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HOUSE FILE 704
BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HSB 179)

Passed House, ^(p.877) Date 3/27/97 Passed Senate, Date 4-9-97
Vote: Ayes 93 Nays 0 Vote: Ayes 45 Nays 0
Approved May 1, 1997

A BILL FOR

1 An Act relating to substantive and other provisions affecting the
2 state department of transportation and driver, motor vehicle,
3 and highway regulation, including the definition of road work
4 zones, providing grounds for refusing renewal of vehicle
5 registrations, regulation of intrastate motor carriers,
6 imposing fees, providing for an electronic titling and
7 registration program, creating, eliminating, or enhancing
8 penalties, and providing effective dates.

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

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1 Section 1. Section 306B.2, subsection 3, Code 1997, is
2 amended by striking the subsection.

3 Sec. 2. Section 306C.11, subsection 3, Code 1997, is
4 amended to read as follows:

5 3. a. Advertising devices within the adjacent area
6 located in commercial or industrial zones or in unzoned
7 commercial or industrial areas in compliance with the
8 regulatory standards of this division and rules promulgated by
9 the department.

10 b. The rules shall be consistent with national standards
11 promulgated pursuant to 23 U.S.C. § 131 and shall include at
12 least the following:

13 (1) Provision for a fee schedule to cover the direct and
14 indirect costs related to issuing permits and control of
15 outdoor advertising.

16 (2) Specific permit requirements.

17 (3) Criteria for on-premise signs.

18 (4) Provisions specifying the measurement of required
19 spacing.

20 (5) Provisions specifying conforming sign configurations.

21 Sec. 3. Section 306C.18, subsections 1 and 4, Code 1997,
22 are amended to read as follows:

23 1. The application for a permit shall be on a form
24 provided by the department and shall contain the name and
25 address of the owner of the advertising device and the name
26 and address of the owner of the real property on which it is
27 located; the date of its erection; a description of its
28 location; its dimensions; and such other information required
29 by the department, together with a permit fee as provided in
30 this section or rule adopted by the department.

31 4. The fee for both types of permits for calendar years
32 1997 and 1998 shall be one hundred dollars for the initial fee
33 and fifteen dollars for each annual renewal for signs up to
34 three hundred seventy-five square feet in area, twenty-five
35 dollars for each annual renewal for signs at least three

1 hundred seventy-six, but not more than nine hundred ninety-
2 nine, square feet in area, and fifty dollars for each annual
3 renewal for signs one thousand square feet or more in area.
4 Beginning January 1, 1999, fees shall be as determined by rule
5 by the department. The fees collected for the above permits
6 shall be credited to a special account entitled the "highway
7 beautification fund" and all salaries and expenses incurred in
8 administering this chapter shall be paid from this fund or
9 from specific appropriations for this purpose, except that
10 surveillance of, and removal of, advertising devices performed
11 by regular maintenance personnel are not to be charged against
12 the account.

13 Sec. 4. Section 310.18, Code 1997, is amended to read as
14 follows:

15 310.18 PARTIAL PAYMENTS DURING CONSTRUCTION.

16 Partial payments may be made on ~~the work during-the~~ in
17 progress thereof, but no such partial payment shall be deemed
18 final acceptance of the work nor a waiver of any defect
19 therein in the work. ~~The approval-of-any-claims-by-the~~ board
20 of supervisors, the county engineer, or by the department may
21 approve claims. Approval may be evidenced by the signature of
22 the county engineer or chairperson of said the board or
23 department, or a majority of the members of the board or
24 department, on the individual claims or on the abstract of a
25 number of claims with the individual claims attached to ~~said~~
26 the abstract.

27 Sec. 5. Section 321.1, subsection 64A, Code 1997, is
28 amended to read as follows:

29 64A. "Road construction work zone" means the portion of a
30 highway which is identified by posted or moving signs as being
31 under the site of construction, maintenance, survey, or
32 utility work. The zone starts upon meeting the first sign
33 identifying the zone and continues until a posted or moving
34 sign indicates that the construction work zone has ended.

35 Sec. 6. Section 321.20, Code 1997, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. Notwithstanding contrary
3 provisions of this chapter or chapter 326 regarding titling
4 and registration by means other than electronic means, the
5 department may develop and implement a program to test the
6 feasibility of electronic applications, titling, registering,
7 and electronic funds transfer for vehicles traveling in
8 interstate commerce in order to improve the efficiency and
9 timeliness of the processes and to reduce costs for all
10 parties involved.

11 Sec. 7. Section 321.34, Code 1997, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 11A. LOVE OUR KIDS PLATES.

14 a. Upon application and payment of the proper fees, the
15 director may issue "love our kids" plates to the owner of a
16 motor vehicle subject to registration under section 321.109,
17 subsection 1, light delivery truck, panel delivery truck,
18 pickup, motor home, multipurpose vehicle, or travel trailer.

19 b. Love our kids plates shall be designed by the
20 department in cooperation with the Iowa department of public
21 health.

22 c. The special fee for letter number designated love our
23 kids plates is thirty-five dollars. The fee for personalized
24 love our kids plates is twenty-five dollars, which shall be
25 paid in addition to the special love our kids fee of thirty-
26 five dollars. The fees collected by the director under this
27 subsection shall be paid monthly to the treasurer of state and
28 credited to the road use tax fund. Notwithstanding section
29 423.24, and prior to the crediting of revenues to the road use
30 tax fund under section 423.24, subsection 1, paragraph "d",
31 the treasurer of state shall transfer monthly from those
32 revenues to the Iowa department of public health the amount of
33 the special fees collected in the previous month for the love
34 our kids plates.

35 d. Upon receipt of the special registration plates, the

1 applicant shall surrender the current registration receipt and
2 plates to the county treasurer. The county treasurer shall
3 validate the special registration plates in the same manner as
4 regular registration plates are validated under this section.
5 The annual special love our kids fee for letter number
6 designated plates is ten dollars, which shall be paid in
7 addition to the regular annual registration fee. The annual
8 fee for personalized love our kids plates is five dollars,
9 which shall be paid in addition to the annual special love our
10 kids fee and the regular annual registration fee. The annual
11 love our kids fee shall be credited as provided under
12 paragraph "c".

13 NEW SUBSECTION. 11B. MOTORCYCLE RIDER EDUCATION PLATES.

14 a. Upon application and payment of the proper fees, the
15 director may issue "motorcycle rider education" plates to the
16 owner of a motor vehicle subject to registration under section
17 321.109, subsection 1, light delivery truck, panel delivery
18 truck, pickup, motor home, multipurpose vehicle, or travel
19 trailer.

20 b. Motorcycle rider education plates shall be designed by
21 the department.

22 c. The special fee for letter number designated motorcycle
23 rider education plates is thirty-five dollars. The fee for
24 personalized motorcycle rider education plates is twenty-five
25 dollars, which shall be paid in addition to the special
26 motorcycle rider education fee of thirty-five dollars. The
27 fees collected by the director under this subsection shall be
28 paid monthly to the treasurer of state and credited to the
29 road use tax fund. Notwithstanding section 423.24, and prior
30 to the crediting of revenues to the road use tax fund under
31 section 423.24, subsection 1, paragraph "d", the treasurer of
32 state shall transfer monthly from those revenues to the
33 department for use in accordance with section 321.189,
34 subsection 9, the amount of the special fees collected in the
35 previous month for the motorcycle rider education plates.

1 d. Upon receipt of the special registration plates, the
2 applicant shall surrender the current registration receipt and
3 plates to the county treasurer. The county treasurer shall
4 validate the special registration plates in the same manner as
5 regular registration plates are validated under this section.
6 The annual special motorcycle rider education fee for letter
7 number designated plates is ten dollars, which shall be paid
8 in addition to the regular annual registration fee. The
9 annual fee for personalized motorcycle rider education plates
10 is five dollars, which shall be paid in addition to the annual
11 special motorcycle rider education fee and the regular annual
12 registration fee. The annual motorcycle rider education fee
13 shall be credited as provided under paragraph "c".

14 Sec. 8. Section 321.34, subsection 13, paragraph c, Code
15 1997, is amended to read as follows:

16 c. ~~If the~~ The department recommends approval of a proposed
17 ~~special registration plate, the department shall forward the~~
18 ~~recommendation to the committees on transportation of the~~
19 ~~general assembly by January 15 of each year shall adopt rules~~
20 pursuant to chapter 17A regarding the approval and issuance of
21 special registration plates. The proposed special
22 ~~registration plate shall not be issued unless the special~~
23 ~~registration plate is enacted into law.~~

24 Sec. 9. Section 321.34, subsection 13, Code 1997, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. d. A state agency may submit a request to
27 the department recommending a special registration plate. The
28 alternate fee for letter number designated plates is thirty-
29 five dollars with a ten dollar annual special renewal fee.
30 The fee for personalized plates is twenty-five dollars which
31 is in addition to the alternative fee of thirty-five dollars
32 with an annual personalized plate renewal fee of five dollars
33 which is in addition to the special renewal fee of ten
34 dollars. The alternate fees are in addition to the regular
35 annual registration fee. The alternate fees collected under

1 this paragraph shall be paid monthly to the treasurer of state
2 and credited to the road use tax fund. Notwithstanding
3 section 423.24 and prior to the crediting of the revenues to
4 the road use tax fund under section 423.24, subsection 1,
5 paragraph "d", the treasurer of state shall credit monthly the
6 amount of the alternate fees collected in the previous month
7 to the state agency that recommended the special registration
8 plate.

9 Sec. 10. Section 321.37, Code 1997, is amended by adding
10 the following new unnumbered paragraph after the first
11 unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Registration plates issued for a
13 motor vehicle which is model year 1948 or older, and
14 reconstructed or specially constructed vehicles built to
15 resemble a model year 1948 vehicle or older, other than a
16 truck registered for more than five tons, motorcycle or truck
17 tractor, may display one registration plate on the rear of the
18 vehicle if the other registration plate issued to the vehicle
19 is carried in the vehicle at all times when the vehicle is
20 operated on a public highway.

21 Sec. 11. Section 321.40, unnumbered paragraph 4, Code
22 1997, is amended to read as follows:

23 The county treasurer shall refuse to renew the registration
24 of a vehicle registered to a person when notified by the
25 department through the distributed teleprocessing network that
26 the person has not paid restitution as defined under section
27 910.1, subsection 4, to the a clerk of the court located
28 within ~~that-county~~ the state. Each clerk of court shall,
29 ~~subject-to-this-section-shall~~ on a daily basis, by-the-last
30 ~~day-of-each-month,~~ notify the ~~county-treasurer-of-that-county~~
31 department through the Iowa court information system of the
32 full name and social security number of all persons who owe
33 delinquent restitution and whose restitution obligation has
34 been satisfied or canceled. ~~Immediately-upon-the-cancellation~~
35 ~~or-satisfaction-of-the-restitution-the-clerk-of-court-shall~~

1 ~~notify the county treasurer if that person's name appeared on~~
2 ~~the last list furnished to the county treasurer.~~ This
3 paragraph does not apply to the transfer of a registration or
4 the issuance of a new registration. ~~The provisions of this~~
5 ~~paragraph are applicable to counties with a population of~~
6 ~~twenty-five thousand or more.~~ ~~The provisions of this~~
7 ~~paragraph shall be applicable to any county with a population~~
8 ~~of less than twenty-five thousand upon the adoption of a~~
9 ~~resolution by the county board of supervisors so providing.~~

10 Sec. 12. Section 321.166, subsection 1, Code 1997, is
11 amended by adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. Trailers with empty weights of
13 two thousand pounds or less may, upon request, be licensed
14 with regular-sized license plates.

15 Sec. 13. Section 321.166, subsection 8, Code 1997, is
16 amended to read as follows:

17 8. The owner of a trailer with an empty weight of two
18 thousand pounds or less shall receive registration plates for
19 the trailer smaller than plates regularly issued for
20 automobiles pursuant to rules adopted by the department in
21 accordance with this section unless the owner requests
22 regular-sized plates.

23 Sec. 14. Section 321.210, subsection 1, Code 1997, is
24 amended to read as follows:

25 1. The department is authorized to establish rules
26 providing for the suspension of the license of an operator
27 upon twenty thirty days' notice and without preliminary
28 hearing upon a showing by its records or other sufficient
29 evidence that the licensee:

- 30 a. Is an habitually reckless or negligent driver of a
31 motor vehicle.
32 b. Is an habitual violator of the traffic laws.
33 c. Is physically or mentally incapable of safely operating
34 a motor vehicle.
35 d. Has permitted an unlawful or fraudulent use of the

1 license.

2 e. Has committed an offense or acted in a manner in
3 another state or foreign jurisdiction which in this state
4 would be grounds for suspension or revocation.

5 f. Has committed a serious violation of the motor vehicle
6 laws of this state.

7 g. Is subject to a license suspension under section
8 321.513.

9 Prior to a suspension taking effect under paragraph "a",
10 "b", "c", "d", "e", or "f", the licensee shall have received
11 thirty days' advance notice of the effective date of the
12 suspension. Notwithstanding the terms of the Iowa
13 administrative procedure Act, chapter 17A, the filing of a
14 petition for judicial review shall, except for suspensions
15 under paragraph "c", operate to stay the suspension pending
16 the determination by the district court.

17 Sec. 15. Section 321.218, subsection 1, Code 1997, is
18 amended to read as follows:

19 1. A person whose motor vehicle license or operating
20 privilege has been denied, canceled, suspended, or revoked as
21 provided in this chapter or as provided in section 252J.8 or
22 section 901.5, subsection 10, and who operates a motor vehicle
23 upon the highways of this state while the license or privilege
24 is denied, canceled, suspended, or revoked, commits a serious
25 misdemeanor.

26 Sec. 16. Section 321.233, Code 1997, is amended to read as
27 follows:

28 321.233 ROAD WORKERS EXEMPTED.

29 This chapter, except sections 321.277 and 321.280, does not
30 apply to persons and motor vehicles and other equipment while
31 actually engaged in work upon the surface of a highway
32 officially closed to traffic but does apply to such persons
33 and vehicles when traveling to or from such work. The minimum
34 speed restriction of section 321.285, subsection 6, and the
35 provisions of sections 321.297, and 321.298, and 321.323 do

1 not apply to road workers operating maintenance equipment
2 ~~owned-by-or-under-lease-to~~ on behalf of any state or local
3 authority while engaged in road maintenance, road blading,
4 snow and ice control and removal, and granular resurfacing
5 work on a highway, whether or not the highway is closed to
6 traffic.

7 Sec. 17. Section 321.253, unnumbered paragraph 2, Code
8 1997, is amended to read as follows:

9 The department shall post signs informing motorists that
10 the scheduled fine for committing a moving traffic violation
11 in a road construction work zone is doubled ~~or-is-one-hundred~~
12 ~~dollars,-whichever-is-less.~~

13 Sec. 18. Section 321.288, subsection 6, Code 1997, is
14 amended to read as follows:

15 6. When approaching and passing through a sign posted
16 ~~construction-or-maintenance~~ road work zone upon the public
17 highway.

18 Sec. 19. Section 321.445, subsection 2, paragraph e, Code
19 1997, is amended to read as follows:

20 e. A person possessing a written certification from a
21 physician health care provider licensed under chapter 148,
22 150, 150A, or 151 on a form provided by the department that
23 the person is unable to wear a safety belt or safety harness
24 due to physical or medical reasons. The certification shall
25 specify the time period for which the exemption applies. The
26 time period shall not exceed twelve months, at which time a
27 new certification may be issued unless the certifying
28 physician health care provider is from a United States
29 military facility, in which case the certificate may specify a
30 longer period of time or a permanent exemption.

31 Sec. 20. Section 321.463, Code 1997, is amended by adding
32 the following new unnumbered paragraph after unnumbered
33 paragraph 3:

34 NEW UNNUMBERED PARAGRAPH. Machinery defined in section
35 321.1, subsection 32, paragraph "f", shall be operated in

1 compliance with this section. However, machinery used
2 exclusively for mixing and dispensing nutrients to bovine
3 animals at feedlots is not required to comply with section
4 321.463 until July 1, 1999.

5 Sec. 21. Section 321.491, unnumbered paragraph 2, Code
6 1997, is amended to read as follows:

7 Within ten days after the conviction or forfeiture of bail
8 of a person upon a charge of violating any provision of this
9 chapter or other law regulating the operation of vehicles on
10 highways every magistrate of the court or clerk of the
11 district court of record in which the conviction occurred or
12 bail was forfeited shall prepare and immediately forward to
13 the department an abstract of the record of the case. The
14 abstract must be certified by the person preparing it to be
15 true and correct. The clerk of the district court shall
16 collect a fee of fifty cents for each copy of any record of
17 conviction or forfeiture of bail furnished to any requestor
18 except the department or other local, state, or federal
19 government entity. Moneys collected under this section shall
20 be transferred to the department as a repayment receipt, as
21 defined in section 8.2, to enhance the efficiency of the
22 department to process records and information between the
23 department and the Iowa court information system.

24 Sec. 22. Section 321.555, subsection 1, Code 1997, is
25 amended by adding the following new paragraphs:

26 NEW PARAGRAPH. g. Eluding or attempting to elude a
27 pursuing law enforcement vehicle in violation of section
28 321.279.

29 NEW PARAGRAPH. h. Serious injury by a vehicle in
30 violation of section 707.6A, subsection 3.

31 Sec. 23. Section 321E.8, subsection 4, Code 1997, is
32 amended by striking the subsection.

33 Sec. 24. Section 321E.9, subsection 2, Code 1997, is
34 amended to read as follows:

35 2. Vehicles with indivisible loads exceeding the width,

1 length, and total gross weight provided in subsection 1, may
2 be moved in special or emergency situations, provided the
3 permitting authority has reviewed the route and has approved
4 the movement of the vehicle and load. ~~The vehicle and load~~
5 ~~shall be accompanied by an escort as required by rules adopted~~
6 ~~pursuant to chapter 17A.~~ The issuing authority may impose any
7 special restrictions as deemed necessary on movements or
8 exempt movements from the restrictions of section 321E.11 by
9 permit under this subsection.

10 Sec. 25. Section 321E.9, subsection 3, Code 1997, is
11 amended by striking the subsection.

12 Sec. 26. NEW SECTION. 321E.34 ESCORT REQUIREMENTS.

13 1. An operator of an escort vehicle, serving as an escort
14 in the movement of vehicles and loads of excess size and
15 weight under permits required by this chapter shall have a
16 motor vehicle license as defined in section 321.1 valid for
17 the operation of the escort vehicle.

18 2. Vehicles under permit, the width of which, including
19 any load, exceeds that prescribed in section 321.454 but does
20 not exceed fourteen feet six inches including appurtenances,
21 may be moved on two-lane highways of this state without an
22 escort if the highway being traversed has a minimum lane width
23 of twelve feet and a sufficient shoulder width and if an amber
24 revolving light or strobe light is displayed on the power unit
25 and on the rear extremity of the vehicle or load. In
26 addition, vehicles moving under permit, including any load,
27 with an overall width not exceeding sixteen feet six inches
28 may be moved on an interstate or four-lane highway of this
29 state without an escort if an amber revolving light or strobe
30 light is displayed on the power unit and on the rear extremity
31 of the vehicle or load.

32 3. The department shall adopt rules pursuant to chapter
33 17A for all escort requirements other than those exempted in
34 subsection 2. The rules shall include escorting requirements
35 for annual permits, single-trip permits, multitrip permits,

1 special or emergency situations, length, height, and weight.

2 Sec. 27. Section 321J.13, subsection 3, Code 1997, is
3 amended to read as follows:

4 3. After the hearing the department shall order that the
5 revocation be either rescinded or sustained. Upon receipt of
6 the decision of the department to sustain a revocation, the
7 person contesting the revocation has ten days to file a
8 request for review of the decision by the director. The
9 director or the director's designee shall review the decision
10 within ~~fifteen~~ thirty days and shall either rescind or sustain
11 the revocation or order a new hearing. If the director orders
12 a new hearing, the department shall grant the person a new
13 hearing within twenty days of the director's order.

14 Sec. 28. Section 321J.13, subsection 4, Code 1997, is
15 amended by striking the subsection.

16 Sec. 29. NEW SECTION. 325A.1 DEFINITIONS.

17 As used in this chapter:

18 1. "Department" means the state department of
19 transportation.

20 2. "Highway" means a street, road, bridge, or thoroughfare
21 of any kind in this state.

22 3. "Interstate motor carrier number" means a United States
23 department of transportation number or motor carrier number
24 issued by the federal highway administration.

25 4. "Intrastate" means a movement of property or passengers
26 from one location to another within this state. "Intrastate"
27 does not include transportation of property or passengers
28 which is a furtherance of an interstate movement.

29 5. "Motor carrier" means a person defined in subsection 7,
30 8, or 9.

31 6. "Motor carrier certificate" means a certificate issued
32 by the department to any person transporting passengers on any
33 highway of this state for hire. This certificate is
34 transferable.

35 7. "Motor carrier of household goods" means a person

1 engaged in the transportation, for hire, of personal effects
2 and property used or to be used in a dwelling, and includes
3 the following:

4 a. Furniture, fixtures, equipment and the property of
5 stores, offices, museums, institutions, hospitals, or other
6 establishments when a part of the stock, equipment, or supply
7 of such establishment; except, this paragraph shall not be
8 construed to include the stock-in-trade of any establishment,
9 except when transported as an incident to the removal of the
10 establishment from one location to another.

11 b. Articles including objects of art, displays, and
12 exhibits, which because of their unusual nature or value,
13 require the specialized handling and equipment usually
14 employed in moving household goods.

15 8. "Motor carrier of liquid commodities" means a person
16 engaged in the transportation, for hire, of liquid commodities
17 or compressed gases in bulk upon any highway in this state.

18 9. "Motor carrier of property" means a person engaged in
19 the transportation, for hire, of property by motor vehicle.

20 10. "Motor carrier permit" means a permit issued by the
21 department to any person operating any motor vehicle on any
22 highway of this state to transport property for hire. A motor
23 carrier permit is not transferable unless it was issued to a
24 motor carrier of household goods.

25 11. "Motor vehicle" means an automobile, motor truck,
26 truck tractor, road tractor, motor bus, or other self-
27 propelled vehicle, or a trailer, semitrailer, or other device
28 used in connection with the transportation of property or
29 passengers. "Motor vehicle" does not include a motor vehicle
30 owned by a school district or used exclusively in conveying
31 school children to and from school or school activities.

32 12. "Private carrier" means a person who provides
33 transportation of property or passengers by motor vehicle, is
34 not a for-hire motor carrier, or transports commodities of
35 which the person is the owner, lessee, or bailee and the

1 transportation is a furtherance of the person's primary
2 business or occupation.

3 13. "Transportation for-hire" means all transportation of
4 property or passengers made available by a person for
5 compensation.

6 Sec. 30. NEW SECTION. 325A.2 DUTIES OF DEPARTMENT.

7 The department shall do all of the following:

8 1. Prescribe and enforce safety and financial
9 responsibility regulations for motor carriers and require the
10 filing of reports regarding safety and financial
11 responsibility.

