

**Senate File 95 - Introduced**

SENATE FILE 95  
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**A BILL FOR**

1 An Act relating to common carriers and including effective date  
2 and applicability provisions.

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

unofficial

1 Section 1. Section 6A.21, subsection 1, Code 2025, is amended  
2 to read as follows:

3 1. Except as otherwise provided, for purposes of this chapter  
4 and chapter 6B:

5 a. "Aboveground merchant line" means "merchant line" as  
6 defined in section 478.6A, subsection 1, excluding those merchant  
7 lines that are underground.

8 b. "Agricultural land" means real property owned by a person  
9 in tracts of ten acres or more and not laid off into lots  
10 of less than ten acres or divided by streets and alleys into  
11 parcels of less than ten acres, and that has been used for  
12 the production of agricultural commodities during three out of  
13 the past five years. Such use of property includes, but is  
14 not limited to, the raising, harvesting, handling, drying, or  
15 storage of crops used for feed, food, seed, or fiber; the care  
16 or feeding of livestock; the handling or transportation of crops  
17 or livestock; the storage, treatment, or disposal of livestock  
18 manure; and the application of fertilizers, soil conditioners,  
19 pesticides, and herbicides on crops. Agricultural land includes  
20 land on which is located farm residences or outbuildings used for  
21 agricultural purposes and land on which is located facilities,  
22 structures, or equipment for agricultural purposes. Agricultural  
23 land includes land taken out of agricultural production for  
24 purposes of environmental protection or preservation.

25 c. "Common carrier" means a commercial enterprise that holds  
26 itself out as ready to engage in the transportation of goods  
27 or passengers for hire, as a public employment, and not as a  
28 casual occupation, and that undertakes to carry for all persons  
29 indifferently, within the limits of the enterprise's capacity and  
30 the sphere of business required of it. For a carrier engaged in  
31 the transportation of a hazardous liquid to qualify as a common  
32 carrier, the carrier must establish by clear and convincing  
33 evidence that it will transport a commodity for one or more  
34 shippers not affiliated with the carrier who will either retain  
35 ownership of the commodity or sell the commodity to a party other

1 than the carrier. A common carrier determination by the federal  
2 energy regulatory commission shall be controlling for purposes of  
3 this paragraph.

4 ~~e.~~ d. "Private development purposes" means the construction  
5 of, or improvement related to, recreational trails, recreational  
6 development paid for primarily with private funds, aboveground  
7 merchant lines, housing and residential development, or  
8 commercial or industrial enterprise development.

9 ~~d.~~ e. "Public use" or "public purpose" or "public  
10 improvement" does not include the authority to condemn  
11 agricultural land for private development purposes unless the  
12 owner of the agricultural land consents to the condemnation.

13 Sec. 2. Section 6A.24, Code 2025, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 4. Notwithstanding subsection 3, an  
16 acquiring agency proposing to acquire property by eminent domain  
17 pursuant to a grant under chapter 479B shall have the burden of  
18 establishing by clear and convincing evidence that the proposed  
19 use meets the definition of a public use, public purpose, or  
20 public improvement.

21 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
22 importance, takes effect upon enactment.

23 Sec. 4. APPLICABILITY. This Act applies to condemnation  
24 proceedings for which the application filed under section 6B.3 is  
25 filed on or after the effective date of this Act.

26 EXPLANATION

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

29 This bill defines a common carrier for purposes of Code  
30 chapters 6A (eminent domain law) and 6B (procedure under  
31 eminent domain) as a commercial enterprise that transports goods  
32 or passengers for hire as a public employment. A carrier  
33 that transports hazardous liquid only qualifies as a common  
34 carrier if the carrier transports for one or more shippers  
35 that are unaffiliated with the carrier and will not sell the

1 hazardous liquid to the carrier. The federal energy regulatory  
2 commission's determination on whether a carrier qualifies as a  
3 common carrier is controlling.

4 Under current law, when a property owner or an acquiring  
5 agency seeks judicial review of an exercise of eminent domain,  
6 an acquiring agency must prove by a preponderance of the evidence  
7 that the definition of public use, public purpose, or public  
8 improvement is met. The bill provides that an acquiring agency  
9 seeking to use eminent domain pursuant to a grant under Code  
10 chapter 479B (hazardous liquid pipelines and storage facilities)  
11 must prove by clear and convincing evidence that the exercise  
12 of eminent domain meets the definition of a public use, public  
13 purpose, or public improvement.

14 The bill takes effect upon enactment and applies to  
15 condemnation proceedings for which the application is filed on or  
16 after the effective date of the bill.