

House Study Bill 135 - Introduced

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

A BILL FOR

1 An Act relating to the regulation of vehicles of excessive size
2 and weight, establishing fees, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.473, Code 2013, is amended to read
2 as follows:

3 **321.473 ~~Limiting trucks — rubbish vehicles~~ Limitations on**
4 **trucks by local authorities.**

5 1. Local authorities with respect to highways under their
6 jurisdiction may also, by ordinance or resolution, prohibit the
7 operation of trucks or other commercial vehicles, or may impose
8 limitations as to the weight thereof, on designated highways,
9 which prohibitions and limitations shall be designated by
10 appropriate signs placed on such highways.

11 ~~2. The department may issue annual special permits for~~
12 ~~the operation of compacted rubbish vehicles and vehicles~~
13 ~~which transport compacted rubbish from a rubbish collection~~
14 ~~point to a landfill area, exceeding the weight limitation of~~
15 ~~section 321.463, but not exceeding a rear axle gross weight~~
16 ~~for two-axle vehicles of twenty-two thousand pounds for the~~
17 ~~period commencing July 1, 1978 and ending June 30, 1986 and~~
18 ~~twenty thousand pounds commencing July 1, 1986 and thereafter,~~
19 ~~and for tandem axle vehicles or transferable auxiliary axle~~
20 ~~vehicles not exceeding a gross weight on the rear axles of~~
21 ~~thirty-six thousand pounds. Annual special permits for the~~
22 ~~operation on secondary roads shall be approved by the county~~
23 ~~engineer. Annual special permits for a particular vehicle~~
24 ~~shall not be issued by the department unless prior approval~~
25 ~~is given by the county engineer of the county in which the~~
26 ~~vehicle will be operated. Annual special permits for operation~~
27 ~~on primary roads shall be approved by the state department~~
28 ~~of transportation. Compacted rubbish vehicles and vehicles~~
29 ~~which transport compacted rubbish from a rubbish collection~~
30 ~~point to a landfill area operated pursuant to an annual special~~
31 ~~permit shall be operated only over routes designated by the~~
32 ~~local authority. Annual special permits for a particular~~
33 ~~vehicle shall not be issued by the department unless approved~~
34 ~~by the local authority responsible for the roads over which~~
35 ~~the vehicle will be operated. Annual special permits approved~~

~~1 by the issuing authority shall be issued upon payment of an
2 annual fee, in addition to other registration fees imposed,
3 of one hundred dollars to be paid to the department for all
4 nongovernmental vehicles.~~

~~5 3. Any person who violates the provisions of the ordinance
6 or resolution shall, upon conviction or a plea of guilty, be
7 subject to a fine determined by dividing the difference between
8 the actual weight and the maximum weight established by the
9 ordinance or resolution by one hundred, and multiplying the
10 quotient by two dollars. The fine for violation of a special
11 permit issued pursuant to this section shall be based upon the
12 difference between the actual weight of the vehicle and load
13 and the maximum weight allowed by the permit in accordance with
14 section 321.463.~~

15 4. 2. Local authorities may issue special permits, during
16 periods such restrictions are in effect, to permit limited
17 operation of vehicles upon specified routes with loads in
18 excess of any restrictions imposed under this section, but not
19 in excess of load restrictions imposed by any other provision
20 of this chapter, and such authorities shall issue such permits
21 upon a showing that there is a need to move to market farm
22 produce or to move to any farm, feeds or fuel for home heating
23 purposes.

24 3. a. A person who violates the provisions of an ordinance
25 or resolution adopted pursuant to subsection 1 shall, upon
26 conviction or a plea of guilty, be subject to a fine determined
27 by dividing the difference between the actual weight and the
28 maximum weight established by the ordinance or resolution by
29 one hundred, and multiplying the quotient by two dollars.

30 b. The fine for violation of a special permit issued
31 pursuant to subsection 2 shall be based upon the difference
32 between the actual weight of the vehicle and load and the
33 maximum weight allowed by the permit in accordance with section
34 321.463.

35 Sec. 2. Section 321E.1, Code 2013, is amended to read as

1 follows:

2 **321E.1 Permits by department and local authorities.**

3 1. The department and local authorities may in their
4 discretion and upon application and with good cause ~~being~~ shown
5 issue permits for the movement of ~~construction machinery or~~
6 ~~asphalt repavers~~ special mobile equipment being temporarily
7 moved on streets, roads, or highways and for vehicles with
8 indivisible loads which exceed the maximum dimensions and
9 weights specified in sections 321.452 through 321.466, but not
10 to exceed the limitations imposed in this section and sections
11 321E.2 through 321E.15 except as provided in section 321E.29.

12 2. Vehicles permitted to transport indivisible loads may do
13 any of the following:

14 a. Exceed the width and length limitations specified in
15 sections 321.454 and 321.457 for the purpose of picking up an
16 indivisible load or returning from delivery of the indivisible
17 load. Vehicles with retractable body extensions used to
18 support cargo must be reduced to legal dimensions unless the
19 vehicle is loaded and the extension is in use.

20 b. Move indivisible special mobile equipment which does not
21 otherwise exceed the maximum dimensions and weights specified
22 in sections 321.452 through 321.466 if the vehicle has an
23 overall width not to exceed nine feet and all other conditions
24 of the vehicle's permit are met.

25 3. ~~Permits issued may be single-trip, multi-trip, or annual~~
26 ~~permits.~~ Permits A permit issued under this chapter shall be
27 in writing or in an electronic format and shall be carried in
28 the cab of the vehicle for which the permit has been issued
29 ~~and shall be available for inspection at all times.~~ The
30 ~~vehicle and load for~~ Permits issued under this chapter and the
31 vehicle for which the permit has been issued shall be open to
32 inspection at all times by a any peace officer or an authorized
33 agent of a ~~permit granting~~ any permit-issuing authority.

34 4. When in the judgment of the ~~issuing~~ permit-issuing
35 authority ~~in cities and counties~~ the movement of a vehicle

1 with an indivisible load or ~~construction machinery~~ special
2 mobile equipment which exceeds the maximum dimensions and
3 weights will be unduly hazardous to public safety or will cause
4 undue damage to ~~streets, avenues, boulevards, thoroughfares,~~
5 ~~highways, curbs, sidewalks, trees,~~ infrastructure or other
6 public or private property, the permit shall be denied and
7 the reasons for denial endorsed on the application. Permits
8 shall designate the days when and routes upon which loads and
9 ~~construction machinery~~ special mobile equipment may be moved
10 within a county on other than primary roads.