12 2. Approve a tariff for motor carriers of household goods.

13 3. Issue, amend, suspend, or revoke motor carrier permits
14 and certificates.

15 Sec. 31. NEW SECTION. 325A.3 APPLICATION AND ISSUANCE OF
16 PERMIT OR CERTIFICATE.

17 1. Upon the filing of an application by a motor carrier
18 and compliance with the terms and conditions of this chapter,
19 the department shall issue to the applicant a permit or
20 certificate. The actual operation by a motor carrier of a
21 motor vehicle shall not begin without the permit or
22 certificate being issued by the department.

23 2. All applications shall be in writing and contain the
24 following:

25 a. The name and tax identification number of the person
26 making the application.

27 b. The applicant's principal place of business.

28 c. The type of permit or certificate being requested.

29 d. A signed statement agreeing to comply with all
30 applicable safety regulations as prescribed by the department.

31 e. A copy of all existing tariffs provided to the
32 department for approval by motor carriers of household goods.

33 f. A financial statement completed by motor carriers of
34 liquid commodities or passengers from which the department can
35 determine the financial fitness of the applicant to engage in

1 the transport of liquid commodities or passengers.

2 g. A sponsor certification of support statement provided
3 by charter carriers establishing a need for the proposed
4 service.

5 h. A verification of liability and property damage
6 insurance coverage as required in section 325A.6, in a form
7 prescribed by the department.

8 3. The provisions of subsection 2, paragraph "f" and
9 subsection 4, shall not apply to the transportation of dairy
10 products.

11 4. Motor carriers of liquid commodities or passengers
12 shall complete a motor carrier safety education seminar
13 provided by or approved by the department. This seminar must
14 be completed within six months of the permit or certificate
15 issuance.

16 Sec. 32. NEW SECTION. 325A.4 FEES.

17 1. The department shall charge the following fees:

18 a. One hundred fifty dollars for a new application.

19 b. One hundred fifty dollars for a reinstatement.

20 c. Twenty-five dollars to change an address or name.

21 d. Ten dollars for tariff updates.

22 e. One hundred fifty dollars to transfer a passenger
23 certificate.

24 f. Twenty-five dollars for a duplicate permit or
25 certificate.

26 2. Changes in ownership of motor carrier permits require a
27 new application and the new application fee of one hundred
28 fifty dollars shall be assessed.

29 3. The department shall collect a fee of two hundred
30 dollars to cover the cost of the motor carrier safety
31 education seminar.

32 Sec. 33. NEW SECTION. 325A.5 FEES -- CREDITED TO ROAD
33 USE TAX FUND -- SEMINAR RECEIPTS.

34 All fees received for applications and permits or
35 certificates under this chapter shall be remitted to the

1 treasurer of state and credited to the road use tax fund. All
2 fees collected for the motor carrier safety education seminar
3 shall be considered a repayment receipt as defined in section
4 8.2, and shall be remitted to the department to be used to pay
5 for the seminars.

6 Sec. 34. NEW SECTION. 325A.6 INSURANCE.

7 All motor carriers subject to this chapter shall have
8 minimum insurance coverage which meets the limits established
9 in the federal motor carrier safety regulations in 49 C.F.R.
10 ch. 387.

11 Sec. 35. NEW SECTION. 325A.7 CHARGES.

12 All charges filed under the tariff by any motor carrier of
13 household goods for any service shall be just, reasonable, and
14 nondiscriminating and every unjust, unreasonable, or
15 discriminating charge for such service or any part thereof is
16 prohibited and declared unlawful.

17 Sec. 36. NEW SECTION. 325A.8 REQUIRED MARKING.

18 The motor carrier shall attach distinctive markings or tags
19 to each motor vehicle. If a motor vehicle has both an
20 interstate and intrastate motor carrier number, only the
21 interstate motor carrier number must be displayed.

22 If a motor carrier is renting a vehicle on a daily basis, a
23 copy of the lease must be carried in the vehicle. Violation
24 of this section is a scheduled violation subject to the fine
25 provided in section 805.8, subsection 2, paragraph "ad".

26 Sec. 37. NEW SECTION. 325A.9 ADVERTISING.

27 An advertisement to the general public concerning for-hire
28 transportation must include the permit or motor carrier
29 certificate number issued under this chapter.

30 Sec. 38. NEW SECTION. 325A.10 RULES FOR OPERATION.

31 The department shall adopt rules pursuant to chapter 17A as
32 necessary to govern and control the operation, maintenance,
33 and inspection of vehicles covered by this chapter upon the
34 highways.

35 Sec. 39. NEW SECTION. 325A.11 PASSENGER TRANSPORTATION.

1 In addition to the requirements of subchapter 1, motor
2 carriers of passengers and charter carriers shall comply with
3 the requirements of this subchapter.

4 Sec. 40. NEW SECTION. 325A.12 DEFINITIONS.

5 As used in this subchapter:

6 1. "Car pool" means transportation of a group of at least
7 two riders in a motor vehicle having a seating capacity of not
8 more than eight passengers between a rider's, owner's, or
9 operator's residence or other designated location and a
10 rider's, owner's, or operator's place of employment or other
11 common destination of the group, if the motor vehicle is
12 driven by one of the members of the group.

13 2. "Charter" means an agreement whereby the owner of a
14 motor vehicle lets the motor vehicle to a group of persons as
15 one party for a specified sum and for a specified act of
16 transportation at a specified time and over an irregular
17 route.

18 3. "Charter carrier" means a person engaged in the
19 business of transporting the public by motor vehicle under
20 charter. "Charter carrier" does not include any of the
21 following:

22 a. Taxicabs with a seating capacity of not more than eight
23 passengers, or persons having a license, contract, or
24 franchise with an Iowa city to carry or transport passengers
25 for-hire while operating within the guidelines of the license,
26 contract, or franchise.

27 b. A city engaged in the business of carrying or
28 transporting passengers for-hire over regular routes.

29 c. School bus operators when engaged in transportation
30 involving any school activity.

31 d. A regular-route motor carrier of passengers.

32 4. "Regional transit system" means a public transit system
33 serving one county or all or part of a multicounty area whose
34 boundaries correspond to the same boundaries as those of the
35 regional planning areas designated by the governor except as

1 agreed upon by the county or the department. Each county
2 board of supervisors within the region is responsible for
3 determining the service and funding within its county.

4 However, the administration and overhead support services for
5 the overall regional transit system shall be consolidated into
6 one existing or new agency to be mutually agreed upon by the
7 participating members. Privately chartered bus services and
8 uses other than providing services that are open and public on
9 a shared-ride basis shall not be construed to be a regional
10 transit system.

11 5. "Regular-route motor carrier of passengers" means a
12 person engaged in the for-hire transportation of passengers by
13 motor vehicle over regular routes by scheduled service and
14 available to the general public.

15 6. "Van pool" means transportation of a group of riders in
16 a vehicle having a seating capacity of not less than eight
17 passengers and not more than fifteen passengers between a
18 rider's, owner's, or operator's residence or other designated
19 location and a rider's, owner's, or operator's place of
20 employment or other common destination of the group, if the
21 vehicle is driven by one of the members of the group.

22 Sec. 41. NEW SECTION. 325A.13 CERTIFICATE OF CONVENIENCE
23 AND NECESSITY AND REGULAR-ROUTE PASSENGER CERTIFICATE.

24 1. It is unlawful for a charter carrier to transport
25 passengers by motor vehicle for hire from any point or place
26 in this state to another place in this state irrespective of
27 the route or highway traversed, without first having obtained
28 from the department a certificate declaring that public
29 convenience and necessity require the operation.

30 2. a. It is unlawful for a regular-route motor carrier of
31 passengers to transport passengers for-hire upon the highways
32 of this state in intrastate commerce without first having
33 obtained from the department a regular-route passenger
34 certificate. The department shall issue a regular-route
35 passenger certificate without hearing, if the department finds

1 that the applicant is fit, willing, and able.

2 b. In determining whether a regular-route motor carrier of
3 passengers is fit, willing, and able, the department shall
4 only consider the applicant's compliance with safety,
5 financial fitness, and insurance requirements.

6 c. A regular-route passenger certificate authorizing the
7 transportation of passengers includes the authority to
8 transport newspapers, baggage of passengers, express packages,
9 or mail in the same motor vehicle with passengers.

10 d. A regular-route motor carrier of passengers holding a
11 regular-route passenger certificate may at any time commence
12 scheduled service over any regular route from any point or
13 place in this state to another place in this state
14 irrespective of the route or highway traversed and may at any
15 time discontinue any part of its regular-route service.

16 e. A regular-route motor carrier of passengers granted a
17 certificate prior to the effective date of this Act, which
18 authorized motor carrier passenger operations, may continue to
19 provide motor carrier passenger service with all rights and
20 privileges granted by a regular-route passenger certificate
21 issued under this section.

22 f. A regular-route motor carrier of passengers shall not
23 operate as a charter carrier in this state unless it possesses
24 a certificate of convenience and necessity to engage in the
25 business of a charter carrier.

26 g. An Iowa urban transit system as defined in section
27 452A.57, subsection 6, may operate within the metropolitan
28 area which it serves and between its service area and another
29 city which is located not more than ten miles from its service
30 area without obtaining a regular-route passenger certificate
31 if the other city is not served by another motor carrier of
32 passengers operating under a regular-route passenger
33 certificate.

34 3. A motor carrier providing primarily passenger service
35 for elderly, handicapped, and other transportation-

1 disadvantaged persons is exempt from the certification
2 requirements of this section if it satisfies all of the
3 following requirements:

4 a. The motor carrier is not a corporation organized for-
5 profit under the laws of Iowa or any other state or the motor
6 carrier is a governmental organization.

7 b. The motor carrier received or receives operating funds
8 from federal, state, or local government sources.

9 c. The motor carrier does not duplicate a transportation
10 service provided by a motor carrier issued a regular-route
11 passenger certificate.

12 4. A person operating a motor vehicle in a car pool or van
13 pool is exempt from the requirement of this chapter.

14 5. Except for a person operating a car pool or van pool,
15 each motor carrier exempt from the requirement for obtaining a
16 certificate under this section shall obtain a nontransferable
17 permit from the department. Such motor carriers shall comply
18 with all safety, insurance, and other rules of the department
19 pertaining to a publicly funded transit system.

20 Sec. 42. NEW SECTION. 325A.15 APPLICATION FOR
21 CERTIFICATE.

22 All applications for a charter carrier or regular-route
23 passenger certificate shall be in writing and, in addition to
24 any other information required by this chapter, shall contain
25 all of the following:

26 1. A complete description of the area in which the
27 applicant proposes to operate.

28 2. An applicant for a regular-route passenger certificate,
29 in lieu of the information required by subsection 1, shall
30 indicate that statewide regular-route passenger authority is
31 being sought.

32 Sec. 43. NEW SECTION. 325A.16 PROTESTS AGAINST
33 APPLICATIONS.

34 1. Upon the filing of the application, the department
35 shall publish a notice to the citizens of each county in which

1 the proposed motor carrier passenger service will be rendered.
2 The notice shall be published once in a newspaper of general
3 circulation in each county.

4 2. Any person, city, or county whose rights or interests
5 may be affected may file written objections to the proposed
6 service with the department.

7 3. An objection filed against the granting of an
8 application shall state specifically the grounds upon which it
9 is made and contain a concise statement of the interest of the
10 person filing the objection in the proceeding.

11 4. An objection shall be filed with the department not
12 later than thirty days from the date of the publication of
13 notice.

14 5. Upon receipt of an objection complying with subsection
15 3, the department shall request the department of inspections
16 and appeals to set the matter for hearing not less than ten
17 days following the expiration of the time in which objections
18 may be made. The department of inspections and appeals shall
19 give notice to all persons who have filed objections of the
20 time and place of the hearing.

21 6. This section applies to all intrastate motor carriers
22 of passengers except regular-route motor carriers of
23 passengers.

24 Sec. 44. NEW SECTION. 325A.17 RULES OF PROCEDURE.

25 The department shall adopt rules pursuant to chapter 17A
26 establishing the procedure to be followed in the filing of
27 applications for a motor carrier passenger certificate and the
28 department of inspections and appeals shall adopt rules
29 pursuant to chapter 17A for the conduct of hearings regarding
30 objections by other persons to the issuance of a motor carrier
31 certificate to an applicant.

32 Sec. 45. NEW SECTION. 325A.18 UNCONTESTED CASE
33 PROCEDURE.

34 If an objection is not filed, the department shall consider
35 the application and any relevant evidence in determining

1 whether to grant the certificate requested in the application.

2 Sec. 46. NEW SECTION. 325A.19 GRANTING APPLICATION --
3 RESTRICTIONS.

4 The department may grant the application in whole or in
5 part upon terms and restrictions established by the
6 department. However, no condition or restriction on a
7 regular-route passenger certificate shall be established, and
8 all regular-route passenger certificates shall grant statewide
9 regular-route passenger authority. The actual operation shall
10 not begin without a written statement of approval from the
11 department to the effect that the applicant has complied with
12 applicable safety provisions.

13 If a certificate is granted to a charter carrier, the
14 department may attach to the exercise of the rights conferred
15 by the certificate such terms and conditions as in its
16 judgment the public convenience and necessity require.

17 Sec. 47. NEW SECTION. 325A.20 EXPENSE OF HEARING.

18 The applicant and any persons objecting to the granting of
19 a certificate to the applicant shall split equally and pay all
20 the costs of the hearing before the application is granted.
21 The department of inspections and appeals shall establish
22 appropriate fees which shall be paid to the department of
23 inspections and appeals.

24 Sec. 48. NEW SECTION. 325A.21 REVIEW.

25 A decision of the department of inspections and appeals is
26 subject to review by the state department of transportation.
27 Judicial review of the decisions and actions of the state
28 department of transportation may be sought in accordance with
29 chapter 17A. A petitioner shall file with the clerk of the
30 district court a bond for costs in the sum of not less than
31 five hundred dollars.

32 Sec. 49. NEW SECTION. 325A.22 TRANSFER OF CERTIFICATE.

33 1. A certificate of convenience and necessity shall not be
34 sold, transferred, leased, or assigned and a contract or
35 agreement with reference to or affecting a certificate shall

1 not be entered into without the written approval of the
2 department. The department may request the department of
3 inspections and appeals to hold a hearing regarding the
4 transfer of the certificate. The state department of
5 transportation shall approve the sale, transfer, lease, or
6 assignment upon a finding by the department of inspections and
7 appeals that there has been continuous service under the
8 certificate for at least ninety days prior to the transfer,
9 that the transferee is fit, willing, and able to perform the
10 operations authorized by the certificate, and that the
11 transfer is consistent with the public interest. Pending
12 determination of an application filed with the department for
13 approval of a sale, transfer, lease, or assignment, the
14 department may grant temporary approval of the proposed
15 operation upon a finding of good cause.

16 2. A regular-route passenger certificate shall not be
17 sold, transferred, leased, or assigned without the approval of
18 the department. The department shall approve the sale,
19 transfer, lease, or assignment if the person obtaining or
20 seeking to obtain ownership or control of a certificate is
21 found to be fit, willing, and able to perform the service
22 proposed. In determining the fitness of the person seeking
23 transfer of the certificate, the department shall consider
24 only the person's compliance with safety, financial fitness,
25 and insurance requirements.

26 Sec. 50. NEW SECTION. 325A.23 RIDING ON OUTSIDE PART.

27 Passengers shall not ride on the running boards, fenders,
28 or on any other outside part of passenger-carrying motor
29 vehicles.

30 Sec. 51. NEW SECTION. 325A.24 AMEND, SUSPEND, OR REVOKE
31 PERMIT OR CERTIFICATE.

32 The department may, in addition to other penalties, revoke
33 or suspend the permit or certificate of a motor carrier for a
34 violation of this chapter or a rule adopted under this
35 chapter. For flagrant or persistent violations of safety or

1 hazardous materials rules by the holder of a permit or
2 certificate or the holder's agent, the department may suspend
3 the permit or certificate of necessity until the rules adopted
4 by the department are complied with, or the department may
5 revoke the permit or certificate for continued noncompliance.

6 Sec. 52. NEW SECTION. 325A.25 SCHEDULED FINES --
7 PENALTY.

8 A person who violates this chapter or a rule adopted
9 pursuant to this chapter for which a penalty is not otherwise
10 established, or who aids or abets a person in a failure to
11 comply with this chapter or a rule adopted pursuant to this
12 chapter, is subject to the fine provided in section 805.8,
13 subsection 2, paragraph "ad".

14 Sec. 53. NEW SECTION. 325A.26 CERTIFICATES PRIOR TO
15 JANUARY 1, 1998.

16 1. A certificate or permit, or both, which was issued
17 under chapter 325, before January 1, 1998, and which
18 authorized a person to transport property in intrastate
19 commerce by motor vehicle as a common carrier or contract
20 carrier, or both, is void. However, to the extent a
21 certificate or permit, or portion of a certificate or permit,
22 authorized a person to transport household goods over
23 irregular routes or passengers in intrastate commerce, this
24 subsection does not apply.

25 2. A person who owned a certificate or permit, or both,
26 that was a valid certificate or permit, or both, on December
27 31, 1997, is deemed to have a valid certificate or permit,
28 unless the person's certificate or permit has been suspended,
29 revoked, or transferred to another person as provided by law.
30 A person deemed to have a valid certificate or permit under
31 this subsection is not required to file an application
32 pursuant to section 325A.3 to continue providing intrastate
33 transportation, but rather, upon such person's compliance with
34 the requirements of section 325A.3, subsection 2, the person
35 is deemed to have a valid certificate or permit in force as

1 required pursuant to section 325A.3, subsection 1, authorizing
2 the person to transport property except household goods in
3 intrastate commerce on the public highways, unless the
4 person's certificate or permit is suspended, revoked, or
5 transferred to another person as provided by law. Within a
6 reasonable time after January 1, 1998, the department shall
7 issue certificates or permits to all persons who are deemed to
8 be qualified under this subsection.

9 Sec. 54. Section 422.45, Code 1997, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 7A. The refund of sales and use tax paid
12 on transportation construction projects let by the state
13 department of transportation are subject to the special
14 provisions of this subsection.

15 a. A contractor awarded a contract for a transportation
16 construction project is considered the consumer of all
17 building materials, building supplies and equipment and shall
18 pay sales tax to the supplier or remit consumer use tax
19 directly to the department.

20 b. The contractor is not required to file information with
21 the department of transportation stating the amount of goods,
22 wares, or merchandise, or services rendered, furnished, or
23 performed and used in the performance of the contract or the
24 amount of sales or use tax paid.

25 c. The department of transportation shall file a refund
26 claim based on a formula that considers the following:

27 (1) The quantity of material to complete the contract, and
28 quantities of items of work.

29 (2) The estimated cost of these materials included in the
30 items of work, and the state sales or use tax to be paid on
31 the tax rate in effect in section 422.43.

32 The quantity of materials shall be determined after each
33 letting based on the contract quantities of all items of work
34 let to contract. The quantity of individual component
35 materials required for each item shall be determined and

1 maintained in a database. The total quantities of materials
2 shall be determined by multiplying the quantities of component
3 materials for each contract item of work by the total
4 quantities of each contract item for each letting. Where
5 variances exist in the cost of materials, the lowest cost
6 shall be used as the base cost.

7 d. Only the state sales or use tax is refundable. Local
8 option taxes paid by the contractor are not refundable.

9 Sec. 55. Section 805.8, subsection 2, Code 1997, is
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. ad. For violation of section 325A.8, the
12 scheduled fine is fifty dollars. For violation of chapter
13 325A, other than a violation of section 325A.8, the scheduled
14 fine is two hundred fifty dollars.

15 Sec. 56. Section 805.8, subsection 2A, Code 1997, is
16 amended to read as follows:

17 2A. MOVING TRAFFIC VIOLATIONS -- CONSTRUCTION ROAD WORK
18 ZONES. The scheduled fine for any moving traffic violations
19 under chapter 321 as provided in this section shall be doubled
20 ~~or shall be set at one hundred dollars, whichever is less,~~ if
21 the violation occurs within any road construction work zone,
22 as defined in section 321.1.

23 Sec. 57.

24 1. Chapters 325, 327, and 327A, Code 1997, are repealed.

25 2. Section 321E.26, Code 1997, is repealed.

26 Sec. 58. EFFECTIVE AND IMPLEMENTATION DATES. Sections 11,
27 29 through 53, 55, and 57, subsection 1, of this Act take
28 effect January 1, 1998.

29 EXPLANATION

30 This bill makes changes to statutory provisions relating to
31 the state department of transportation.

32 Code chapters 306B and 306C regarding the regulation of
33 advertising devices along roads are amended to provide that
34 the department is to adopt rules regarding the regulation of
35 certain signs along interstate highways and in the areas

1 adjacent to other roads. The rules shall also contain a fee
2 schedule for signs beginning January 1, 1999. For the
3 remainder of 1997 and 1998, the bill establishes renewal fees
4 for signs as follows:

- 5 1. For signs up to 375 square feet in area, \$15.
- 6 2. For signs 376 to 999 square feet in area, \$25.
- 7 3. For signs 1,000 square feet and over, \$50.

8 Code section 310.18 is amended to authorize the county
9 engineer to approve progress payments on farm-to-market road
10 projects. Currently, only the board of supervisors and the
11 department may approve progress payments.

12 The term "road construction zone" in Code section 321.1,
13 subsection 64A, is changed to "road work zone" and defined as
14 the portion of a highway which is identified as the site of
15 construction, maintenance, survey, or utility work.

16 Code section 321.20, regarding the process for applying for
17 a certificate of title and registration, is amended to
18 authorize the department to undertake a program to utilize
19 electronic means for applying for titles for vehicles
20 traveling in interstate commerce, including the use of
21 electronic funds transfers.

22 Code section 321.34, regarding special license plates, is
23 amended to authorize the department to issue love our kids and
24 motorcycle rider education special plates. The fee for each
25 is \$35. Proceeds from the love our kids plates are
26 distributed to the Iowa department of public health and
27 proceeds from the motorcycle rider education plates are
28 distributed to the motorcycle rider education fund. Section
29 321.34 is also amended to add a provision allowing an agency
30 of the state which requests a special plate to request that an
31 alternate fee of \$35 be assessed in lieu of the regular
32 special fee with the proceeds from the alternate fee being
33 credited by the treasurer of state to the agency.

34 Code section 321.34 is also amended to require the
35 department to adopt administrative rules regarding the

1 issuance of special license plates. Currently, special plates
2 are issued only after the department recommends the plates be
3 approved and the plates are enacted into law.

4 Code section 321.37, regarding the display of license
5 plates, has a provision added authorizing the owners of
6 vehicles which are 1948 model year vehicles or older or
7 vehicles rebuilt to resemble street rods of 1948 or older
8 vintage to mount only the rear license plate and carry the
9 front plate in the vehicle.

