

# REPRINTED

MAR 3 1998

Place On Calendar

HOUSE FILE 2514  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 617)

Passed House, <sup>(P.741)</sup> Date 3-17-98  
Vote: Ayes 98 Nays 2  
Approved May 6, 1998

Passed Senate, <sup>(P.931)</sup> Date 3/26/98  
Vote: Ayes 47 Nays 0

## A BILL FOR

1 An Act relating to motor vehicle operation and motor vehicles,  
2 carriers and motor trucks, and penalties and hazardous  
3 materials, including weight requirements and transportation of  
4 hazardous materials, and providing an effective date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

### HOUSE FILE 2514

H-8181

- 1 Amend House File 2514 as follows:
- 2 1. Page 4, by striking lines 11 through 26.
- 3 2. By renumbering as necessary.

By HUSER of Polk

CORMACK of Webster  
CHIODO of Polk

NELSON of Marshall  
H-8181 FILED MARCH 3, 1998  
*Order 3-17-97*

### HOUSE FILE 2514

H-8252

- 1 Amend House File 2514 as follows:
- 2 1. Page 4, by striking lines 11 through 26.

By BLODGETT of Cerro Gordo

H-8252 FILED MARCH 5, 1998

*Adopted*  
*3-17-97 (P.740)*

HF 2514

1 Section 1. Section 321.208A, Code Supplement 1997, is  
2 amended to read as follows:

3 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER --  
4 PENALTY.

5 A person required to hold a commercial driver's license to  
6 operate a commercial motor vehicle shall not operate a  
7 commercial motor vehicle on the highways of this state in  
8 violation of an out-of-service order issued by a peace officer  
9 for a violation of the out-of-service rules adopted by the  
10 department. An employer shall not allow an employee to drive  
11 a commercial motor vehicle in violation of such out-of-service  
12 order. A person who violates this section shall be subject to  
13 a penalty scheduled fine of one hundred dollars under section  
14 805.8, subsection 2, paragraph "z".

15 Sec. 2. Section 321.228, subsection 2, Code 1997, is  
16 amended to read as follows:

17 2. The provisions of sections 321.261 to ~~321-274~~ 321.273,  
18 and sections 321.277 and 321.280 shall apply upon highways and  
19 elsewhere throughout the state.

20 Sec. 3. Section 321.275, subsection 7, Code 1997, is  
21 amended by striking the subsection.

22 Sec. 4. Section 321.395, Code 1997, is amended to read as  
23 follows:

24 321.395 LAMPS ON PARKED VEHICLES.

25 Whenever a vehicle is parked or stopped upon a roadway or  
26 shoulder adjacent thereto to the roadway, outside of a  
27 business district whether attended or unattended during the  
28 times mentioned in section 321.384, such vehicle shall be  
29 equipped with one or more lamps which shall exhibit a white or  
30 amber light on the roadway side visible from a distance of  
31 five hundred feet to the front of such vehicle and a red light  
32 visible from a distance of five hundred feet to the rear,  
33 except that local authorities may provide by ordinance or  
34 resolution that no lights need be displayed upon any such  
35 vehicle when stopped or parked in accordance with local

1 parking regulations upon a highway where there is sufficient  
2 light to reveal any person or object within a distance of five  
3 hundred feet upon such highway. ~~Lamps-on-parked-or-stopped~~  
4 ~~vehicles,-except-trucks,-trailers-or-semitrailers-as-defined~~  
5 ~~in-section-321.392,-required-to-be-exhibited-by-this-section,-~~  
6 ~~but-not-including-running-lights,-shall-not-be-lighted-at-any~~  
7 ~~time-when-the-vehicle-is-being-driven-on-the-highway-unless~~  
8 ~~the-head-lamps-are-also-lighted.~~ Any lighted head lamps upon  
9 a parked vehicle shall be depressed or dimmed.

10 Sec. 5. Section 321.450, unnumbered paragraphs 1 and 3,  
11 Code 1997, are amended to read as follows:

12 A person shall not transport or have transported or shipped  
13 within this state any hazardous material except in compliance  
14 with rules adopted by the department under chapter 17A. The  
15 rules shall be consistent with the federal hazardous materials  
16 regulations ~~promulgated~~ adopted under United States Code,  
17 Title 49, and found in 49 C.F.R. § 107, 171 to 173, 177, 178,  
18 and 180. ~~However,-rules-adopted-under-this-section-concerning~~  
19 ~~tank-specifications-shall-not-apply-to-cargo-tank-motor~~  
20 ~~vehicles-with-a-capacity-of-four-thousand-gallons-or-less-used~~  
21 ~~to-transport-gasoline-in-intrastate-commerce,-which-were~~  
22 ~~manufactured-between-1950-and-1989,-were-domiciled-in-Iowa~~  
23 ~~prior-to-July-17-1991,-and-are-in-compliance-with-the-American~~  
24 ~~society-of-mechanical-engineers-specifications-in-effect-at~~  
25 ~~the-time-of-manufacture.~~

26 Notwithstanding other provisions of this section, or the  
27 age requirements under section 321.449, the age requirements  
28 under section 321.449 and the rules adopted under this section  
29 pertaining to compliance with regulations adopted under ~~U.S.C.~~  
30 United States Code, Title 49, and found in 49 C.F.R. §  
31 177.804, shall not apply to retail dealers of fertilizers,  
32 petroleum products, and pesticides and their employees while  
33 delivering fertilizers, petroleum products, and pesticides to  
34 farm customers within a one-hundred-mile radius of their  
35 retail place of business. ~~Notwithstanding-contrary-provisions~~

~~1 of this chapter, motor vehicles registered for a maximum gross  
2 weight of five tons or less shall be exempt from the  
3 requirements of placarding and of carrying hazardous materials  
4 shipping papers if the hazardous materials which are  
5 transported are clearly labeled.~~

6 Sec. 6. Section 321.463, subsection 5, Code Supplement  
7 1997, is amended by adding the following new paragraph:

8 NEW PARAGRAPH. d. For the purposes of the maximum gross  
9 weight tables in paragraphs "a", "b", and "c", distance in  
10 feet is the measured distance in feet between the centers of  
11 the extreme axles of any group of axles, rounded to the  
12 nearest whole foot.

