

CHAPTER 1114  
MOTOR VEHICLE TRANSPORTATION

S. F. 2215

AN ACT relating to motor vehicle transportation regulation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section three hundred twenty-two A point six (322A.6), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An applicant seeking permission to enter into a franchise for additional representation of the same line-make in a community shall deposit with the board at the time the application is filed, an amount of money to be determined by the board to secure the payment of the costs and expenses of the hearing. The applicant shall pay the costs of the hearing.

Sec. 2. Section three hundred twenty-five point two (325.2), subsection one (1), Code 1977, is amended to read as follows:

1. Fix or approve the rates, fares, charges, classifications, and rules ~~and regulations~~ pertaining thereto, of each motor carrier, ~~except that any carrier transporting livestock or unprocessed agricultural or horticultural products shall be exempt from tariff-filing requirements and the issuance of freight receipts if such carrier does not transport any other property for compensation.~~

Sec. 3. Section three hundred twenty-five point six (325.6), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section fifty-eight (58), is amended to read as follows:

1. It is hereby declared unlawful for any motor carrier, except a person operating a motor vehicle in a carpool or vanpool, to transport over a regular route or between fixed termini any person or property, for compensation, from any point or place in the state of Iowa to another point or place in said state irrespective of the route, highway or highways traversed, including the crossing of any state line of the state of Iowa, or the ticket or bill of lading issued and used for such transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require such operation. No carrier of passengers

shall operate as a charter carrier in this state unless already possessed of a certificate of convenience and necessity as a common carrier of passengers and operating in this state as such common carrier or possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

2. The board may allow the provision of temporary service for which there is an immediate and urgent need to point or points requested by the application for a certificate of public convenience and necessity upon a finding that no carrier has operating authority to serve those points or no carrier is currently serving those points and upon meeting the requirements of this chapter and the rules ~~and regulations~~ of the board. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the board shall specify but not more than an aggregate of one hundred eighty days, and shall create no presumption that the corresponding application will be granted thereafter.

3. A motor carrier providing primarily passenger service for elderly, handicapped and other transportation disadvantaged persons shall be exempt from certification requirements of this section if it satisfies each of the following requirements:

a. The motor carrier is not a corporation organized for profit under the laws of Iowa or any other state or the motor carrier is a governmental organization.

b. The motor carrier receives any operating funds from federal, state or local government sources.

c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a certificate of convenience and necessity.

Each motor carrier exempt under the provisions of this subsection shall obtain a permit from the department, which shall be nontransferable. Such carriers shall comply with all safety, insurance and other rules of the department pertaining to a publicly funded transit system.

Sec. 4. Section three hundred twenty-six point fifteen (326.15), Code 1977, is amended to read as follows:

326.15 TOTAL COMPOSITE OVER ONE HUNDRED PERCENT--REFUND. If the composite percentage apportioned by an owner on a fleet of vehicles based in Iowa to each of the states with which Iowa has an apportionment agreement is more than one hundred percent percentagewise, the fleet owner may file a claim with the department for a refund of registration fees paid in

excess of one hundred percent percentagewise. The claim for such refund shall be filed on or after December 4 first of the year for which refund is requested, and the fleet owner shall furnish satisfactory evidence of the alleged overpayment. The department shall prescribe and provide suitable forms requisite or deemed necessary to process such claims and insure that claims are paid to fleet owners who have complied with proportional registration requirements. The fleet owner may elect to apply any such refund to proportional registration fees payable the next registration year in lieu of any refund payable under this section. The state of Iowa shall not be liable for claims ~~filed after December 4 of the following year~~ unless filed within four full years following the calendar year for which the application is made.

Sec. 5. Section three hundred twenty-seven point one (327.1), subsection six (6), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The term "individual written contract" shall mean an agreement in writing between a contract carrier and a shipper, effective for a duration of at least three months, imposing mutual obligations to tender freight and perform transportation, and specifying the charges. ~~The presence of goods originating from more than five shippers on one vehicle at any one time shall be prima facie evidence that the carrier is a motor carrier and not a contract carrier.~~ The board shall authorize by rule the number of contracts which contract carriers may have in effect and on file at any one time. Special permission may be obtained from the board to file more than the prescribed number of contracts upon good cause shown.

Sec. 6. Section three hundred twenty-seven point four (327.4), Code 1977, is amended to read as follows:

327.4 POWERS. All control, power, and authority over railroads and railroad companies, motor vehicles and motor carriers now vested in the board, insofar as the same are applicable, are hereby specifically extended to include truck operators and contract carriers. However, any truck operator transporting livestock or unprocessed agricultural or horticultural products shall be exempt from tariff filing requirements and the issuance of freight receipts for such commodities.

Sec. 7. The provisions of this Act shall become effective January 1, 1979.

Approved June 5, 1978