10 Code section 321.40 is amended to provide that all county
11 treasurers shall refuse to renew the vehicle registrations of
12 persons who owe delinquent restitution anywhere in the state.
13 Currently, registration is only refused in counties which have
14 populations of 25,000 or more or which have agreed to do so by
15 resolution. Restitution includes any delinquent fine,
16 penalty, surcharge, victim restitution, or other restitution
17 under section 910.1, subsection 4. The bill provides for
18 daily notification of persons who owe restitution by clerks of
19 court to the department through the Iowa court information
20 system and for notification to the county treasurers by the
21 department through the distributed teleprocessing network.
22 This provision takes effect on January 1, 1998.

23 Code section 321.166 is amended to provide that owners of
24 trailers with an empty weight of 2,000 pounds or less may
25 request regular-sized license plates instead of smaller plates
26 for their trailers.

27 Code section 321.210 is amended to increase from 20 days to
28 30 days the notice required to a motor vehicle operator before
29 the operator's license may be suspended for habitually
30 reckless operation, being a habitual violator, or other
31 reasons. The section is also amended to provide that filing a
32 petition for judicial review under the Iowa administrative
33 procedure Act (chapter 17A) does not stay a suspension for
34 being physically or mentally incapable of safely operating a
35 motor vehicle.

1 Code section 321.218 is amended to apply the serious
2 misdemeanor penalty applicable to a person who is found to
3 have driven while the person's license is suspended or revoked
4 under Code chapter 321 to a person found to have driven while
5 the person's license is revoked as part of the sentence for
6 conviction of a drug offense.

7 The bill amends the exemption for road workers from most
8 provisions of Code chapter 321 contained in Code section
9 321.233 to apply when the worker is operating equipment on
10 behalf of a state or local authority. Currently, the
11 equipment must be owned by or under lease to the state or
12 local authority.

13 Code section 321.253 is amended to conform to the change in
14 the definition of road work zone and to eliminate the
15 reference to the \$100 limitation on doubled fines for moving
16 violations in road work zones.

17 Code section 321.288 is amended to use the new term "road
18 work zones".

19 The bill provides that implements of husbandry must be
20 operated within the weight requirements of section 321.463
21 except for certain cattle feeding machinery, which need not
22 meet the requirements of section 321.463 until July 1, 1999.

23 Code section 321.445, regarding the wearing of safety belts
24 in motor vehicles, is amended to provide that chiropractors
25 may certify that a person is unable to wear a safety belt.

26 Code section 321.491 is amended to provide that the clerk
27 of the district court shall charge a fee of 50 cents for
28 copies of records of conviction of a provision of Code chapter
29 321 or other motor vehicle operation law. The fee is to be
30 credited to the department to enhance the department's ability
31 to process and transfer information between the Iowa court
32 information system.

33 The definition of habitual offender in Code section 321.555
34 is amended to include the offenses of eluding or attempting to
35 elude a pursuing law enforcement vehicle and serious injury by

1 a vehicle.

2 Code chapter 321E is amended to consolidate references to
3 escort vehicles in new section 321E.34. Vehicles up to 14
4 feet, six inches in width may be moved on two lane roads which
5 have a minimum lane width of 12 feet and sufficient shoulder
6 space. Vehicles up to 16 feet, six inches may be moved on
7 four-lane highways without escort. The department is directed
8 to adopt rules regarding the operation of escort vehicles.

9 Code section 321J.13 is amended to extend from 15 days to
10 30 days the time period for the director, upon request, to
11 review a license revocation decision and either rescind or
12 suspend the decision. Subsection 4 of this Code section,
13 providing for the reopening of a revocation hearing on the
14 grounds of newly discovered evidence, or a decision in favor
15 of the defendant in the related criminal case is stricken.

16 The bill repeals Code chapters 325 (certificated carriers),
17 327 (truck operators), and 327A (liquid transport carriers)
18 and replaces them with new Code chapter 325A regarding
19 intrastate motor carrier regulation. Persons subject to
20 regulation under Code chapter 325A include intrastate for-hire
21 motor carriers of goods, liquids, and passengers.

22 The bill provides that the department of transportation is
23 responsible for safety and financial responsibility
24 regulations, tariff approval, and permit or certificate
25 issuance or revocation for intrastate carriers. The
26 department is no longer responsible for regulating matters
27 which are under federal regulation, such as insurance
28 coverage, rates, routes, and services.

29 Motor carriers of liquids or passengers are required by
30 Code chapter 325A to complete a safety education seminar
31 within six months of being issued a permit or certificate.
32 The bill provides for the department to charge a \$200 fee for
33 the seminar which may be provided by a third party approved by
34 the department.

35 The bill also establishes the following fees: \$150 for a

1 new application, to reinstate a permit or certificate, to
2 transfer a passenger certificate, or to change ownership of a
3 motor carrier permit or certificate; \$25 to change an address
4 or name or issue a duplicate permit or certificate; and \$10 to
5 update a tariff. Fees are to be credited to the road use tax
6 fund, except for seminar fees, which are credited to the
7 department to cover the costs of the seminars.

8 The bill provides for scheduled fines of \$50 for violations
9 of marking requirements and \$250 for any other violation of
10 Code chapter 325A, such as unlawful tariffs or failure to have
11 a required permit or certificate.

12 The bill provides for the transition from the current
13 regulation to regulation under Code chapter 325A. Permits or
14 certificates issued before January 1, 1998, are voided January
15 1, 1998, except insofar as the permit or certificate allows
16 the person holding the permit or certificate to transport
17 goods or passengers in intrastate commerce. The department is
18 required to issue new permits or certificates to persons
19 holding permits or certificates on December 31, 1997.

20 The bill maintains the current system where the department
21 of inspections and appeals hears protests by third parties
22 against the issuance of a permit or certificate to an
23 applicant, with review of the hearing decision by the state
24 department of transportation and judicial review pursuant to
25 Code chapter 17A.

26 Code section 422.45, regarding sales and use tax, is
27 amended to include special provisions regarding the refund of
28 sales and use tax paid on Iowa department of transportation
29 construction projects. Under the provision, a contractor is
30 considered the consumer of materials, supplies, and equipment
31 and must pay sales or use taxes directly to the department.
32 Contractors are not, however, required to file information
33 with the department regarding the amount of goods,
34 merchandise, or services rendered, furnished, or performed.
35 The department will file for the sales or use tax refund based

1 upon a formula that must include consideration of the quantity
2 of material and items of work necessary to complete the
3 contract and the estimated cost of the materials included in
4 the items of work and the rate of tax paid. The department is
5 to maintain information on the materials needed and used for
6 each contract in a database. The provision prohibits refunds
7 on local option sales taxes paid by the contractor.

8 Code section 805.8, regarding moving violations in road
9 construction zones, is amended to use the term "road work
10 zones" and to eliminate the cap on fines at \$100. The section
11 is also amended to add scheduled fines for violations of Code
12 chapter 325A.

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HOUSE FILE 704
FISCAL NOTE

A fiscal note for House File 704 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 704 makes numerous statutory changes relating to the Department of Transportation (DOT). Significant provisions of the Bill are described below:

1. Increases annual renewal fees on certain signs located adjacent to highway rights of way from \$15 to \$25 for signs that are 376 to 999 square feet in area and to \$50 for signs that are more than 1000 square feet in area.
2. Changes the definition of a Road Construction Zone to a Road Work Zone and removes the \$100 maximum limit on Road Work Zone fines.
3. Authorizes the DOT to issue Love Our Kids and Motorcycle Rider Education motor vehicle plates. The Bill establishes a special fee of \$35 that is paid in addition to the regular registration fee and an additional \$25 fee for personalized plates. Proceeds from the issuance of the Love Our Kids special plates will go to the Department of Public Health for the Safe Kids Coalition. Proceeds from the sale of Motorcycle Rider Education Plates will be deposited into the Motorcycle Rider Education Funds.
4. Requires all county treasurers to refuse to renew the vehicle registrations of persons who owe delinquent restitution anywhere in the State. Current law only applies to counties with populations of 25,000 or more. Requires each clerk of court to notify the DOT on a daily basis through the Iowa Court Information System of the names and social security numbers of persons who owe delinquent restitution.
5. Requires each clerk of court to collect a \$0.50 fee for providing copies of conviction or forfeiture of bail records. The fees are to be used to enhance the efficiency of processing records and information between the DOT and the Iowa Court Information System.
6. Eliminates escort vehicle requirements under certain circumstances.
7. Consolidates three chapters pertaining to certificated carriers, truck operators, and liquid transport carriers into a single Code of Iowa chapter (325A). The Bill establishes a new fee structure for motor carrier permits, certifications, and new applications.
8. Requires motor carriers of liquids or passengers to complete a safety education seminar within six months of being issued a permit or certificate. The Bill requires participant to pay a \$200 fee for the seminar which may be provided by a third party approved by the DOT.
9. Eliminates the requirement that contractors submit information to the DOT

-2-

regarding the quantity of goods, merchandise, or services rendered for which sales or use tax is paid. The DOT will file for the sales or use tax refund based on a formula that must include consideration of the quantity of materials necessary to complete the contract and the estimated cost of the materials.

FISCAL IMPACT

House File 704 will have the following impacts:

Section 3 - The highway sign fee changes established in Section 3 of this Bill are estimated to generate \$7,200 annually to the Highway Beautification Fund to be used for the regulation of highway signs.

Section 7 - The amount of revenue generated and the cost for special motor vehicle plate production will depend on the number of Love Our Kids and Motorcycle Rider Education plates issued.

Section 32 - The new fee structure for motor carriers established in Section 32 of this Bill is estimated to generate an additional \$51,000 annually to the Road Use Tax Fund.

Section 33 - It is estimated that 100 new carriers of liquids or passengers per year would be required to attend the Motor Carrier Safety Seminar at a cost of \$200. This will generate approximately \$20,000 annually to the Road Use Tax Fund to be used to offset the cost to the DOT for conducting the seminars.

SOURCE

Department of Transportation
Legislative Fiscal Bureau

(LSB 1310hv, DLR)

FILED MARCH 26, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 704

H-1419

1 Amend House File 704 as follows:

2 1. Page 2, by inserting after line 34 the
3 following:

4 "Sec. 101. Section 321.19, subsection 1,
5 unnumbered paragraph 1, Code 1997, is amended to read
6 as follows:

7 1. All vehicles owned or leased for a period of
8 sixty days or more by the government and used in the
9 transaction of official business by the
10 representatives of foreign governments or by officers,
11 boards, or departments of the government of the United
12 States, and by the state, counties, municipalities and
13 other political subdivisions of the state including
14 vehicles used by an urban transit company operated by
15 a municipality or a regional transit system, and self-
16 propelling vehicles used neither for the conveyance of
17 persons for hire, pleasure, or business nor for the
18 transportation of freight other than those used by an
19 urban transit company operated by a municipality or a
20 regional transit system, and all fire trucks,
21 providing they are not owned and operated for a
22 pecuniary profit, and authorized emergency vehicles
23 used only in disaster relief owned and operated by an
24 organization not operated for pecuniary profit, are
25 exempted from the payment of the fees imposed by this
26 chapter, except as provided for urban transit
27 companies in subsection 2, but are not exempt from the
28 penalties provided in this chapter."

29 2. Page 26, line 26, by inserting after the word
30 "DATES." the following:

31 "1."

32 3. Page 26, by inserting after line 28 the
33 following:

34 "2. Section 101 of this Act, being deemed of
35 immediate importance, takes effect upon enactment."

36 4. Title page, line 4, by inserting after the
37 word "zones," the following: "registration fees for
38 certain disaster relief vehicles,".

39 5. By renumbering as necessary.

By MAY of Worth
WELTER of Jones

H-1419 FILED MARCH 26, 1997

Adopted
3/27/97
P. 876

HOUSE FILE 704

H-1412

- 1 Amend House File 704 as follows:
2 1. Page 11, by inserting after line 11 the
3 following:
4 "Sec. ____ . Section 321E.11, unnumbered paragraph
5 1, Code 1997, is amended to read as follows:
6 Movements by permit in accordance with this chapter
7 shall be permitted only during the hours from thirty
8 minutes prior to sunrise to thirty minutes following
9 sunset unless the issuing authority determines that
10 the movement can be better accomplished at another
11 period of time because of traffic volume conditions or
12 the vehicle subject to the permit has an overall
13 length not to exceed one hundred feet, an overall
14 width not to exceed eleven feet, and an overall height
15 not to exceed fourteen feet, four inches, and the
16 permit requires the vehicle to operate only on those
17 highways designated by the department. Additional
18 safety lighting and escorts may be required for
19 movement at night."
20 2. By renumbering as necessary.

By WELTER of Jones

H-1412 FILED MARCH 26, 1997

Adopted 3/27/97 (p. 877)

HOUSE FILE 704

H-1418

- 1 Amend House File 704 as follows:
2 1. Page 7, by inserting after line 9 the
3 following:
4 "Sec. ____ . Section 321.115, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. Truck tractors and
7 semitrailers used in combination for exhibition and
8 educational purposes as described in subsection 1 may
9 be registered, exhibited, and driven according to the
10 provisions of subsection 1. Subsection 3 shall not
11 apply to vehicles registered in accordance with this
12 subsection."
13 2. By renumbering as necessary.

By MAY of Worth

WELTER of Jones

H-1418 FILED MARCH 26, 1997

*Adopted
3/27/97 (p. 876)*

S. 3/31/97 Done
S. 4/3/97 Do Pass

HOUSE FILE **704**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 179)

(As Amended and Passed by the House, March 27, 1997)

Passed House, Date _____ Passed Senate, Date ^(P.1068) 4-9-97
Vote: Ayes _____ Nays _____ Vote: Ayes 45 Nays 0
Approved May 1, 1997

A BILL FOR

1 An Act relating to substantive and other provisions affecting the
2 state department of transportation and driver, motor vehicle,
3 and highway regulation, including the definition of road work
4 zones, registration fees for certain disaster relief vehicles,
5 providing grounds for refusing renewal of vehicle
6 registrations, regulation of intrastate motor carriers,
7 imposing fees, providing for an electronic titling and
8 registration program, creating, eliminating, or enhancing
9 penalties, and providing effective dates.

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

- 11
- 12
- 13
- 14
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- 16
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- 19
- 20

House Amendments _____

1 Section 1. Section 306B.2, subsection 3, Code 1997, is
2 amended by striking the subsection.

3 Sec. 2. Section 306C.11, subsection 3, Code 1997, is
4 amended to read as follows:

5 3. a. Advertising devices within the adjacent area
6 located in commercial or industrial zones or in unzoned
7 commercial or industrial areas in compliance with the
8 regulatory standards of this division and rules promulgated by
9 the department.

10 b. The rules shall be consistent with national standards
11 promulgated pursuant to 23 U.S.C. § 131 and shall include at
12 least the following:

13 (1) Provision for a fee schedule to cover the direct and
14 indirect costs related to issuing permits and control of
15 outdoor advertising.

16 (2) Specific permit requirements.

17 (3) Criteria for on-premise signs.

18 (4) Provisions specifying the measurement of required
19 spacing.

20 (5) Provisions specifying conforming sign configurations.

21 Sec. 3. Section 306C.18, subsections 1 and 4, Code 1997,
22 are amended to read as follows:

23 1. The application for a permit shall be on a form
24 provided by the department and shall contain the name and
25 address of the owner of the advertising device and the name
26 and address of the owner of the real property on which it is
27 located; the date of its erection; a description of its
28 location; its dimensions; and such other information required
29 by the department, together with a permit fee as provided in
30 this section or rule adopted by the department.

31 4. The fee for both types of permits for calendar years
32 1997 and 1998 shall be one hundred dollars for the initial fee
33 and fifteen dollars for each annual renewal for signs up to
34 three hundred seventy-five square feet in area, twenty-five
35 dollars for each annual renewal for signs at least three

1 hundred seventy-six, but not more than nine hundred ninety-
2 nine, square feet in area, and fifty dollars for each annual
3 renewal for signs one thousand square feet or more in area.
4 Beginning January 1, 1999, fees shall be as determined by rule
5 by the department. The fees collected for the above permits
6 shall be credited to a special account entitled the "highway
7 beautification fund" and all salaries and expenses incurred in
8 administering this chapter shall be paid from this fund or
9 from specific appropriations for this purpose, except that
10 surveillance of, and removal of, advertising devices performed
11 by regular maintenance personnel are not to be charged against
12 the account.

13 Sec. 4. Section 310.18, Code 1997, is amended to read as
14 follows:

15 310.18 PARTIAL PAYMENTS DURING CONSTRUCTION.

16 Partial payments may be made on ~~the~~ work ~~during-the~~ in
17 ~~progress thereof~~, but no such partial payment shall be deemed
18 final acceptance of the work nor a waiver of any defect
19 ~~therein in the work~~. ~~The approval-of-any-claims-by-the~~ board
20 of supervisors, the county engineer, or ~~by~~ the department may
21 approve claims. Approval may be evidenced by the signature of
22 the county engineer or chairperson of said the board or
23 department, or a majority of the members of the board or
24 department, on the individual claims or on the abstract of a
25 number of claims with the individual claims attached to ~~said~~
26 the abstract.

27 Sec. 5. Section 321.1, subsection 64A, Code 1997, is
28 amended to read as follows:

29 64A. "Road ~~construction~~ work zone" means the portion of a
30 highway which is identified by posted or moving signs as ~~being~~
31 under the site of construction, maintenance, survey, or
32 utility work. The zone starts upon meeting the first sign
33 identifying the zone and continues until a posted or moving
34 sign indicates that the ~~construction~~ work zone has ended.

35 Sec. 6. Section 321.19, subsection 1, unnumbered paragraph

1 1, Code 1997, is amended to read as follows:

2 1. All vehicles owned or leased for a period of sixty days
3 or more by the government and used in the transaction of
4 official business by the representatives of foreign
5 governments or by officers, boards, or departments of the
6 government of the United States, and by the state, counties,
7 municipalities and other political subdivisions of the state
8 including vehicles used by an urban transit company operated
9 by a municipality or a regional transit system, and self-
10 propelling vehicles used neither for the conveyance of persons
11 for hire, pleasure, or business nor for the transportation of
12 freight other than those used by an urban transit company
13 operated by a municipality or a regional transit system, and
14 all fire trucks, providing they are not owned and operated for
15 a pecuniary profit, and authorized emergency vehicles used
16 only in disaster relief owned and operated by an organization
17 not operated for pecuniary profit, are exempted from the
18 payment of the fees imposed by this chapter, except as
19 provided for urban transit companies in subsection 2, but are
20 not exempt from the penalties provided in this chapter.

21 Sec. 7. Section 321.20, Code 1997, is amended by adding
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. Notwithstanding contrary
24 provisions of this chapter or chapter 326 regarding titling
25 and registration by means other than electronic means, the
26 department may develop and implement a program to test the
27 feasibility of electronic applications, titling, registering,
28 and electronic funds transfer for vehicles traveling in
29 interstate commerce in order to improve the efficiency and
30 timeliness of the processes and to reduce costs for all
31 parties involved.

32 Sec. 8. Section 321.34, Code 1997, is amended by adding
33 the following new subsections:

34 NEW SUBSECTION. 11A. LOVE OUR KIDS PLATES.

35 a. Upon application and payment of the proper fees, the

1 director may issue "love our kids" plates to the owner of a
2 motor vehicle subject to registration under section 321.109,
3 subsection 1, light delivery truck, panel delivery truck,
4 pickup, motor home, multipurpose vehicle, or travel trailer.

5 b. Love our kids plates shall be designed by the
6 department in cooperation with the Iowa department of public
7 health.

8 c. The special fee for letter number designated love our
9 kids plates is thirty-five dollars. The fee for personalized
10 love our kids plates is twenty-five dollars, which shall be
11 paid in addition to the special love our kids fee of thirty-
12 five dollars. The fees collected by the director under this
13 subsection shall be paid monthly to the treasurer of state and
14 credited to the road use tax fund. Notwithstanding section
15 423.24, and prior to the crediting of revenues to the road use
16 tax fund under section 423.24, subsection 1, paragraph "d",
17 the treasurer of state shall transfer monthly from those
18 revenues to the Iowa department of public health the amount of
19 the special fees collected in the previous month for the love
20 our kids plates.

21 d. Upon receipt of the special registration plates, the
22 applicant shall surrender the current registration receipt and
23 plates to the county treasurer. The county treasurer shall
24 validate the special registration plates in the same manner as
25 regular registration plates are validated under this section.
26 The annual special love our kids fee for letter number
27 designated plates is ten dollars, which shall be paid in
28 addition to the regular annual registration fee. The annual
29 fee for personalized love our kids plates is five dollars,
30 which shall be paid in addition to the annual special love our
31 kids fee and the regular annual registration fee. The annual
32 love our kids fee shall be credited as provided under
33 paragraph "c".

34 NEW SUBSECTION. 11B. MOTORCYCLE RIDER EDUCATION PLATES.

35 a. Upon application and payment of the proper fees, the

1 director may issue "motorcycle rider education" plates to the
2 owner of a motor vehicle subject to registration under section
3 321.109, subsection 1, light delivery truck, panel delivery
4 truck, pickup, motor home, multipurpose vehicle, or travel
5 trailer.

6 b. Motorcycle rider education plates shall be designed by
7 the department.

8 c. The special fee for letter number designated motorcycle
9 rider education plates is thirty-five dollars. The fee for
10 personalized motorcycle rider education plates is twenty-five
11 dollars, which shall be paid in addition to the special
12 motorcycle rider education fee of thirty-five dollars. The
13 fees collected by the director under this subsection shall be
14 paid monthly to the treasurer of state and credited to the
15 road use tax fund. Notwithstanding section 423.24, and prior
16 to the crediting of revenues to the road use tax fund under
17 section 423.24, subsection 1, paragraph "d", the treasurer of
18 state shall transfer monthly from those revenues to the
19 department for use in accordance with section 321.189,
20 subsection 9, the amount of the special fees collected in the
21 previous month for the motorcycle rider education plates.

22 d. Upon receipt of the special registration plates, the
23 applicant shall surrender the current registration receipt and
24 plates to the county treasurer. The county treasurer shall
25 validate the special registration plates in the same manner as
26 regular registration plates are validated under this section.
27 The annual special motorcycle rider education fee for letter
28 number designated plates is ten dollars, which shall be paid
29 in addition to the regular annual registration fee. The
30 annual fee for personalized motorcycle rider education plates
31 is five dollars, which shall be paid in addition to the annual
32 special motorcycle rider education fee and the regular annual
33 registration fee. The annual motorcycle rider education fee
34 shall be credited as provided under paragraph "c".