11 5. ~~Local authorities~~ A permit-issuing authority may allow
12 persons requesting permits under this chapter to do so ~~by means~~
13 ~~of a telephone or in person,~~ through the internet, by facsimile
14 machine, or by telephone, authorizing payment for the permits
15 to be made upon receipt of an invoice sent to the persons by the
16 ~~local authorities~~ permit-issuing authority.

17 Sec. 3. Section 321E.2, Code 2013, is amended to read as
18 follows:

19 **321E.2 Permit-issuing authorities.**

20 1. ~~Annual, multi-trip, and single-trip permits~~ Permits
21 issued under this chapter shall be issued by the authority
22 responsible for the maintenance of the system of highways or
23 streets. However, the department may issue permits on primary
24 road extensions in cities in conjunction with movements on
25 the rural primary road system. The department may issue an
26 ~~all-system~~ all-systems permit under section 321E.8 which is
27 valid for movements on all highways or streets under the
28 jurisdiction of either the state or those local authorities
29 ~~which~~ that have indicated to the department in writing ~~to the~~
30 ~~department,~~ including by means of electronic communication,
31 those streets or highways for which an ~~all-system~~ all-systems
32 permit is not valid. The department may issue annual permits
33 pursuant to section 321E.8A valid only for operation on
34 noninterstate highways in counties stipulated in the permit.

35 2. At the request of a local authority, the department shall

1 ~~issue annual, multi-trip, and single-trip~~ permits under this
2 chapter for highways or streets that are under the jurisdiction
3 of the local authority if the local authority has indicated to
4 the department in writing, including by means of electronic
5 communication, those streets or highways for which a permit is
6 not valid.

7 Sec. 4. Section 321E.7, subsections 1 and 2, Code 2013, are
8 amended to read as follows:

9 1. The gross weight on any axle of any vehicle or
10 combination of vehicles traveling under a permit issued in
11 accordance with ~~the provisions of~~ this chapter shall not exceed
12 the maximum axle load prescribed in section 321.463~~7~~, except
13 that cranes for the following:

14 a. Cranes being temporarily moved on streets, roads, or
15 highways may have a gross weight of twenty-four thousand pounds
16 on any single axle; ~~and construction machinery.~~

17 b. (1) Special mobile equipment other than cranes being
18 temporarily moved on streets, roads, or highways may have a
19 maximum gross weight of thirty-six thousand pounds on any
20 single axle equipped with flotation pneumatic tires with a
21 minimum size of twenty-six point five-inch by twenty-five-inch
22 flotation pneumatic tires five inches by twenty-five inches and
23 a maximum gross weight of twenty thousand pounds on any single
24 axle equipped with flotation pneumatic tires with a minimum
25 size eighteen-inch by twenty-five-inch flotation pneumatic
26 tires, with the of eighteen inches by twenty-five inches.

27 (2) The department is authorized to adopt rules to permit
28 the use of tire sizes and weights within the minimum and
29 maximum specifications provided in ~~this section~~ subparagraph
30 (1), provided that the total gross weight of the vehicle or
31 a combination of vehicles does not exceed ~~a maximum of one~~
32 hundred twenty-six thousand pounds; and except that a.

33 (3) A manufacturer of machinery or equipment manufactured
34 or assembled in Iowa may be granted a permit for the movement
35 of such machinery or equipment mounted on pneumatic tires

1 with axle loads exceeding the maximum axle load prescribed
2 in section 321.463 for distances not to exceed twenty-five
3 miles at a speed not greater than twenty miles per hour.
4 The movement of such machinery or equipment shall be
5 over a specified route between the place of assembly or
6 manufacture and a storage area, shipping point, proving ground,
7 experimental area, weighing station, or another manufacturing
8 plant.

9 c. Raw milk transporters operating under a permit issued
10 pursuant to section 321E.29A shall not exceed the axle and
11 gross weights specified in that section.

12 d. Compacted rubbish vehicles operating under a permit
13 issued pursuant to section 321E.30 shall not exceed the axle
14 and gross weights specified in that section.

15 2. The gross weight on any one axle of any vehicle or
16 combination of vehicles traveling under a permit issued in
17 accordance with this chapter shall not exceed the maximum axle
18 load prescribed in section 321.463; except that any one axle on
19 a vehicle or combination of vehicles transporting ~~construction~~
20 machinery special mobile equipment shall be allowed a one
21 thousand pound weight tolerance, provided the total gross
22 weight of the vehicle or combination of vehicles does not
23 exceed the gross weight allowed by the permit.

24 Sec. 5. Section 321E.8, Code 2013, is amended to read as
25 follows:

26 **321E.8 Annual permits.**

27 Subject to the discretion and judgment provided for in
28 section 321E.1, annual permits shall be issued in accordance
29 with the following provisions:

30 1. Vehicles with indivisible loads, or manufactured or
31 mobile homes including appurtenances, having an overall width
32 not to exceed sixteen feet zero inches, an overall length not
33 to exceed one hundred twenty feet zero inches, an overall
34 height not to exceed fifteen feet five inches, and except for
35 vehicles in compliance with section 321.463, subsection 5,

1 paragraph "c", subparagraph (1), a total gross weight not to
2 exceed eighty thousand pounds, may be moved as follows:

3 *a.* Vehicles with indivisible loads, or manufactured or
4 mobile homes including appurtenances, having an overall width
5 not to exceed twelve feet five inches, an overall length not
6 to exceed one hundred twenty feet zero inches, and an overall
7 height not to exceed thirteen feet ten inches may be moved for
8 unlimited distances without route approval from the ~~permitting~~
9 permit-issuing authority.

