

3/30/95 Transportation
5-4/6/95 Amend. Do Pass

MAR 13 1995

Place On Calendar

HOUSE FILE 393

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 32)

(p. 1090)
 Passed House, Date 3/30/95 Passed Senate, Date 4/25/95 (p. 1393)
 Vote: Ayes 94 Nays 0 Vote: Ayes 45 Nays 1
 Approved May 4, 1995
 (p. 1897) Passed 4-26-95
 vote 98-0

A BILL FOR

1 An Act relating to certain exemptions from federal motor carrier
 2 safety regulations.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 393

1 Section 1. Section 321.449, unnumbered paragraph 4, Code
2 1995, is amended to read as follows:

3 Notwithstanding other provisions of this section, rules
4 adopted under this section for ~~a-driver~~ drivers of a
5 commercial ~~vehiele~~ vehicles shall not apply to a driver ~~for-a~~
6 ~~private-carrier, who-is-not-for-hire-and~~ of a commercial
7 vehicle who is engaged exclusively in intrastate commerce,
8 when the ~~driver's commercial vehicle-is-not-operated-more-than~~
9 ~~one-hundred-miles-from-the-driver's-work-reporting-location~~
10 vehicle's gross vehicle weight rating is 26,000 pounds or
11 less, unless the vehicle is used to transport hazardous
12 materials requiring a placard or if the vehicle is designed to
13 transport more than fifteen passengers, including the driver.
14 For the purpose of complying with the hours of service
15 recordkeeping requirements, a driver's report of daily
16 beginning and ending on duty time submitted to the motor
17 carrier at the end of each work week shall be considered
18 acceptable motor carrier time records. In addition, rules
19 adopted under this section shall not apply to a driver for a
20 farm operation as defined in section 352.2, or for an
21 agricultural interest when the commercial vehicle is operated
22 between the farm as defined in section 352.2 and another farm,
23 between the farm and a market for farm products, or between
24 the farm and an agribusiness location. A driver or a driver-
25 salesperson for a private carrier, who is not for hire and who
26 is engaged exclusively in intrastate commerce may drive twelve
27 hours, be on duty sixteen hours in a twenty-four hour period
28 and be on duty seventy hours in seven consecutive days or
29 eighty hours in eight consecutive days. A driver-salesperson
30 means as defined in 49 C.F.R. § 395.2, adopted as of a
31 specific date by the department by rule.

32 EXPLANATION

33 This bill modifies an existing exemption from federal motor
34 carrier safety regulations relating to driver qualifications,
35 hours of service, and recordkeeping requirements. Currently

1 private carriers who are not for hire, who are engaged
2 exclusively in intrastate commerce and who operate not more
3 than 100 miles from the driver's work reporting location are
4 exempted from the requirements. This bill changes the
5 exemption so that a driver of a commercial vehicle engaged
6 exclusively in intrastate commerce is exempted if the
7 vehicle's gross vehicle weight rating is 26,000 pounds or
8 less, unless the vehicle is used to transport hazardous
9 materials or is used to transport more than 15 passengers.
10 The bill exempts certain farm-related drivers from rules
11 adopted under this section and allows a driver-salesperson for
12 a private carrier, who is not for hire and who is engaged
13 exclusively in intrastate commerce to operate for specified
14 periods of time.

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**HOUSE FILE 393
FISCAL NOTE**

A fiscal note for House File 393 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 393 modifies an existing exemption from federal motor carrier safety regulations relating to driver qualifications, hours of services, and recordkeeping requirements. This Bill changes the exemption so that a driver of a commercial vehicle engaged exclusively in intrastate commerce is exempted if the vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials or is used to transport more than 15 passengers. The Bill also exempts certain farm-related drivers and driver-salespersons for a private carrier who are engaged exclusively in intrastate commerce from these requirements.

Fiscal Effect

Iowa's current law exempts drivers of commercial vehicles who operate exclusively in intrastate commerce and who operate within 100 miles of the driver's work reporting location. This law is not in compliance with federal regulations. As a result, the Federal Highway Administration is withholding 50.0% (\$570,000) of Iowa's federal fiscal year (FFY) 1995 federal Motor Carrier Safety Assurance Program (MCSAP) funds and will continue to withhold the funds until Iowa complies with the federal requirements. Additionally, Iowa is ineligible to receive federal MCSAP funds that are reallocated to Iowa from other states in noncompliance. In FFY 1994, Iowa received \$140,000 in reallocated MCSAP funds.