35 Sec. 9. Section 321.34, subsection 13, paragraph c, Code

1 1997, is amended to read as follows:

2 c. ~~If the~~ The department recommends approval of a proposed
3 ~~special registration plate, the department shall forward the~~
4 ~~recommendation to the committees on transportation of the~~
5 ~~general assembly by January 15 of each year~~ shall adopt rules
6 pursuant to chapter 17A regarding the approval and issuance of
7 special registration plates. ~~The proposed special~~
8 ~~registration plate shall not be issued unless the special~~
9 ~~registration plate is enacted into law.~~

10 Sec. 10. Section 321.34, subsection 13, Code 1997, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. d. A state agency may submit a request to
13 the department recommending a special registration plate. The
14 alternate fee for letter number designated plates is thirty-
15 five dollars with a ten dollar annual special renewal fee.
16 The fee for personalized plates is twenty-five dollars which
17 is in addition to the alternative fee of thirty-five dollars
18 with an annual personalized plate renewal fee of five dollars
19 which is in addition to the special renewal fee of ten
20 dollars. The alternate fees are in addition to the regular
21 annual registration fee. The alternate fees collected under
22 this paragraph shall be paid monthly to the treasurer of state
23 and credited to the road use tax fund. Notwithstanding
24 section 423.24 and prior to the crediting of the revenues to
25 the road use tax fund under section 423.24, subsection 1,
26 paragraph "d", the treasurer of state shall credit monthly the
27 amount of the alternate fees collected in the previous month
28 to the state agency that recommended the special registration
29 plate.

30 Sec. 11. Section 321.37, Code 1997, is amended by adding
31 the following new unnumbered paragraph after the first
32 unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Registration plates issued for a
34 motor vehicle which is model year 1948 or older, and
35 reconstructed or specially constructed vehicles built to

1 resemble a model year 1948 vehicle or older, other than a
2 truck registered for more than five tons, motorcycle or truck
3 tractor, may display one registration plate on the rear of the
4 vehicle if the other registration plate issued to the vehicle
5 is carried in the vehicle at all times when the vehicle is
6 operated on a public highway.

7 Sec. 12. Section 321.40, unnumbered paragraph 4, Code
8 1997, is amended to read as follows:

9 The county treasurer shall refuse to renew the registration
10 of a vehicle registered to a person when notified by the
11 department through the distributed teleprocessing network that
12 the person has not paid restitution as defined under section
13 910.1, subsection 4, to ~~the~~ a clerk of the court located
14 within ~~that-county~~ the state. Each clerk of court shall,
15 ~~subject-to-this-section-shall~~ on a daily basis, by-the-last
16 ~~day-of-each-month,~~ notify the ~~county-treasurer-of-that-county~~
17 department through the Iowa court information system of the
18 full name and social security number of all persons who owe
19 delinquent restitution and whose restitution obligation has
20 been satisfied or canceled. Immediately-upon-the-cancellation
21 ~~or-satisfaction-of-the-restitution-the-clerk-of-court-shall~~
22 ~~notify-the-county-treasurer-if-that-person's-name-appeared-on~~
23 ~~the-last-list-furnished-to-the-county-treasurer.~~ This
24 paragraph does not apply to the transfer of a registration or
25 the issuance of a new registration. ~~The-provisions-of-this~~
26 ~~paragraph-are-applicable-to-counties-with-a-population-of~~
27 ~~twenty-five-thousand-or-more.--The-provisions-of-this~~
28 ~~paragraph-shall-be-applicable-to-any-county-with-a-population~~
29 ~~of-less-than-twenty-five-thousand-upon-the-adoption-of-a~~
30 ~~resolution-by-the-county-board-of-supervisors-so-providing.~~

31 Sec. 13. Section 321.115, Code 1997, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 4. Truck tractors and semitrailers used
34 in combination for exhibition and educational purposes as
35 described in subsection 1 may be registered, exhibited, and

1 driven according to the provisions of subsection 1.
2 Subsection 3 shall not apply to vehicles registered in
3 accordance with this subsection.

4 Sec. 14. Section 321.166, subsection 1, Code 1997, is
5 amended by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. Trailers with empty weights of
7 two thousand pounds or less may, upon request, be licensed
8 with regular-sized license plates.

9 Sec. 15. Section 321.166, subsection 8, Code 1997, is
10 amended to read as follows:

11 8. The owner of a trailer with an empty weight of two
12 thousand pounds or less shall receive registration plates for
13 the trailer smaller than plates regularly issued for
14 automobiles pursuant to rules adopted by the department in
15 accordance with this section unless the owner requests
16 regular-sized plates.

17 Sec. 16. Section 321.210, subsection 1, Code 1997, is
18 amended to read as follows:

19 1. The department is authorized to establish rules
20 providing for the suspension of the license of an operator
21 upon twenty thirty days' notice and without preliminary
22 hearing upon a showing by its records or other sufficient
23 evidence that the licensee:

24 a. Is an habitually reckless or negligent driver of a
25 motor vehicle.

26 b. Is an habitual violator of the traffic laws.

27 c. Is physically or mentally incapable of safely operating
28 a motor vehicle.

29 d. Has permitted an unlawful or fraudulent use of the
30 license.

31 e. Has committed an offense or acted in a manner in
32 another state or foreign jurisdiction which in this state
33 would be grounds for suspension or revocation.

34 f. Has committed a serious violation of the motor vehicle
35 laws of this state.

1 g. Is subject to a license suspension under section
2 321.513.

3 Prior to a suspension taking effect under paragraph "a",
4 "b", "c", "d", "e", or "f", the licensee shall have received
5 thirty days' advance notice of the effective date of the
6 suspension. Notwithstanding the terms of the Iowa
7 administrative procedure Act, chapter 17A, the filing of a
8 petition for judicial review shall, except for suspensions
9 under paragraph "c", operate to stay the suspension pending
10 the determination by the district court.

11 Sec. 17. Section 321.218, subsection 1, Code 1997, is
12 amended to read as follows:

13 1. A person whose motor vehicle license or operating
14 privilege has been denied, canceled, suspended, or revoked as
15 provided in this chapter or as provided in section 252J.8 or
16 section 901.5, subsection 10, and who operates a motor vehicle
17 upon the highways of this state while the license or privilege
18 is denied, canceled, suspended, or revoked, commits a serious
19 misdemeanor.

20 Sec. 18. Section 321.233, Code 1997, is amended to read as
21 follows:

22 321.233 ROAD WORKERS EXEMPTED.

23 This chapter, except sections 321.277 and 321.280, does not
24 apply to persons and motor vehicles and other equipment while
25 actually engaged in work upon the surface of a highway
26 officially closed to traffic but does apply to such persons
27 and vehicles when traveling to or from such work. The minimum
28 speed restriction of section 321.285, subsection 6, and the
29 provisions of sections 321.297, and 321.298, and 321.323 do
30 not apply to road workers operating maintenance equipment
31 owned-by-or-under-lease-to on behalf of any state or local
32 authority while engaged in road maintenance, road blading,
33 snow and ice control and removal, and granular resurfacing
34 work on a highway, whether or not the highway is closed to
35 traffic.

1 Sec. 19. Section 321.253, unnumbered paragraph 2, Code
2 1997, is amended to read as follows:

3 The department shall post signs informing motorists that
4 the scheduled fine for committing a moving traffic violation
5 in a road construction work zone is doubled ~~or is one-hundred~~
6 ~~dollars, whichever is less.~~

7 Sec. 20. Section 321.288, subsection 6, Code 1997, is
8 amended to read as follows:

9 6. When approaching and passing through a sign posted
10 ~~construction or maintenance~~ road work zone upon the public
11 highway.

12 Sec. 21. Section 321.445, subsection 2, paragraph e, Code
13 1997, is amended to read as follows:

14 e. A person possessing a written certification from a
15 physician health care provider licensed under chapter 148,
16 150, 150A, or 151 on a form provided by the department that
17 the person is unable to wear a safety belt or safety harness
18 due to physical or medical reasons. The certification shall
19 specify the time period for which the exemption applies. The
20 time period shall not exceed twelve months, at which time a
21 new certification may be issued unless the certifying
22 physician health care provider is from a United States
23 military facility, in which case the certificate may specify a
24 longer period of time or a permanent exemption.

25 Sec. 22. Section 321.463, Code 1997, is amended by adding
26 the following new unnumbered paragraph after unnumbered
27 paragraph 3:

28 NEW UNNUMBERED PARAGRAPH. Machinery defined in section
29 321.1, subsection 32, paragraph "f", shall be operated in
30 compliance with this section. However, machinery used
31 exclusively for mixing and dispensing nutrients to bovine
32 animals at feedlots is not required to comply with section
33 321.463 until July 1, 1999.

34 Sec. 23. Section 321.491, unnumbered paragraph 2, Code
35 1997, is amended to read as follows:

1 Within ten days after the conviction or forfeiture of bail
2 of a person upon a charge of violating any provision of this
3 chapter or other law regulating the operation of vehicles on
4 highways every magistrate of the court or clerk of the
5 district court of record in which the conviction occurred or
6 bail was forfeited shall prepare and immediately forward to
7 the department an abstract of the record of the case. The
8 abstract must be certified by the person preparing it to be
9 true and correct. The clerk of the district court shall
10 collect a fee of fifty cents for each copy of any record of
11 conviction or forfeiture of bail furnished to any requestor
12 except the department or other local, state, or federal
13 government entity. Moneys collected under this section shall
14 be transferred to the department as a repayment receipt, as
15 defined in section 8.2, to enhance the efficiency of the
16 department to process records and information between the
17 department and the Iowa court information system.

18 Sec. 24. Section 321.555, subsection 1, Code 1997, is
19 amended by adding the following new paragraphs:

20 NEW PARAGRAPH. g. Eluding or attempting to elude a
21 pursuing law enforcement vehicle in violation of section
22 321.279.

23 NEW PARAGRAPH. h. Serious injury by a vehicle in
24 violation of section 707.6A, subsection 3.

25 Sec. 25. Section 321E.8, subsection 4, Code 1997, is
26 amended by striking the subsection.

27 Sec. 26. Section 321E.9, subsection 2, Code 1997, is
28 amended to read as follows:

29 2. Vehicles with indivisible loads exceeding the width,
30 length, and total gross weight provided in subsection 1, may
31 be moved in special or emergency situations, provided the
32 permitting authority has reviewed the route and has approved
33 the movement of the vehicle and load. ~~The vehicle and load~~
34 ~~shall be accompanied by an escort as required by rules adopted~~
35 ~~pursuant to chapter 17A.~~ The issuing authority may impose any

1 special restrictions as deemed necessary on movements or
2 exempt movements from the restrictions of section 321E.11 by
3 permit under this subsection.

4 Sec. 27. Section 321E.9, subsection 3, Code 1997, is
5 amended by striking the subsection.

6 Sec. 28. Section 321E.11, unnumbered paragraph 1, Code
7 1997, is amended to read as follows:

8 Movements by permit in accordance with this chapter shall
9 be permitted only during the hours from thirty minutes prior
10 to sunrise to thirty minutes following sunset unless the
11 issuing authority determines that the movement can be better
12 accomplished at another period of time because of traffic
13 volume conditions or the vehicle subject to the permit has an
14 overall length not to exceed one hundred feet, an overall
15 width not to exceed eleven feet, and an overall height not to
16 exceed fourteen feet, four inches, and the permit requires the
17 vehicle to operate only on those highways designated by the
18 department. Additional safety lighting and escorts may be
19 required for movement at night.

20 Sec. 29. NEW SECTION. 321E.34 ESCORT REQUIREMENTS.

21 1. An operator of an escort vehicle, serving as an escort
22 in the movement of vehicles and loads of excess size and
23 weight under permits required by this chapter shall have a
24 motor vehicle license as defined in section 321.1 valid for
25 the operation of the escort vehicle.

26 2. Vehicles under permit, the width of which, including
27 any load, exceeds that prescribed in section 321.454 but does
28 not exceed fourteen feet six inches including appurtenances,
29 may be moved on two-lane highways of this state without an
30 escort if the highway being traversed has a minimum lane width
31 of twelve feet and a sufficient shoulder width and if an amber
32 revolving light or strobe light is displayed on the power unit
33 and on the rear extremity of the vehicle or load. In
34 addition, vehicles moving under permit, including any load,
35 with an overall width not exceeding sixteen feet six inches

1 may be moved on an interstate or four-lane highway of this
2 state without an escort if an amber revolving light or strobe
3 light is displayed on the power unit and on the rear extremity
4 of the vehicle or load.

5 3. The department shall adopt rules pursuant to chapter
6 17A for all escort requirements other than those exempted in
7 subsection 2. The rules shall include escorting requirements
8 for annual permits, single-trip permits, multitrip permits,
9 special or emergency situations, length, height, and weight.

10 Sec. 30. Section 321J.13, subsection 3, Code 1997, is
11 amended to read as follows:

12 3. After the hearing the department shall order that the
13 revocation be either rescinded or sustained. Upon receipt of
14 the decision of the department to sustain a revocation, the
15 person contesting the revocation has ten days to file a
16 request for review of the decision by the director. The
17 director or the director's designee shall review the decision
18 within fifteen thirty days and shall either rescind or sustain
19 the revocation or order a new hearing. If the director orders
20 a new hearing, the department shall grant the person a new
21 hearing within twenty days of the director's order.

22 Sec. 31. Section 321J.13, subsection 4, Code 1997, is
23 amended by striking the subsection.

24 Sec. 32. NEW SECTION. 325A.1 DEFINITIONS.

25 As used in this chapter:

26 1. "Department" means the state department of
27 transportation.

28 2. "Highway" means a street, road, bridge, or thoroughfare
29 of any kind in this state.

30 3. "Interstate motor carrier number" means a United States
31 department of transportation number or motor carrier number
32 issued by the federal highway administration.

33 4. "Intrastate" means a movement of property or passengers
34 from one location to another within this state. "Intrastate"
35 does not include transportation of property or passengers

1 which is a furtherance of an interstate movement.

2 5. "Motor carrier" means a person defined in subsection 7,
3 8, or 9.

4 6. "Motor carrier certificate" means a certificate issued
5 by the department to any person transporting passengers on any
6 highway of this state for hire. This certificate is
7 transferable.

8 7. "Motor carrier of household goods" means a person
9 engaged in the transportation, for hire, of personal effects
10 and property used or to be used in a dwelling, and includes
11 the following:

12 a. Furniture, fixtures, equipment and the property of
13 stores, offices, museums, institutions, hospitals, or other
14 establishments when a part of the stock, equipment, or supply
15 of such establishment; except, this paragraph shall not be
16 construed to include the stock-in-trade of any establishment,
17 except when transported as an incident to the removal of the
18 establishment from one location to another.

19 b. Articles including objects of art, displays, and
20 exhibits, which because of their unusual nature or value,
21 require the specialized handling and equipment usually
22 employed in moving household goods.

23 8. "Motor carrier of liquid commodities" means a person
24 engaged in the transportation, for hire, of liquid commodities
25 or compressed gases in bulk upon any highway in this state.

26 9. "Motor carrier of property" means a person engaged in
27 the transportation, for hire, of property by motor vehicle.

28 10. "Motor carrier permit" means a permit issued by the
29 department to any person operating any motor vehicle on any
30 highway of this state to transport property for hire. A motor
31 carrier permit is not transferable unless it was issued to a
32 motor carrier of household goods.

33 11. "Motor vehicle" means an automobile, motor truck,
34 truck tractor, road tractor, motor bus, or other self-
35 propelled vehicle, or a trailer, semitrailer, or other device

1 used in connection with the transportation of property or
2 passengers. "Motor vehicle" does not include a motor vehicle
3 owned by a school district or used exclusively in conveying
4 school children to and from school or school activities.

5 12. "Private carrier" means a person who provides
6 transportation of property or passengers by motor vehicle, is
7 not a for-hire motor carrier, or transports commodities of
8 which the person is the owner, lessee, or bailee and the
9 transportation is a furtherance of the person's primary
10 business or occupation.

11 13. "Transportation for-hire" means all transportation of
12 property or passengers made available by a person for
13 compensation.

14 Sec. 33. NEW SECTION. 325A.2 DUTIES OF DEPARTMENT.

15 The department shall do all of the following:

16 1. Prescribe and enforce safety and financial
17 responsibility regulations for motor carriers and require the
18 filing of reports regarding safety and financial
19 responsibility.

20 2. Approve a tariff for motor carriers of household goods.

21 3. Issue, amend, suspend, or revoke motor carrier permits
22 and certificates.

23 Sec. 34. NEW SECTION. 325A.3 APPLICATION AND ISSUANCE OF
24 PERMIT OR CERTIFICATE.

25 1. Upon the filing of an application by a motor carrier
26 and compliance with the terms and conditions of this chapter,
27 the department shall issue to the applicant a permit or
28 certificate. The actual operation by a motor carrier of a
29 motor vehicle shall not begin without the permit or
30 certificate being issued by the department.

31 2. All applications shall be in writing and contain the
32 following:

33 a. The name and tax identification number of the person
34 making the application.

35 b. The applicant's principal place of business.

- 1 c. The type of permit or certificate being requested.
- 2 d. A signed statement agreeing to comply with all
- 3 applicable safety regulations as prescribed by the department.
- 4 e. A copy of all existing tariffs provided to the
- 5 department for approval by motor carriers of household goods.
- 6 f. A financial statement completed by motor carriers of
- 7 liquid commodities or passengers from which the department can
- 8 determine the financial fitness of the applicant to engage in
- 9 the transport of liquid commodities or passengers.
- 10 g. A sponsor certification of support statement provided
- 11 by charter carriers establishing a need for the proposed
- 12 service.
- 13 h. A verification of liability and property damage
- 14 insurance coverage as required in section 325A.6, in a form
- 15 prescribed by the department.
- 16 3. The provisions of subsection 2, paragraph "f" and
- 17 subsection 4, shall not apply to the transportation of dairy
- 18 products.
- 19 4. Motor carriers of liquid commodities or passengers
- 20 shall complete a motor carrier safety education seminar
- 21 provided by or approved by the department. This seminar must
- 22 be completed within six months of the permit or certificate
- 23 issuance.
- 24 Sec. 35. NEW SECTION. 325A.4 FEES.
- 25 1. The department shall charge the following fees:
- 26 a. One hundred fifty dollars for a new application.
- 27 b. One hundred fifty dollars for a reinstatement.
- 28 c. Twenty-five dollars to change an address or name.
- 29 d. Ten dollars for tariff updates.
- 30 e. One hundred fifty dollars to transfer a passenger
- 31 certificate.
- 32 f. Twenty-five dollars for a duplicate permit or
- 33 certificate.
- 34 2. Changes in ownership of motor carrier permits require a
- 35 new application and the new application fee of one hundred

1 fifty dollars shall be assessed.

2 3. The department shall collect a fee of two hundred
3 dollars to cover the cost of the motor carrier safety
4 education seminar.

5 Sec. 36. NEW SECTION. 325A.5 FEES -- CREDITED TO ROAD
6 USE TAX FUND -- SEMINAR RECEIPTS.

7 All fees received for applications and permits or
8 certificates under this chapter shall be remitted to the
9 treasurer of state and credited to the road use tax fund. All
10 fees collected for the motor carrier safety education seminar
11 shall be considered a repayment receipt as defined in section
12 8.2, and shall be remitted to the department to be used to pay
13 for the seminars.

14 Sec. 37. NEW SECTION. 325A.6 INSURANCE.

15 All motor carriers subject to this chapter shall have
16 minimum insurance coverage which meets the limits established
17 in the federal motor carrier safety regulations in 49 C.F.R.
18 ch. 387.

19 Sec. 38. NEW SECTION. 325A.7 CHARGES.

20 All charges filed under the tariff by any motor carrier of
21 household goods for any service shall be just, reasonable, and
22 nondiscriminating and every unjust, unreasonable, or
23 discriminating charge for such service or any part thereof is
24 prohibited and declared unlawful.

25 Sec. 39. NEW SECTION. 325A.8 REQUIRED MARKING.

26 The motor carrier shall attach distinctive markings or tags
27 to each motor vehicle. If a motor vehicle has both an
28 interstate and intrastate motor carrier number, only the
29 interstate motor carrier number must be displayed.

30 If a motor carrier is renting a vehicle on a daily basis, a
31 copy of the lease must be carried in the vehicle. Violation
32 of this section is a scheduled violation subject to the fine
33 provided in section 805.8, subsection 2, paragraph "ad".

34 Sec. 40. NEW SECTION. 325A.9 ADVERTISING.

35 An advertisement to the general public concerning for-hire

1 transportation must include the permit or motor carrier
2 certificate number issued under this chapter.

3 Sec. 41. NEW SECTION. 325A.10 RULES FOR OPERATION.

4 The department shall adopt rules pursuant to chapter 17A as
5 necessary to govern and control the operation, maintenance,
6 and inspection of vehicles covered by this chapter upon the
7 highways.

8 Sec. 42. NEW SECTION. 325A.11 PASSENGER TRANSPORTATION.

9 In addition to the requirements of subchapter 1, motor
10 carriers of passengers and charter carriers shall comply with
11 the requirements of this subchapter.

12 Sec. 43. NEW SECTION. 325A.12 DEFINITIONS.

13 As used in this subchapter:

14 1. "Car pool" means transportation of a group of at least
15 two riders in a motor vehicle having a seating capacity of not
16 more than eight passengers between a rider's, owner's, or
17 operator's residence or other designated location and a
18 rider's, owner's, or operator's place of employment or other
19 common destination of the group, if the motor vehicle is
20 driven by one of the members of the group.

21 2. "Charter" means an agreement whereby the owner of a
22 motor vehicle lets the motor vehicle to a group of persons as
23 one party for a specified sum and for a specified act of
24 transportation at a specified time and over an irregular
25 route.

26 3. "Charter carrier" means a person engaged in the
27 business of transporting the public by motor vehicle under
28 charter. "Charter carrier" does not include any of the
29 following:

30 a. Taxicabs with a seating capacity of not more than eight
31 passengers, or persons having a license, contract, or
32 franchise with an Iowa city to carry or transport passengers
33 for-hire while operating within the guidelines of the license,
34 contract, or franchise.

35 b. A city engaged in the business of carrying or

1 transporting passengers for-hire over regular routes.

2 c. School bus operators when engaged in transportation
3 involving any school activity.

4 d. A regular-route motor carrier of passengers.

5 4. "Regional transit system" means a public transit system
6 serving one county or all or part of a multicounty area whose
7 boundaries correspond to the same boundaries as those of the
8 regional planning areas designated by the governor except as
9 agreed upon by the county or the department. Each county
10 board of supervisors within the region is responsible for
11 determining the service and funding within its county.

12 However, the administration and overhead support services for
13 the overall regional transit system shall be consolidated into
14 one existing or new agency to be mutually agreed upon by the
15 participating members. Privately chartered bus services and
16 uses other than providing services that are open and public on
17 a shared-ride basis shall not be construed to be a regional
18 transit system.

19 5. "Regular-route motor carrier of passengers" means a
20 person engaged in the for-hire transportation of passengers by
21 motor vehicle over regular routes by scheduled service and
22 available to the general public.

23 6. "Van pool" means transportation of a group of riders in
24 a vehicle having a seating capacity of not less than eight
25 passengers and not more than fifteen passengers between a
26 rider's, owner's, or operator's residence or other designated
27 location and a rider's, owner's, or operator's place of
28 employment or other common destination of the group, if the
29 vehicle is driven by one of the members of the group.