10 *b.* Vehicles with indivisible loads, or manufactured or
11 mobile homes including appurtenances, having an overall width
12 not to exceed fourteen feet six inches, an overall length not
13 to exceed one hundred twenty feet zero inches, and an overall
14 height not to exceed fifteen feet five inches may be moved
15 on the interstate highway system and primary highways with
16 more than one lane traveling in each direction for unlimited
17 distances and no more than fifty miles from the point of origin
18 on all other highways without route approval from the ~~permit~~
19 issuing permit-issuing authority.

20 *c.* All other vehicles with indivisible loads operating under
21 this subsection shall obtain route approval from the ~~permitting~~
22 permit-issuing authority.

23 *d.* Vehicles with indivisible loads may operate under an
24 all-systems permit in compliance with paragraph "a", "b", or
25 "c".

26 2. Vehicles with indivisible loads, or manufactured or
27 mobile homes including appurtenances, having an overall width
28 not to exceed thirteen feet five inches and an overall length
29 not to exceed one hundred twenty feet zero inches may be
30 moved on highways specified by the ~~permitting~~ permit-issuing
31 authority for unlimited distances if the height of the vehicle
32 and load does not exceed fifteen feet five inches and the
33 total gross weight of the vehicle does not exceed one hundred
34 fifty-six thousand pounds.

35 a. The vehicle owner or operator shall verify with the

1 ~~permitting~~ permit-issuing authority prior to movement of the
2 load that highway conditions have not changed so as to prohibit
3 movement of the vehicle.

4 b. Any cost to repair damage to highways or highway
5 structures shall be borne by the owner or operator of the
6 vehicle causing the damage.

7 c. Permitted vehicles under this subsection shall not be
8 allowed to travel on any portion of the interstate highway
9 system.

10 d. Vehicles with indivisible loads operating under the
11 permit provisions of this subsection may operate under the
12 permit provisions of subsection 1 provided the vehicle and load
13 comply with the limitations described in subsection 1.

14 3. Notwithstanding any other provision of law to the
15 contrary, cranes exceeding the maximum gross weight on any axle
16 as prescribed in section 321.463 or 321E.7 and used in the
17 construction of alternative energy facilities may be moved with
18 approval from the ~~permit-issuing~~ permit-issuing authority.

19 Sec. 6. Section 321E.9, Code 2013, is amended to read as
20 follows:

21 **321E.9 Single-trip permits.**

22 Subject to the discretion and judgment provided for in
23 section 321E.1, single-trip permits, which may include a round
24 trip to and from a job or delivery site, shall be issued in
25 accordance with the following provisions:

26 ~~1. Vehicles with indivisible loads having an overall width~~
27 ~~not to exceed forty feet, zero inches, an overall length not to~~
28 ~~exceed one hundred twenty feet, zero inches, or a total gross~~
29 ~~weight not to exceed one hundred thousand pounds may be moved,~~
30 ~~provided the gross weight on any one axle shall not exceed~~
31 ~~the maximum prescribed in section 321.463, pursuant to rules~~
32 ~~adopted pursuant to chapter 17A. The height of the vehicles~~
33 ~~and loads shall be limited only to height limitations of~~
34 ~~underpasses, bridges, power lines and other established height~~
35 ~~restrictions on the specified route. The maximum height,~~

1 width, length, and weight of vehicles and loads operating under
2 permits authorized by this section shall be limited to the
3 maximum physical limitations and clearances of the roadway and
4 infrastructure of the intended route of travel, provided that
5 the gross weight on any one axle does not exceed the maximum
6 prescribed in section 321.463, pursuant to rules adopted
7 pursuant to chapter 17A. The permit-issuing authority shall
8 make the final determination regarding the issuance of a permit
9 and the suitability of the intended route based upon known
10 roadway clearances and capacities. Permits shall be authorized
11 only when the movement will not cause undue stress or damage to
12 highway pavement, bridges, or other highway infrastructure. In
13 addition to the dimension and weight limitations of an intended
14 route, a permit-issuing authority shall consider the interests
15 of public safety and, at the discretion of the permit-issuing
16 authority, may deny the issuance of a permit when the intended
17 movement of any vehicle or load poses a potential risk to the
18 public.

19 2. ~~Vehicles with indivisible loads exceeding the width,~~
20 ~~length, and total gross weight provided in subsection 1, may~~
21 ~~be moved in special or emergency situations, provided the~~
22 ~~permitting~~ permit-issuing authority has reviewed the route and
23 has approved the movement of the vehicle and load. The ~~issuing~~
24 permit-issuing authority may impose any special restrictions on
25 movements as deemed necessary ~~on movements~~ or exempt movements
26 from the restrictions of section 321E.11 by permit under this
27 subsection.

28 3. ~~Cranes exceeding the maximum gross weight on any axle~~
29 ~~as prescribed in section 321.463 but not exceeding twenty-four~~
30 ~~thousand pounds may be moved in accordance with rules adopted~~
31 ~~pursuant to chapter 17A. Notwithstanding any other provision~~
32 of law to the contrary, cranes exceeding the maximum gross
33 weight on any axle as prescribed in section 321.463 or
34 321E.7 and used in the construction of alternative energy
35 facilities may be moved with approval from the ~~permit-issuing~~

1 permit-issuing authority.

2 Sec. 7. Section 321E.9A, subsections 1 and 2, Code 2013, are
3 amended to read as follows:

4 1. Vehicles with indivisible loads having an overall length
5 not to exceed one hundred twenty feet, an overall width not to
6 exceed sixteen feet, and ~~of any a~~ height not to exceed fifteen
7 feet five inches may be moved on highways specified by the
8 permitting authority, provided the gross weight on any one axle
9 shall not exceed the maximum prescribed in section 321.463
10 and the total gross weight is not greater than one hundred
11 fifty-six thousand pounds.

12 2. Vehicles or combinations of vehicles consisting of
13 ~~construction machinery~~ special mobile equipment not exceeding
14 the height, length, and width limitations of this section being
15 temporarily moved on highways with a maximum total gross weight
16 limitation and a single axle weight limitation in accordance
17 with section 321E.7 may be moved.

18 Sec. 8. Section 321E.9B, subsections 1 and 3, Code 2013, are
19 amended to read as follows:

20 1. Vehicles with an indivisible load having an overall
21 length not to exceed two hundred twenty-five feet, an overall
22 width not to exceed sixteen feet, a height not to exceed
23 sixteen feet, and a total gross weight not to exceed two
24 hundred fifty-six thousand pounds may be moved on highways
25 specified by the ~~permitting~~ permit-issuing authority to an
26 alternative energy construction site or staging area for
27 alternative energy transportation, provided the gross weight on
28 any one axle shall not exceed twenty thousand pounds.

