

3/29/93 Senate - Transportation
#146) 4/7/93 Senate - Do Pass
1/22/94 Senate - Do Pass

MAR 17 1993

HOUSE FILE 545
BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HSB 45)

Passed House, Date ^(p.821) 3/25/93 Passed Senate, Date ^(p.956) 3/31/94
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0
Approved April 19, 1994
Passed 4-11-94
Vote 99-0 (p.1374) A BILL FOR

- 1 An Act relating to motor carrier certificates and permits and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 545

1 Section 1. Section 325.33, Code 1993, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A carrier whose certificate has
4 been suspended or revoked shall not operate within the state
5 until the department has reissued the certificate or issued a
6 new certificate.

7 Sec. 2. NEW SECTION. 325.34A SCHEDULED VIOLATIONS.

8 A violation of sections 325.6, 325.25, and 325.33 shall be
9 subject to a fine of not less than five hundred and not more
10 than one thousand dollars per violation. Violations of a
11 continuing nature shall constitute a separate offense for each
12 violation. A fine under this section shall be in addition to
13 the penalty specified in section 325.34 and shall be imposed
14 by the motor vehicle division of the department.

15 Sec. 3. Section 327.6, Code 1993, is amended by striking
16 the section and inserting in lieu thereof the following:

17 327.6 PERMIT.

18 A truck operator or contract carrier shall not operate or
19 furnish public service within this state without a permit. A
20 truck operator or contract carrier whose permit has been
21 suspended or revoked shall not operate within this state until
22 the department reissues the permit or issues a new permit. A
23 truck operator or contract carrier who violates this section
24 shall be subject to a fine of not less than five hundred and
25 not more than one thousand dollars per violation. Violations
26 of a continuing nature shall constitute a separate offense for
27 each violation. A fine under this section shall be in
28 addition to the penalty specified in section 327.22 and shall
29 be imposed by the motor vehicle division of the department.

30 Sec. 4. NEW SECTION. 327.24 ADVERTISING.

31 Any advertising of available service provided by a truck
32 operator or a contract carrier shall contain or display the
33 number of the permit issued under section 327.6.

34 Sec. 5. Section 327A.9, Code 1993, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. A liquid transport carrier whose
2 certificate has been suspended or revoked shall not operate
3 within the state until the department has reissued the
4 certificate or issued a new certificate.

5 Sec. 6. NEW SECTION. 327A.22 ADVERTISING.

6 Any advertising of available service provided by a liquid
7 transport carrier shall contain or display the number of the
8 certificate issued under this chapter.

9 Sec. 7. NEW SECTION. 327A.23 SCHEDULED VIOLATIONS.

10 A violation of sections 327A.2, 327A.9, and 327A.14 shall
11 be subject to a fine of not less than five hundred and not
12 more than one thousand dollars per violation. Violations of a
13 continuing nature shall constitute a separate offense for each
14 violation. A fine under this section shall be in addition to
15 the penalty specified in section 327A.18 and shall be imposed
16 by the motor vehicle division of the department.

17 EXPLANATION

18 This bill provides that a motor carrier under chapter 325,
19 a truck operator or contract carrier under chapter 327, and a
20 liquid transport carrier under chapter 327A shall be
21 prohibited from operating within the state with a suspended or
22 revoked certificate or permit. It increases the penalties for
23 operating with a suspended or revoked certificate or permit
24 from \$500 to \$1,000.

25 The bill requires that advertising by a truck operator,
26 contract carrier, or liquid transport carrier include the
27 certificate or permit number.

28
29
30
31
32
33
34
35

HOUSE FILE 545

S-5080

1 Amend House File 545, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 7 through 29 and
4 inserting the following:

5 "Sec. ____ . Section 325.34, Code 1993, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 325.34 SCHEDULED VIOLATIONS -- PENALTY.

9 An owner, officer, agent or employee of a motor
10 carrier or other person who violates this chapter or a
11 rule adopted pursuant to this chapter, or who aids or
12 abets a person in a failure to comply with this
13 chapter or a rule adopted pursuant to this chapter
14 shall be subject to a fine of two hundred fifty
15 dollars. If a second violation occurs within twelve
16 months of the first violation the fine shall be five
17 hundred dollars. If a third or subsequent violation
18 occurs within the same twelve-month time period in
19 which the first and second violations occurred, the
20 fine shall be one thousand dollars.