13 Sec. 7. Section 321.463, subsections 7 and 8, Code  
14 Supplement 1997, are amended to read as follows:

15 7. ~~In addition, the~~ The weight on any one axle, including  
16 a tandem axle, of a vehicle which is transporting raw  
17 materials from a designated borrow site to a construction  
18 project or transporting raw materials from a construction  
19 project, and which is operating on a highway that is not part  
20 of the interstate system and along a route of travel approved  
21 by the department or the appropriate local authority, may  
22 exceed the legal maximum weight otherwise allowed under this  
23 chapter by ten percent if the gross weight on any particular  
24 group of axles on the vehicle does not exceed the gross weight  
25 allowed under this chapter for that group of axles. ~~However,~~  
26 if ~~If~~ the vehicle exceeds the ten percent tolerance allowed  
27 ~~for any one axle or tandem axle~~ under this paragraph  
28 subsection, the fine ~~to be assessed for the axle or tandem~~  
29 ~~axle~~ shall be computed on the difference between the actual  
30 weight and the ten percent tolerance weight allowed for the  
31 axle or tandem axle ~~under this paragraph.~~ ~~This paragraph~~  
32 ~~applies only to vehicles operating along a route of travel~~  
33 ~~approved by the department.~~

34 8. A vehicle or combination of vehicles transporting  
35 materials to or from a construction project or commercial

1 ~~plant site along a route of travel approved by the department~~  
2 ~~or appropriate local authority shall comply with subsection 5,~~  
3 ~~paragraph "a" may operate under the maximum gross weight table~~  
4 ~~for interstate highways in subsection 5, paragraph "a", if the~~  
5 ~~route is approved by the department or appropriate local~~  
6 ~~authority. Route approval is not required if the vehicle or~~  
7 ~~combination of vehicles transporting materials to or from a~~  
8 ~~construction project or commercial plant site complies with~~  
9 ~~the maximum gross weight table for noninterstate highways in~~  
10 ~~subsection 5, paragraph "c".~~

11 Sec. 8. Section 321J.22, subsection 2, Code Supplement  
12 1997, is amended to read as follows:

13 2. The course provided according to this section shall be  
14 offered on a regular basis at each community college as  
15 defined in section 260C.2 or by a substance abuse facility as  
16 defined in section 125.2, subsection 9. Enrollment in the  
17 courses is not limited to persons ordered to enroll, attend,  
18 and successfully complete the course required under sections  
19 321J.2 and 321J.17, subsection 2. The course required by this  
20 section shall be taught by the community colleges under the  
21 department of education or by the substance abuse facility and  
22 approved by the department. The department of education shall  
23 establish reasonable fees to defray the expense of obtaining  
24 classroom space, instructor salaries, and class materials. A  
25 person shall not be denied enrollment in a course by reason of  
26 the person's indigency.

27 Sec. 9. Section 325A.2, Code Supplement 1997, is amended  
28 to read as follows:

29 325A.2 DUTIES OF DEPARTMENT AND LOCAL AUTHORITIES.

30 1. The department shall do all of the following:

31 ~~1-~~ a. Prescribe and enforce safety and financial  
32 responsibility regulations for motor carriers and require the  
33 filing of reports regarding safety and financial  
34 responsibility.

35 ~~2-~~ b. Approve a tariff for motor carriers of household

1 goods.

2 ~~3~~ c. Issue, amend, suspend, or revoke motor carrier  
3 permits and certificates.

4 2. A local authority, as defined in section 321.1, shall  
5 not impose any regulations upon the operation of motor  
6 carriers that are more restrictive than any of the provisions  
7 of this chapter, or section 321.449 or 321.450.

8 Sec. 10. Section 455B.392, subsection 1, paragraph a, Code  
9 1997, is amended to read as follows:

10 a. The reasonable cleanup costs incurred by the state or  
11 its political subdivisions, by governmental subdivisions, or  
12 by any other persons participating in the prevention or  
13 mitigation of damages with the approval of the director, as a  
14 result of the failure of the person to clean up a hazardous  
15 substance involved in a hazardous condition caused by that  
16 person. Reasonable cleanup costs shall be limited to salaries  
17 of personnel present at the cleanup site, to materials  
18 expended at the cleanup site, and to the actual operating  
19 costs of emergency, cleanup, or other equipment.

20 Sec. 11. Section 805.6, subsection 1, paragraph c,  
21 subparagraph (2), Code 1997, is amended to read as follows:

22 (2) If the violation charged involved or resulted in an  
23 accident or injury to property and the total damages are less  
24 than five-hundred one thousand dollars, the amount of fifty  
25 dollars plus court costs.

26 Sec. 12. Section 805.8, subsection 2, paragraph z, Code  
27 Supplement 1997, is amended to read as follows:

28 z. For violations of section 321.460 prohibiting spilling  
29 loads on the highway and of section 321.208A prohibiting  
30 operation in violation of an out-of-service order, the  
31 scheduled fine is one hundred dollars.

32 Sec. 13. Section 805.10, subsection 1, Code 1997, is  
33 amended to read as follows:

34 1. When the violation charged involved or resulted in an  
35 accident or injury to property and the total damages are **five**

1 hundred one thousand dollars or more, or in an injury to  
2 person.

3 Sec. 14. Section 321.274, Code 1997, is repealed.

4 Sec. 15. EFFECTIVE DATE. Section 5 of this Act takes  
5 effect October 1, 1998.

6 EXPLANATION

7 This bill relates to motor trucks, including weight  
8 requirements, motor vehicles, court-ordered drinking drivers  
9 course, and transportation of hazardous materials.

10 The bill amends provisions relating to the transportation  
11 of hazardous materials to comply with changes in federal  
12 regulations by eliminating exemptions for small cargo tank  
13 motor vehicles transporting gasoline in intrastate commerce  
14 and for motor vehicles registered for a maximum gross weight  
15 of five tons or less. It defines how distance in feet between  
16 axles is measured for purposes of the maximum gross weight  
17 tables.

18 The bill limits the amount the state or its political  
19 subdivisions can charge for hazardous material cleanup.

20 The bill specifies that vehicles transporting raw materials  
21 to or from construction sites may have the 10 percent  
22 tolerance on weight restrictions only for travel on highways  
23 not on the interstate system and along a route of travel  
24 approved by the department or the appropriate local authority.  
25 It also specifies that vehicles transporting materials to or  
26 from a construction project or commercial plant site may  
27 travel along a route of travel approved by the department or  
28 local authority using the maximum gross weight table for  
29 interstate highways, or they may travel without department or  
30 local authority approval using the maximum gross weight table  
31 provided for livestock or construction vehicles.

32 The bill allows motor trucks to travel with parking or  
33 running lights on without activating headlights.

34 The bill allows substance abuse facilities to offer court-  
35 ordered drinking drivers courses. Current law only allows

1 community colleges to offer such courses.

2 The bill limits the ability of local authorities to impose  
3 laws on motor carriers that are more restrictive than certain  
4 Code sections.

5 The bill requires a court appearance for certain traffic  
6 violations that involve damages in excess of \$1,000. Current  
7 law requires court appearances if damages are greater than  
8 \$500.

9 The bill increases the scheduled fine to \$100 for operators  
10 who violate an out-of-service order.

11 The amendments to Code section 321.450 relating to the  
12 transportation of hazardous materials take effect October 1,  
13 1998, to comply with changes in federal regulations.