29 3. The ~~permitting~~ permit-issuing authority shall have
30 discretion to include restrictions and require special
31 considerations, such as responsibility for protection or repair
32 of the roadway and bridges, prior to issuance of the permit.

33 Sec. 9. Section 321E.10, Code 2013, is amended to read as
34 follows:

35 **321E.10 ~~Truck~~ Semitrailers and trailers manufactured in Iowa.**

1 The department or local authorities may upon application
2 issue annual ~~trip~~ permits for the movement of ~~truck~~
3 semitrailers and trailers manufactured or assembled in this
4 state that exceed the maximum length specified in section
5 321.457 and the maximum width specified in section 321.454.
6 Movement of the ~~truck~~ semitrailers and trailers shall be solely
7 for the purpose of delivery or transfer from the point of
8 manufacture or assembly to another point of manufacture or
9 assembly within the state or to a point outside the state;
10 shall be only on roadways of twenty-four feet or more in width
11 or on four-lane highways; shall be on the most direct route
12 necessary for such movement; and shall display the special
13 plates designated in section 321.57. All ~~truck~~ semitrailers
14 and trailers under permit for such movement shall not contain
15 freight or additional load. A vehicle or combination of two or
16 more vehicles inclusive of front and rear bumpers, including
17 towing units, involved in the movement of ~~truck~~ semitrailers
18 and trailers shall not exceed an overall width of ten feet.
19 ~~Vehicles or combinations shall be distinctly marked on both~~
20 ~~the front and rear of the unit in a manner the director of~~
21 ~~transportation designates to indicate that the vehicles or~~
22 ~~combinations are being moved for delivery or transfer purposes~~
23 ~~only.~~

24 ~~Permits issued under the provisions of this section shall be~~
25 ~~in writing and shall be carried in the cabs of the vehicles for~~
26 ~~which the permits have been issued and shall be available for~~
27 ~~inspection at all times. The vehicles for which the permits~~
28 ~~have been issued shall be open to inspection by any peace~~
29 ~~officer or to any authorized agent of any permit granting~~
30 ~~authority.~~

31 Sec. 10. Section 321E.11, Code 2013, is amended to read as
32 follows:

33 **321E.11 Daylight movement only — exceptions — holidays**
34 **Movement under permit — penalty.**

35 1. Movements by under permit in accordance with this chapter

1 shall be permitted only during the hours from thirty minutes
2 prior to sunrise to thirty minutes following sunset unless the
3 ~~issuing~~ permit-issuing authority determines that the movement
4 can be better accomplished at another period of time because
5 of traffic volume or other roadway-related conditions or the
6 vehicle subject to the permit qualifies for nighttime movement
7 as specified in subsection 2.

8 2. A permitted vehicle which has an overall length not
9 to exceed one hundred feet, an overall width not to exceed
10 eleven feet, and an overall height not to exceed fourteen
11 feet, ~~four six inches, and the permit requires the vehicle to~~
12 ~~operate only on those highways designated by the department~~
13 may operate under permit from thirty minutes following sunset
14 to thirty minutes prior to sunrise on primary and nonprimary
15 highway system roadways that are at least twenty-two feet in
16 total width with at least eleven feet of lane width. Vehicles
17 operating under the provisions of this subsection shall be
18 equipped with operating projecting-load lighting devices which
19 are in addition to the required vehicle lighting and the signs,
20 flags, and warning lights required for vehicles operating under
21 permit. Additional safety lighting and escorts may be required
22 for movement at night as determined by the permit-issuing
23 authority.

24 ~~2.~~ 3. Except as provided in section 321.457, no movement
25 ~~by~~ under permit shall be permitted on holidays, after ~~twelve~~
26 ~~o'clock~~ 12:00 noon on days preceding holidays and holiday
27 weekends, or special events when abnormally high traffic
28 volumes can be expected. Such restrictions shall not be
29 applicable to urban transit systems as defined in section
30 321.19, subsection 2.

31 ~~3.~~ 4. For the purposes of this chapter, "holidays" shall
32 include Memorial Day, Independence Day, and Labor Day.

33 ~~4.~~ 5. A person who violates this section commits a simple
34 misdemeanor.

35 Sec. 11. Section 321E.12, Code 2013, is amended to read as

1 follows:

2 **321E.12 Registration must be consistent.**

3 1. A vehicle traveling under permit shall be ~~properly~~
4 registered for the gross weight of the vehicle and load. A
5 trip permit issued according to section 326.23 shall not be
6 used in lieu of the registration provided for in this section.
7 ~~A person owning special mobile equipment may use a transport~~
8 ~~vehicle registered for the gross weight of the transport~~
9 ~~without a load.~~

10 2. A private carrier who is not for hire may transport
11 special mobile equipment on a vehicle registered for the gross
12 weight of the transport vehicle and cargo, minus the weight of
13 the special mobile equipment, when the special mobile equipment
14 is owned, leased, or rented and under exclusive control of the
15 private carrier.

16 3. Vehicles, while being used for the transportation of
17 buildings, ~~except~~ other than mobile homes and factory-built
18 structures, may be registered for the combined gross weight of
19 the vehicle and load on a single-trip basis. The fee is five
20 cents per ton exceeding the weight registered under section
21 321.122 per mile of travel. Fees shall not be prorated for
22 fractions of miles. This provision does not exempt these
23 vehicles from any other provision of this chapter.

24 Sec. 12. Section 321E.13, Code 2013, is amended to read as
25 follows:

26 **321E.13 Financial responsibility.**

27 Prior to the issuance of any permit, the applicant
28 for a permit shall be required to file proof of financial
29 responsibility or ~~to~~ post a bond with the issuing
30 permit-issuing authority. The amount of the bond shall be
31 determined by the ~~issuing~~ permit-issuing authority and shall be
32 used as security for repair or replacement of official signs,
33 signals, and roadway foundations, surfaces, or structures which
34 may be damaged or destroyed during the movement of a vehicle
35 and load operating under the permit. The duration of the bond

1 shall be determined by the ~~issuing~~ permit-issuing authority for
2 a period not to exceed one year.