30 Sec. 44. NEW SECTION. 325A.13 CERTIFICATE OF CONVENIENCE
31 AND NECESSITY AND REGULAR-ROUTE PASSENGER CERTIFICATE.

32 1. It is unlawful for a charter carrier to transport
33 passengers by motor vehicle for hire from any point or place
34 in this state to another place in this state irrespective of
35 the route or highway traversed, without first having obtained

1 from the department a certificate declaring that public
2 convenience and necessity require the operation.

3 2. a. It is unlawful for a regular-route motor carrier of
4 passengers to transport passengers for-hire upon the highways
5 of this state in intrastate commerce without first having
6 obtained from the department a regular-route passenger
7 certificate. The department shall issue a regular-route
8 passenger certificate without hearing, if the department finds
9 that the applicant is fit, willing, and able.

10 b. In determining whether a regular-route motor carrier of
11 passengers is fit, willing, and able, the department shall
12 only consider the applicant's compliance with safety,
13 financial fitness, and insurance requirements.

14 c. A regular-route passenger certificate authorizing the
15 transportation of passengers includes the authority to
16 transport newspapers, baggage of passengers, express packages,
17 or mail in the same motor vehicle with passengers.

18 d. A regular-route motor carrier of passengers holding a
19 regular-route passenger certificate may at any time commence
20 scheduled service over any regular route from any point or
21 place in this state to another place in this state
22 irrespective of the route or highway traversed and may at any
23 time discontinue any part of its regular-route service.

24 e. A regular-route motor carrier of passengers granted a
25 certificate prior to the effective date of this Act, which
26 authorized motor carrier passenger operations, may continue to
27 provide motor carrier passenger service with all rights and
28 privileges granted by a regular-route passenger certificate
29 issued under this section.

30 f. A regular-route motor carrier of passengers shall not
31 operate as a charter carrier in this state unless it possesses
32 a certificate of convenience and necessity to engage in the
33 business of a charter carrier.

34 g. An Iowa urban transit system as defined in section
35 452A.57, subsection 6, may operate within the metropolitan

1 area which it serves and between its service area and another
2 city which is located not more than ten miles from its service
3 area without obtaining a regular-route passenger certificate
4 if the other city is not served by another motor carrier of
5 passengers operating under a regular-route passenger
6 certificate.

7 3. A motor carrier providing primarily passenger service
8 for elderly, handicapped, and other transportation-
9 disadvantaged persons is exempt from the certification
10 requirements of this section if it satisfies all of the
11 following requirements:

12 a. The motor carrier is not a corporation organized for-
13 profit under the laws of Iowa or any other state or the motor
14 carrier is a governmental organization.

15 b. The motor carrier received or receives operating funds
16 from federal, state, or local government sources.

17 c. The motor carrier does not duplicate a transportation
18 service provided by a motor carrier issued a regular-route
19 passenger certificate.

20 4. A person operating a motor vehicle in a car pool or van
21 pool is exempt from the requirement of this chapter.

22 5. Except for a person operating a car pool or van pool,
23 each motor carrier exempt from the requirement for obtaining a
24 certificate under this section shall obtain a nontransferable
25 permit from the department. Such motor carriers shall comply
26 with all safety, insurance, and other rules of the department
27 pertaining to a publicly funded transit system.

28 Sec. 45. NEW SECTION. 325A.15 APPLICATION FOR
29 CERTIFICATE.

30 All applications for a charter carrier or regular-route
31 passenger certificate shall be in writing and, in addition to
32 any other information required by this chapter, shall contain
33 all of the following:

34 1. A complete description of the area in which the
35 applicant proposes to operate.

1 2. An applicant for a regular-route passenger certificate,
2 in lieu of the information required by subsection 1, shall
3 indicate that statewide regular-route passenger authority is
4 being sought.

5 Sec. 46. NEW SECTION. 325A.16 PROTESTS AGAINST
6 APPLICATIONS.

7 1. Upon the filing of the application, the department
8 shall publish a notice to the citizens of each county in which
9 the proposed motor carrier passenger service will be rendered.
10 The notice shall be published once in a newspaper of general
11 circulation in each county.

12 2. Any person, city, or county whose rights or interests
13 may be affected may file written objections to the proposed
14 service with the department.

15 3. An objection filed against the granting of an
16 application shall state specifically the grounds upon which it
17 is made and contain a concise statement of the interest of the
18 person filing the objection in the proceeding.

19 4. An objection shall be filed with the department not
20 later than thirty days from the date of the publication of
21 notice.

22 5. Upon receipt of an objection complying with subsection
23 3, the department shall request the department of inspections
24 and appeals to set the matter for hearing not less than ten
25 days following the expiration of the time in which objections
26 may be made. The department of inspections and appeals shall
27 give notice to all persons who have filed objections of the
28 time and place of the hearing.

29 6. This section applies to all intrastate motor carriers
30 of passengers except regular-route motor carriers of
31 passengers.

32 Sec. 47. NEW SECTION. 325A.17 RULES OF PROCEDURE.

33 The department shall adopt rules pursuant to chapter 17A
34 establishing the procedure to be followed in the filing of
35 applications for a motor carrier passenger certificate and the

1 department of inspections and appeals shall adopt rules
2 pursuant to chapter 17A for the conduct of hearings regarding
3 objections by other persons to the issuance of a motor carrier
4 certificate to an applicant.

5 Sec. 48. NEW SECTION. 325A.18 UNCONTESTED CASE
6 PROCEDURE.

7 If an objection is not filed, the department shall consider
8 the application and any relevant evidence in determining
9 whether to grant the certificate requested in the application.

10 Sec. 49. NEW SECTION. 325A.19 GRANTING APPLICATION --
11 RESTRICTIONS.

12 The department may grant the application in whole or in
13 part upon terms and restrictions established by the
14 department. However, no condition or restriction on a
15 regular-route passenger certificate shall be established, and
16 all regular-route passenger certificates shall grant statewide
17 regular-route passenger authority. The actual operation shall
18 not begin without a written statement of approval from the
19 department to the effect that the applicant has complied with
20 applicable safety provisions.

21 If a certificate is granted to a charter carrier, the
22 department may attach to the exercise of the rights conferred
23 by the certificate such terms and conditions as in its
24 judgment the public convenience and necessity require.

25 Sec. 50. NEW SECTION. 325A.20 EXPENSE OF HEARING.

26 The applicant and any persons objecting to the granting of
27 a certificate to the applicant shall split equally and pay all
28 the costs of the hearing before the application is granted.
29 The department of inspections and appeals shall establish
30 appropriate fees which shall be paid to the department of
31 inspections and appeals.

32 Sec. 51. NEW SECTION. 325A.21 REVIEW.

33 A decision of the department of inspections and appeals is
34 subject to review by the state department of transportation.
35 Judicial review of the decisions and actions of the state

1 department of transportation may be sought in accordance with
2 chapter 17A. A petitioner shall file with the clerk of the
3 district court a bond for costs in the sum of not less than
4 five hundred dollars.

5 Sec. 52. NEW SECTION. 325A.22 TRANSFER OF CERTIFICATE.

6 1. A certificate of convenience and necessity shall not be
7 sold, transferred, leased, or assigned and a contract or
8 agreement with reference to or affecting a certificate shall
9 not be entered into without the written approval of the
10 department. The department may request the department of
11 inspections and appeals to hold a hearing regarding the
12 transfer of the certificate. The state department of
13 transportation shall approve the sale, transfer, lease, or
14 assignment upon a finding by the department of inspections and
15 appeals that there has been continuous service under the
16 certificate for at least ninety days prior to the transfer,
17 that the transferee is fit, willing, and able to perform the
18 operations authorized by the certificate, and that the
19 transfer is consistent with the public interest. Pending
20 determination of an application filed with the department for
21 approval of a sale, transfer, lease, or assignment, the
22 department may grant temporary approval of the proposed
23 operation upon a finding of good cause.

24 2. A regular-route passenger certificate shall not be
25 sold, transferred, leased, or assigned without the approval of
26 the department. The department shall approve the sale,
27 transfer, lease, or assignment if the person obtaining or
28 seeking to obtain ownership or control of a certificate is
29 found to be fit, willing, and able to perform the service
30 proposed. In determining the fitness of the person seeking
31 transfer of the certificate, the department shall consider
32 only the person's compliance with safety, financial fitness,
33 and insurance requirements.

34 Sec. 53. NEW SECTION. 325A.23 RIDING ON OUTSIDE PART.

35 Passengers shall not ride on the running boards, fenders,

1 or on any other outside part of passenger-carrying motor
2 vehicles.

3 Sec. 54. NEW SECTION. 325A.24 AMEND, SUSPEND, OR REVOKE
4 PERMIT OR CERTIFICATE.

5 The department may, in addition to other penalties, revoke
6 or suspend the permit or certificate of a motor carrier for a
7 violation of this chapter or a rule adopted under this
8 chapter. For flagrant or persistent violations of safety or
9 hazardous materials rules by the holder of a permit or
10 certificate or the holder's agent, the department may suspend
11 the permit or certificate of necessity until the rules adopted
12 by the department are complied with, or the department may
13 revoke the permit or certificate for continued noncompliance.

14 Sec. 55. NEW SECTION. 325A.25 SCHEDULED FINES --
15 PENALTY.

16 A person who violates this chapter or a rule adopted
17 pursuant to this chapter for which a penalty is not otherwise
18 established, or who aids or abets a person in a failure to
19 comply with this chapter or a rule adopted pursuant to this
20 chapter, is subject to the fine provided in section 805.8,
21 subsection 2, paragraph "ad".

22 Sec. 56. NEW SECTION. 325A.26 CERTIFICATES PRIOR TO
23 JANUARY 1, 1998.

24 1. A certificate or permit, or both, which was issued
25 under chapter 325, before January 1, 1998, and which
26 authorized a person to transport property in intrastate
27 commerce by motor vehicle as a common carrier or contract
28 carrier, or both, is void. However, to the extent a
29 certificate or permit, or portion of a certificate or permit,
30 authorized a person to transport household goods over
31 irregular routes or passengers in intrastate commerce, this
32 subsection does not apply.

33 2. A person who owned a certificate or permit, or both,
34 that was a valid certificate or permit, or both, on December
35 31, 1997, is deemed to have a valid certificate or permit,

1 unless the person's certificate or permit has been suspended,
2 revoked, or transferred to another person as provided by law.
3 A person deemed to have a valid certificate or permit under
4 this subsection is not required to file an application
5 pursuant to section 325A.3 to continue providing intrastate
6 transportation, but rather, upon such person's compliance with
7 the requirements of section 325A.3, subsection 2, the person
8 is deemed to have a valid certificate or permit in force as
9 required pursuant to section 325A.3, subsection 1, authorizing
10 the person to transport property except household goods in
11 intrastate commerce on the public highways, unless the
12 person's certificate or permit is suspended, revoked, or
13 transferred to another person as provided by law. Within a
14 reasonable time after January 1, 1998, the department shall
15 issue certificates or permits to all persons who are deemed to
16 be qualified under this subsection.

17 Sec. 57. Section 422.45, Code 1997, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 7A. The refund of sales and use tax paid
20 on transportation construction projects let by the state
21 department of transportation are subject to the special
22 provisions of this subsection.

23 a. A contractor awarded a contract for a transportation
24 construction project is considered the consumer of all
25 building materials, building supplies and equipment and shall
26 pay sales tax to the supplier or remit consumer use tax
27 directly to the department.

28 b. The contractor is not required to file information with
29 the department of transportation stating the amount of goods,
30 wares, or merchandise, or services rendered, furnished, or
31 performed and used in the performance of the contract or the
32 amount of sales or use tax paid.

33 c. The department of transportation shall file a refund
34 claim based on a formula that considers the following:

35 (1) The quantity of material to complete the contract, and

1 quantities of items of work.

2 (2) The estimated cost of these materials included in the
3 items of work, and the state sales or use tax to be paid on
4 the tax rate in effect in section 422.43.

5 The quantity of materials shall be determined after each
6 letting based on the contract quantities of all items of work
7 let to contract. The quantity of individual component
8 materials required for each item shall be determined and
9 maintained in a database. The total quantities of materials
10 shall be determined by multiplying the quantities of component
11 materials for each contract item of work by the total
12 quantities of each contract item for each letting. Where
13 variances exist in the cost of materials, the lowest cost
14 shall be used as the base cost.

15 d. Only the state sales or use tax is refundable. Local
16 option taxes paid by the contractor are not refundable.

17 Sec. 58. Section 805.8, subsection 2, Code 1997, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. ad. For violation of section 325A.8, the
20 scheduled fine is fifty dollars. For violation of chapter
21 325A, other than a violation of section 325A.8, the scheduled
22 fine is two hundred fifty dollars.

23 Sec. 59. Section 805.8, subsection 2A, Code 1997, is
24 amended to read as follows:

25 2A. MOVING TRAFFIC VIOLATIONS -- CONSTRUCTION ROAD WORK
26 ZONES. The scheduled fine for any moving traffic violations
27 under chapter 321 as provided in this section shall be doubled
28 ~~or shall be set at one hundred dollars, whichever is less,~~ if
29 the violation occurs within any road construction work zone,
30 as defined in section 321.1.

31 Sec. 60.

32 1. Chapters 325, 327, and 327A, Code 1997, are repealed.

33 2. Section 321E.26, Code 1997, is repealed.

34 Sec. 61. EFFECTIVE AND IMPLEMENTATION DATES.

35 1. Sections 12, 32 through 56, 58, and 60, subsection 1,

1 of this Act take effect January 1, 1998.

2 2. Section 6 of this Act, being deemed of immediate
3 importance, takes effect upon enactment.

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Welter, Ch
Heaton
May

HSB 179

TRANSPORTATION

SUCCESS

SE/HF

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 substantive and other provisions affecting the
2 department of transportation and driver, motor vehicle, and
3 highway regulation, including the definition of road work
4 zones, regulation of certain persons who sell vehicles,
5 providing grounds for refusing renewal of vehicle
6 registrations, regulation of intrastate motor carriers,
7 creating, eliminating, or enhancing penalties, and providing
8 effective dates.

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

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1 Section 1. Section 321.1, subsection 64A, Code 1997, is
2 amended to read as follows:

3 64A. "Road construction work zone" means the portion of a
4 highway which is identified by posted or moving signs as being
5 under the site of construction, maintenance, survey, or
6 utility work. The zone starts upon meeting the first sign
7 identifying the zone and continues until a posted or moving
8 sign indicates that the construction work zone has ended.

9 Sec. 2. Section 321.34, Code 1997, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 11A. LOVE OUR KIDS PLATES.

12 a. Upon application and payment of the proper fees, the
13 director may issue "love our kids" plates to the owner of a
14 motor vehicle subject to registration under section 321.109,
15 subsection 1, light delivery truck, panel delivery truck,
16 pickup, motor home, multipurpose vehicle, or travel trailer.

17 b. Love our kids plates shall be designed by the
18 department in cooperation with the Iowa department of public
19 health.

20 c. The special fee for letter number designated love our
21 kids plates is thirty-five dollars. The fee for personalized
22 love our kids plates is twenty-five dollars, which shall be
23 paid in addition to the special love our kids fee of thirty-
24 five dollars. The fees collected by the director under this
25 subsection shall be paid monthly to the treasurer of state and
26 credited to the road use tax fund. Notwithstanding section
27 423.24, and prior to the crediting of revenues to the road use
28 tax fund under section 423.24, subsection 1, paragraph "d",
29 the treasurer of state shall transfer monthly from those
30 revenues to the Iowa department of public health the amount of
31 the special fees collected in the previous month for the love
32 our kids plates.

33 d. Upon receipt of the special registration plates, the
34 applicant shall surrender the current registration receipt and
35 plates to the county treasurer. The county treasurer shall

1 validate the special registration plates in the same manner as
2 regular registration plates are validated under this section.
3 The annual special love our kids fee for letter number
4 designated plates is ten dollars, which shall be paid in
5 addition to the regular annual registration fee. The annual
6 fee for personalized love our kids plates is five dollars,
7 which shall be paid in addition to the annual special love our
8 kids fee and the regular annual registration fee. The annual
9 love our kids fee shall be credited as provided under
10 paragraph "c".

11 NEW SUBSECTION. 11B. MOTORCYCLE RIDER EDUCATION PLATES.

12 a. Upon application and payment of the proper fees, the
13 director may issue "motorcycle rider education" plates to the
14 owner of a motor vehicle subject to registration under section
15 321.109, subsection 1, light delivery truck, panel delivery
16 truck, pickup, motor home, multipurpose vehicle, or travel
17 trailer.

18 b. Motorcycle rider education plates shall be designed by
19 the department in cooperation with the motorcycle rider
20 education organization.

21 c. The special fee for letter number designated motorcycle
22 rider education plates is thirty-five dollars. The fee for
23 personalized motorcycle rider education plates is twenty-five
24 dollars, which shall be paid in addition to the special
25 motorcycle rider education fee of thirty-five dollars. The
26 fees collected by the director under this subsection shall be
27 paid monthly to the treasurer of state and credited to the
28 road use tax fund. Notwithstanding section 423.24, and prior
29 to the crediting of revenues to the road use tax fund under
30 section 423.24, subsection 1, paragraph "d", the treasurer of
31 state shall transfer monthly from those revenues to the
32 department for use in accordance with section 321.189,
33 subsection 9, the amount of the special fees collected in the
34 previous month for the motorcycle rider education plates.

35 d. Upon receipt of the special registration plates, the

1 applicant shall surrender the current registration receipt and
2 plates to the county treasurer. The county treasurer shall
3 validate the special registration plates in the same manner as
4 regular registration plates are validated under this section.
5 The annual special motorcycle rider education fee for letter
6 number designated plates is ten dollars, which shall be paid
7 in addition to the regular annual registration fee. The
8 annual fee for personalized motorcycle rider education plates
9 is five dollars, which shall be paid in addition to the annual
10 special motorcycle rider education fee and the regular annual
11 registration fee. The annual motorcycle rider education fee
12 shall be credited as provided under paragraph "c".

13 Sec. 3. Section 321.34, subsection 13, paragraph c, Code
14 1997, is amended to read as follows:

15 c. ~~If the~~ The department recommends approval of a proposed
16 special registration plate, ~~the department shall forward the~~
17 ~~recommendation to the committees on transportation of the~~
18 ~~general assembly by January 15 of each year~~ shall adopt rules
19 pursuant to chapter 17A regarding the approval and issuance of
20 special registration plates. ~~The proposed special~~
21 ~~registration plate shall not be issued unless the special~~
22 ~~registration plate is enacted into law.~~

23 Sec. 4. Section 321.34, subsection 13, Code 1997, is
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. d. A person submitting a request under
26 paragraph "a" may also request that an additional fee be
27 assessed for the plate in addition to the fees provided in
28 subsection 5 or 12. The additional fee is thirty-five
29 dollars. Special plates subject to the additional fee under
30 this section shall be validated upon payment of an additional
31 annual registration fee of ten dollars. Fees collected
32 pursuant to this paragraph shall be paid monthly to the
33 treasurer of state and credited to the road use tax fund.
34 Notwithstanding section 423.24 and prior to the crediting of
35 the revenue to the road use tax fund under section 423.24,

1 subsection 1, paragraph "d", the treasurer of state shall
2 credit to the person monthly the amount of the fees collected
3 pursuant to this paragraph in the previous month.

4 Sec. 5. Section 321.40, unnumbered paragraph 4, Code 1997,
5 is amended to read as follows:

6 The county treasurer shall refuse to renew the registration
7 of a vehicle registered to a person when notified by the
8 department through the distributed teleprocessing network that
9 the person has not paid restitution as defined under section
10 910.1, subsection 4 3, to the a clerk of the court located
11 within ~~that-county~~ the state. Each clerk of court shall,
12 ~~subject-to-this-section-shall~~ on a daily basis, by the last
13 ~~day-of-each-month,~~ notify the ~~county-treasurer-of-that-county~~
14 department through the Iowa court information system of the
15 full name and social security number of all persons who owe
16 delinquent restitution and whose restitution obligation has
17 been satisfied or cancelled. Immediately-upon-the
18 ~~cancellation-or-satisfaction-of-the-restitution-the-clerk-of~~
19 ~~court-shall-notify-the-county-treasurer-if-that-person's-name~~
20 ~~appeared-on-the-last-list-furnished-to-the-county-treasurer.~~

21 This paragraph does not apply to the transfer of a
22 registration or the issuance of a new registration. The
23 ~~provisions-of-this-paragraph-are-applicable-to-counties-with-a~~
24 ~~population-of-twenty-five-thousand-or-more.--The-provisions-of~~
25 ~~this-paragraph-shall-be-applicable-to-any-county-with-a~~
26 ~~population-of-less-than-twenty-five-thousand-upon-the-adoption~~
27 ~~of-a-resolution-by-the-county-board-of-supervisors-so~~
28 ~~providing.~~

29 Sec. 6. Section 321.166, subsection 1, Code 1997, is
30 amended by adding the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. Trailers with empty weights of
32 two thousand pounds or less may, upon request, be licensed
33 with regular-sized license plates.

34 Sec. 7. Section 321.166, subsection 8, Code 1997, is
35 amended to read as follows:

1 8. The owner of a trailer with an empty weight of two
2 thousand pounds or less shall receive registration plates for
3 the trailer smaller than plates regularly issued for
4 automobiles pursuant to rules adopted by the department in
5 accordance with this section unless the owner requests
6 regular-sized plates.

7 Sec. 8. Section 321.210, subsection 1, Code 1997, is
8 amended to read as follows:

9 1. The department is authorized to establish rules
10 providing for the suspension of the license of an operator
11 upon twenty thirty days' notice and without preliminary
12 hearing upon a showing by its records or other sufficient
13 evidence that the licensee:

14 a. Is an habitually reckless or negligent driver of a
15 motor vehicle.

16 b. Is an habitual violator of the traffic laws.

17 c. Is physically or mentally incapable of safely operating
18 a motor vehicle.

19 d. Has permitted an unlawful or fraudulent use of the
20 license.

21 e. Has committed an offense or acted in a manner in
22 another state or foreign jurisdiction which in this state
23 would be grounds for suspension or revocation.

24 f. Has committed a serious violation of the motor vehicle
25 laws of this state.

26 g. Is subject to a license suspension under section
27 321.513.

28 Prior to a suspension taking effect under paragraph "a",
29 "b", "c", "d", "e", or "f", the licensee shall have received
30 thirty days' advance notice of the effective date of the
31 suspension. Notwithstanding the terms of the Iowa
32 administrative procedure Act, chapter 17A, the filing of a
33 petition for judicial review shall, except for suspensions
34 under paragraph "c", operate to stay the suspension pending
35 the determination by the district court.

1 Sec. 9. Section 321.218, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. A person whose motor vehicle license or operating
4 privilege has been denied, canceled, suspended, or revoked as
5 provided in this chapter or as provided in section 252J.8 or
6 section 901.5, subsection 10, and who operates a motor vehicle
7 upon the highways of this state while the license or privilege
8 is denied, canceled, suspended, or revoked, commits a serious
9 misdemeanor.