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**HOUSE FILE 2514  
FISCAL NOTE**

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A fiscal note for House File 2514 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.

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House File 2514 makes numerous changes to Chapter 321, Code of Iowa. The Bill makes the following changes:

1. Changes the \$100 penalty for a violation of operating a commercial vehicle that has been issued an out-of-service order to a scheduled fine of \$100.
2. Eliminates the 15 inch restriction on the height of motorcycle handlebars.
3. Eliminates an exemption from compliance with federal hazardous materials regulations for cargo tank trucks used in interstate commerce from 1950 to 1989. This provision is contingent upon the passage of federal law concerning the transportation or shipment of hazardous materials.
4. Eliminates an exemption of hazardous materials placarding and shipping paper requirements for trucks less than five tons.
5. Defines how the distance between truck axles is measured for purposes of determining the maximum gross weight. This provision is contingent upon the passage of federal law concerning the transportation or shipment of hazardous materials.
6. Restricts the operation of a vehicle transporting raw materials from a designated borrow site to or from a construction project, which exceeds the legal maximum weight limit by ten percent, from operating on the interstate highway system.
7. Requires a fine for a violation of a special permit issued for rubbish vehicles to be based on the difference between the actual weight of the vehicle and the weight allowed by the permit.
8. Limits the amount the Judicial Department may charge a vendor for electronic records of convictions and forfeitures of bail through the Iowa Court Information System to the greater of \$3,000 per month or the actual direct cost of providing the records.
9. Requires local authorities not to impose regulations on motor carriers that are more restrictive than Iowa law.
10. Increases the amount of total damages allowed in an automobile accident from \$500 to \$1,000 before a law enforcement officer issues a citation of \$50 plus court cost to an individual charged in the accident.

**BACKGROUND ON SECTION 9 OF HF 2514**

-2-

The General Assembly amended Section 321.491 Code of Iowa, during the 1997 Legislative Session to require the clerks of court to collect a \$.50 fee for each copy of a conviction or forfeiture of bail record. This made Section 321.491 consistent with Section 321.10 which allows the Department of Transportation (DOT) to collect a \$.50 fee for such records. Prior to this law change, individuals and companies could obtain this information free of charge when acquired through the clerks of court. In addition, vendors of such records could purchase these records for all 99 counties through the Iowa Court Information System Administrator's Office at a cost of approximately \$105 per month.

In addition, companies purchase certified records of information through the DOT which includes driver background data, convictions and forfeitures of bail, accident reports, and suspensions and revocations. This information is provided in an electronic format at a cost of \$5.00 per record. The sale of these records generate approximately \$4.6 million annually to the General Fund.

The increase of \$.50 per record increased the cost to vendors for the purchase of conviction and forfeitures of bail records (which average 52,000 records per month) through the Iowa Court Information System from \$105 per month to an average cost of \$26,000 per month.

Section 9 of House File 2514 requires the Judicial Department to charge a rate of \$3,000 per month or the actual direct cost of providing the records, whichever is greater, for the records purchased by a vendor through the Iowa Court Information System.

#### FISCAL IMPACT

The fiscal effect of Section 9 of HF 2514 cannot be determined due to insufficient information.

Other sections of HF 2514 will have minimal fiscal impact on State revenues.

#### SOURCES

Department of Transportation  
Legislative Fiscal Bureau

(LSB 3431HV, DLR)

FILED MARCH 25, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 2514

H-8394

1 Amend House File 2514 as follows:

2 1. Page 4, by inserting after line 10 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321.491, unnumbered paragraph  
5 2, Code Supplement 1997, is amended to read as  
6 follows:

7 Within ten days after the conviction or forfeiture  
8 of bail of a person upon a charge of violating any  
9 provision of this chapter or other law regulating the  
10 operation of vehicles on highways every magistrate of  
11 the court or clerk of the district court of record in  
12 which the conviction occurred or bail was forfeited  
13 shall prepare and immediately forward to the  
14 department an abstract of the record of the case. The  
15 abstract must be certified by the person preparing it  
16 to be true and correct. The clerk of the district  
17 court shall collect a fee of fifty cents for each  
18 individual copy of any record of conviction or  
19 forfeiture of bail furnished to any requestor at the  
20 clerk's office except for the department or other  
21 local, state, or federal government entity. Moneys  
22 collected under this section shall be transferred to  
23 the department as a repayment receipt, as defined in  
24 section 8.2, to enhance the efficiency of the  
25 department to process records and information between  
26 the department and the Iowa court information system.  
27 Notwithstanding any other provision in this section or  
28 chapter 22, the judicial department shall be the  
29 provider of public electronic access to the clerk's  
30 records of convictions and forfeitures of bail through  
31 the Iowa court information system and shall, if all  
32 such records are provided monthly to a vender, the  
33 judicial department shall collect a fee from such  
34 vender which is the greater of three thousand dollars  
35 per month or the actual direct cost of providing the  
36 records."

By BRAUNS of Muscatine  
WELTER of Jones  
MAY of Worth  
BLODGETT of Cerro Gordo

HUSER of Polk  
COHOON of Des Moines  
WARNSTADT of Woodbury

H-8394 FILED MARCH 12, 1998

*As drafted  
3-17-98 (P. 739)*

HOUSE FILE 2514

H-8390

1 Amend House File 2514 as follows:

2 1. Page 5, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ . Section 455B.392, subsection 1, Code  
5 1997, is amended by adding the following new  
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A person having control  
8 over a hazardous substance shall not be held strictly  
9 liable to the state or its political subdivisions  
10 unless the cleanup costs are first approved by the  
11 state fire marshal."

12 2. Page 5, by striking lines 8 through 19.

13 3. By renumbering as necessary.

By MURPHY of Dubuque

GRUNDBERG of Polk

DOTZLER of Black Hawk

HUSER of Polk

LAMBERTI of Polk

CHURCHILL of Polk

CONNORS of Polk

METCALF of Polk

CHIODO of Polk

FORD of Polk

JACOBS of Polk

H-8390 FILED MARCH 17, 1998  
**WITHDRAWN** 3-17-98

HOUSE FILE 2514

H-8377

1 Amend House File 2514 as follows:

2 1. Page 5, by striking lines 8 through 19.

3 2. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-8377 FILED MARCH 12, 1998

*Adopted 3-17-98*

*(p.74)*

HOUSE FILE 2514

H-8378

1 Amend House File 2514 as follows:

2 1. Page 4, by inserting after line 10 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321.473, unnumbered paragraph  
5 3, Code 1997, is amended to read as follows:

6 Any person who violates the provisions of the  
7 ordinance, or resolution, or special permit issued by  
8 the department under this section shall, upon  
9 conviction or a plea of guilty, be subject to a fine  
10 determined by dividing the difference between the  
11 actual weight and the maximum weight established by  
12 the ordinance, or resolution, or special permit issued  
13 by the department by one hundred, and multiplying the  
14 quotient by two dollars."