3 Sec. 13. Section 321E.14, Code 2013, is amended to read as
4 follows:

5 **321E.14 Fees for permits.**

6 1. Permit-issuing authorities may charge the following
7 fees:

8 1. a. ~~The department or local authorities issuing permits~~
9 ~~shall charge a fee of twenty-five~~ Twenty-five dollars for
10 an annual permit issued ~~under~~ pursuant to section 321E.8,
11 subsection 1, ~~a fee of three.~~

12 b. Three hundred dollars for an annual permit issued ~~under~~
13 pursuant to section 321E.8, subsection 2, ~~a fee of two.~~

14 c. Two hundred dollars for a multi-trip permit issued ~~under~~
15 pursuant to section 321E.9A, ~~a fee of six.~~

16 d. Six hundred dollars for a special alternative energy
17 multi-trip permit issued ~~under~~ pursuant to section 321E.9B, ~~and~~
18 ~~a fee of ten.~~

19 e. Ten dollars for a single-trip permit, ~~and shall determine~~
20 ~~charges for special permits~~ issued pursuant to section 321E.9.

21 f. Twenty-five dollars for an annual permit for special
22 mobile equipment, as defined in section 321.1, subsection
23 75, issued pursuant to section 321E.7, subsection 3, with a
24 combined gross weight of not more than eighty thousand pounds.

25 g. Twenty-five dollars for a permit issued pursuant to
26 section 321E.29 ~~by rules adopted pursuant to chapter 17A or~~
27 321E.29A.

28 h. One hundred dollars for a permit issued pursuant to
29 section 321E.30.

30 i. One hundred twenty dollars for an annual all-systems
31 permit issued pursuant to section 321E.8, which shall be
32 deposited in the road use tax fund.

33 2. Fees for the movement of buildings, parts of buildings,
34 or unusual vehicles or loads may be increased to cover the
35 costs of inspections by the ~~issuing~~ permit-issuing authority.

1 3. A fee not to exceed two hundred fifty dollars per day or
2 a prorated fraction of that fee per person and car for escort
3 service may be charged when requested or when required under
4 this chapter. Proration of escort fees between state and
5 local authorities when more than one governmental authority
6 provides or is required to provide escort for a movement during
7 the period of a day shall be determined by rule under section
8 321E.15.

9 4. The department and local authorities may charge a
10 permit applicant for the cost of trimming trees and removal
11 and replacement of natural obstructions or official signs and
12 signals or other public or private property required to be
13 removed during the movement of a vehicle and load. ~~In addition~~
14 ~~to the fees provided in this section, the annual fee for a~~
15 ~~permit for special mobile equipment, as defined in section~~
16 ~~321.1, subsection 75, operated pursuant to section 321E.7,~~
17 ~~subsection 3, with a combined gross weight up to and including~~
18 ~~eighty thousand pounds shall be twenty five dollars and for a~~
19 ~~combined gross weight exceeding eighty thousand pounds, fifty~~
20 ~~dollars.~~

21 ~~2. The annual fee for an all-system permit is one hundred~~
22 ~~twenty dollars which shall be deposited in the road use tax~~
23 ~~fund.~~

24 Sec. 14. Section 321E.16, Code 2013, is amended to read as
25 follows:

26 **321E.16 Violations — penalties.**

27 1. A person who violates a provision of a permit issued
28 pursuant to this chapter or rules adopted under section
29 321E.15, other than a provision relating to weight, shall be
30 subject to a scheduled fine under section 805.8A, subsection
31 12, paragraph "f".

32 2. The fine for violation of the weight allowed by a
33 permit shall be based upon the difference between the actual
34 weight of the vehicle and load and the maximum allowable by
35 permit in accordance with section 321.463. If a vehicle with

1 an indivisible load traveling under permit is found to be in
2 violation of weight limitations, the vehicle operator shall be
3 allowed a reasonable amount of time to remove any ice, mud,
4 snow, and other weight attributable to climatic conditions
5 accumulated along the route prior to application of the
6 penalties prescribed in section 321.463.

7 3. A person operating a civilian escort vehicle in violation
8 of rules adopted pursuant to section 321E.15 shall be subject
9 to a scheduled fine under section 805.8A, subsection 12,
10 paragraph "f".

11 Sec. 15. Section 321E.17, Code 2013, is amended to read as
12 follows:

13 **321E.17 ~~Five or more~~ Serious violations.**

14 Proof of imposition of ~~penalties on five or more occasions a~~
15 penalty for a violation of ~~sections~~ section 321.256, 321.454,
16 321.456, 321.457, 321.463, 321.471, 321.474, or 321E.16 or
17 any combination of penalties for violation of ~~said those~~ those
18 ~~sections totaling five or more incurred during any twelve month~~
19 ~~period~~ with respect to the operation of one or more vehicles
20 by any one permit holder, whether operated personally or
21 through agents, servants, or employees of the permit holder,
22 shall constitute prima facie evidence that the permit holder
23 has willfully operated or caused to be operated a vehicle or
24 vehicles in violation of this chapter.

25 Sec. 16. Section 321E.18, Code 2013, is amended to read as
26 follows:

27 **321E.18 Overall operations considered.**

28 In any proceeding brought under this chapter, the ~~issuing~~
29 permit-issuing authority shall consider evidence relating to
30 the ~~character and gravity~~ nature and severity of the violations
31 and the extent of the operations of any vehicles by or on
32 behalf of the permit holder upon the public highways of this
33 state, which did not involve any violations.

