

# Senate Study Bill 2036

## Bill Text

PAG LIN

1 1 Section 1. Section [321.450](#), unnumbered paragraphs 1 and 3,  
1 2 Code 1997, are amended to read as follows:  
1 3 A person shall not transport or have transported or shipped  
1 4 within this state any hazardous material except in compliance  
1 5 with rules adopted by the department under chapter 17A. The  
1 6 rules shall be consistent with the federal hazardous materials  
1 7 regulations

~~promulgated~~

~~adopted~~ under United States Code,

1 8 Title 49, and found in 49 C.F.R. } 107, 171 to 173, 177, 178,  
1 9 and 180.

~~However, rules adopted under this section concerning~~

1 10

~~tank specifications shall not apply to cargo tank motor~~

1 11

~~vehicles with a capacity of four thousand gallons or less used~~

1 12

~~to transport gasoline in intrastate commerce, which were~~

1 13

~~manufactured between 1950 and 1989, were domiciled in Iowa~~

1 14

~~prior to July 1, 1991, and are in compliance with the American~~

1 15

~~society of mechanical engineers specifications in effect at~~

1 16

~~the time of manufacture.~~

1 17 Notwithstanding other provisions of this section, or the  
1 18 age requirements under section 321.449, the age requirements  
1 19 under section 321.449 and the rules adopted under this section  
1 20 pertaining to compliance with regulations adopted under

~~U.S.C.~~

1 21 United States Code, Title 49, and found in 49 C.F.R. }  
1 22 177.804, shall not apply to retail dealers of fertilizers,  
1 23 petroleum products, and pesticides and their employees while  
1 24 delivering fertilizers, petroleum products, and pesticides to  
1 25 farm customers within a one-hundred-mile radius of their  
1 26 retail place of business.

~~Notwithstanding contrary provisions~~

1 27

~~of this chapter, motor vehicles registered for a maximum gross~~

1 28

~~weight of five tons or less shall be exempt from the~~

1 29

~~requirements of placarding and of carrying hazardous materials~~

1 30

~~chipping papers if the hazardous materials which are~~

1 31

~~transported are clearly labeled.~~

1 32 Sec. 2. Section [321.463](#), subsection 5, Code Supplement  
1 33 1997, is amended by adding the following new paragraph:

1 34 NEW PARAGRAPH. d. For the purposes of the maximum gross  
1 35 weight tables in paragraphs "a", "b", and "c", distance in  
2 1 feet is the measured distance in feet between the centers of  
2 2 the extreme axles of any group of axles, rounded to the  
2 3 nearest whole foot.

2 4 Sec. 3. Section [321.463](#), subsections 7 and 8, Code  
2 5 Supplement 1997, are amended to read as follows:

2 6 7.

~~In addition, the~~

~~The weight on any one axle, including~~

2 7 a tandem axle, of a vehicle which is transporting raw  
2 8 materials from a designated borrow site to a construction  
2 9 project or transporting raw materials from a construction  
2 10 project, and which is operating on a highway that is not part  
2 11 of the interstate system and along a route of travel approved  
2 12 by the department or the appropriate local authority, may  
2 13 exceed the legal maximum weight otherwise allowed under this  
2 14 chapter by ten percent if the gross weight on any particular  
2 15 group of axles on the vehicle does not exceed the gross weight  
2 16 allowed under this chapter for that group of axles.

~~However,~~

2 17

~~if~~

~~If the vehicle exceeds the ten percent tolerance allowed~~

2 18

~~for any one axle or tandem axle~~

~~under this~~

~~paragraph~~

2 19 subsection, the fine

~~to be assessed for the axle or tandem~~

2 20

~~axle~~

- shall be computed on the difference between the actual  
2 21 weight and the ten percent tolerance weight allowed for the  
2 22 axle or tandem axle

~~under this paragraph~~

-

~~This paragraph~~

-

2 23

~~applies only to vehicles operating along a route of travel~~

-

2 24

~~approved by the department.~~

-

2 25 8. A vehicle or combination of vehicles transporting  
2 26 materials to or from a construction project or commercial  
2 27 plant site

~~along a route of travel approved by the department~~

-

2 28

~~or appropriate local authority shall comply with subsection 5,~~

-

2 29

~~paragraph "a"~~

~~may operate under the maximum gross weight table~~

2 30 for interstate highways in subsection 5, paragraph "a", if the  
2 31 route is approved by the department or appropriate local  
2 32 authority. Route approval is not required if the vehicle or  
2 33 combination of vehicles transporting materials to or from a  
2 34 construction project or commercial plant site complies with  
2 35 the maximum gross weight table for noninterstate highways in  
3 1 subsection 5, paragraph "c".

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

3 4 EXPLANATION

3 5 This bill relates to motor trucks, including weight  
3 6 requirements and transportation of hazardous materials.

3 7 The bill amends provisions relating to the transportation  
3 8 of hazardous materials to comply with changes in federal  
3 9 regulations by eliminating exemptions for small cargo tank  
3 10 motor vehicles transporting gasoline in intrastate commerce  
3 11 and for motor vehicles registered for a maximum gross weight  
3 12 of five tons or less. It defines how distance in feet between  
3 13 axles is measured for purposes of the maximum gross weight  
3 14 tables.

3 15 The bill specifies that vehicles transporting raw materials  
3 16 to or from construction sites may have the 10 percent  
3 17 tolerance on weight restrictions only for travel on highways  
3 18 not on the interstate system and along a route of travel  
3 19 approved by the department or the appropriate local authority.  
3 20 It also specifies that vehicles transporting materials to or  
3 21 from a construction project or commercial plant site may  
3 22 travel along a route of travel approved by the department or  
3 23 local authority using the maximum gross weight table for  
3 24 interstate highways, or they may travel without department or  
3 25 local authority approval using the maximum gross weight table  
3 26 provided for livestock or construction vehicles.

3 27 The amendments to Code section 321.450 relating to the  
3 28 transportation of hazardous materials take effect October 1,  
3 29 1998, to comply with changes in federal regulations.

3 30 LSB 3431DP 77