By BLODGETT of Cerro Gordo

WELTER of Jones

MAY of Worth

H-8378 FILED MARCH 12, 1998

*Adopted  
3-17-98  
(p.738)*

HOUSE FILE 2514

H-8412

- 1 Amend House File 2514 as follows:  
2 1. Page 4, line 13, by inserting after the figure  
3 "2." the following: "a."  
4 2. Page 4, by striking lines 15 and 16 and  
5 inserting the following: "defined in section 260C.2.  
6 Enrollment in the".  
7 3. Page 4, line 21, by striking the words "or by  
8 the substance abuse facility".  
9 4. Page 4, by inserting after line 26 the  
10 following:  
11 "b. The course provided according to this section  
12 may also be offered by a substance abuse agency  
13 licensed pursuant to chapter 125, for offenders  
14 ordered to attend the course pursuant to section  
15 321J.25.  
16 (1) Enrollment in the course is not limited to  
17 persons required to enroll, attend, and successfully  
18 complete a course for drinking drivers pursuant to  
19 this chapter.  
20 (2) The course provided according to this  
21 paragraph shall be taught by qualified staff of the  
22 licensed substance abuse agency who are trained in the  
23 state-approved curriculum.  
24 (3) The division of substance abuse of the  
25 department of public health may establish reasonable  
26 fees to defray the expenses associated with offering  
27 the course.  
28 (4) Licensed substance abuse agencies offering  
29 courses pursuant to this paragraph shall prepare a  
30 list of the locations of the courses, the dates and  
31 times for the courses, the procedure for enrollment,  
32 and the schedule of course fees. The list shall be  
33 updated periodically, and a copy of each updated list  
34 shall be sent to the district courts in the area which  
35 the substance abuse agency serves.  
36 (5) Each licensed substance abuse agency offering  
37 courses under this paragraph shall maintain  
38 attendance, successful and unsuccessful completion  
39 data on the persons ordered to enroll, attend, and  
40 successfully complete a course for drinking drivers.  
41 This data shall be forwarded to the appropriate  
42 court."  
43 5. By renumbering as necessary.

By THOMSON of Linn

H-8412 FILED MARCH 16, 1998

*o/rdw 3-17-97 (p.740)*

HOUSE FILE 2514

H-8446

- 1 Amend House File 2514 as follows:  
2 1. Page 6, line 5, by inserting after the figure  
3 "1998" the following: ", contingent upon adoption of  
4 new regulations concerning the transportation or  
5 shipment of hazardous materials by the appropriate  
6 federal agencies".

By WELTER of Jones

H-8446 FILED MARCH 16, 1998

*adopted 3-17-97*

*(p.741)*

## HOUSE FILE 2514

H-8404

1 Amend House File 2514 as follows:

2 1. Page 4, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 321J.22, Code Supplement 1997,  
5 is amended by adding the following new subsections:  
6 NEW SUBSECTION. 2A. The course provided according  
7 to this section may also be offered by a substance  
8 abuse agency licensed pursuant to chapter 125.

9 a. Enrollment in the course is not limited to  
10 persons required to enroll, attend, and successfully  
11 complete a course for drinking drivers pursuant to  
12 this chapter.

13 b. The course provided according to this  
14 subsection shall be taught by qualified staff of the  
15 licensed substance abuse agency who are trained in the  
16 state-approved curriculum.

17 c. The division of substance abuse of the  
18 department of public health may establish reasonable  
19 fees to defray the expenses associated with offering  
20 the course.

21 NEW SUBSECTION. 6. a. Licensed substance abuse  
22 agencies offering courses pursuant to this section  
23 shall prepare a list of the locations of the courses,  
24 the dates and times for the courses, the procedure for  
25 enrollment, and the schedule of course fees. The list  
26 shall be updated periodically, and a copy of each  
27 updated list shall be sent to the district courts in  
28 the area which the substance abuse agency serves.

29 b. Each licensed substance abuse agency offering  
30 courses under this section shall maintain attendance,  
31 successful and unsuccessful completion data on the  
32 persons ordered to enroll, attend, and successfully  
33 complete a course for drinking drivers. This data  
34 shall be forwarded to the appropriate district court."

35 2. By renumbering as necessary.

By THOMSON of Linn

H-8404 FILED MARCH 13, 1998

WITHDRAWN

(P. 740)

2514

HOUSE FILE  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 617)

(As Amended and Passed by the House, March 17, 1998)

Passed House, Date 4-14-98 (p.1628) Passed Senate, Date 3/26/98 (p.931)  
Vote: Ayes 60 Nays 36 Vote: Ayes 47 Nays 0  
Approved May 6, 1998

**A BILL FOR**

1 An Act relating to motor vehicle operation and motor vehicles,  
2 carriers and motor trucks, and penalties and hazardous  
3 materials, including weight requirements and transportation of  
4 hazardous materials, and providing an effective date.

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

6

**HOUSE FILE 2514**

**S-5283**

1 Amend House File 2514, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by striking lines 13 through 20 and  
4 inserting the following:  
5 "Any person who violates the provisions of the  
6 ordinance or resolution shall, upon conviction or a  
7 plea of guilty, be subject to a fine determined by  
8 dividing the difference between the actual weight and  
9 the maximum weight established by the ordinance or  
10 resolution by one hundred, and multiplying the  
11 quotient by two dollars. The fine for violation of a  
12 special permit issued pursuant to this section shall  
13 be based upon the difference between the actual weight  
14 of the vehicle and load and the maximum weight allowed  
15 by the permit in accordance with section 321.463."

*adopted 3/28/98 (p.930)*

By COMMITTEE ON TRANSPORTATION  
RICHARD F. DRAKE, Chairperson

S-5283 FILED MARCH 18, 1998

1 Section 1. Section 321.208A, Code Supplement 1997, is  
2 amended to read as follows:

3 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER --  
4 PENALTY.

5 A person required to hold a commercial driver's license to  
6 operate a commercial motor vehicle shall not operate a  
7 commercial motor vehicle on the highways of this state in  
8 violation of an out-of-service order issued by a peace officer  
9 for a violation of the out-of-service rules adopted by the  
10 department. An employer shall not allow an employee to drive  
11 a commercial motor vehicle in violation of such out-of-service  
12 order. A person who violates this section shall be subject to  
13 a penalty scheduled fine of one hundred dollars under section  
14 805.8, subsection 2, paragraph "z".

15 Sec. 2. Section 321.228, subsection 2, Code 1997, is  
16 amended to read as follows:

17 2. The provisions of sections 321.261 to ~~321.274~~ 321.273,  
18 and sections 321.277 and 321.280 shall apply upon highways and  
19 elsewhere throughout the state.