34 Sec. 17. Section 321E.19, Code 2013, is amended to read as
35 follows:

1 **321E.19 Permit ~~suspended, changed, or revoked~~ denial, change,**
2 **suspension, or revocation.**

3 ~~Upon complaint by local authorities or on the department's~~
4 ~~own initiative and after notice and hearing before one or~~
5 ~~more members of the permit issuing body in the case of local~~
6 ~~authorities or the department of inspections and appeals for~~
7 ~~permits issued by the state department of transportation,~~
8 ~~permit privileges under this chapter may be suspended, changed,~~
9 ~~or revoked in whole or in part by the issuing authority for~~
10 ~~willful failure to comply with a provision of this chapter,~~
11 ~~a rule adopted under this chapter, or a term, condition, or~~
12 ~~limitation of the permit. The permit-issuing authority may~~
13 ~~deny, change, suspend, or revoke any permit issued by the~~
14 ~~authority pursuant to this chapter for good cause. A decision~~
15 ~~of the department may be appealed in accordance with chapter~~
16 ~~17A, and a decision of a local authority may be appealed in~~
17 ~~accordance with the appeal procedures of the local authority.~~

18 Sec. 18. Section 321E.20, Code 2013, is amended to read as
19 follows:

20 **321E.20 Suspension period.**

21 Whenever the ~~issuing~~ permit-issuing authority finds from the
22 evidence adduced at hearing that a permit holder has willfully
23 operated or caused to be operated a vehicle or vehicles in
24 violation of this chapter, the permit-issuing authority may
25 enter an order suspending, modifying, or revoking the permit
26 in whole or in part at its discretion for a period not to
27 exceed one hundred eighty days. If the ~~issuing~~ permit-issuing
28 authority finds in a subsequent proceeding within twelve months
29 from the date of the initial suspension, modification, or
30 revocation that a permit holder has again willfully operated in
31 violation of this chapter, the ~~issuing~~ permit-issuing authority
32 shall order suspension, modification, or revocation of permit
33 privileges in whole or in part for a period not to exceed two
34 years.

35 Sec. 19. Section 321E.24, Code 2013, is amended by striking

1 the section and inserting in lieu thereof the following:

2 **321E.24 Warning and lighting devices on oversize loads.**

3 The department shall adopt rules pursuant to chapter 17A
4 regarding oversize load signs, warning flags, warning lights,
5 and projecting-load lights.

6 Sec. 20. Section 321E.25, Code 2013, is amended to read as
7 follows:

8 **321E.25 Use of highways of interstate system.**

9 Use of the national system of interstate and defense
10 highways under the provisions of this chapter shall be
11 restricted by regulation and other appropriate action of the
12 department in such a manner as to not be in conflict with the
13 applicable provisions of ~~section 127, Tit. 23, United States~~
14 ~~Code 23 U.S.C. § 127.~~

15 Sec. 21. Section 321E.29, Code 2013, is amended to read as
16 follows:

17 **321E.29 Excess size divisible load permits.**

18 1. Vehicles or a combination of vehicles with divisible
19 loads in excess of the width, length, or height requirements
20 of chapter 321 may be moved on the highways of this state if
21 the department or ~~issuing~~ permit-issuing authority determines
22 there is a special or emergency situation which warrants the
23 issuance of a special permit. The combined gross weight or
24 gross weight on any one axle or group of axles may exceed the
25 limits established in section 321.463, subject to the limits
26 and routes established by the ~~issuing~~ permit-issuing authority.
27 ~~Permits~~

28 2. Annual permits may be issued for vehicles with divisible
29 loads of hay, straw or stover without a finding of special or
30 emergency situations, if the movement meets the requirements of
31 this chapter.

32 Sec. 22. Section 321E.29A, Code 2013, is amended to read as
33 follows:

34 **321E.29A Raw milk transporters.**

35 ~~The department or a local~~ A permit-issuing authority may

1 issue annual permits authorizing a raw milk transporter to
2 transport by motor truck raw milk to or from a milk plant,
3 receiving station, or transfer station. The combined gross
4 weight or gross weight on any axle or ~~groups~~ group of axles of
5 the motor truck shall not exceed the limits established under
6 section 321.463. The ~~issuing~~ permit-issuing authority may
7 specify weight limits or routes for each raw milk transporter
8 or establish weight limits or routes under section 321E.8.

9 **Sec. 23. NEW SECTION. 321E.30 Compacted rubbish**
10 **transporters.**

11 1. A permit-issuing authority may issue annual permits for
12 the operation of compacted rubbish vehicles and vehicles which
13 transport compacted rubbish from a rubbish collection point to
14 a landfill area, exceeding the weight limitation of section
15 321.463 but not exceeding twenty thousand pounds per axle,
16 and for tandem axle vehicles or transferrable axle vehicles,
17 not exceeding a gross weight on the rear axles of thirty-six
18 thousand pounds.

19 2. Vehicles operated pursuant to an annual permit
20 issued under this section shall be operated only over routes
21 designated by the permit-issuing authority.

22 3. Annual permits approved by the permit-issuing authority
23 shall be issued upon payment of an annual fee, in addition
24 to other registration fees imposed, to be paid to the
25 permit-issuing authority for all nongovernmental vehicles.

26 **Sec. 24. Section 321E.32, Code 2013, is amended to read as**
27 **follows:**

28 **321E.32 Movement of structures and other loads on dolly**
29 **axles.**

30 ~~The weight limits on axles used for the movement of physical~~
31 ~~structures and buildings shall be subject to the same weight~~
32 ~~limits which are placed on all other axles. However, when~~
33 ~~physical structures or buildings are moved and the axles~~
34 ~~under the load are five feet or more apart, each axle shall~~
35 ~~be considered a separate axle in determining the axle weight~~

1 ~~limitations provided by law.~~ The movement of structures and
2 other indivisible loads on dolly axles shall be subject to the
3 same weight limits that apply to all other indivisible loads.
4 However, when an indivisible load is moved and the transverse
5 dolly axles under the load have a clear inside spacing of five
6 feet or more, each axle shall be considered a separate axle in
7 determining the axle weight limitations provided by law.

8 Sec. 25. Section 321E.34, Code 2013, is amended to read as
9 follows:

10 **321E.34 Escort requirements.**

11 1. ~~An~~ The operator of an escort vehicle, serving as an
12 escort in the movement of vehicles and loads of excess size
13 and weight under permits required by this chapter shall have
14 a driver's license as defined in section 321.1 valid for the
15 operation of the escort vehicle.

