM AXLE, GROUP OF AXLES, AND GROSS WEIGHT VIOLATIONS

12 Percentage of	Amount of Fine
13 Overload	Per Hundred Pounds
14 Up to and including 8%.....	\$1.00
15 Over 8% to and including 10%.....	1.25
16 Over 10% to and including 12%.....	<del>1.75</del> 1.50
17 Over 12% to and including 14%.....	<del>2.50</del> 2.00
18 Over 14% to and including 16%.....	<del>3.50</del> 3.00
19 Over 16% to and including 18%.....	<del>5.00</del> 4.00
20 Over 18% to and including 20%.....	<del>6.50</del> 5.00
21 Over 20%.....	<del>8.00</del> 6.00

22 GROSS-OR-GROUP-OF-AXLES-WEIGHT-VIOLATIONS

23 Percentage-of	Amount-of-Fine
24 Overload	Per-Hundred-Pounds
25 Up-to-and-including-10%.....	\$1.00
26 Over-10%-to-and-including-12%.....	1.50
27 Over-12%-to-and-including-14%.....	2.50
28 Over-14%-to-and-including-16%.....	4.00
29 Over-16%-to-and-including-18%.....	5.00
30 Over-18%-to-and-including-20%.....	6.00
31 Over-20%.....	8.00

32 No fine shall be assessed if the overload does not exceed  
33 the tolerance specified in this section. If the overload  
34 does exceed the tolerance specified in this section, the  
35 amount of the fine to be assessed shall be computed on the

1 difference between the actual weight and the maximum legal  
2 weight specified in this section without allowance of any  
3 tolerance, by applying the appropriate rate in the preced-  
4 ing schedule for the total percentage of overload. The total  
5 percentage of overload shall be determined by dividing the  
6 appropriate maximum legal weight as specified in this section  
7 without allowance for any tolerance into the amount of pounds  
8 overloaded.

9 Sec. 2. Section three hundred twenty-one E point sixteen  
10 (321E.16), Code 1973, is amended to read as follows:

11 321E.16 VIOLATIONS--PENALTIES. ~~Proof-of-violation-of~~  
12 ~~any-provision-of-any-permit-issued-under-this-chapter-shall~~  
13 ~~render-the-entire-permit-null-and-void-and-shall-be-punish-~~  
14 ~~able~~ Any person who is convicted of a violation of any pro-  
15 vision other than length, height, width, or weight of any  
16 permit issued under this chapter shall be punished by a fine  
17 of not less than one hundred dollars, nor more than five hun-  
18 dred dollars. The fine for violation of the length, height,  
19 width, and weight allowed by permit shall be based upon the  
20 difference between the actual length, height, width, and  
21 weight of the vehicle and load and the maximum allowable by  
22 permit and in accordance with section 321.482 for violations  
23 of length, height, or width limitations and sections 321.482  
24 and 321.463 for violation of weight limitations. If a vehicle  
25 with indivisible load traveling under permit is found to be  
26 in violation of weight limitations, the vehicle operator shall  
27 be allowed a reasonable amount of time to remove any ice,  
28 mud, snow, and other weight attributable to climatic conditions  
29 accumulated along the route prior to application of the  
30 penalties prescribed in sections 321.463 and 321.482.

31 Sec. 3. Section three hundred twenty-one point four hun-  
32 dred sixty-six (321.466), Code 1973, is amended by adding  
33 the following new paragraph:

34 NEW PARAGRAPH. Any person operating a vehicle on the  
35 public highways with a gross weight exceeding that for which

1 it is registered shall be subject to a fine of one dollar  
2 for each one hundred pounds that the actual gross weight of  
3 the vehicle exceeds the registered gross weight.

4 EXPLANATION

5 Section 1 of this bill provides clarification of the ex-  
6 isting fine schedule and provides a simpler method for com-  
7 puting fines to be assessed for violations of the overweight  
8 provisions of section 321.463. The amount of the fine to  
9 be assessed will increase as the amount of the overweight  
10 increases. The amount of fine for more serious overweight  
11 violations will increase substantially which should effec-  
12 tively act as a deterrent to the operation of overweight  
13 vehicles. This section also combines the weight violations  
14 schedules for axle and tandem axle and gross or group of axles  
15 into one schedule and provides for a new fine schedule.

16 Section 2 provides for a different method of determining  
17 the punishment for violations of permits for the movement  
18 of oversize vehicles and loads. The basis for determining  
19 such punishment would be the difference between the actual  
20 dimension or weight and that allowed by the permit. Presently  
21 such punishment is based on the difference between the actual  
22 dimension or weight and the maximum legal dimension or weight  
23 allowable.

24 Section 3 provides a penalty for operating a vehicle with  
25 a gross weight exceeding the weight for which it is regis-  
26 tered.

27  
28 S-2490

29 1 Amend House File 290 by striking lines 17 and 18  
30 2 on page 3 and inserting in lieu thereof the  
31 3 following:  
32 4 "of not more than one hundred dollars. The  
33 5 fine for violation of the length, height,"

34 S-2490 Filed and lost  
35 March 15, 1974

By SCHABEN