10 Sec. 10. Section 321.233, Code 1997, is amended to read as
11 follows:

12 321.233 ROAD WORKERS EXEMPTED.

13 This chapter, except sections 321.277 and 321.280, does not
14 apply to persons and motor vehicles and other equipment while
15 actually engaged in work upon the surface of a highway
16 officially closed to traffic but does apply to such persons
17 and vehicles when traveling to or from such work. The minimum
18 speed restriction of section 321.285, subsection 6, and the
19 provisions of sections 321.297 and 321.298 do not apply to
20 road workers operating maintenance equipment ~~owned-by-or-under~~
21 ~~lease-to~~ on behalf of any state or local authority while
22 engaged in road maintenance, road blading, snow and ice
23 control and removal, and granular resurfacing work on a
24 highway, whether or not the highway is closed to traffic.

25 Sec. 11. Section 321.253, unnumbered paragraph 2, Code
26 1997, is amended to read as follows:

27 The department shall post signs informing motorists that
28 the scheduled fine for committing a moving traffic violation
29 in a road construction work zone is doubled ~~or-is-one-hundred~~
30 ~~dollars, whichever-is-less~~.

31 Sec. 12. Section 321.288, subsection 6, Code 1997, is
32 amended to read as follows:

33 6. When approaching and passing through a sign posted
34 ~~construction-or-maintenance~~ road work zone upon the public
35 highway.

1 Sec. 13. Section 321.463, Code 1997, is amended by adding
2 the following new unnumbered paragraph after unnumbered
3 paragraph 3:

4 NEW UNNUMBERED PARAGRAPH. Machinery defined in section
5 321.1, subsection 32, paragraph "f", shall be operated in
6 compliance with section 321.463. However, machinery used
7 exclusively for mixing and dispensing nutrients to bovine
8 animals at feedlots is not required to comply with section
9 321.463 until July 1, 1999.

10 Sec. 14. Section 321.491, unnumbered paragraph 2, Code
11 1997, is amended to read as follows:

12 Within ten days after the conviction or forfeiture of bail
13 of a person upon a charge of violating any provision of this
14 chapter or other law regulating the operation of vehicles on
15 highways every magistrate of the court or clerk of the
16 district court of record in which the conviction occurred or
17 bail was forfeited shall prepare and immediately forward to
18 the department an abstract of the record of the case. The
19 abstract must be certified by the person preparing it to be
20 true and correct. The clerk of the district court shall
21 collect a fee of fifty cents for each copy of any record of
22 conviction or forfeiture of bail furnished in paper form or by
23 electronic process to any requestor except the department or
24 other local, state, or federal government entity. Moneys
25 collected under this section shall be transferred to the
26 department as a repayment receipt, as defined in section 8.2,
27 to enhance the efficiency of the department to process records
28 and information between the department and the Iowa court
29 information system.

30 Sec. 15. Section 321.555, subsection 1, Code 1997, is
31 amended by adding the following new paragraphs:

32 NEW PARAGRAPH. g. Eluding or attempting to elude a
33 pursuing law enforcement vehicle in violation of section
34 321.279.

35 NEW PARAGRAPH. h. Serious injury by a vehicle in

1 violation of section 707.6A, subsection 3.

2 Sec. 16. Section 321J.13, subsection 3, Code 1997, is
3 amended to read as follows:

4 3. After the hearing the department shall order that the
5 revocation be either rescinded or sustained. Upon receipt of
6 the decision of the department to sustain a revocation, the
7 person contesting the revocation has ten days to file a
8 request for review of the decision by the director. The
9 director or the director's designee shall review the decision
10 within ~~fifteen~~ thirty days and shall either rescind or sustain
11 the revocation or order a new hearing. If the director orders
12 a new hearing, the department shall grant the person a new
13 hearing within twenty days of the director's order.

14 Sec. 17. Section 321J.13, subsection 4, Code 1997, is
15 amended by striking the subsection.

16 Sec. 18. Section 322C.6, unnumbered paragraph 1, Code
17 1997, is amended to read as follows:

18 A license issued under section 322C.4 ~~or 322C-9~~ may be
19 denied, revoked, or suspended, after opportunity for a hearing
20 before the department of inspections and appeals in accordance
21 with chapters 10A and 17A, if it is determined that the
22 licensee or applicant has done any of the following:

23 Sec. 19. Section 322C.11, Code 1997, is amended to read as
24 follows:

25 322C.11 PENALTIES.

26 A person violating a provision of section 322C.3~~7~~-~~322C-7~~-~~or~~
27 ~~322C-8~~ is guilty of a serious misdemeanor.

28 Sec. 20. NEW SECTION. 325A.1 DEFINITIONS.

29 As used in this chapter:

30 1. "Department" means the state department of
31 transportation.

32 2. "Highway" means a street, road, bridge, or thoroughfare
33 of any kind in this state.

34 3. "Interstate motor carrier number" means a United States
35 department of transportation number or motor carrier number

1 issued by the federal highway administration.

2 4. "Intrastate" means a movement of property or passengers
3 from one location to another within this state. "Intrastate"
4 does not include transportation of property or passengers
5 which is a furtherance of an interstate movement.

6 5. "Motor carrier" means a person defined in subsection 7,
7 8, or 9.

8 6. "Motor carrier certificate" means a certificate issued
9 by the department to any person transporting passengers on any
10 highway of this state for hire. This certificate is
11 transferable.

12 7. "Motor carrier of household goods" means a person
13 engaged in the transportation, for hire, of personal effects
14 and property used or to be used in a dwelling, and includes
15 the following:

16 a. Furniture, fixtures, equipment and the property of
17 stores, offices, museums, institutions, hospitals, or other
18 establishments when a part of the stock, equipment, or supply
19 of such establishment; except, this paragraph shall not be
20 construed to include the stock-in-trade of any establishment,
21 except when transported as an incident to the removal of the
22 establishment from one location to another.

23 b. Articles including objects of art, displays, and
24 exhibits, which because of their unusual nature or value,
25 require the specialized handling and equipment usually
26 employed in moving household goods.

27 8. "Motor carrier of liquid commodities" means a person
28 engaged in the transportation, for hire, of liquid commodities
29 or compressed gases in bulk upon any highway in this state.

30 9. "Motor carrier of property" means a person engaged in
31 the transportation, for hire, of property by motor vehicle.

32 10. "Motor carrier permit" means a permit issued by the
33 department to any person operating any motor vehicle on any
34 highway of this state to transport property for hire. This
35 permit is not transferable.

1 11. "Motor vehicle" means an automobile, motor truck,
2 truck tractor, road tractor, motor bus, or other self-
3 propelled vehicle, or a trailer, semitrailer, or other device
4 used in connection with the transportation of property or
5 passengers. "Motor vehicle" does not include a motor vehicle
6 owned by a school district or used exclusively in conveying
7 school children to and from school or school activities.

8 12. "Private carrier" means a person who provides
9 transportation of property or passengers by motor vehicle, is
10 not a for-hire motor carrier, or transports commodities of
11 which the person is the owner, lessee, or bailee and the
12 transportation is a furtherance of the person's primary
13 business or occupation.

14 13. "Transportation for-hire" means all transportation of
15 property or passengers made available by a person for
16 compensation.

17 Sec. 21. NEW SECTION. 325A.2 DUTIES OF DEPARTMENT.

18 The department shall do all of the following:

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

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

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

26 Sec. 22. NEW SECTION. 325A.3 APPLICATION AND ISSUANCE OF
27 PERMIT OR CERTIFICATE.

28 1. Upon the filing of an application by a motor carrier
29 and compliance with the terms and conditions of this chapter,
30 the department shall issue to the applicant a permit or
31 certificate. The actual operation by a motor carrier of a
32 motor vehicle shall not begin without the permit or
33 certificate being issued by the department.

34 2. All applications shall be in writing and contain the
35 following:

- 1 a. The name and tax identification number of the person
- 2 making the application.
- 3 b. The applicant's principal place of business.
- 4 c. The type of permit or certificate being requested.
- 5 d. A signed statement agreeing to comply with all
- 6 applicable safety regulations as prescribed by the department.
- 7 e. A copy of all existing tariffs provided to the
- 8 department for approval by motor carriers of household goods.
- 9 f. A financial statement completed by motor carriers of
- 10 liquid commodities or passengers from which the department can
- 11 determine the financial fitness of the applicant to engage in
- 12 the transport of liquid commodities or passengers.
- 13 g. A sponsor certification of support statement provided
- 14 by charter carriers establishing a need for the proposed
- 15 service.
- 16 h. A verification of required insurance coverage as
- 17 required in section 325A.6, in a form prescribed by the
- 18 department. Verification of required cargo insurance may, but
- 19 need not, be included on the form.
- 20 3. The provisions of subsection 2, paragraphs "f" and "g",
- 21 shall not apply to the transportation of dairy products.
- 22 4. Motor carriers of liquid commodities or passengers
- 23 shall complete a motor carrier safety education seminar
- 24 provided by the department. This seminar must be completed
- 25 within six months of the permit or certificate issuance.
- 26 Sec. 23. NEW SECTION. 325A.4 FEES.
- 27 1. The department shall charge the following fees:
- 28 a. One hundred fifty dollars for a new application.
- 29 b. One hundred fifty dollars for a reinstatement.
- 30 c. Twenty-five dollars to change an address or name.
- 31 d. Ten dollars for tariff updates.
- 32 e. One hundred fifty dollars to transfer a passenger
- 33 certificate.
- 34 f. Twenty-five dollars for a duplicate permit or
- 35 certificate.

1 2. Changes in ownership of motor carrier permits require a
2 new application and the new application fee of one hundred
3 fifty dollars shall be assessed.

4 3. The department shall collect a fee of two hundred
5 dollars to cover the cost of the motor carrier safety
6 education seminar.

7 Sec. 24. NEW SECTION. 325A.5 FEES -- CREDITED TO ROAD
8 USE TAX FUND -- SEMINAR RECEIPTS.

9 All fees received for applications and permits or
10 certificates under this chapter shall be remitted to the
11 treasurer of state and credited to the road use tax fund. All
12 fees collected for the motor carrier safety education seminar
13 shall be considered a repayment receipt as defined in section
14 8.2, and shall be remitted to the department to be used to pay
15 for the seminars.

16 Sec. 25. NEW SECTION. 325A.6 INSURANCE.

17 All motor carriers subject to this chapter shall have
18 minimum insurance coverage which meets the limits established
19 in the federal motor carrier safety regulations in 49 C.F.R.
20 ch. 387.

21 Sec. 26. NEW SECTION. 325A.7 CHARGES.

22 All charges filed under the tariff by any motor carrier of
23 household goods for any service shall be just, reasonable, and
24 nondiscriminating and every unjust, unreasonable, or
25 discriminating charge for such service or any part thereof is
26 prohibited and declared unlawful.

27 Sec. 27. NEW SECTION. 325A.8 REQUIRED MARKING.

28 The motor carrier shall attach distinctive markings or tags
29 to each motor vehicle. If a motor vehicle has both an
30 interstate and intrastate motor carrier number, only the
31 interstate motor carrier number must be displayed.

32 If a motor carrier is renting a vehicle on a daily basis, a
33 copy of the lease must be carried in the vehicle. Violation
34 of this section is a scheduled violation subject to the fine
35 provided in section 805.8, subsection 2, paragraph "ad".

1 Sec. 28. NEW SECTION. 325A.9 ADVERTISING.

2 An advertisement to the general public concerning for-hire
3 transportation must include the permit or motor carrier
4 certificate number issued under this chapter.

5 Sec. 29. NEW SECTION. 325A.10 RULES FOR OPERATION.

6 The department shall adopt rules pursuant to chapter 17A as
7 necessary to govern and control the operation, maintenance,
8 and inspection of vehicles covered by this chapter upon the
9 highways.

10 Sec. 30. NEW SECTION. 325A.11 PASSENGER TRANSPORTATION.

11 In addition to the requirements of subchapter 1, motor
12 carriers of passengers and charter carriers shall comply with
13 the requirements of this subchapter.

14 Sec. 31. NEW SECTION. 325A.12 DEFINITIONS.

15 As used in this subchapter:

16 1. "Car pool" means transportation of a group of at least
17 two riders in a motor vehicle having a seating capacity of not
18 more than eight passengers between a rider's, owner's, or
19 operator's residence or other designated location and a
20 rider's, owner's, or operator's place of employment or other
21 common destination of the group, if the motor vehicle is
22 driven by one of the members of the group.

23 2. "Charter" means an agreement whereby the owner of a
24 motor vehicle lets the motor vehicle to a group of persons as
25 one party for a specified sum and for a specified act of
26 transportation at a specified time and over an irregular
27 route.

28 3. "Charter carrier" means a person engaged in the
29 business of transporting the public by motor vehicle under
30 charter. "Charter carrier" does not include any of the
31 following:

32 a. Taxicabs with a seating capacity of not more than eight
33 passengers, or persons having a license, contract, or
34 franchise with an Iowa city to carry or transport passengers
35 for-hire while operating within the guidelines of the license,

1 contract, or franchise.

2 b. A city engaged in the business of carrying or
3 transporting passengers for-hire over regular routes.

4 c. School bus operators when engaged in transportation
5 involving any school activity.

6 d. A regular-route motor carrier of passengers.

7 4. "Regional transit system" means a public transit system
8 serving one county or all or part of a multicounty area whose
9 boundaries correspond to the same boundaries as those of the
10 regional planning areas designated by the governor except as
11 agreed upon by the county or the department. Each county
12 board of supervisors within the region is responsible for
13 determining the service and funding within its county.

14 However, the administration and overhead support services for
15 the overall regional transit system shall be consolidated into
16 one existing or new agency to be mutually agreed upon by the
17 participating members. Privately chartered bus services and
18 uses other than providing services that are open and public on
19 a shared-ride basis shall not be construed to be a regional
20 transit system.

21 5. "Regular-route motor carrier of passengers" means a
22 person engaged in the for-hire transportation of passengers by
23 motor vehicle over regular routes by scheduled service and
24 available to the general public.

25 6. "Van pool" means transportation of a group of riders in
26 a vehicle having a seating capacity of not less than eight
27 passengers and not more than fifteen passengers between a
28 rider's, owner's, or operator's residence or other designated
29 location and a rider's, owner's, or operator's place of
30 employment or other common destination of the group, if the
31 vehicle is driven by one of the members of the group.

32 Sec. 32. NEW SECTION. 325A.13 CERTIFICATE OF CONVENIENCE
33 AND NECESSITY AND REGULAR-ROUTE PASSENGER CERTIFICATE.

34 1. It is unlawful for a charter carrier to transport
35 passengers by motor vehicle for hire from any point or place

1 in this state to another place in this state irrespective of
2 the route or highway traversed, without first having obtained
3 from the department a certificate declaring that public
4 convenience and necessity require the operation.

5 2. a. It is unlawful for a regular-route motor carrier of
6 passengers to transport passengers for-hire upon the highways
7 of this state in intrastate commerce without first having
8 obtained from the department a regular-route passenger
9 certificate. The department shall issue a regular-route
10 passenger certificate without hearing, if the department finds
11 that the applicant is fit, willing, and able.

12 b. In determining whether a regular-route motor carrier of
13 passengers is fit, willing, and able, the department shall
14 only consider the applicant's compliance with safety,
15 financial fitness, and insurance requirements.

16 c. A regular-route passenger certificate authorizing the
17 transportation of passengers includes the authority to
18 transport newspapers, baggage of passengers, express packages,
19 or mail in the same motor vehicle with passengers.

20 d. A regular-route motor carrier of passengers holding a
21 regular-route passenger certificate may at any time commence
22 scheduled service over any regular route from any point or
23 place in this state to another place in this state
24 irrespective of the route or highway traversed and may at any
25 time discontinue any part of its regular-route service.

26 e. A regular-route motor carrier of passengers granted a
27 certificate prior to the effective date of this Act, which
28 authorized motor carrier passenger operations, may continue to
29 provide motor carrier passenger service with all rights and
30 privileges granted by a regular-route passenger certificate
31 issued under this section.

32 f. A regular-route motor carrier of passengers shall not
33 operate as a charter carrier in this state unless it possesses
34 a certificate of convenience and necessity to engage in the
35 business of a charter carrier.

1 g. An Iowa urban transit system as defined in section
2 452A.57, subsection 6, may operate within the metropolitan
3 area which it serves and between its service area and another
4 city which is located not more than ten miles from its service
5 area without obtaining a regular-route passenger certificate
6 if the other city is not served by another motor carrier of
7 passengers operating under a regular-route passenger
8 certificate.

9 3. A motor carrier providing primarily passenger service
10 for elderly, handicapped, and other transportation-
11 disadvantaged persons is exempt from the certification
12 requirements of this section if it satisfies all of the
13 following requirements:

14 a. The motor carrier is not a corporation organized for-
15 profit under the laws of Iowa or any other state or the motor
16 carrier is a governmental organization.

17 b. The motor carrier received or receives operating funds
18 from federal, state, or local government sources.

19 c. The motor carrier does not duplicate a transportation
20 service provided by a motor carrier issued a regular-route
21 passenger certificate.

22 4. A person operating a motor vehicle in a car pool or van
23 pool is exempt from the requirement of this chapter.

24 5. Except for a person operating a car pool or van pool,
25 each motor carrier exempt from the requirement for obtaining a
26 certificate under this section shall obtain a nontransferable
27 permit from the department. Such motor carriers shall comply
28 with all safety, insurance, and other rules of the department
29 pertaining to a publicly funded transit system.

30 Sec. 33. NEW SECTION. 325A.14 AMEND, SUSPEND, OR REVOKE
31 CERTIFICATE.

32 Following a departmental investigation, the department may
33 at any time amend, suspend, or revoke any certificate issued
34 pursuant to this chapter.

35 Sec. 34. NEW SECTION. 325A.15 APPLICATION FOR

1 CERTIFICATE.

2 All applications for a charter carrier or regular-route
3 passenger certificate shall be in writing and, in addition to
4 any other information required by this chapter, shall contain
5 all of the following:

6 1. A complete description of the area in which the
7 applicant proposes to operate.

8 2. An applicant for a regular-route passenger certificate,
9 in lieu of the information required by subsection 1, shall
10 indicate that statewide regular-route passenger authority is
11 being sought.

12 Sec. 35. NEW SECTION. 325A.16 PROTESTS AGAINST
13 APPLICATIONS.

14 1. Upon the filing of the application, the department
15 shall publish a notice to the citizens of each county in which
16 the proposed motor carrier passenger service will be rendered.
17 The notice shall be published once in a newspaper of general
18 circulation in each county.

19 2. Any person, city, or county whose rights or interests
20 may be affected may file written objections to the proposed
21 service with the department.

22 3. An objection filed against the granting of an
23 application shall state specifically the grounds upon which it
24 is made and contain a concise statement of the interest of the
25 person filing the objection in the proceeding.

26 4. An objection shall be filed with the department not
27 later than thirty days from the date of the publication of
28 notice.

29 5. Upon receipt of an objection complying with subsection
30 3, the department shall request the department of inspections
31 and appeals to set the matter for hearing not less than ten
32 days following the expiration of the time in which objections
33 may be made. The department of inspections and appeals shall
34 give notice to all persons who have filed objections of the
35 time and place of the hearing.

1 6. This section applies to all intrastate motor carriers
2 of passengers except regular-route motor carriers of
3 passengers.

4 Sec. 36. NEW SECTION. 325A.17 RULES OF PROCEDURE.

5 The department shall adopt rules pursuant to chapter 17A
6 establishing the procedure to be followed in the filing of
7 applications for a motor carrier passenger certificate and the
8 department of inspections and appeals shall adopt rules
9 pursuant to chapter 17A for the conduct of hearings regarding
10 objections by other persons to the issuance of a motor carrier
11 certificate to an applicant.

12 Sec. 37. NEW SECTION. 325A.18 UNCONTESTED CASE
13 PROCEDURE.

14 If an objection is not filed, the department shall consider
15 the application and any relevant evidence in determining
16 whether to grant the certificate requested in the application.

17 Sec. 38. NEW SECTION. 325A.19 GRANTING APPLICATION --
18 RESTRICTIONS.

19 The department may grant the application in whole or in
20 part upon terms and restrictions established by the
21 department. However, no condition or restriction on a
22 regular-route passenger certificate shall be established, and
23 all regular-route passenger certificates shall grant statewide
24 regular-route passenger authority. The actual operation shall
25 not begin without a written statement of approval from the
26 department to the effect that the applicant has complied with
27 applicable safety provisions.

28 If a certificate is granted to a charter carrier, the
29 department may attach to the exercise of the rights conferred
30 by the certificate such terms and conditions as in its
31 judgment the public convenience and necessity require.

32 Sec. 39. NEW SECTION. 325A.20 EXPENSE OF HEARING.

33 The applicant and any persons objecting to the granting of
34 a certificate to the applicant shall split equally and pay all
35 the costs of the hearing before the application is granted.

1 The department of inspections and appeals shall establish
2 appropriate fees which shall be paid to the department of
3 inspections and appeals.

4 Sec. 40. NEW SECTION. 325A.21 REVIEW.

5 A decision of the department of inspections and appeals is
6 subject to review by the state department of transportation.
7 Judicial review of the decisions and actions of the state
8 department of transportation may be sought in accordance with
9 chapter 17A. A petitioner shall file with the clerk of the
10 district court a bond for costs in the sum of not less than
11 five hundred dollars.

12 Sec. 41. NEW SECTION. 325A.22 TRANSFER OF CERTIFICATE.

13 1. A certificate of convenience and necessity shall not be
14 sold, transferred, leased, or assigned and a contract or
15 agreement with reference to or affecting a certificate shall
16 not be entered into without the written approval of the
17 department. The department may request the department of
18 inspections and appeals to hold a hearing regarding the
19 transfer of the certificate. The state department of
20 transportation shall approve the sale, transfer, lease, or
21 assignment upon a finding by the department of inspections and
22 appeals that there has been continuous service under the
23 certificate for at least ninety days prior to the transfer,
24 that the transferee is fit, willing, and able to perform the
25 operations authorized by the certificate, and that the
26 transfer is consistent with the public interest. Pending
27 determination of an application filed with the department for
28 approval of a sale, transfer, lease, or assignment, the
29 department may grant temporary approval of the proposed
30 operation upon a finding of good cause.

31 2. A regular-route passenger certificate shall not be
32 sold, transferred, leased, or assigned without the approval of
33 the department. The department shall approve the sale,
34 transfer, lease, or assignment if the person obtaining or
35 seeking to obtain ownership or control of a certificate is

1 found to be fit, willing, and able to perform the service
2 proposed. In determining the fitness of the person seeking
3 transfer of the certificate, the department shall consider
4 only the person's compliance with safety, financial fitness,
5 and insurance requirements.

6 Sec. 42. NEW SECTION. 325A.23 RIDING ON OUTSIDE PART.

7 Passengers shall not ride on the running boards, fenders,
8 or on any other outside part of passenger-carrying motor
9 vehicles.