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

29 ~~3.~~ 2. The department shall adopt rules pursuant to chapter
30 17A for all escort requirements ~~other than those exempted in~~
31 ~~subsection 2.~~ The rules shall include ~~escorting requirements~~
32 ~~for annual permits, single-trip permits, multi-trip permits,~~
33 ~~special or emergency situations, length, height, and weight~~
34 operator requirements; escort vehicle requirements; and length,
35 height, width, and weight requirements for the load or vehicle

1 being moved under an annual or single-trip permit or in a
2 special or emergency situation.

3 Sec. 26. Section 331.362, subsection 9, Code 2013, is
4 amended to read as follows:

5 9. A county may regulate traffic on and use of the secondary
6 roads, in accordance with sections 321.236 to 321.250, 321.254,
7 321.255, 321.285, subsection 4, sections 321.352, 321.471
8 to 321.473, and other applicable provisions of chapter 321,
9 chapter 321E, and sections 321G.9, 321I.10, and 327G.15.

10 Sec. 27. REPEAL. Sections 321E.21, 321E.22, 321E.23,
11 321E.28, 321E.31, and 321E.33, Code 2013, are repealed.

12 Sec. 28. TRANSFER OF SECTIONS. The Code editor is requested
13 to transfer section 321E.27 to section 321E.1; to transfer
14 section 321E.1, as amended in this Act, to section 321E.2; to
15 transfer section 321E.2, as amended in this Act, to section
16 321E.3; and to correct internal references as necessary.

17

EXPLANATION

18 This bill contains provisions concerning the movement of
19 vehicles of excessive size and weight on Iowa roads.

20 Code section 321.473 is amended by striking provisions
21 relating to annual permits for the operation of compact rubbish
22 vehicles, which are moved to new Code section 321E.30.

23 Code section 321E.1 is amended to provide that if a vehicle
24 permitted to transport indivisible loads has a retractable body
25 extension, the extension must be reduced to legal dimensions
26 unless the vehicle is loaded and the extension is in use. The
27 bill allows persons requesting permits to do so in person,
28 through the internet, by facsimile machine, or by telephone.

29 Currently, Code section 321E.2 allows the department of
30 transportation to issue all-systems permits for movements on
31 all highways or streets under the jurisdiction of either the
32 state or local authorities that have indicated in writing those
33 streets or highways for which an all-systems permit is not
34 valid. Under the bill, at the request of a local authority,
35 the department shall also issue other types of permits for

1 streets under local jurisdiction if the local authority
2 has indicated to the department in writing those streets or
3 highways where a permit is not valid. The bill stipulates that
4 "in writing" includes electronic communication.

5 Code section 321E.7, which relates to load limits per axle,
6 is amended by making technical revisions to existing language
7 and by including the axle and gross weight limitations for raw
8 milk transporters and compact rubbish vehicles by reference
9 to those provisions, which are found elsewhere in the Code
10 chapter.

11 Code section 321E.8, which provides for the issuance of
12 annual permits, is amended to provide that certain commercial
13 vehicles other than special trucks, which are currently
14 allowed to operate at weight limits of up to 90,000 pounds
15 with six axles, and up to 96,500 pounds with seven axles, are
16 exempt from permitting requirements based on weight in excess
17 of 80,000 pounds. Currently, cranes that are used in the
18 construction of alternative energy facilities and which exceed
19 the 20,000 weight limit established under Code chapter 321 on
20 any one axle may be moved with approval of the permit-issuing
21 authority, without the requirement of an annual permit. The
22 bill allows such cranes to exceed the 24,000 pound weight limit
23 established under Code section 321E.7 for any one axle. The
24 exemption is also allowed for such cranes operating under a
25 single-trip permit.

26 Currently, Code section 321E.9 provides that a vehicle
27 with an indivisible load, having an overall width of 40 feet,
28 overall length of 120 feet, or a total gross weight of 100,000
29 pounds may be moved under a single-trip permit provided the
30 gross weight on any one axle does not exceed maximum weight
31 limits. The height of vehicles and loads is currently limited
32 by the height of underpasses, bridges, power lines, and other
33 restrictions on the route specified in the permit. The bill
34 strikes those provisions and instead provides that maximum
35 height, width, length, and weight of vehicles and loads

1 operating under single-trip permits shall be limited to the
2 maximum physical limitations and clearances of the roadway
3 and infrastructure of the intended route. Permit-issuing
4 authorities are authorized to make the final determination
5 regarding the issuance of single-trip permits, based on whether
6 the movement will cause undue stress or damage to pavement,
7 bridges, or other highway infrastructure, and taking into
8 consideration the interest of public safety.

9 The bill amends Code section 321E.9A to limit the maximum
10 height allowed for a vehicle with an indivisible load moved
11 under a multi-trip permit to 15 feet, 5 inches. Current law
12 does not provide a height restriction.

13 Code section 321E.9B is amended by making technical
14 changes to the language in the Code section to conform to the
15 terminology used throughout the Code chapter.

16 Code section 321E.10 currently relates to requirements
17 for annual trip permits for trucks and trailers manufactured
18 in Iowa that exceed length and width limits and are moved
19 from the point of manufacture or assembly to another point of
20 manufacture or assembly. The bill amends the Code section
21 by limiting its applicability to semitrailers and trailers.
22 Current requirements for the marking of vehicles being moved
23 for delivery or transfer purposes and accessibility to peace
24 officers' inspections are stricken.

25 Code section 321E.11 provides for movements under permit
26 during daylight hours, with certain exceptions, and on
27 holidays. The Code section is amended to specify that a
28 permitted vehicle with an overall length of not more than 100
29 feet and an overall width of not more than 14 feet, 6 inches,
30 may operate from 30 minutes after sunset to 30 minutes before
31 sunrise on primary and nonprimary highway system roadways that
32 are at least 22 feet in total width with at least 11 feet of
33 lane width. The bill requires such vehicles to be equipped
34 with projecting-load lights which are operating in addition
35 to signs, flags, and warning lights required for vehicles

1 operating under permit. The permit-issuing authority may
2 impose additional lighting and escort requirements for night
3 movement.

4 Code section 321E.12 provides that, with certain exceptions,
5 a vehicle traveling under permit must be registered for the
6 gross weight of the vehicle and load. A current exception
7 exists to allow the owner of special mobile equipment
8 registered for the gross weight of the vehicle without the
9 load. The bill amends that exception to provide that a private
10 carrier who is not for hire may transport special mobile
11 equipment on a vehicle registered for the gross weight of the
12 transport vehicle and cargo, minus the weight of the special
13 mobile equipment, when the special mobile equipment is owned,
14 leased, or rented and under exclusive control of the private
15 carrier.