21 Sec. ____ . Section 327.22, Code 1993, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 327.22 SCHEDULED VIOLATIONS -- PENALTY.

25 An owner, officer, agent or employee of a truck
26 operator or other person who violates this chapter or
27 a rule adopted pursuant to this chapter, or who aids
28 or abets a person in a failure to comply with this
29 chapter or a rule adopted pursuant to this chapter
30 shall be subject to a fine of two hundred fifty
31 dollars. If a second violation occurs within twelve
32 months of the first violation the fine shall be five
33 hundred dollars. If a third or subsequent violation
34 occurs within the same twelve-month time period in
35 which the first and second violations occurred, the
36 fine shall be one thousand dollars."

37 2. Page 2, by inserting after line 4, the
38 following:

39 "Sec. ____ . Section 327A.18, Code 1993, is amended
40 by striking the section and inserting in lieu thereof
41 the following:

42 327A.18 SCHEDULED VIOLATIONS -- PENALTY.

43 An owner, officer, agent or employee of a liquid
44 transport carrier or other person who violates this
45 chapter or a rule adopted pursuant to this chapter, or
46 who aids or abets a person in a failure to comply with
47 this chapter or a rule adopted pursuant to this
48 chapter shall be subject to a fine of two hundred
49 fifty dollars. If a second violation occurs within
50 twelve months of the first violation the fine shall be

S-5080

-1-

S-5080

Page 2

- 1 five hundred dollars. If a third or subsequent
- 2 violation occurs within the same twelve-month time
- 3 period in which the first and second violations
- 4 occurred, the fine shall be one thousand dollars."
- 5 3. Page 2, by striking lines 9 through 16.
- 6 4. By renumbering as necessary.

By RICHARD F. DRAKE
WILLIAM W. DIELEMAN

S-5080 FILED MARCH 4, 1994

Adopted 3/3/94 (P. 956)

HOUSE FILE 545

S-5024

- 1 Amend House File 545 as follows:
- 2 1. Page 1, line 9, by striking the words "five
- 3 hundred" and inserting the following: "two hundred
- 4 fifty".
- 5 2. Page 1, line 10, by striking the words "one
- 6 thousand" and inserting the following: "five
- 7 hundred".
- 8 3. Page 1, by striking lines 13 and 14 and
- 9 inserting the following: "the penalty specified in
- 10 section 325.34."
- 11 4. Page 1, line 24, by striking the words "five
- 12 hundred" and inserting the following: "two hundred
- 13 fifty".
- 14 5. Page 1, line 25, by striking the words "one
- 15 thousand" and inserting the following: "five
- 16 hundred".
- 17 6. Page 1, by striking lines 28 and 29 and
- 18 inserting the following: "addition to the penalty
- 19 specified in section 327.22."
- 20 7. Page 2, line 11, by striking the words "five
- 21 hundred" and inserting the following: "two hundred
- 22 fifty".
- 23 8. Page 2, line 12, by striking the words "one
- 24 thousand" and inserting the following: "five
- 25 hundred".
- 26 9. Page 2, by striking lines 15 and 16 and
- 27 inserting the following: "the penalty specified in
- section 327A.18."

By WILLIAM DIELEMAN
RICHARD DRAKE

S-5024 FILED FEBRUARY 17, 1994

Out of order 3/3/94 (P. 956)

SENATE AMENDMENT TO HOUSE FILE 545

H-5928

1 Amend House File 545, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 7 through 29 and
4 inserting the following:

5 "Sec. ____ . Section 325.34, Code 1993, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 325.34 SCHEDULED VIOLATIONS -- PENALTY.

9 An owner, officer, agent or employee of a motor
10 carrier or other person who violates this chapter or a
11 rule adopted pursuant to this chapter, or who aids or
12 abets a person in a failure to comply with this
13 chapter or a rule adopted pursuant to this chapter
14 shall be subject to a fine of two hundred fifty
15 dollars. If a second violation occurs within twelve
16 months of the first violation the fine shall be five
17 hundred dollars. If a third or subsequent violation
18 occurs within the same twelve-month time period in
19 which the first and second violations occurred, the
20 fine shall be one thousand dollars.

