

House File 790 - Introduced

HOUSE FILE 790
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 256)

(COMPANION TO SF 550 BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

1 An Act creating a permit allowing the operation of vehicles
2 of excessive weight transporting fluid milk products, and
3 providing fees.

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

1 Section 1. Section 321.463, subsection 3, Code 2021, is
2 amended to read as follows:

3 3. Notwithstanding other provisions of **this chapter** to
4 the contrary, indivisible loads operating under the permit
5 requirements of **sections 321E.7, 321E.8, 321E.9, and 321E.29A,**
6 **and 321E.29B,** and divisible loads operating under the permit
7 requirements of **section 321E.26,** shall be allowed a maximum of
8 twenty thousand pounds per axle.

9 Sec. 2. Section 321E.14, subsection 1, Code 2021, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *k.* Four hundred dollars for a fluid milk
12 products annual permit issued pursuant to section 321E.29B.

13 Sec. 3. NEW SECTION. **321E.29B Fluid milk products annual**
14 **permit.**

15 1. Notwithstanding section 321E.8, the department may issue
16 annual permits for the operation of vehicles or combinations
17 of vehicles transporting fluid milk products to or from a milk
18 plant, receiving station, or transfer station, exceeding the
19 weight limitation of section 321.463 but not exceeding a gross
20 weight of ninety thousand pounds.

21 2. A vehicle or combination of vehicles for which a permit
22 is issued under this section shall not exceed the maximum
23 dimensions specified in sections 321.454 through 321.457.

24 3. For purposes of this section, "*fluid milk product*" means
25 as defined in 7 C.F.R. §1000.15.

26 4. The department shall adopt rules pursuant to chapter 17A
27 governing the issuance of permits under this section.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 Current law provides an annual permit authorizing a raw milk
32 transporter to transport raw milk to or from a milk plant,
33 receiving station, or transfer station. The combined gross
34 weight or gross weight on any axle or group of axles of the
35 motor truck must not exceed the limits established under Code

1 section 321.463.

2 This bill authorizes the department of transportation (DOT)
3 to issue annual permits for the operation of vehicles or
4 combinations of vehicles transporting fluid milk products to
5 or from a milk plant, receiving station, or transfer station
6 while exceeding the weight limitation of Code section 321.463
7 but not exceeding 20,000 pounds per axle, and not exceeding a
8 gross weight of 90,000 pounds.

9 The bill defines "fluid milk product" to mean any milk
10 products in fluid or frozen form that are intended to be used
11 as beverages containing less than 9 percent butterfat and 6.5
12 percent or more nonfat solids or 2.25 percent or more true milk
13 protein. The bill specifies a fee of \$400 for a fluid milk
14 products annual permit.

15 The operator of a vehicle that exceeds the allowable weight
16 based on its number of axles and the distance between the axles
17 is subject to a scheduled fine. The scheduled fine ranges
18 from \$12 to \$2,200 plus 10 cents per pound in excess of 20,000
19 pounds over the limit.