10 Sec. 43. NEW SECTION. 325A.24 AMEND, SUSPEND, OR REVOKE
11 PERMIT OR CERTIFICATE.

12 The department may, in addition to other penalties, revoke
13 or suspend the permit or certificate of a motor carrier for a
14 violation of this chapter or a rule adopted under this
15 chapter. For flagrant or persistent violations of safety or
16 hazardous materials rules by the holder of a permit or
17 certificate or the holder's agent, the department may suspend
18 the permit or certificate of necessity until the rules adopted
19 by the department are complied with, or the department may
20 revoke the permit or certificate for continued noncompliance.

21 Sec. 44. NEW SECTION. 325A.25 VIOLATIONS -- EFFECT.

22 For violation of this chapter or any rule adopted pursuant
23 to this chapter, the department may, in addition to other
24 penalties provided, suspend or revoke the permit or
25 certificate. If a permittee or certificate holder or a
26 permittee's or holder's agent persists in a violation of a
27 prescribed safety rule, the department may amend, suspend, or
28 revoke the permit or certificate.

29 Sec. 45. NEW SECTION. 325A.26 SCHEDULED FINES --
30 PENALTY.

31 A person who violates this chapter or a rule adopted
32 pursuant to this chapter for which a penalty is not otherwise
33 established, or who aids or abets a person in a failure to
34 comply with this chapter or a rule adopted pursuant to this
35 chapter, is subject to the fine provided in section 805.8,

1 subsection 2, paragraph "ad".

2 Sec. 46. Section 326.11, unnumbered paragraph 2, Code
3 1997, is amended to read as follows:

4 The director may issue temporary written authorization to
5 carriers for vehicles acquired by a fleet owner and added to
6 the fleet owner's prorated fleet after the beginning of the
7 registration year. The temporary authority shall permit the
8 operation of a commercial vehicle until permanent
9 identification is issued, except that the temporary authority
10 shall expire after ninety days. In addition, the director may
11 issue temporary authorization to a motor carrier fleet while
12 under a conditional recision operating order issued by a
13 federal agency. The temporary authority shall permit the
14 operation of the carrier's vehicles until the conditional
15 recision is lifted by the federal agency, at which time the
16 carrier's permanent identification shall be restored.

17 Sec. 47. Section 422.45, Code 1997, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 7A. The refund of sales and use tax paid
20 on transportation construction projects let by the state
21 department of transportation are subject to the special
22 provisions of this subsection.

23 a. A contractor awarded a contract for a transportation
24 construction project is considered the consumer of all
25 building materials, building supplies and equipment and shall
26 pay sales tax to the supplier or remit consumer use tax
27 directly to the department.

28 b. The contractor is not required to file information with
29 the department of transportation stating the amount of goods,
30 wares, or merchandise, or services rendered, furnished, or
31 performed and used in the performance of the contract or the
32 amount of sales or use tax paid.

33 c. The department of transportation shall file a refund
34 claim based on a formula that considers the following:

35 (1) The quantity of material to complete the contract, and

1 quantities of items of work.

2 (2) The estimated cost of these materials included in the
3 items of work, and the state sales or use tax to be paid on
4 the tax rate in effect in section 422.43.

5 The quantity of materials shall be determined after each
6 letting based on the contract quantities of all items of work
7 let to contract. The quantity of individual component
8 materials required for each item shall be determined and
9 maintained in a database. The total quantities of materials
10 shall be determined by multiplying the quantities of component
11 materials for each contract item of work by the total
12 quantities of each contract item for each letting. Where
13 variances exist in the cost of materials, the lowest cost
14 shall be used as the base cost.

15 d. Only the state sales or use tax is refundable. Local
16 option taxes paid by the contractor are not refundable.

17 Sec. 48. Section 805.8, subsection 2, Code 1997, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. ad. For violation of section 325A.8, the
20 scheduled fine is fifty dollars. For violation of chapter
21 325A, other than a violation of section 325A.8, the scheduled
22 fine is two hundred fifty dollars.

23 Sec. 49. Section 805.8, subsection 2A, Code 1997, is
24 amended to read as follows:

25 2A. MOVING TRAFFIC VIOLATIONS -- CONSTRUCTION ROAD WORK
26 ZONES. The scheduled fine for any moving traffic violations
27 under chapter 321 as provided in this section shall be doubled
28 ~~or shall be set at one hundred dollars, whichever is less,~~ if
29 the violation occurs within any road construction work zone,
30 as defined in section 321.1.

31 Sec. 50.

32 1. Chapters 325, 327, and 327A, Code 1997, are repealed.

33 2. Sections 322C.7, 322C.8, and 322C.9, Code 1997, are
34 repealed.

35 Sec. 51. EFFECTIVE AND IMPLEMENTATION DATES. Sections 5,

1 20 through 45, 48, and section 50, subsection 1, of this Act
2 take effect January 1, 1998. Motor carriers with permits or
3 certificates issued under chapter 325, 327, or 327A need not
4 reapply or pay application fees on existing permits or
5 certificates but are subject to other applicable fees.

6 EXPLANATION

7 This bill makes changes to statutory provisions relating to
8 the state department of transportation.

9 The term "road construction zone" in Code section 321.1,
10 subsection 64A, is changed to "road work zone" and defined as
11 the portion of a highway which is identified as the site of
12 construction, maintenance, survey, or utility work.

13 Code section 321.34, regarding special license plates, is
14 amended to authorize the department to issue love our kids and
15 motorcycle rider education special plates. The fee for each
16 is \$35. Proceeds from the love our kids plates are
17 distributed to the Iowa department of public health and
18 proceeds from the motorcycle rider education plates are
19 distributed to the motorcycle rider education fund. Section
20 321.34 is also amended to add a provision allowing a person or
21 organization requesting a special plate to request that an
22 additional fee of \$35 be assessed in addition to the regular
23 or personalized plate fee with the proceeds from that special
24 fee being credited by the treasurer of state to the person or
25 organization.

26 Code section 321.34 is also amended to require the
27 department to adopt administrative rules regarding the
28 issuance of special license plates. Currently, special plates
29 are issued only after the department recommends the plates be
30 approved and the plates are enacted into law.

31 Code section 321.40 is amended to provide that all county
32 treasurers shall refuse to renew the vehicle registrations of
33 persons who owe delinquent victim restitution anywhere in the
34 state. Currently, registration is only refused in counties
35 which have populations of 25,000 or more or which have agreed

1 to do so by resolution and where the person owes any
2 delinquent fine, penalty, surcharge, victim restitution, or
3 other restitution under section 910.1, subsection 4. The bill
4 provides for daily notification of persons who owe restitution
5 by clerks of court to the department through the Iowa court
6 information system and for notification to the county
7 treasurers by the department through the distributed
8 teleprocessing network. This provision takes effect on
9 January 1, 1998.

10 Code section 321.166 is amended to provide that owners of
11 trailers with an empty weight of 2,000 pounds or less may
12 request regular-sized license plates instead of smaller plates
13 for their trailers.

14 Code section 321.210 is amended to increase from 20 days to
15 30 days the notice required to a motor vehicle operator before
16 the operator's license may be suspended for habitually
17 reckless operation, being a habitual violator, or other
18 reasons. The section is also amended to provide that filing a
19 petition for judicial review under the Iowa administrative
20 procedure Act (chapter 17A) does not stay a suspension for
21 being physically or mentally incapable of safely operating a
22 motor vehicle.

23 Code section 321.218 is amended to apply the serious
24 misdemeanor penalty applicable to a person who is found to
25 have driven while the person's license is suspended or revoked
26 under Code chapter 321 to a person found to have driven while
27 the person's license is revoked as part of the sentence for
28 conviction of a drug offense.

29 The bill amends the exemption for road workers from most
30 provisions of Code chapter 321 contained in Code section
31 321.233 to apply when the worker is operating equipment on
32 behalf of a state or local authority. Currently, the
33 equipment must be owned by or under lease to the state or
34 local authority.

35 Code section 321.253 is amended to conform to the change in

1 the definition of road work zone and to eliminate the
2 reference to the \$100 limitation on doubled fines for moving
3 violations in road work zones.

4 Code section 321.288 is amended to use the new term "road
5 work zones".

6 The bill provides that implements of husbandry must be
7 operated within the weight requirements of section 321.463
8 except for certain cattle feeding machinery, which need not
9 meet the requirements of section 321.463 until July 1, 1999.

10 Code section 321.491 is amended to provide that the clerk
11 of the district court shall charge a fee of 50 cents for
12 copies, either paper or electronic, of records of conviction
13 of a provision of Code chapter 321 or other motor vehicle
14 operation law. The fee is to be credited to the department to
15 enhance the department's ability to process and transfer
16 information between the Iowa court information system.

17 The definition of habitual offender in Code section 321.555
18 is amended to include the offenses of eluding or attempting to
19 elude a pursuing law enforcement vehicle and serious injury by
20 a vehicle.

21 Code section 321J.13 is amended to extend from 15 days to
22 30 days the time period for the director, upon request, to
23 review a license revocation decision and either rescind or
24 suspend the decision. Subsection 4 of this Code section,
25 providing for the reopening of a revocation hearing on the
26 grounds of newly discovered evidence, or a decision in favor
27 of the defendant in the related criminal case is stricken.

28 Code sections 322C.7 through 322C.9 are stricken. These
29 sections concern licenses for travel trailer manufacturers or
30 distributors or their representatives and license fees.
31 Conforming changes which eliminate reference to the stricken
32 sections are also made.

33 The bill repeals Code chapters 325 (certificated carriers),
34 327 (truck operators), and 327A (liquid transport carriers)
35 and replaces them with new Code chapter 325A regarding

1 intrastate motor carrier regulation. Persons subject to
2 regulation under Code chapter 325A include intrastate for-hire
3 motor carriers of goods, liquids, and passengers.

4 The bill provides that the department of transportation is
5 responsible for safety and financial responsibility
6 regulations, tariff approval, and permit or certificate
7 issuance or revocation for intrastate carriers. The
8 department is no longer responsible for regulating matters
9 which are under federal regulation, such as insurance
10 coverage, rates, routes, and services.

11 Motor carriers of liquids or passengers are required by
12 Code chapter 325A to complete a safety education seminar
13 within six months of being issued a permit or certificate.
14 The bill provides for the department to charge a \$200 fee for
15 the seminar.

16 The bill also establishes the following fees: \$150 for a
17 new application, to reinstate a permit or certificate, to
18 transfer a passenger certificate, or to change ownership of a
19 motor carrier permit or certificate; \$25 to change an address
20 or name or issue a duplicate permit or certificate; and \$10 to
21 update a tariff. Fees are to be credited to the road use tax
22 fund, except for seminar fees, which are credited to the
23 department to cover the costs of the seminars.

24 The bill provides for scheduled fines of \$50 for violations
25 of marking requirements and \$250 for any other violation of
26 Code chapter 325A, such as unlawful tariffs or failure to have
27 a required permit or certificate.

28 The bill maintains the current system where the department
29 of inspections and appeals hears protests by third parties
30 against the issuance of a permit or certificate to an
31 applicant, with review of the hearing decision by the state
32 department of transportation and judicial review pursuant to
33 Code chapter 17A.

34 Code section 326.11, regarding registration of fleet
35 vehicles, is amended to authorize the director of the

1 department to issue temporary authorization to a carrier which
2 is operating under a conditional recision operating order
3 issued by a federal agency.

4 Code section 422.45, regarding sales and use tax, is
5 amended to include special provisions regarding the refund of
6 sales and use tax paid on Iowa department of transportation
7 construction projects. Under the provision, a contractor is
8 considered the consumer of materials, supplies, and equipment
9 and must pay sales or use taxes directly to the department.
10 Contractors are not, however, required to file information
11 with the department regarding the amount of goods,
12 merchandise, or services rendered, furnished, or performed.
13 The department will file for the sales or use tax refund based
14 upon a formula that must include consideration of the quantity
15 of material and items of work necessary to complete the
16 contract and the estimated cost of the materials included in
17 the items of work and the rate of tax paid. The department is
18 to maintain information on the materials needed and used for
19 each contract in a database. The provision prohibits refunds
20 on local option sales taxes paid by the contractor.

21 Code section 805.8, regarding moving violations in road
22 construction zones, is amended to use the term "road work
23 zones" and to eliminate the cap on fines at \$100. The section
24 is also amended to add scheduled fines for violations of Code
25 chapter 325A.

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HOUSE FILE 704

AN ACT

RELATING TO SUBSTANTIVE AND OTHER PROVISIONS AFFECTING THE STATE DEPARTMENT OF TRANSPORTATION AND DRIVER, MOTOR VEHICLE, AND HIGHWAY REGULATION, INCLUDING THE DEFINITION OF ROAD WORK ZONES, REGISTRATION FEES FOR CERTAIN DISASTER RELIEF VEHICLES, PROVIDING GROUNDS FOR REFUSING RENEWAL OF VEHICLE REGISTRATIONS, REGULATION OF INTRASTATE MOTOR CARRIERS, IMPOSING FEES, PROVIDING FOR AN ELECTRONIC TITLING AND REGISTRATION PROGRAM, CREATING, ELIMINATING, OR ENHANCING PENALTIES, AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 306B.2, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 2. Section 306C.11, subsection 3, Code 1997, is amended to read as follows:

3. a. Advertising devices within the adjacent area located in commercial or industrial zones or in unzoned commercial or industrial areas in compliance with the regulatory standards of this division and rules promulgated by the department.

b. The rules shall be consistent with national standards promulgated pursuant to 23 U.S.C. § 131 and shall include at least the following:

(1) Provision for a fee schedule to cover the direct and indirect costs related to issuing permits and control of outdoor advertising.

(2) Specific permit requirements.

(3) Criteria for on-premise signs.

(4) Provisions specifying the measurement of required spacing.

(5) Provisions specifying conforming sign configurations.

Sec. 3. Section 306C.18, subsections 1 and 4, Code 1997, are amended to read as follows:

1. The application for a permit shall be on a form provided by the department and shall contain the name and address of the owner of the advertising device and the name and address of the owner of the real property on which it is located; the date of its erection; a description of its location; its dimensions; and such other information required by the department, together with a permit fee as provided in this section or rule adopted by the department.

4. The fee for both types of permits for calendar years 1997 and 1998 shall be one hundred dollars for the initial fee and fifteen dollars for each annual renewal for signs up to three hundred seventy-five square feet in area, twenty-five dollars for each annual renewal for signs at least three hundred seventy-six, but not more than nine hundred ninety-nine, square feet in area, and fifty dollars for each annual renewal for signs one thousand square feet or more in area. Beginning January 1, 1999, fees shall be as determined by rule by the department. The fees collected for the above permits shall be credited to a special account entitled the "highway beautification fund" and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed by regular maintenance personnel are not to be charged against the account.

Sec. 4. Section 310.18, Code 1997, is amended to read as follows:

310.18 PARTIAL PAYMENTS DURING CONSTRUCTION.

Partial payments may be made on the work during the in progress thereof, but no such partial payment shall be deemed final acceptance of the work nor a waiver of any defect therein in the work. ~~The approval of any claims by the~~ board of supervisors, the county engineer, or by the department may approve claims. Approval may be evidenced by the signature of the county engineer or chairperson of said the board or department, or a majority of the members of the board or department, on the individual claims or on the abstract of a

number of claims with the individual claims attached to said the abstract.

Sec. 5. Section 321.1, subsection 64A, Code 1997, is amended to read as follows:

64A. "Road construction work zone" means the portion of a highway which is identified by posted or moving signs as being under the site of construction, maintenance, survey, or utility work. The zone starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the construction work zone has ended.

Sec. 6. Section 321.19, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

1. All vehicles owned or leased for a period of sixty days or more by the government and used in the transaction of official business by the representatives of foreign governments or by officers, boards, or departments of the government of the United States, and by the state, counties, municipalities and other political subdivisions of the state including vehicles used by an urban transit company operated by a municipality or a regional transit system, and self-propelling vehicles used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality or a regional transit system, and all fire trucks, providing they are not owned and operated for a pecuniary profit, and authorized emergency vehicles used only in disaster relief owned and operated by an organization not operated for pecuniary profit, are exempted from the payment of the fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter.

Sec. 7. Section 321.20, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding contrary provisions of this chapter or chapter 326 regarding titling and registration by means other than electronic means, the department may develop and implement a program to test the

feasibility of electronic applications, titling, registering, and electronic funds transfer for vehicles traveling in interstate commerce in order to improve the efficiency and timeliness of the processes and to reduce costs for all parties involved.

Sec. 8. Section 321.34, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. LOVE OUR KIDS PLATES.

a. Upon application and payment of the proper fees, the director may issue "love our kids" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck, pickup, motor home, multipurpose vehicle, or travel trailer.

b. Love our kids plates shall be designed by the department in cooperation with the Iowa department of public health.

c. The special fee for letter number designated love our kids plates is thirty-five dollars. The fee for personalized love our kids plates is twenty-five dollars, which shall be paid in addition to the special love our kids fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and credited to the road use tax fund. Notwithstanding section 423.24, and prior to the crediting of revenues to the road use tax fund under section 423.24, subsection 1, paragraph "d", the treasurer of state shall transfer monthly from those revenues to the Iowa department of public health the amount of the special fees collected in the previous month for the love our kids plates.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration receipt and plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special love our kids fee for letter number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual

fee for personalized love our kids plates is five dollars, which shall be paid in addition to the annual special love our kids fee and the regular annual registration fee. The annual love our kids fee shall be credited as provided under paragraph "c".

NEW SUBSECTION. 11B. MOTORCYCLE RIDER EDUCATION PLATES.

a. Upon application and payment of the proper fees, the director may issue "motorcycle rider education" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck, pickup, motor home, multipurpose vehicle, or travel trailer.

b. Motorcycle rider education plates shall be designed by the department.

c. The special fee for letter number designated motorcycle rider education plates is thirty-five dollars. The fee for personalized motorcycle rider education plates is twenty-five dollars, which shall be paid in addition to the special motorcycle rider education fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and credited to the road use tax fund. Notwithstanding section 423.24, and prior to the crediting of revenues to the road use tax fund under section 423.24, subsection 1, paragraph "d", the treasurer of state shall transfer monthly from those revenues to the department for use in accordance with section 321.189, subsection 9, the amount of the special fees collected in the previous month for the motorcycle rider education plates.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration receipt and plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special motorcycle rider education fee for letter number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized motorcycle rider education plates

is five dollars, which shall be paid in addition to the annual special motorcycle rider education fee and the regular annual registration fee. The annual motorcycle rider education fee shall be credited as provided under paragraph "c".

Sec. 9. Section 321.34, subsection 13, paragraph c, Code 1997, is amended to read as follows:

c. ~~If the~~ The department recommends approval of a proposed special registration plate, ~~the department shall forward the recommendation to the committees on transportation of the general assembly by January 15 of each year shall adopt rules pursuant to chapter 17A regarding the approval and issuance of special registration plates. The proposed special registration plate shall not be issued unless the special registration plate is enacted into law.~~

Sec. 10. Section 321.34, subsection 13, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. A state agency may submit a request to the department recommending a special registration plate. The alternate fee for letter number designated plates is thirty-five dollars with a ten dollar annual special renewal fee. The fee for personalized plates is twenty-five dollars which is in addition to the alternative fee of thirty-five dollars with an annual personalized plate renewal fee of five dollars which is in addition to the special renewal fee of ten dollars. The alternate fees are in addition to the regular annual registration fee. The alternate fees collected under this paragraph shall be paid monthly to the treasurer of state and credited to the road use tax fund. Notwithstanding section 423.24 and prior to the crediting of the revenues to the road use tax fund under section 423.24, subsection 1, paragraph "d", the treasurer of state shall credit monthly the amount of the alternate fees collected in the previous month to the state agency that recommended the special registration plate.

Sec. 11. Section 321.37, Code 1997, is amended by adding the following new unnumbered paragraph after the first unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Registration plates issued for a motor vehicle which is model year 1948 or older, and reconstructed or specially constructed vehicles built to resemble a model year 1948 vehicle or older, other than a truck registered for more than five tons, motorcycle or truck tractor, may display one registration plate on the rear of the vehicle if the other registration plate issued to the vehicle is carried in the vehicle at all times when the vehicle is operated on a public highway.

Sec. 12. Section 321.40, unnumbered paragraph 4, Code 1997, is amended to read as follows:

The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified by the department through the distributed teleprocessing network that the person has not paid restitution as defined under section 910.1, subsection 4, to the a clerk of the court located within that county the state. Each clerk of court shall, ~~subject to this section shall~~ on a daily basis, by the last day of each month, notify the county treasurer of that county department through the Iowa court information system of the full name and social security number of all persons who owe delinquent restitution and whose restitution obligation has been satisfied or canceled. ~~Immediately upon the cancellation or satisfaction of the restitution the clerk of court shall notify the county treasurer if that person's name appeared on the last list furnished to the county treasurer.~~ This paragraph does not apply to the transfer of a registration or the issuance of a new registration. ~~The provisions of this paragraph are applicable to counties with a population of twenty-five thousand or more. The provisions of this paragraph shall be applicable to any county with a population of less than twenty-five thousand upon the adoption of a resolution by the county board of supervisors so providing.~~

Sec. 13. Section 321.115, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Truck tractors and semitrailers used in combination for exhibition and educational purposes as

described in subsection 1 may be registered, exhibited, and driven according to the provisions of subsection 1. Subsection 3 shall not apply to vehicles registered in accordance with this subsection.

Sec. 14. Section 321.166, subsection 1, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Trailers with empty weights of two thousand pounds or less may, upon request, be licensed with regular-sized license plates.

Sec. 15. Section 321.166, subsection 8, Code 1997, is amended to read as follows:

8. The owner of a trailer with an empty weight of two thousand pounds or less shall receive registration plates for the trailer smaller than plates regularly issued for automobiles pursuant to rules adopted by the department in accordance with this section unless the owner requests regular-sized plates.

Sec. 16. Section 321.210, subsection 1, Code 1997, is amended to read as follows:

1. The department is authorized to establish rules providing for the suspension of the license of an operator upon twenty thirty days' notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

- a. Is an habitually reckless or negligent driver of a motor vehicle.
- b. Is an habitual violator of the traffic laws.
- c. Is physically or mentally incapable of safely operating a motor vehicle.
- d. Has permitted an unlawful or fraudulent use of the license.
- e. Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
- f. Has committed a serious violation of the motor vehicle laws of this state.

g. Is subject to a license suspension under section 321.513.

Prior to a suspension taking effect under paragraph "a", "b", "c", "d", "e", or "f", the licensee shall have received thirty days' advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall, except for suspensions under paragraph "c", operate to stay the suspension pending the determination by the district court.

Sec. 17. Section 321.218, subsection 1, Code 1997, is amended to read as follows:

1. A person whose motor vehicle license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter or as provided in section 252J.8 or section 901.5, subsection 10, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a serious misdemeanor.