21 Sec. ____ . Section 327.22, Code 1993, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 327.22 SCHEDULED VIOLATIONS -- PENALTY.

25 An owner, officer, agent or employee of a truck
26 operator or other person who violates this chapter or
27 a rule adopted pursuant to this chapter, or who aids
28 or abets a person in a failure to comply with this
29 chapter or a rule adopted pursuant to this chapter
30 shall be subject to a fine of two hundred fifty
31 dollars. If a second violation occurs within twelve
32 months of the first violation the fine shall be five
33 hundred dollars. If a third or subsequent violation
34 occurs within the same twelve-month time period in
35 which the first and second violations occurred, the
36 fine shall be one thousand dollars."

37 2. Page 2, by inserting after line 4, the
38 following:

39 "Sec. ____ . Section 327A.18, Code 1993, is amended
40 by striking the section and inserting in lieu thereof
41 the following:

42 327A.18 SCHEDULED VIOLATIONS -- PENALTY.

43 An owner, officer, agent or employee of a liquid
44 transport carrier or other person who violates this
45 chapter or a rule adopted pursuant to this chapter, or
46 who aids or abets a person in a failure to comply with
47 this chapter or a rule adopted pursuant to this
48 chapter shall be subject to a fine of two hundred
49 fifty dollars. If a second violation occurs within
50 twelve months of the first violation the fine shall be

H-5928

H-5928

Page 2

- 1 five hundred dollars. If a third or subsequent
- 2 violation occurs within the same twelve-month time
- 3 period in which the first and second violations
- 4 occurred, the fine shall be one thousand dollars."
- 5 3. Page 2, by striking lines 9 through 16.
- 6 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5928 FILED APRIL 4, 1994

*House Concurred 4-11-94
(P1374)*

Eddie, Chair
Welter
SPEAR

HSB 45

TRANSPORTATION

HOUSE FILE 545

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON SPENNER)

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

A BILL FOR

1 An Act relating to motor carrier permits and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 327.6, Code 1993, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 327.6 PERMIT.

5 A truck operator or contract carrier shall not operate,
6 furnish public service, or advertise such service within this
7 state without a permit. A truck operator or contract carrier
8 whose permit has been revoked for a willful violation shall be
9 subject to the penalty provisions under section 327C.5. A
10 truck operator or contract carrier whose permit has been
11 revoked shall not operate within this state until the
12 department issues a new permit. Any advertising by a truck
13 operator or contract carrier within this state for the
14 furnishing of public services shall include authorizing permit
15 information within the content of the advertisement.

16 Sec. 2. Section 327C.5, Code 1993, is amended by striking
17 the section and inserting in lieu thereof the following:

18 327C.5 SCHEDULE -- VIOLATIONS.

19 Violations of the provisions of chapters 325 to 327G shall
20 be punished as a schedule one penalty unless otherwise
21 indicated. Violations of a continuing nature shall constitute
22 a separate offense for each violation. The schedule of
23 violations shall be as follows:

24 1. "Schedule one" means a penalty of not less than five
25 hundred dollars and not more than one thousand dollars for a
26 first violation.

27 2. "Schedule two" means a penalty of more than one
28 thousand dollars but not more than five thousand dollars for
29 the second violation.

30 3. "Schedule three" means a penalty of more than five
31 thousand dollars but not more than ten thousand dollars for a
32 third violation or a penalty of ten thousand dollars for each
33 subsequent violation.

34 Sec. 3. Section 327D.17, Code 1993, is amended by striking
35 the section and inserting in lieu thereof the following:

1 327D.17 CRIMINAL LIABILITY.

2 Except as otherwise provided, a person violating this
3 chapter shall be guilty of a simple misdemeanor and shall be
4 subject to a schedule "two" penalty.

5 Sec. 4. Section 327D.27, Code 1993, is amended by striking
6 the section and inserting in lieu thereof the following:

7 327D.27 UNJUST DISCRIMINATION PENALTY.