20 Sec. 3. Section 321.275, subsection 7, Code 1997, is  
21 amended by striking the subsection.

22 Sec. 4. Section 321.395, Code 1997, is amended to read as  
23 follows:

24 321.395 LAMPS ON PARKED VEHICLES.

25 Whenever a vehicle is parked or stopped upon a roadway or  
26 shoulder adjacent ~~thereto~~ to the roadway, outside of a  
27 business district whether attended or unattended during the  
28 times mentioned in section 321.384, such vehicle shall be  
29 equipped with one or more lamps which shall exhibit a white or  
30 amber light on the roadway side visible from a distance of  
31 five hundred feet to the front of such vehicle and a red light  
32 visible from a distance of five hundred feet to the rear,  
33 except that local authorities may provide by ordinance or  
34 resolution that no lights need be displayed upon any such  
35 vehicle when stopped or parked in accordance with local



1 parking regulations upon a highway where there is sufficient  
2 light to reveal any person or object within a distance of five  
3 hundred feet upon such highway. ~~lamps-on-parked-or-stopped~~  
4 ~~vehicles,-except-trucks,-trailers-or-semitrailers-as-defined~~  
5 ~~in-section-321.392,-required-to-be-exhibited-by-this-section,~~  
6 ~~but-not-including-running-lights,-shall-not-be-lighted-at-any~~  
7 ~~time-when-the-vehicle-is-being-driven-on-the-highway-unless~~  
8 ~~the-head-lamps-are-also-lighted.~~ Any lighted head lamps upon  
9 a parked vehicle shall be depressed or dimmed.

10 Sec. 5. Section 321.450, unnumbered paragraphs 1 and 3,  
11 Code 1997, are amended to read as follows:

12 A person shall not transport or have transported or shipped  
13 within this state any hazardous material except in compliance  
14 with rules adopted by the department under chapter 17A. The  
15 rules shall be consistent with the federal hazardous materials  
16 regulations ~~promulgated~~ adopted under United States Code,  
17 Title 49, and found in 49 C.F.R. § 107, 171 to 173, 177, 178,  
18 and 180. ~~However,-rules-adopted-under-this-section-concerning~~  
19 ~~tank-specifications-shall-not-apply-to-cargo-tank-motor~~  
20 ~~vehicles-with-a-capacity-of-four-thousand-gallons-or-less-used~~  
21 ~~to-transport-gasoline-in-intrastate-commerce,-which-were~~  
22 ~~manufactured-between-1950-and-1989,-were-domiciled-in-Iowa~~  
23 ~~prior-to-July-17-1991,-and-are-in-compliance-with-the-American~~  
24 ~~society-of-mechanical-engineers-specifications-in-effect-at~~  
25 ~~the-time-of-manufacture.~~

26 Notwithstanding other provisions of this section, or the  
27 age requirements under section 321.449, the age requirements  
28 under section 321.449 and the rules adopted under this section  
29 pertaining to compliance with regulations adopted under U.S.C.  
30 United States Code, Title 49, and found in 49 C.F.R. §  
31 177.804, shall not apply to retail dealers of fertilizers,  
32 petroleum products, and pesticides and their employees while  
33 delivering fertilizers, petroleum products, and pesticides to  
34 farm customers within a one-hundred-mile radius of their  
35 retail place of business. ~~Notwithstanding-contrary-provisions~~

1 of this chapter, motor vehicles registered for a maximum gross  
2 weight of five tons or less shall be exempt from the  
3 requirements of placarding and of carrying hazardous materials  
4 shipping papers if the hazardous materials which are  
5 transported are clearly labeled.

6 Sec. 6. Section 321.463, subsection 5, Code Supplement  
7 1997, is amended by adding the following new paragraph:

8 NEW PARAGRAPH. d. For the purposes of the maximum gross  
9 weight tables in paragraphs "a", "b", and "c", distance in  
10 feet is the measured distance in feet between the centers of  
11 the extreme axles of any group of axles, rounded to the  
12 nearest whole foot.

13 Sec. 7. Section 321.463, subsections 7 and 8, Code  
14 Supplement 1997, are amended to read as follows:

15 7. ~~In addition,~~ The weight on any one axle, including  
16 a tandem axle, of a vehicle which is transporting raw  
17 materials from a designated borrow site to a construction  
18 project or transporting raw materials from a construction  
19 project, and which is operating on a highway that is not part  
20 of the interstate system and along a route of travel approved  
21 by the department or the appropriate local authority, may  
22 exceed the legal maximum weight otherwise allowed under this  
23 chapter by ten percent if the gross weight on any particular  
24 group of axles on the vehicle does not exceed the gross weight  
25 allowed under this chapter for that group of axles. However,  
26 ~~if~~ If the vehicle exceeds the ten percent tolerance allowed  
27 ~~for any one axle or tandem axle~~ under this paragraph  
28 subsection, the fine to be assessed for the axle or tandem  
29 axle shall be computed on the difference between the actual  
30 weight and the ten percent tolerance weight allowed for the  
31 axle or tandem axle ~~under this paragraph.~~ This paragraph  
32 ~~applies only to vehicles operating along a route of travel~~  
33 ~~approved by the department.~~

34 8. A vehicle or combination of vehicles transporting  
35 materials to or from a construction project or commercial

1 ~~plant site along a route of travel approved by the department~~  
2 ~~or appropriate local authority shall comply with subsection 5,~~  
3 ~~paragraph "a" may operate under the maximum gross weight table~~  
4 ~~for interstate highways in subsection 5, paragraph "a", if the~~  
5 ~~route is approved by the department or appropriate local~~  
6 ~~authority. Route approval is not required if the vehicle or~~  
7 ~~combination of vehicles transporting materials to or from a~~  
8 ~~construction project or commercial plant site complies with~~  
9 ~~the maximum gross weight table for noninterstate highways in~~  
10 ~~subsection 5, paragraph "c".~~

\*  
11 Sec. 8. Section 321.473, unnumbered paragraph 3, Code  
12 1997, is amended to read as follows:

13 Any person who violates the provisions of the ordinance, or  
14 resolution, or special permit issued by the department under  
15 this section shall, upon conviction or a plea of guilty, be  
16 subject to a fine determined by dividing the difference  
17 between the actual weight and the maximum weight established  
18 by the ordinance, or resolution, or special permit issued by  
19 the department by one hundred, and multiplying the quotient by  
20 two dollars.

