

CHAPTER 170**TRANSPORTATION REGULATION***H.F. 371*

AN ACT authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date.

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

Section 1. Section 123.28, unnumbered paragraph 1, Code 1987, is amended to read as follows:

It is lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the division to a state warehouse or depot established by the division or from one such place to another and, when so permitted by this chapter, it is lawful for the division, a common carrier, or other person to transport, carry, or convey alcoholic liquor sold from a state warehouse, depot, or point of purchase by the state to any place to which the liquor may be lawfully delivered under this chapter. The division shall deliver alcoholic liquor purchased by class "E" liquor control licensees. Class "E" liquor control licensees may deliver alcoholic liquor purchased by class "A", "B", or "C" liquor control licensees, and class "A", "B", or "C" liquor control licensees may transport alcoholic liquor purchased from class "E" liquor control licensees. ~~Notwithstanding section 321.230, sections 321.225 and 321.226 do not apply to division employees in the regular course of their employment.~~ A common carrier or other person shall not break or open or allow to be broken or opened a container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section does not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of the transportation. This section does not affect the right of a special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to this chapter.

Sec. 2. Section 321.1, subsection 31, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

31. "Hazardous material" means a substance or material which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

Sec. 3. Section 321.1, subsection 32, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

32. "Commercial vehicle" means a vehicle designed principally to transport passengers or property of any kind if any or all of the following apply:

a. The vehicle or any combination of vehicles has a gross weight of ten thousand one or more pounds.

b. The vehicle has a gross weight rating of ten thousand one or more pounds.

c. The vehicle is designed to transport more than fifteen passengers, including the driver.

d. The vehicle is used in the transportation of hazardous material in a quantity requiring placarding.

Sec. 4. Section 321.1, subsection 43, unnumbered paragraph 4, Code 1987, is amended to read as follows:

~~Subject to section 321.179, a~~ A farmer or the farmer's hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer's own products or property.

Sec. 5. Section 321.198, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The department is hereby authorized to renew any operator's license or chauffeur's license falling within the provisions and limitations of the preceding paragraph, without examination, upon application and payment of fee made within six months following separation from the military service.

Sec. 6. Section 321.266, subsection 4, Code 1987, is amended to read as follows:

4. Any Notwithstanding section 455B.386, a carrier transporting hazardous materials by rail, air, water, or material upon a public highway in this state, in the case of an accident involving the transportation of the hazardous materials material, shall immediately notify the police radio broadcasting system established by the director of public safety pursuant to section 693.1 or shall notify a peace officer of the county, township, or municipality city in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the Iowa highway safety patrol. For purposes of this section "hazardous substances" shall mean hazardous substances as defined in the federal Transportation Safety Act of 1974 [Public Law 93-633, section 103]. A person who violates any a provision of this subsection shall, upon conviction, be is guilty of a serious misdemeanor.

Sec. 7. Section 321.288, subsection 2, paragraph d, Code 1987, is amended to read as follows:

d. When approaching and passing a fusee, flares, red reflector electric lanterns, red reflectors or red flags an emergency warning device displayed in accordance with rules adopted under section 321.448 321.449, or an emergency vehicle displaying a revolving or flashing light.

Sec. 8. Section 321.317, subsection 5, Code 1987, is amended to read as follows:

5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, the operator then may display on the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation. This subsection does not exempt any vehicle or combination of vehicles from compliance with the provisions of sections 321.447 and 321.448.

Sec. 9. Section 321.341, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Whenever any When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, or crossing gates, or a flagman flag person, or otherwise of the immediate approach of a train, the driver of such the vehicle shall stop within fifty feet but not less than ten fifteen feet from the nearest track of such railroad rail and shall not proceed until the driver can do so safely.

Sec. 10. Section 321.343, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The driver of any a motor vehicle carrying passengers for hire, or of any a school bus, or of any a vehicle carrying explosive substances or flammable liquids or other hazardous materials as defined by the federal department of transportation, 49 Code of Federal Regulations sections 170 to section 189 of 1975, as a cargo or part of a cargo material and required to stop before crossing a railroad track by motor carrier safety rules adopted under section 321.449, before crossing at grade any track of a railroad, shall stop such the vehicle within fifty feet but not less than ten fifteen feet from the nearest rail of such railroad and while so. While stopped, the driver shall listen and look in both directions along such track for any an approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until the driver can do so safely.