8 A corporation making any unjust discrimination as to
9 passenger or freight rates, or rates for the use and
10 transportation of railway cars, or in receiving, handling, or
11 delivering freight, shall be subject to a schedule "three"
12 penalty. Moneys collected for violations by a railway
13 corporation shall be deposited in the general fund of the
14 state.

15 Sec. 5. Sections 325.34, 327.22, 327A.18, and 327D.28,
16 Code 1993, are repealed.

17 EXPLANATION

18 This bill rewrites several sections relating to motor
19 carrier permits and penalties. At the present time, a
20 violation of a provision of chapters 327C through 327G, is
21 punishable as one of a five-tiered system of scheduled fines.
22 This bill expands the scope of section 327C.5 penalties by
23 making them applicable to chapters 325 through chapter 327G.
24 This adds chapters regulating certificated carriers,
25 registration reciprocity, truck operators, liquid transport
26 carriers, and the registration of carrier authority. The bill
27 also changes the penalty system from five scheduled fines to
28 three scheduled fines and increases the amounts of the fines.

29 The bill requires that a carrier obtain a permit before
30 advertising within the state for the furnishing of public
31 services and that the advertisement include the authorizing
32 permit information. The bill also repeals several sections
33 which charged violation of a provision of that particular
34 chapter as a simple misdemeanor and replaces the penalty for
35 violation to be a scheduled fine under the revised system.

LSB 1559HC 75

HOUSE FILE 545

AN ACT

RELATING TO MOTOR CARRIER CERTIFICATES AND PERMITS AND
PROVIDING PENALTIES.

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

Section 1. Section 325.33, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A carrier whose certificate has been suspended or revoked shall not operate within the state until the department has reissued the certificate or issued a new certificate.

Sec. 2. Section 325.34, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

325.34 SCHEDULED VIOLATIONS -- PENALTY.

An owner, officer, agent or employee of a motor carrier or other person who violates this chapter or a rule adopted pursuant to this chapter, or who aids or abets a person in a failure to comply with this chapter or a rule adopted pursuant to this chapter shall be subject to a fine of two hundred fifty dollars. If a second violation occurs within twelve months of the first violation the fine shall be five hundred dollars. If a third or subsequent violation occurs within the same twelve-month time period in which the first and second violations occurred, the fine shall be one thousand dollars.

Sec. 3. Section 327.22, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

327.22 SCHEDULED VIOLATIONS -- PENALTY.

An owner, officer, agent or employee of a truck operator or other person who violates this chapter or a rule adopted pursuant to this chapter, or who aids or abets a person in a failure to comply with this chapter or a rule adopted pursuant to this chapter shall be subject to a fine of two hundred fifty dollars. If a second violation occurs within twelve months of the first violation the fine shall be five hundred dollars. If a third or subsequent violation occurs within the same twelve-month time period in which the first and second violations occurred, the fine shall be one thousand dollars.

Sec. 4. NEW SECTION. 327.24 ADVERTISING.

Any advertising of available service provided by a truck operator or a contract carrier shall contain or display the number of the permit issued under section 327.6.

Sec. 5. Section 327A.9, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A liquid transport carrier whose certificate has been suspended or revoked shall not operate within the state until the department has reissued the certificate or issued a new certificate.

Sec. 6. Section 327A.18, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

327A.18 SCHEDULED VIOLATIONS -- PENALTY.

An owner, officer, agent or employee of a liquid transport carrier or other person who violates this chapter or a rule adopted pursuant to this chapter, or who aids or abets a person in a failure to comply with this chapter or a rule adopted pursuant to this chapter shall be subject to a fine of two hundred fifty dollars. If a second violation occurs within twelve months of the first violation the fine shall be five hundred dollars. If a third or subsequent violation occurs within the same twelve-month time period in which the first and second violations occurred, the fine shall be one thousand dollars.

Sec. 7. NEW SECTION. 327A.22 ADVERTISING.

Any advertising of available service provided by a liquid transport carrier shall contain or display the number of the certificate issued under this chapter.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 545, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 19, 1994

TERRY E. BRANSTAD
Governor