21 Sec. 9. Section 321.491, unnumbered paragraph 2, Code  
22 Supplement 1997, is amended to read as follows:

23 Within ten days after the conviction or forfeiture of bail  
24 of a person upon a charge of violating any provision of this  
25 chapter or other law regulating the operation of vehicles on  
26 highways every magistrate of the court or clerk of the  
27 district court of record in which the conviction occurred or  
28 bail was forfeited shall prepare and immediately forward to  
29 the department an abstract of the record of the case. The  
30 abstract must be certified by the person preparing it to be  
31 true and correct. The clerk of the district court shall  
32 collect a fee of fifty cents for each individual copy of any  
33 record of conviction or forfeiture of bail furnished to any  
34 requestor at the clerk's office except for the department or  
35 other local, state, or federal government entity. Moneys

1 collected under this section shall be transferred to the  
2 department as a repayment receipt, as defined in section 8.2,  
3 to enhance the efficiency of the department to process records  
4 and information between the department and the Iowa court  
5 information system. Notwithstanding any other provision in  
6 this section or chapter 22, the judicial department shall be  
7 the provider of public electronic access to the clerk's  
8 records of convictions and forfeitures of bail through the  
9 Iowa court information system and shall, if all such records  
10 are provided monthly to a vender, the judicial department  
11 shall collect a fee from such vendor which is the greater of  
12 three thousand dollars per month or the actual direct cost of  
13 providing the records.

14 Sec. 10. Section 325A.2, Code Supplement 1997, is amended  
15 to read as follows:

16 325A.2 DUTIES OF DEPARTMENT AND LOCAL AUTHORITIES.

17 1. The department shall do all of the following:

18 1- a. Prescribe and enforce safety and financial  
19 responsibility regulations for motor carriers and require the  
20 filing of reports regarding safety and financial  
21 responsibility.

22 2- b. Approve a tariff for motor carriers of household  
23 goods.

24 3- c. Issue, amend, suspend, or revoke motor carrier  
25 permits and certificates.

26 2. A local authority, as defined in section 321.1, shall  
27 not impose any regulations upon the operation of motor  
28 carriers that are more restrictive than any of the provisions  
29 of this chapter, or section 321.449 or 321.450.

\* 30 Sec. 11. Section 805.6, subsection 1, paragraph c,  
31 subparagraph (2), Code 1997, is amended to read as follows:

32 (2) If the violation charged involved or resulted in an  
33 accident or injury to property and the total damages are less  
34 than five-hundred one thousand dollars, the amount of fifty  
35 dollars plus court costs.

1     Sec. 12. Section 805.8, subsection 2, paragraph z, Code  
2 Supplement 1997, is amended to read as follows:

3     z. For violations of section 321.460 prohibiting spilling  
4 loads on the highway and of section 321.208A prohibiting  
5 operation in violation of an out-of-service order, the  
6 scheduled fine is one hundred dollars.

7     Sec. 13. Section 805.10, subsection 1, Code 1997, is  
8 amended to read as follows:

9     1. When the violation charged involved or resulted in an  
10 accident or injury to property and the total damages are five  
11 hundred one thousand dollars or more, or in an injury to  
12 person.

13     Sec. 14. Section 321.274, Code 1997, is repealed.

14     Sec. 15. EFFECTIVE DATE. Section 5 of this Act takes  
15 effect October 1, 1998, contingent upon adoption of new  
16 regulations concerning the transportation or shipment of  
17 hazardous materials by the appropriate federal agencies.

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## HOUSE FILE 2514

S-5397

1 Amend House File 2514, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 29 the  
4 following:

5 "Sec. \_\_\_\_ . Section 455B.424, subsection 1, Code  
6 1997, is amended to read as follows:

7 1. The person who generates hazardous waste or the  
8 owner or operator of a hazardous waste disposal  
9 facility who transports hazardous wastes off of the  
10 site where the hazardous waste was generated or off  
11 the disposal facility site shall pay a fee of ten  
12 dollars for each ton up to two thousand five hundred  
13 tons of hazardous waste transported off the site,  
14 excluding the water content of any waste that is  
15 transported to another facility under the ownership of  
16 the generator for the purposes of waste treatment or  
17 recycling.

18 Sec. \_\_\_\_ . Section 455B.424, subsection 2,  
19 paragraph b, Code 1997, is amended to read as follows:

20 b. Two dollars for each ton up to five hundred  
21 tons of hazardous waste destroyed or treated at the  
22 generator's site or at the disposal facility to render  
23 the hazardous waste nonhazardous."

24 3. By renumbering as necessary.

By ALLEN BORLAUG  
MATT MCCOY

S-5397 FILED MARCH 26, 1998  
ADOPTED

(p. 930)

## HOUSE FILE 2514

H-8971

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 18 through 30.
- 5 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-8971 FILED APRIL 7, 1998

*Lost 4/14/98 (p. 1624)*

## HOUSE FILE 2514

H-8972

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 25, by striking the words "two
- 5 thousand five hundred" and inserting the following:
- 6 "five thousand".
- 7 2. By renumbering as necessary.

By WITT of Black Hawk

H-8972 FILED APRIL 7, 1998

*Lost 4/14/98 (p. 1626)*

## HOUSE FILE 2514

H-8973

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 33, by inserting before the word
- 5 "five" the following: "two thousand".
- 6 2. By renumbering as necessary.

By MASCHER of Johnson

H-8973 FILED APRIL 7, 1998

*W/D 4/14/98 (p. 1624)*

## HOUSE FILE 2514

H-8974

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 16 through 36.
- 5 2. By renumbering as necessary.

By WITT of Black Hawk

H-8974 FILED APRIL 7, 1998

*Lost 4/14/98 (p. 1626)*

## HOUSE FILE 2514

H-8975

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 31 through 36.
- 5 2. By renumbering as necessary.

By FALLON of Port

H-8975 FILED APRIL 7, 1998

*Lost 4/14/98 (p. 1626)*

SENATE AMENDMENT TO HOUSE FILE 2514

H-8760

1 Amend House File 2514, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 13 through 20 and  
4 inserting the following:

5 "Any person who violates the provisions of the  
6 ordinance or resolution shall, upon conviction or a  
7 plea of guilty, be subject to a fine determined by  
8 dividing the difference between the actual weight and  
9 the maximum weight established by the ordinance or  
10 resolution by one hundred, and multiplying the  
11 quotient by two dollars. The fine for violation of a  
12 special permit issued pursuant to this section shall  
13 be based upon the difference between the actual weight  
14 of the vehicle and load and the maximum weight allowed  
15 by the permit in accordance with section 321.463."

16 2. Page 5, by inserting after line 29 the  
17 following:

18 "Sec. \_\_\_\_ . Section 455B.424, subsection 1, Code  
19 1997, is amended to read as follows:

20 1. The person who generates hazardous waste or the  
21 owner or operator of a hazardous waste disposal  
22 facility who transports hazardous wastes off of the  
23 site where the hazardous waste was generated or off  
24 the disposal facility site shall pay a fee of ten  
25 dollars for each ton up to two thousand five hundred  
26 tons of hazardous waste transported off the site,  
27 excluding the water content of any waste that is  
28 transported to another facility under the ownership of  
29 the generator for the purposes of waste treatment or  
30 recycling.