Sec. 18. Section 321.233, Code 1997, is amended to read as follows:

321.233 ROAD WORKERS EXEMPTED.

This chapter, except sections 321.277 and 321.280, does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection 6, and the provisions of sections 321.297, and 321.298, and 321.323 do not apply to road workers operating maintenance equipment owned-by-or-under-lease-to on behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

Sec. 19. Section 321.253, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The department shall post signs informing motorists that the scheduled fine for committing a moving traffic violation in a road construction work zone is doubled ~~or-is-one-hundred dollars,-whichever-is-less.~~

Sec. 20. Section 321.288, subsection 6, Code 1997, is amended to read as follows:

6. When approaching and passing through a sign posted construction-or-maintenance road work zone upon the public highway.

Sec. 21. Section 321.445, subsection 2, paragraph e, Code 1997, is amended to read as follows:

e. A person possessing a written certification from a physician health care provider licensed under chapter 148, 150, 150A, or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying physician health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

Sec. 22. Section 321.463, Code 1997, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. Machinery defined in section 321.1, subsection 32, paragraph "f", shall be operated in compliance with this section. However, machinery used exclusively for mixing and dispensing nutrients to bovine animals at feedlots is not required to comply with section 321.463 until July 1, 1999.

Sec. 23. Section 321.491, unnumbered paragraph 2, Code 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 copy of any record of conviction or forfeiture of bail furnished to any requestor except 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.

Sec. 24. Section 321.555, subsection 1, Code 1997, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. Eluding or attempting to elude a pursuing law enforcement vehicle in violation of section 321.279.

NEW PARAGRAPH. h. Serious injury by a vehicle in violation of section 707.6A, subsection 3.

Sec. 25. Section 321E.8, subsection 4, Code 1997, is amended by striking the subsection.

Sec. 26. Section 321E.9, subsection 2, Code 1997, is amended to read as follows:

2. Vehicles with indivisible loads exceeding the width, length, and total gross weight provided in subsection 1, may be moved in special or emergency situations, provided the permitting authority has reviewed the route and has approved the movement of the vehicle and load. ~~The vehicle and load shall be accompanied by an escort as required by rules adopted pursuant to chapter 17A.~~ The issuing authority may impose any special restrictions as deemed necessary on movements or exempt movements from the restrictions of section 321E.11 by permit under this subsection.

Sec. 27. Section 321E.9, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 28. Section 321E.11, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Movements by permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on those highways designated by the department. Additional safety lighting and escorts may be required for movement at night.

Sec. 29. NEW SECTION. 321E.34 ESCORT REQUIREMENTS.

1. An operator of an escort vehicle, serving as an escort in the movement of vehicles and loads of excess size and weight under permits required by this chapter shall have a motor vehicle license as defined in section 321.1 valid for the operation of the escort vehicle.

2. Vehicles under permit, the width of which, including any load, exceeds that prescribed in section 321.454 but does not exceed fourteen feet six inches including appurtenances, may be moved on two-lane highways of this state without an escort if the highway being traversed has a minimum lane width of twelve feet and a sufficient shoulder width and if an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load. In addition, vehicles moving under permit, including any load, with an overall width not exceeding sixteen feet six inches may be moved on an interstate or four-lane highway of this state without an escort if an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load.

3. The department shall adopt rules pursuant to chapter 17A for all escort requirements other than those exempted in subsection 2. The rules shall include escorting requirements

for annual permits, single-trip permits, multitrip permits, special or emergency situations, length, height, and weight.

Sec. 30. Section 321J.13, subsection 3, Code 1997, is amended to read as follows:

3. After the hearing the department shall order that the revocation be either rescinded or sustained. Upon receipt of the decision of the department to sustain a revocation, the person contesting the revocation has ten days to file a request for review of the decision by the director. The director or the director's designee shall review the decision within fifteen thirty days and shall either rescind or sustain the revocation or order a new hearing. If the director orders a new hearing, the department shall grant the person a new hearing within twenty days of the director's order.

Sec. 31. Section 321J.13, subsection 4, Code 1997, is amended by striking the subsection.

Sec. 32. NEW SECTION. 325A.1 DEFINITIONS.

As used in this chapter:

1. "Department" means the state department of transportation.

2. "Highway" means a street, road, bridge, or thoroughfare of any kind in this state.

3. "Interstate motor carrier number" means a United States department of transportation number or motor carrier number issued by the federal highway administration.

4. "Intrastate" means a movement of property or passengers from one location to another within this state. "Intrastate" does not include transportation of property or passengers which is a furtherance of an interstate movement.

5. "Motor carrier" means a person defined in subsection 7, 8, or 9.

6. "Motor carrier certificate" means a certificate issued by the department to any person transporting passengers on any highway of this state for hire. This certificate is transferable.

7. "Motor carrier of household goods" means a person engaged in the transportation, for hire, of personal effects

and property used or to be used in a dwelling, and includes the following:

a. Furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such establishment; except, this paragraph shall not be construed to include the stock-in-trade of any establishment, except when transported as an incident to the removal of the establishment from one location to another.

b. Articles including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

8. "Motor carrier of liquid commodities" means a person engaged in the transportation, for hire, of liquid commodities or compressed gases in bulk upon any highway in this state.

9. "Motor carrier of property" means a person engaged in the transportation, for hire, of property by motor vehicle.

10. "Motor carrier permit" means a permit issued by the department to any person operating any motor vehicle on any highway of this state to transport property for hire. A motor carrier permit is not transferable unless it was issued to a motor carrier of household goods.

11. "Motor vehicle" means an automobile, motor truck, truck tractor, road tractor, motor bus, or other self-propelled vehicle, or a trailer, semitrailer, or other device used in connection with the transportation of property or passengers. "Motor vehicle" does not include a motor vehicle owned by a school district or used exclusively in conveying school children to and from school or school activities.

12. "Private carrier" means a person who provides transportation of property or passengers by motor vehicle, is not a for-hire motor carrier, or transports commodities of which the person is the owner, lessee, or bailee and the transportation is a furtherance of the person's primary business or occupation.

13. "Transportation for-hire" means all transportation of property or passengers made available by a person for compensation.

Sec. 33. NEW SECTION. 325A.2 DUTIES OF DEPARTMENT.

The department shall do all of the following:

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

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

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

Sec. 34. NEW SECTION. 325A.3 APPLICATION AND ISSUANCE OF PERMIT OR CERTIFICATE.

1. Upon the filing of an application by a motor carrier and compliance with the terms and conditions of this chapter, the department shall issue to the applicant a permit or certificate. The actual operation by a motor carrier of a motor vehicle shall not begin without the permit or certificate being issued by the department.

2. All applications shall be in writing and contain the following:

- a. The name and tax identification number of the person making the application.
- b. The applicant's principal place of business.
- c. The type of permit or certificate being requested.
- d. A signed statement agreeing to comply with all applicable safety regulations as prescribed by the department.
- e. A copy of all existing tariffs provided to the department for approval by motor carriers of household goods.
- f. A financial statement completed by motor carriers of liquid commodities or passengers from which the department can determine the financial fitness of the applicant to engage in the transport of liquid commodities or passengers.
- g. A sponsor certification of support statement provided by charter carriers establishing a need for the proposed service.

h. A verification of liability and property damage insurance coverage as required in section 325A.6, in a form prescribed by the department.

3. The provisions of subsection 2, paragraph "f" and subsection 4, shall not apply to the transportation of dairy products.

4. Motor carriers of liquid commodities or passengers shall complete a motor carrier safety education seminar provided by or approved by the department. This seminar must be completed within six months of the permit or certificate issuance.

Sec. 35. NEW SECTION. 325A.4 FEES.

1. The department shall charge the following fees:

- a. One hundred fifty dollars for a new application.
 - b. One hundred fifty dollars for a reinstatement.
 - c. Twenty-five dollars to change an address or name.
 - d. Ten dollars for tariff updates.
 - e. One hundred fifty dollars to transfer a passenger certificate.
 - f. Twenty-five dollars for a duplicate permit or certificate.
2. Changes in ownership of motor carrier permits require a new application and the new application fee of one hundred fifty dollars shall be assessed.

3. The department shall collect a fee of two hundred dollars to cover the cost of the motor carrier safety education seminar.

Sec. 36. NEW SECTION. 325A.5 FEES -- CREDITED TO ROAD USE TAX FUND -- SEMINAR RECEIPTS.

All fees received for applications and permits or certificates under this chapter shall be remitted to the treasurer of state and credited to the road use tax fund. All fees collected for the motor carrier safety education seminar shall be considered a repayment receipt as defined in section 8.2, and shall be remitted to the department to be used to pay for the seminars.

Sec. 37. NEW SECTION. 325A.6 INSURANCE.

All motor carriers subject to this chapter shall have minimum insurance coverage which meets the limits established in the federal motor carrier safety regulations in 49 C.F.R. ch. 387.

Sec. 38. NEW SECTION. 325A.7 CHARGES.

All charges filed under the tariff by any motor carrier of household goods for any service shall be just, reasonable, and nondiscriminating and every unjust, unreasonable, or discriminating charge for such service or any part thereof is prohibited and declared unlawful.

Sec. 39. NEW SECTION. 325A.8 REQUIRED MARKING.

The motor carrier shall attach distinctive markings or tags to each motor vehicle. If a motor vehicle has both an interstate and intrastate motor carrier number, only the interstate motor carrier number must be displayed.

If a motor carrier is renting a vehicle on a daily basis, a copy of the lease must be carried in the vehicle. Violation of this section is a scheduled violation subject to the fine provided in section 805.8, subsection 2, paragraph "ad".

Sec. 40. NEW SECTION. 325A.9 ADVERTISING.

An advertisement to the general public concerning for-hire transportation must include the permit or motor carrier certificate number issued under this chapter.

Sec. 41. NEW SECTION. 325A.10 RULES FOR OPERATION.

The department shall adopt rules pursuant to chapter 17A as necessary to govern and control the operation, maintenance, and inspection of vehicles covered by this chapter upon the highways.

Sec. 42. NEW SECTION. 325A.11 PASSENGER TRANSPORTATION.

In addition to the requirements of subchapter 1, motor carriers of passengers and charter carriers shall comply with the requirements of this subchapter.

Sec. 43. NEW SECTION. 325A.12 DEFINITIONS.

As used in this subchapter:

1. "Car pool" means transportation of a group of at least two riders in a motor vehicle having a seating capacity of not more than eight passengers between a rider's, owner's, or

operator's residence or other designated location and a rider's, owner's, or operator's place of employment or other common destination of the group, if the motor vehicle is driven by one of the members of the group.

2. "Charter" means an agreement whereby the owner of a motor vehicle lets the motor vehicle to a group of persons as one party for a specified sum and for a specified act of transportation at a specified time and over an irregular route.

3. "Charter carrier" means a person engaged in the business of transporting the public by motor vehicle under charter. "Charter carrier" does not include any of the following:

a. Taxicabs with a seating capacity of not more than eight passengers, or persons having a license, contract, or franchise with an Iowa city to carry or transport passengers for-hire while operating within the guidelines of the license, contract, or franchise.

b. A city engaged in the business of carrying or transporting passengers for-hire over regular routes.

c. School bus operators when engaged in transportation involving any school activity.

d. A regular-route motor carrier of passengers.

4. "Regional transit system" means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor except as agreed upon by the county or the department. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. Privately chartered bus services and uses other than providing services that are open and public on a shared-ride basis shall not be construed to be a regional transit system.

5. "Regular-route motor carrier of passengers" means a person engaged in the for-hire transportation of passengers by motor vehicle over regular routes by scheduled service and available to the general public.

6. "Van pool" means transportation of a group of riders in a vehicle having a seating capacity of not less than eight passengers and not more than fifteen passengers between a rider's, owner's, or operator's residence or other designated location and a rider's, owner's, or operator's place of employment or other common destination of the group, if the vehicle is driven by one of the members of the group.

Sec. 44. NEW SECTION. 325A.13 CERTIFICATE OF CONVENIENCE AND NECESSITY AND REGULAR-ROUTE PASSENGER CERTIFICATE.

1. It is unlawful for a charter carrier to transport passengers by motor vehicle for hire from any point or place in this state to another place in this state irrespective of the route or highway traversed, without first having obtained from the department a certificate declaring that public convenience and necessity require the operation.

2. a. It is unlawful for a regular-route motor carrier of passengers to transport passengers for-hire upon the highways of this state in intrastate commerce without first having obtained from the department a regular-route passenger certificate. The department shall issue a regular-route passenger certificate without hearing, if the department finds that the applicant is fit, willing, and able.

b. In determining whether a regular-route motor carrier of passengers is fit, willing, and able, the department shall only consider the applicant's compliance with safety, financial fitness, and insurance requirements.

c. A regular-route passenger certificate authorizing the transportation of passengers includes the authority to transport newspapers, baggage of passengers, express packages, or mail in the same motor vehicle with passengers.

d. A regular-route motor carrier of passengers holding a regular-route passenger certificate may at any time commence scheduled service over any regular route from any point or

place in this state to another place in this state irrespective of the route or highway traversed and may at any time discontinue any part of its regular-route service.

e. A regular-route motor carrier of passengers granted a certificate prior to the effective date of this Act, which authorized motor carrier passenger operations, may continue to provide motor carrier passenger service with all rights and privileges granted by a regular-route passenger certificate issued under this section.

f. A regular-route motor carrier of passengers shall not operate as a charter carrier in this state unless it possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

g. An Iowa urban transit system as defined in section 452A.57, subsection 6, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a regular-route passenger certificate if the other city is not served by another motor carrier of passengers operating under a regular-route passenger certificate.

3. A motor carrier providing primarily passenger service for elderly, handicapped, and other transportation-disadvantaged persons is exempt from the certification requirements of this section if it satisfies all of the following requirements:

a. The motor carrier is not a corporation organized for-profit under the laws of Iowa or any other state or the motor carrier is a governmental organization.

b. The motor carrier received or receives operating funds from federal, state, or local government sources.

c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a regular-route passenger certificate.

4. A person operating a motor vehicle in a car pool or van pool is exempt from the requirement of this chapter.

5. Except for a person operating a car pool or van pool, each motor carrier exempt from the requirement for obtaining a certificate under this section shall obtain a nontransferable permit from the department. Such motor carriers shall comply with all safety, insurance, and other rules of the department pertaining to a publicly funded transit system.

Sec. 45. NEW SECTION. 325A.15 APPLICATION FOR CERTIFICATE.

All applications for a charter carrier or regular-route passenger certificate shall be in writing and, in addition to any other information required by this chapter, shall contain all of the following:

1. A complete description of the area in which the applicant proposes to operate.
2. An applicant for a regular-route passenger certificate, in lieu of the information required by subsection 1, shall indicate that statewide regular-route passenger authority is being sought.

Sec. 46. NEW SECTION. 325A.16 PROTESTS AGAINST APPLICATIONS.

1. Upon the filing of the application, the department shall publish a notice to the citizens of each county in which the proposed motor carrier passenger service will be rendered. The notice shall be published once in a newspaper of general circulation in each county.

2. Any person, city, or county whose rights or interests may be affected may file written objections to the proposed service with the department.

3. An objection filed against the granting of an application shall state specifically the grounds upon which it is made and contain a concise statement of the interest of the person filing the objection in the proceeding.

4. An objection shall be filed with the department not later than thirty days from the date of the publication of notice.

5. Upon receipt of an objection complying with subsection 3, the department shall request the department of inspections

and appeals to set the matter for hearing not less than ten days following the expiration of the time in which objections may be made. The department of inspections and appeals shall give notice to all persons who have filed objections of the time and place of the hearing.

6. This section applies to all intrastate motor carriers of passengers except regular-route motor carriers of passengers.

Sec. 47. NEW SECTION. 325A.17 RULES OF PROCEDURE.

The department shall adopt rules pursuant to chapter 17A establishing the procedure to be followed in the filing of applications for a motor carrier passenger certificate and the department of inspections and appeals shall adopt rules pursuant to chapter 17A for the conduct of hearings regarding objections by other persons to the issuance of a motor carrier certificate to an applicant.

Sec. 48. NEW SECTION. 325A.18 UNCONTESTED CASE PROCEDURE.

If an objection is not filed, the department shall consider the application and any relevant evidence in determining whether to grant the certificate requested in the application.

Sec. 49. NEW SECTION. 325A.19 GRANTING APPLICATION -- RESTRICTIONS.

The department may grant the application in whole or in part upon terms and restrictions established by the department. However, no condition or restriction on a regular-route passenger certificate shall be established, and all regular-route passenger certificates shall grant statewide regular-route passenger authority. The actual operation shall not begin without a written statement of approval from the department to the effect that the applicant has complied with applicable safety provisions.

If a certificate is granted to a charter carrier, the department may attach to the exercise of the rights conferred by the certificate such terms and conditions as in its judgment the public convenience and necessity require.

Sec. 50. NEW SECTION. 325A.20 EXPENSE OF HEARING.

The applicant and any persons objecting to the granting of a certificate to the applicant shall split equally and pay all the costs of the hearing before the application is granted. The department of inspections and appeals shall establish appropriate fees which shall be paid to the department of inspections and appeals.

Sec. 51. NEW SECTION. 325A.21 REVIEW.

A decision of the department of inspections and appeals is subject to review by the state department of transportation. Judicial review of the decisions and actions of the state department of transportation may be sought in accordance with chapter 17A. A petitioner shall file with the clerk of the district court a bond for costs in the sum of not less than five hundred dollars.

Sec. 52. NEW SECTION. 325A.22 TRANSFER OF CERTIFICATE.

1. A certificate of convenience and necessity shall not be sold, transferred, leased, or assigned and a contract or agreement with reference to or affecting a certificate shall not be entered into without the written approval of the department. The department may request the department of inspections and appeals to hold a hearing regarding the transfer of the certificate. The state department of transportation shall approve the sale, transfer, lease, or assignment upon a finding by the department of inspections and appeals that there has been continuous service under the certificate for at least ninety days prior to the transfer, that the transferee is fit, willing, and able to perform the operations authorized by the certificate, and that the transfer is consistent with the public interest. Pending determination of an application filed with the department for approval of a sale, transfer, lease, or assignment, the department may grant temporary approval of the proposed operation upon a finding of good cause.

2. A regular-route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the department. The department shall approve the sale, transfer, lease, or assignment if the person obtaining or

seeking to obtain ownership or control of a certificate is found to be fit, willing, and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the department shall consider only the person's compliance with safety, financial fitness, and insurance requirements.

Sec. 53. NEW SECTION. 325A.23 RIDING ON OUTSIDE PART.

Passengers shall not ride on the running boards, fenders, or on any other outside part of passenger-carrying motor vehicles.

Sec. 54. NEW SECTION. 325A.24 AMEND, SUSPEND, OR REVOKE PERMIT OR CERTIFICATE.

The department may, in addition to other penalties, revoke or suspend the permit or certificate of a motor carrier for a violation of this chapter or a rule adopted under this chapter. For flagrant or persistent violations of safety or hazardous materials rules by the holder of a permit or certificate or the holder's agent, the department may suspend the permit or certificate of necessity until the rules adopted by the department are complied with, or the department may revoke the permit or certificate for continued noncompliance.

Sec. 55. NEW SECTION. 325A.25 SCHEDULED FINES -- PENALTY.

A person who violates this chapter or a rule adopted pursuant to this chapter for which a penalty is not otherwise established, or who aids or abets a person in a failure to comply with this chapter or a rule adopted pursuant to this chapter, is subject to the fine provided in section 805.8, subsection 2, paragraph "ad".

Sec. 56. NEW SECTION. 325A.26 CERTIFICATES PRIOR TO JANUARY 1, 1998.

1. A certificate or permit, or both, which was issued under chapter 325, before January 1, 1998, and which authorized a person to transport property in intrastate commerce by motor vehicle as a common carrier or contract carrier, or both, is void. However, to the extent a certificate or permit, or portion of a certificate or permit,

authorized a person to transport household goods over irregular routes or passengers in intrastate commerce, this subsection does not apply.

2. A person who owned a certificate or permit, or both, that was a valid certificate or permit, or both, on December 31, 1997, is deemed to have a valid certificate or permit, unless the person's certificate or permit has been suspended, revoked, or transferred to another person as provided by law. A person deemed to have a valid certificate or permit under this subsection is not required to file an application pursuant to section 325A.3 to continue providing intrastate transportation, but rather, upon such person's compliance with the requirements of section 325A.3, subsection 2, the person is deemed to have a valid certificate or permit in force as required pursuant to section 325A.3, subsection 1, authorizing the person to transport property except household goods in intrastate commerce on the public highways, unless the person's certificate or permit is suspended, revoked, or transferred to another person as provided by law. Within a reasonable time after January 1, 1998, the department shall issue certificates or permits to all persons who are deemed to be qualified under this subsection.

Sec. 57. Section 422.45, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. The refund of sales and use tax paid on transportation construction projects let by the state department of transportation are subject to the special provisions of this subsection.

a. A contractor awarded a contract for a transportation construction project is considered the consumer of all building materials, building supplies and equipment and shall pay sales tax to the supplier or remit consumer use tax directly to the department.

b. The contractor is not required to file information with the department of transportation stating the amount of goods, wares, or merchandise, or services rendered, furnished, or performed and used in the performance of the contract or the amount of sales or use tax paid.

c. The department of transportation shall file a refund claim based on a formula that considers the following:

(1) The quantity of material to complete the contract, and quantities of items of work.

(2) The estimated cost of these materials included in the items of work, and the state sales or use tax to be paid on the tax rate in effect in section 422.43.

The quantity of materials shall be determined after each letting based on the contract quantities of all items of work let to contract. The quantity of individual component materials required for each item shall be determined and maintained in a database. The total quantities of materials shall be determined by multiplying the quantities of component materials for each contract item of work by the total quantities of each contract item for each letting. Where variances exist in the cost of materials, the lowest cost shall be used as the base cost.

d. Only the state sales or use tax is refundable. Local option taxes paid by the contractor are not refundable.

Sec. 58. Section 805.8, subsection 2, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. ad. For violation of section 325A.8, the scheduled fine is fifty dollars. For violation of chapter 325A, other than a violation of section 325A.8, the scheduled fine is two hundred fifty dollars.

Sec. 59. Section 805.8, subsection 2A, Code 1997, is amended to read as follows:

2A. MOVING TRAFFIC VIOLATIONS -- CONSTRUCTION ROAD WORK ZONES. The scheduled fine for any moving traffic violations under chapter 321 as provided in this section shall be doubled ~~or shall be set at one hundred dollars, whichever is less,~~ if the violation occurs within any road construction work zone, as defined in section 321.1.

Sec. 60.

1. Chapters 325, 327, and 327A, Code 1997, are repealed.

2. Section 321E.26, Code 1997, is repealed.

Sec. 61. EFFECTIVE AND IMPLEMENTATION DATES.

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1. Sections 12, 32 through 56, 58, and 60, subsection 1, of this Act take effect January 1, 1998.
2. Section 6 of this Act, being deemed of immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 704, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 1, 1997

TERRY E. BRANSTAD
Governor