16 Code section 321E.13 is amended by making technical
17 changes to the language in the Code section to conform to the
18 terminology used throughout the Code chapter.

19 Code section 321E.14 contains a schedule of fees for permits
20 currently issued by the department or local authorities. The
21 Code section is amended to include all permit fees in one Code
22 section. The specified fees are as follows:

23 \$25 for an annual permit issued under Code section 321E.8,
24 subsection 1.

25 \$300 for an annual permit issued under Code section 321E.8,
26 subsection 2.

27 \$200 for a multi-trip permit issued under Code section
28 321E.9A.

29 \$600 for a special alternative energy multi-trip permit.

30 \$10 for a single-trip permit issued under Code section
31 321E.9.

32 \$25 for an annual permit for special mobile equipment with a
33 combined gross weight of not more than 80,000 pounds.

34 \$25 for a vehicle of excessive size with a divisible load.

35 \$25 for a raw milk transporter permit.

1 \$100 for a compact rubbish transporter permit.

2 \$120 for an annual all-systems permit. Pursuant to current
3 law, all-systems permit fees are to be deposited in the road
4 use tax fund.

5 An escort fee of up to \$250 per day, or a fee prorated per
6 person and car, may be charged to provide escort for a movement
7 under permit. Proration of the fees between governmental
8 entities involved in the escort service is determined by
9 administrative rule.

10 Code section 321E.16, which contains penalties for
11 violations of permit provisions, is amended to include a
12 penalty for violations by escort vehicle operators. The bill
13 provides that operating a civilian escort vehicle in violation
14 of administrative rules is a simple misdemeanor punishable
15 by a scheduled fine of \$250. This is the same fine which is
16 currently applicable to violations of Code chapter 321E, other
17 than weight violations.

18 Code section 321E.17 currently provides that the imposition
19 of penalties on five or more occasions within a 12-month period
20 for violations of certain Code sections in Code chapters 321
21 and 321E with respect to the operation of one or more vehicles
22 by any one permit holder constitutes prima facie evidence
23 of a willful violation of Code chapter 321E. The bill adds
24 violations of Code sections 321.256 (obedience to official
25 traffic-control devices), 321.457 (maximum length of vehicles
26 and combinations of vehicles), and 321.474 (authority of the
27 department to restrict weight) to the list of violations to
28 which this provision applies.

29 Code section 321E.18 currently requires that in proceedings
30 involving violations under Code chapter 321E, permit-issuing
31 authorities consider, among other things, evidence relating to
32 the character and gravity of the violations. The bill replaces
33 the terms "character and gravity" with the terms "nature and
34 severity".

35 Code section 321E.19 is amended to provide that a

1 permit-issuing authority may deny, change, suspend, or revoke
2 any permit issued by the authority for good cause. Decisions
3 of the department may be appealed according to administrative
4 procedures, and decisions of local authorities may be
5 appealed in accordance with the appeal procedures of the local
6 authority. This replaces current requirements for hearings
7 before one or more members of the permit-issuing body for
8 permits issued by local authorities, and before the department
9 of inspections and appeals for permits issued by the department
10 of transportation.

11 Code section 321E.20 is amended by making technical
12 changes to the language in the Code section to conform to the
13 terminology used throughout the Code chapter.

14 Code section 321E.24 currently requires vehicles of a
15 certain size and weight to carry a warning device clearly
16 visible from a distance of 500 feet to the rear. The bill
17 replaces that requirement with a provision for the adoption
18 by the department of administrative rules regarding oversize
19 load signs, warning flags, warning lights, and projecting-load
20 lights.

21 Code section 321E.25 is amended to conform the citation of
22 federal law to the style of the Code.

23 Code section 321E.29 is amended to specify that permits
24 which currently may be issued for vehicles with divisible
25 loads of hay, straw, or stover without a finding of special or
26 emergency situations are annual permits.

27 Code section 321E.29A is amended by making technical
28 changes to the language in the Code section to conform to the
29 terminology used throughout the Code chapter.

30 New Code section 321E.30 contains current provisions for the
31 permitting of compacted rubbish vehicles, which are transferred
32 from Code chapter 321 into Code chapter 321E. The bill moves
33 the responsibility for issuance of the permits and designation
34 of routes over which compacted rubbish vehicles may be operated
35 from the department to local authorities. The \$100 annual

1 permit fee, which is currently paid to the department, is to be
2 paid instead to the issuing authority under the bill.

3 Code section 321E.32 is amended to provide that current
4 requirements for the movement of structures and buildings on
5 dolly axles apply to the movement of structures and other
6 indivisible loads.

7 Code section 321E.34 is amended by deleting current specific
8 requirements for escort vehicles used in the movement of
9 vehicles of excessive size and weight. The bill requires
10 the department to adopt administrative rules for escort
11 requirements.

12 Code section 331.362, which provides for a county's
13 authority over specific issues relating to roads, is amended to
14 include the regulation of traffic on and the use of secondary
15 roads in accordance with Code chapter 321E, relating to
16 vehicles of excessive size and weight.

17 The bill repeals Code sections 321E.21, 321E.22, and
18 321E.23, designating the Iowa secretary of state as the agent
19 for service of process for a nonresident operating a vehicle
20 in this state under Code chapter 321E, providing a procedure
21 for service of process in a proceeding against a nonresident,
22 and establishing the rights of a person to receive notice of
23 the service, a copy of the process, and an opportunity for a
24 hearing; Code section 321E.28, containing specific provisions
25 for the issuance of single-trip, multi-trip, and annual
26 permits for the movement of manufactured or mobile homes or
27 factory-built structures; Code section 321E.31, relating to the
28 movement of manufactured and mobile homes which are registered
29 in another state; and Code section 321E.33, concerning
30 reciprocal agreements with other states for the movement of
31 vehicles under permit.

32 The bill requests that the Code editor transfer Code
33 sections 321E.1, 321E.2, and 321E.27 to new positions within
34 the Code chapter to improve readability.