

# House Study Bill 198

## Conference Committee Text

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1 1 Section 1. NEW SECTION. 325.9A COMPLIANCE REVIEW.  
1 2 When a certificate is awarded to a motor carrier of  
1 3 property or other carrier made subject to this section to  
1 4 transport hazardous materials requiring placarding as provided  
1 5 by federal hazardous materials regulations and the carrier  
1 6 does not have a safety rating issued by the United States  
1 7 department of transportation, the department shall award the  
1 8 certificate subject to a compliance review by the department.  
1 9 The review shall be conducted by the department within one  
1 10 hundred eighty days of the issuance of the certificate and  
1 11 shall determine the carrier's compliance with sections 321.449  
1 12 and 321.450. If the department determines that the carrier's  
1 13 safety rating is unsatisfactory, the department shall suspend  
1 14 the carrier from intrastate transportation of hazardous  
1 15 materials. The reasonable cost of the review shall be paid by  
1 16 the carrier.

1 17 Sec. 2. NEW SECTION. 325.9B MOTOR CARRIER EDUCATION  
1 18 COURSE.

1 19 1. An applicant for a certificate issued pursuant to this  
1 20 chapter to transport hazardous materials requiring placarding  
1 21 as provided by federal hazardous materials regulations shall  
1 22 be required to successfully complete a motor carrier education  
1 23 course either established and approved by the department or  
1 24 sponsored by a private contractor and approved by the  
1 25 department before the certificate will be issued. The  
1 26 education course shall require instruction concerning, at a  
1 27 minimum, safety and insurance regulations, hazardous materials  
1 28 regulations, and size and weight regulations administered by  
1 29 the department. The applicant shall designate at least one  
1 30 person employed by the applicant, who has a substantial  
1 31 interest in or control over the operations to be conducted by  
1 32 the applicant, to complete the course.

1 33 The department may require a motor carrier of property to  
1 34 complete a motor carrier education course if the carrier  
1 35 receives, during any consecutive twelve-month period, a  
2 1 citation for being ten thousand or more pounds over the legal  
2 2 maximum gross weight for a vehicle operated by the motor  
2 3 carrier.

2 4 An applicant shall pay a fee, determined by the department  
2 5 to defray the cost of the course but in no event more than two  
2 6 hundred fifty dollars, into the motor carrier education fund  
2 7 as established in this section.

2 8 2. The requirement that an applicant complete a motor  
2 9 carrier education course prior to issuance of a certificate  
2 10 under this chapter does not apply to the following:

2 11 a. A motor carrier of property issued a certificate prior  
2 12 to January 1, 1995.

2 13 b. A successor in interest to a motor carrier of property  
2 14 issued a certificate prior to January 1, 1995.

2 15 3. A motor carrier education fund is established in the  
2 16 office of the treasurer of state under the control of the  
2 17 department. The moneys credited to the fund are appropriated  
2 18 to the department to be used to establish motor carrier  
2 19 education courses and to reimburse sponsors of motor carrier  
2 20 education courses for the costs of providing motor carrier  
2 21 education courses approved and established by the department.

2 22 The department shall adopt rules pursuant to chapter 17A  
2 23 providing for the distribution of moneys to sponsors of motor  
2 24 carrier education courses based upon the costs of providing  
2 25 the education courses.

2 26 Sec. 3. Section [325.12](#), Code 1995, is amended by adding  
2 27 the following new subsection:

2 28 NEW SUBSECTION. 8. A filing fee of fifty dollars for  
2 29 motor carriers of property that transport only nonhazardous  
2 30 materials and a filing fee of five hundred dollars for motor  
2 31 carriers of property that transport hazardous materials  
2 32 requiring placarding as provided by federal hazardous  
2 33 materials regulations. The fees shall be used by the  
2 34 department for the administration of safety and insurance  
2 35 programs.