The MCSAP funds are used to reimburse 80.0% of certain expenditures relating to enforcement of federal motor carrier safety regulations.

House File 393 brings Iowa into compliance with federal requirements and restores the MCSAP funds.

Source: Iowa Department of Transportation

(LSB 1152hv, DLR)

FILED APRIL 11, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 393

S-3369

- 1 Amend House File 393, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "requirements" the following: "under 49 C.F.R. §
- 5 395.1(e)(5)".

By COMMITTEE ON TRANSPORTATION
DON E. GETTINGS, Chairperson

S-3369 FILED APRIL 6, 1995

Adopted 4/25/95 (p. 1343)

SENATE AMENDMENT TO HOUSE FILE 393

H-4068

- 1 Amend House File 393, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "requirements" the following: "under 49 C.F.R. §
- 5 395.1(e)(5)".

RECEIVED FROM THE SENATE

H-4068 FILED APRIL 25, 1995

House Concurred

(p. 1897)

4. 26-95

Heaton Chau
Main
Mc Coy

HSB 32

TRANSPORTATION
Succeeded By

SENATE/HOUSE FILE SF/HE 393

BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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1 An Act relating to certain exemptions from federal motor carrier
2 safety regulations.

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7 vehicle who is engaged exclusively in intrastate commerce,
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9 ~~one-hundred-miles-from-the-driver's-work-reporting-location~~
10 vehicle's gross vehicle weight rating is 26,000 pounds or
11 less.

12 EXPLANATION

13 This bill modifies an existing exemption from federal motor
14 carrier safety regulations relating to driver qualifications,
15 hours of service, and recordkeeping requirements. Currently
16 private carriers who are not for hire, who are engaged
17 exclusively in intrastate commerce and who operate not more
18 than one hundred miles from the driver's work reporting
19 location are exempted from the requirements. This bill
20 changes the exemption so that a driver of a commercial vehicle
21 engaged exclusively in intrastate commerce is exempted if the
22 vehicle's gross vehicle weight rating is 26,000 pounds or
23 less.

24 BACKGROUND STATEMENT

25 SUBMITTED BY THE AGENCY

26 The federal highway administration is currently withholding
27 50 percent of Motor Carrier Safety Assistance Program (MCSAP)
28 basic grant funds, approximately \$570,000 in federal fiscal
29 year 1995, because state law exempts certain drivers from
30 federal safety regulations covering driver and log book
31 requirements. Additionally, Iowa is now ineligible for basic
32 funds that are reallocated. Iowa received \$140,000 of
33 reallocated funds in federal fiscal year 1994.

34 This bill amends section 321.449 to eliminate variances
35 with federal regulations and to restore full MCSAP basic grant

1 funding.

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HOUSE FILE 393

AN ACT

RELATING TO CERTAIN EXEMPTIONS FROM FEDERAL MOTOR CARRIER
SAFETY REGULATIONS.

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

Section 1. Section 321.449, unnumbered paragraph 4, Code 1995, is amended to read as follows:

Notwithstanding other provisions of this section, rules adopted under this section for ~~a-driver~~ drivers of a commercial ~~vehicle~~ vehicles shall not apply to a driver ~~for-a private-carrier, who-is-not-for-hire-and~~ of a commercial vehicle who is engaged exclusively in intrastate commerce, when the ~~driver's commercial vehicle-is-not-operated-more-than one-hundred-miles-from-the-driver's-work-reporting-location~~ vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(5), a driver's report of daily beginning and ending on duty time submitted to the motor carrier at the end of each work week shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusines location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce may drive twelve hours, be on duty sixteen hours in a twenty-four

hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A driver-salesperson means as defined in 49 C.F.R. § 395.2, adopted as of a specific date by the department by rule.

RON J. CORBETT
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 393, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  1995

TERRY E. BRANSTAD
Governor