31 Sec. \_\_\_\_ . Section 455B.424, subsection 2,  
32 paragraph b, Code 1997, is amended to read as follows:

33 b. Two dollars for each ton up to five hundred  
34 tons of hazardous waste destroyed or treated at the  
35 generator's site or at the disposal facility to render  
36 the hazardous waste nonhazardous."

37 3. By renumbering, relettering, or redesignating  
38 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-8760 FILED MARCH 26, 1998

*House Concurred*

*4-14-98*

*(P. 1626)*



Blodgett  
Welter  
May

HSB 617  
TRANSPORTATION

SU  
CF

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to motor trucks, including weight requirements  
2 and transportation of hazardous materials, and providing an  
3 effective date.

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

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1 Section 1. Section 321.450, unnumbered paragraphs 1 and 3,  
2 Code 1997, are amended to read as follows:

3 A person shall not transport or have transported or shipped  
4 within this state any hazardous material except in compliance  
5 with rules adopted by the department under chapter 17A. The  
6 rules shall be consistent with the federal hazardous materials  
7 regulations ~~promulgated~~ adopted under United States Code,  
8 Title 49, and found in 49 C.F.R. § 107, 171 to 173, 177, 178,  
9 and 180. ~~However, rules adopted under this section concerning~~  
10 ~~tank specifications shall not apply to cargo tank motor~~  
11 ~~vehicles with a capacity of four thousand gallons or less used~~  
12 ~~to transport gasoline in intrastate commerce, which were~~  
13 ~~manufactured between 1950 and 1989, were domiciled in Iowa~~  
14 ~~prior to July 1, 1991, and are in compliance with the American~~  
15 ~~society of mechanical engineers specifications in effect at~~  
16 ~~the time of manufacture.~~

17 Notwithstanding other provisions of this section, or the  
18 age requirements under section 321.449, the age requirements  
19 under section 321.449 and the rules adopted under this section  
20 pertaining to compliance with regulations adopted under U.S.C.  
21 United States Code, Title 49, and found in 49 C.F.R. §  
22 177.804, shall not apply to retail dealers of fertilizers,  
23 petroleum products, and pesticides and their employees while  
24 delivering fertilizers, petroleum products, and pesticides to  
25 farm customers within a one-hundred-mile radius of their  
26 retail place of business. ~~Notwithstanding contrary provisions~~  
27 ~~of this chapter, motor vehicles registered for a maximum gross~~  
28 ~~weight of five tons or less shall be exempt from the~~  
29 ~~requirements of placarding and of carrying hazardous materials~~  
30 ~~shipping papers if the hazardous materials which are~~  
31 ~~transported are clearly labeled.~~

32 Sec. 2. Section 321.463, subsection 5, Code Supplement  
33 1997, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. d. For the purposes of the maximum gross  
35 weight tables in paragraphs "a", "b", and "c", distance in

1 feet is the measured distance in feet between the centers of  
2 the extreme axles of any group of axles, rounded to the  
3 nearest whole foot.

4 Sec. 3. Section 321.463, subsections 7 and 8, Code  
5 Supplement 1997, are amended to read as follows:

6 7. ~~In-addition, the~~ The weight on any one axle, including  
7 a tandem axle, of a vehicle which is transporting raw  
8 materials from a designated borrow site to a construction  
9 project or transporting raw materials from a construction  
10 project, and which is operating on a highway that is not part  
11 of the interstate system and along a route of travel approved  
12 by the department or the appropriate local authority, may  
13 exceed the legal maximum weight otherwise allowed under this  
14 chapter by ten percent if the gross weight on any particular  
15 group of axles on the vehicle does not exceed the gross weight  
16 allowed under this chapter for that group of axles. ~~However,~~  
17 ~~if~~ If the vehicle exceeds the ten percent tolerance allowed  
18 ~~for any one axle or tandem axle~~ under this paragraph  
19 ~~subsection, the fine to be assessed for the axle or tandem~~  
20 ~~axle~~ shall be computed on the difference between the actual  
21 weight and the ten percent tolerance weight allowed for the  
22 axle or tandem axle ~~under this paragraph. This paragraph~~  
23 ~~applies only to vehicles operating along a route of travel~~  
24 ~~approved by the department.~~

25 8. A vehicle or combination of vehicles transporting  
26 materials to or from a construction project or commercial  
27 plant site ~~along a route of travel approved by the department~~  
28 ~~or appropriate local authority shall comply with subsection 5,~~  
29 ~~paragraph "a"~~ may operate under the maximum gross weight table  
30 for interstate highways in subsection 5, paragraph "a", if the  
31 route is approved by the department or appropriate local  
32 authority. Route approval is not required if the vehicle or  
33 combination of vehicles transporting materials to or from a  
34 construction project or commercial plant site complies with  
35 the maximum gross weight table for noninterstate highways in

1 subsection 5, paragraph "c".

2 Sec. 4. EFFECTIVE DATE. Section 1 of this Act takes  
3 effect October 1, 1998.

4 EXPLANATION

5 This bill relates to motor trucks, including weight  
6 requirements and transportation of hazardous materials.

7 The bill amends provisions relating to the transportation  
8 of hazardous materials to comply with changes in federal  
9 regulations by eliminating exemptions for small cargo tank  
10 motor vehicles transporting gasoline in intrastate commerce  
11 and for motor vehicles registered for a maximum gross weight  
12 of five tons or less. It defines how distance in feet between  
13 axles is measured for purposes of the maximum gross weight  
14 tables.

15 The bill specifies that vehicles transporting raw materials  
16 to or from construction sites may have the 10 percent  
17 tolerance on weight restrictions only for travel on highways  
18 not on the interstate system and along a route of travel  
19 approved by the department or the appropriate local authority.  
20 It also specifies that vehicles transporting materials to or  
21 from a construction project or commercial plant site may  
22 travel along a route of travel approved by the department or  
23 local authority using the maximum gross weight table for  
24 interstate highways, or they may travel without department or  
25 local authority approval using the maximum gross weight table  
26 provided for livestock or construction vehicles.

27 The amendments to Code section 321.450 relating to the  
28 transportation of hazardous materials take effect October 1,  
29 1998, to comply with changes in federal regulations.

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## HOUSE FILE 2514

## AN ACT

RELATING TO MOTOR VEHICLE OPERATION AND MOTOR VEHICLES,  
CARRIERS AND MOTOR TRUCKS, AND PENALTIES AND HAZARDOUS  
MATERIALS, INCLUDING WEIGHT REQUIREMENTS AND TRANSPORTA-  
TION OF HAZARDOUS MATERIALS, AND PROVIDING AN EFFECTIVE  
DATE.

