

Senate File 2090 - Introduced

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BY ZUMBACH

A BILL FOR

1 An Act exempting persons operating certain combinations of
2 vehicles from commercial driver's license requirements and
3 hazardous materials transportation regulations.

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

1 Section 1. Section 321.176A, Code 2024, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. A person operating a motor vehicle with
4 a gross vehicle weight rating of less than twenty-six thousand
5 one pounds while towing nonhazardous material or agricultural
6 hazardous material, regardless of the combined gross weight,
7 if the operation is solely for commercial use in accordance
8 with the person's employment and if the person is employed by a
9 person with a place of business in this state.

10 Sec. 2. Section 321.450, subsection 4, Code 2024, is amended
11 to read as follows:

12 4. Notwithstanding other provisions of [this section](#), rules
13 adopted under [this section](#) shall not apply to a person exempt
14 from commercial driver's license requirements under section
15 321.176A, subsection 7, transporting agricultural hazardous
16 material, except class 2 material, or a farmer or employees
17 of a farmer when transporting an agricultural hazardous
18 material, except class 2 material, between the sites in the
19 farmer's agricultural operations, unless the material is being
20 transported on the interstate highway road system. As used
21 in [this subsection](#), "farmer" means a person engaged in the
22 production or raising of crops, poultry, or livestock; "farmer"
23 does not include a person who is a commercial applicator of
24 agricultural chemicals or fertilizers.

25 EXPLANATION

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

28 Under current law, a person must hold a commercial driver's
29 license or commercial learner's permit (CDL) to operate a
30 commercial motor vehicle (CMV). There are limited exceptions
31 to the CDL requirement under Code section 321.176A. A vehicle
32 is considered a CMV generally based on the vehicle's weight,
33 design, and use. A motor vehicle or combination of vehicles
34 used to transport passengers or property and having a gross
35 combination weight rating or combined gross weight of 26,001

1 or more pounds, including a towed vehicle or vehicles having
2 a gross vehicle weight rating or gross weight, whichever is
3 greater, of 10,001 or more pounds; a motor vehicle designed
4 to transport 16 or more persons, including the operator; a
5 motor vehicle of a size and design to transport 16 or more
6 persons, including the operator, but is redesigned or modified
7 to transport fewer than 16 persons with disabilities; and a
8 motor vehicle used in the transportation of hazardous material
9 of a type or quantity requiring vehicle placarding are all
10 considered a CMV.

11 This bill exempts a person from the CDL requirement if the
12 person is operating a motor vehicle with a gross vehicle weight
13 rating of less than 26,001 pounds while towing nonhazardous
14 material or agricultural hazardous material, regardless of
15 the combined gross weight, if the operation is solely for
16 commercial use in accordance with the person's employment and
17 if the person is employed by a person with a place of business
18 in Iowa.

19 As the term is used in Code chapter 321, "agricultural
20 hazardous material" is a hazardous material, other than
21 hazardous waste, whose end use directly supports the production
22 of an agricultural commodity, including but not limited
23 to a fertilizer, pesticide, soil conditioner, or fuel.
24 "Agricultural hazardous material" is limited to material in
25 class 3, 8, or 9, division 2.1, 2.2, 5.1, or 6.1, or an ORM-D
26 material as defined in 49 C.F.R. §171.8.

27 Under current law, a person must hold a CDL with an
28 endorsement to transport hazardous material. A person must
29 pass additional testing to be issued a hazardous material
30 endorsement. The department of public safety (DPS) is required
31 to adopt rules regulating the transportation or shipment of
32 hazardous material, and the rules must be in compliance with
33 federal law. However, under Code section 321.450, the DPS
34 rules do not apply to farmers or employees of a farmer when
35 transporting an agricultural hazardous material, except class

1 2 material, between the sites in the farmer's agricultural
2 operations unless the material is being transported on the
3 interstate road system. The bill provides an exception to DPS
4 rules for persons operating a vehicle transporting agricultural
5 hazardous material, except class 2 material, that is exempt
6 from CDL requirements under the bill unless the material is
7 being transported on the interstate road system. "Class
8 2" material includes flammable gas, nonflammable gas, and
9 poisonous gas.