3 1 Sec. 4. Section [325.36](#), Code 1995, is amended to read as  
3 2 follows:

3 3 325.36 USE OF FEES.

3 4 All moneys received under the provisions of this chapter  
3 5 shall be remitted to the treasurer of state and credited to  
3 6 the road use tax fund except as otherwise provided in section  
3 7 325.12.

3 8 Sec. 5. Section [327.7](#), Code 1995, is amended by adding the  
3 9 following new subsection:

3 10 NEW SUBSECTION. 5. A filing fee of fifty dollars for  
3 11 contract carriers and truck operators that transport only  
3 12 nonhazardous materials and a filing fee of five hundred  
3 13 dollars for contract carriers and truck operators that  
3 14 transport hazardous materials requiring placarding as provided  
3 15 by federal hazardous materials regulations. The fees shall be  
3 16 payable to the department and used by the department for the  
3 17 administration of safety and insurance programs.

3 18 Sec. 6. Section [327.8](#), Code 1995, is amended to read as  
3 19 follows:

3 20 327.8 ISSUANCE.

3 21 Upon the filing of the application and if the applicant  
3 22 shall otherwise comply with the terms and conditions of this  
3 23 chapter and sections 325.9A and 325.9B, the department shall  
3 24 issue to the applicant a permit as herein defined. The actual  
3 25 operation of such motor vehicle or vehicles shall not begin  
3 26 without the written approval of the

~~state~~

- department, stating

3 27 that the applicant has complied with the prescribed safety  
3 28 regulations.

3 29 Sec. 7. Section [327.13](#), Code 1995, is amended to read as  
3 30 follows:

3 31 327.13 EXPENDITURE OF FUNDS.

3 32 All moneys received under the provisions of this chapter  
3 33 shall be remitted monthly to the treasurer of state and  
3 34 credited to the road use tax fund except as otherwise provided  
3 35 in section 327.7.

4 1 Sec. 8. Section [327A.3](#), Code 1995, is amended by adding  
4 2 the following new unnumbered paragraph:

4 3 NEW UNNUMBERED PARAGRAPH. The provisions of sections  
4 4 325.9A and 325.9B and section 325.12, subsection 8, concerning  
4 5 payment of fees, apply to liquid transport carriers.

4 6 EXPLANATION

4 7 This bill requires motor carriers of property, contract  
4 8 carriers and truck operators, and liquid transport carriers  
4 9 that transport hazardous materials requiring placarding as  
4 10 provided by federal regulations to successfully complete a  
4 11 motor carrier education course prior to the department issuing  
4 12 a certificate or permit to allow the transportation of  
4 13 hazardous materials in Iowa. The education course shall  
4 14 require instruction in safety and insurance regulations,  
4 15 hazardous materials regulations, and size and weight

4 16 regulations. The course must be attended by at least one  
4 17 person from the carrier that has a substantial interest in the  
4 18 operation of the carrier. Carriers shall pay a fee of not to  
4 19 exceed \$250 to the department which shall go towards the cost  
4 20 of providing the course.

4 21 The bill also requires payment of an additional \$50 fee for  
4 22 carriers that do not transport hazardous materials, and a \$500  
4 23 fee for carriers that transport hazardous materials requiring  
4 24 placarding, when the carrier is applying for a certificate or  
4 25 permit under chapter 325, 327, or 327A. The fees shall be  
4 26 paid to the department to cover the cost of administering  
4 27 safety and insurance programs.

4 28 The bill also provides that a certificate or permit issued  
4 29 to any carrier under chapters 325, 327, and 327A to transport  
4 30 hazardous materials requiring placarding is subject to a  
4 31 compliance review by the department. The review shall be paid  
4 32 by the carrier and shall ascertain the carrier's compliance  
4 33 with sections 321.449 and 321.450. A carrier whose safety  
4 34 rating is found unsatisfactory shall be suspended from  
4 35 intrastate transportation of hazardous materials requiring  
5 1 placarding.

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