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

Section 1. Section 321.208A, Code Supplement 1997, is amended to read as follows:

321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER -- PENALTY.

A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. An employer shall not allow an employee to drive a commercial motor vehicle in violation of such out-of-service order. A person who violates this section shall be subject to a penalty scheduled fine of one hundred dollars under section 805.8, subsection 2, paragraph "z".

Sec. 2. Section 321.228, subsection 2, Code 1997, is amended to read as follows:

2. The provisions of sections 321.261 to ~~321.274~~ 321.273, and sections 321.277 and 321.280 shall apply upon highways and elsewhere throughout the state.

Sec. 3. Section 321.275, subsection 7, Code 1997, is amended by striking the subsection.

Sec. 4. Section 321.395, Code 1997, is amended to read as follows:

321.395 LAMPS ON PARKED VEHICLES.

Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto to the roadway, outside of a business district whether attended or unattended during the times mentioned in section 321.384, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet upon such highway. ~~Lamps on parked or stopped vehicles, except trucks, trailers or semitrailers as defined in section 321.392, required to be exhibited by this section, but not including running lights, shall not be lighted at any time when the vehicle is being driven on the highway unless the head lamps are also lighted.~~ Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 5. Section 321.450, unnumbered paragraphs 1 and 3, Code 1997, are amended to read as follows:

A person shall not transport or have transported or shipped within this state any hazardous material except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal hazardous materials regulations ~~promulgated~~ adopted under United States Code, Title 49, and found in 49 C.F.R. § 107, 171 to 173, 177, 178, and 180. ~~However, rules adopted under this section concerning tank specifications shall not apply to cargo tank motor vehicles with a capacity of four thousand gallons or less used to transport gasoline in intrastate commerce, which were manufactured between 1950 and 1989, were domiciled in Iowa prior to July 17, 1991, and are in compliance with the American society of mechanical engineers specifications in effect at the time of manufacture.~~

Notwithstanding other provisions of this section, or the age requirements under section 321.449, the age requirements under section 321.449 and the rules adopted under this section pertaining to compliance with regulations adopted under ~~U.S.C. United States Code~~, Title 49, and found in 49 C.F.R. § 177.804, shall not apply to 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. ~~Notwithstanding contrary provisions of this chapter, motor vehicles registered for a maximum gross weight of five tons or less shall be exempt from the requirements of placarding and of carrying hazardous materials shipping papers if the hazardous materials which are transported are clearly labeled.~~

Sec. 6. Section 321.463, subsection 5, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For the purposes of the maximum gross weight tables in paragraphs "a", "b", and "c", distance in feet is the measured distance in feet between the centers of the extreme axles of any group of axles, rounded to the nearest whole foot.

Sec. 7. Section 321.463, subsections 7 and 8, Code Supplement 1997, are amended to read as follows:

7. ~~In addition, the~~ The weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials from a designated borrow site to a construction project or transporting raw materials from a construction project, and which is operating on a highway that is not part of the interstate system and along a route of travel approved by the department or the appropriate local authority, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. ~~However, if~~ if the vehicle exceeds the ten percent tolerance allowed

~~for any one axle or tandem axle~~ under this paragraph subsection, the fine to be assessed for the axle or tandem axle shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle ~~under this paragraph.~~ This paragraph applies only to vehicles operating along a route of travel approved by the department.

8. A vehicle or combination of vehicles transporting materials to or from a construction project or commercial plant site ~~along a route of travel approved by the department or appropriate local authority shall comply with subsection 5, paragraph "a"~~ may operate under the maximum gross weight table for interstate highways in subsection 5, paragraph "a", if the route is approved by the department or appropriate local authority. Route approval is not required if the vehicle or combination of vehicles transporting materials to or from a construction project or commercial plant site complies with the maximum gross weight table for noninterstate highways in subsection 5, paragraph "c".

Sec. 8. Section 321.473, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

Any person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. The fine for violation of a special permit issued pursuant to this section shall be based upon the difference between the actual weight of the vehicle and load and the maximum weight allowed by the permit in accordance with section 321.463.

Sec. 9. Section 321.491, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on

highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract must be certified by the person preparing it to be true and correct. The clerk of the district court shall collect a fee of fifty cents for each individual copy of any record of conviction or forfeiture of bail furnished to any requestor at the clerk's office except for the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as a repayment receipt, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system. Notwithstanding any other provision in this section or chapter 22, the judicial department shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, the judicial department shall collect a fee from such vendor which is the greater of three thousand dollars per month or the actual direct cost of providing the records.

Sec. 10. Section 325A.2, Code Supplement 1997, is amended to read as follows:

325A.2 DUTIES OF DEPARTMENT AND LOCAL AUTHORITIES.

1. The department shall do all of the following:

1- a. Prescribe and enforce safety and financial responsibility regulations for motor carriers and require the filing of reports regarding safety and financial responsibility.

2- b. Approve a tariff for motor carriers of household goods.

3- c. Issue, amend, suspend, or revoke motor carrier permits and certificates.

2. A local authority, as defined in section 321.1, shall not impose any regulations upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450.

Sec. 11. Section 455B.424, subsection 1, Code 1997, is amended to read as follows:

1. The person who generates hazardous waste or the owner or operator of a hazardous waste disposal facility who transports hazardous wastes off of the site where the hazardous waste was generated or off the disposal facility site shall pay a fee of ten dollars for each ton up to two thousand five hundred tons of hazardous waste transported off the site, excluding the water content of any waste that is transported to another facility under the ownership of the generator for the purposes of waste treatment or recycling.

Sec. 12. Section 455B.424, subsection 2, paragraph b, Code 1997, is amended to read as follows:

b. Two dollars for each ton up to five hundred tons of hazardous waste destroyed or treated at the generator's site or at the disposal facility to render the hazardous waste nonhazardous.

Sec. 13. Section 805.6, subsection 1, paragraph c, subparagraph (2), Code 1997, is amended to read as follows:

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than five-hundred one thousand dollars, the amount of fifty dollars plus court costs.

Sec. 14. Section 805.8, subsection 2, paragraph z, Code Supplement 1997, is amended to read as follows:

z. For violations of section 321.460 prohibiting spilling loads on the highway and of section 321.208A prohibiting operation in violation of an out-of-service order, the scheduled fine is one hundred dollars.

Sec. 15. Section 805.10, subsection 1, Code 1997, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to property and the total damages are five hundred one thousand dollars or more, or in an injury to person.

Sec. 16. Section 321.274, Code 1997, is repealed.

Sec. 17. EFFECTIVE DATE. Section 5 of this Act takes effect October 1, 1998, contingent upon adoption of new regulations concerning the transportation or shipment of hazardous materials by the appropriate federal agencies.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2514, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 6, 1998

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TERRY E. BRANSTAD  
Governor