Sec. 11. Section 321.364, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

321.364 PREVENTING CONTAMINATION OF FOOD BY HAZARDOUS MATERIAL.

Food intended for human consumption shall not be shipped in a vehicle or container which has been used to transport a hazardous material unless the vehicle or container has been purged

of any hazardous material or the transportation is made in a manner that prevents any contact between the food and the hazardous material.

Sec. 12. Section 321.365, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

321.365 COASTING PROHIBITED.

The driver of a motor vehicle shall not drive with the source of motive power disengaged from the driving wheels except when disengagement is necessary to stop or to shift gears.

Sec. 13. Section 321.449, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

321.449 MOTOR CARRIER SAFETY REGULATIONS.

A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Title 49, and found in 49 C.F.R. §§ 390-399 and adopted under chapter 17A which rules shall be to a date certain.

Rules adopted under this section concerning driver qualifications, hours of service, and record-keeping requirements do not apply to the operators of public utility trucks, construction trucks and equipment, trucks moving implements of husbandry, and special trucks, other than a truck tractor, operating intrastate. However, construction trucks shall not be construed to include gravel hauling trucks. Gravel hauling trucks and trucks for hire on construction projects are not exempt from this section.

Rules adopted under this section concerning driver age qualifications do not apply to drivers for private and for-hire motor carriers which operate solely intrastate except when the vehicle being driven is transporting a hazardous material in a quantity which requires placarding. The minimum age for the exempted intrastate operations is eighteen years of age.

Sec. 14. Section 321.450, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

321.450 HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS.

A person shall not transport or have transported or shipped within this state any hazardous material except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal hazardous materials regulations promulgated under United States Code, Title 49, and found in 49 C.F.R. §§ 107, 171 to 173, 177, and 178.

Sec. 15. Section 324.54, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Subject to compliance with rules adopted by the department, annual reporting may be permitted in lieu of quarterly reporting. A licensee permitted to report annually shall maintain records in compliance with this chapter.

Sec. 16. Section 325.1, subsection 6, Code 1987, is amended to read as follows:

6. The term "charter carrier" means a person who engages in the business of transporting the public by motorbuses under charter. The term "charter carrier" shall not be construed to include taxicabs or persons, firms or corporations having a license, contract or franchise with an Iowa municipality with a population of more than fifteen thousand people as shown by the last federal decennial census, to carry or transport passengers for hire, or a municipality with a population of more than fifteen thousand people as shown by the last federal decennial census, engaged in the business of carrying or transporting passengers for hire, provided however, that municipality or the person, firm or corporation having a license, contract or franchise with an Iowa municipality comply with sections 325.26, 325.28, ~~325.29~~, 325.31 and 325.35, or school bus operators when engaged in transportation involving any school activity or regular route common carriers of passengers.

Sec. 17. Section 327A.8, unnumbered paragraphs 2 and 3, including subsections 1, 2, and 3, and unnumbered paragraph 4, Code 1987, are amended by striking the unnumbered paragraphs and subsections.

Sec. 18. Section 327A.13, Code 1987, is amended to read as follows:
327A.13 DISABLED VEHICLES.

All vehicles or combination of vehicles shall be equipped with direction signal devices of a type complying with the provisions of section 321.317 relating to such devices and whenever, during hours of darkness, any vehicle is disabled or for any other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing the operator of such vehicle shall display such directional signals on such vehicle or combination of vehicles in simultaneous operation. ~~The provisions of this section shall not be construed to be in lieu of the provisions of sections 321.447 and 321.448 and the provisions of the said sections shall be fully applicable as provided therein.~~

Sec. 19. Section 805.8, subsection 2, paragraphs c, e, h, and o, Code 1987, are amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, 321.439, 321.440, 321.441, 321.442, 321.444, and 321.445 and 321.447, the scheduled fine is ten dollars.

e. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384, 321.385, 321.386, 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, and 321.433, ~~321.448, 321.449 and 321.450~~, the scheduled fine is twenty dollars.

h. For operating, passing, turning and standing violations under sections ~~321.225~~, 321.236, subsections 3, 4, 9 and 12, 321.275, 321.295, 321.297, 321.299, 321.303, 321.304, subsections 1 and 2, 321.305, 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318, 321.323, 321.340, 321.344, 321.353, 321.354, 321.363, ~~321.364~~, 321.365, 321.366, 321.368, 321.382 and 321.395, the scheduled fine is fifteen dollars.

o. For violation of registration provisions under section 321.17; violation of intrastate hauling on foreign registration under section 321.54; improper operation or failure to register under section 321.55; and violation of requirement for display of registration or plates under section 321.98, the scheduled fine is twenty dollars.

~~For no evidence or improper evidence of intrastate authority carried or displayed under section 325.34; operation of vehicle by an unqualified driver under sections 325.34 and 327.22; and operating a vehicle in violation of maximum hours of service or failure to maintain and display evidence of hours of service under sections 325.34 and 327.22 failure to comply with administrative rules adopted under section 325.3, 327.3 or 327A.17 which require that evidence of intrastate authority be carried and displayed upon request, that a valid lease be carried and displayed upon request, or that a valid fee receipt be carried and displayed upon request,~~ the scheduled fine is twenty-five dollars.

~~For no or improper failure to have proper carrier identification markings under section 325.31, 327.19, 327A.8 or 327B.1,~~ the scheduled fine is fifteen dollars.

~~For no or improper failure to have proper evidence of interstate authority carried or displayed under section 327B.1 and for failure to register, carry, or display evidence that interstate authority is not required under section 327B.1,~~ the scheduled fine is one hundred dollars.

~~For violations of rules adopted by the department under section 321.449,~~ the scheduled fine is twenty-five dollars.

~~For violation of section 321.364 or rules adopted under section 321.450,~~ the scheduled fine is fifty dollars.

Sec. 20. Sections 321.179, 321.225, 321.226, 321.227, 321.447, 321.448, 325.29, 325.37, 325.38, 325.39, 327.18, 327A.7, 327A.10, 327A.11, and 327A.12, Code 1987, are repealed.

Sec. 21. This Act takes effect January 1 following enactment.

Approved May 29, 1987

CHAPTER 171

FINANCIAL POWERS OF PUBLIC AND PRIVATE ENTITIES

H.F. 658

AN ACT relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes, the powers of certain financial institutions, acts which constitute a fraudulent practice, imposing penalties, and providing an effective date.

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

Section 1. Section 7C.2, subsection 1, Code 1987, is amended to read as follows:

1. ~~Implement Act section 621 of the Deficit Reduction Act of 1984, Pub. L. No. 98-369, section 146 of the Internal Revenue Code~~ by providing a different formula for allocating the state ceiling among the various governmental units which are authorized to issue private activity bonds under the laws of this state.

Sec. 2. Section 7C.3, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

7C.3 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. "Internal Revenue Code" means the Internal Revenue Code as defined in section 422.3.
2. "State ceiling" means the same as defined in section 146(d) of the Internal Revenue Code.
3. "Bond" or "private activity bond" means a private activity bond as defined in section 141 of the Internal Revenue Code.
4. "Political subdivision" means a political subdivision, authority, or department of the state which is authorized under the laws of the state to issue private activity bonds.
5. "Carryforward project" means a carryforward project or carryforward purpose as defined in section 146(f) of the Internal Revenue Code.
6. "Allocation" means that portion of the state ceiling which is allocated and certified to a political subdivision hereby or by the governor's designee pursuant to section 7C.8 with respect to an issue of bonds for a specific project or purpose.
7. "Governor's designee" means the person, department, or authority designated by the governor to administer this chapter.
8. "Qualified mortgage bond" means a qualified mortgage bond as defined in section 143(a) of the Internal Revenue Code.
9. "Qualified small issue bond" means a qualified small issue bond as defined in section 144(a) of the Internal Revenue Code.
10. "Qualified student loan bond" means a qualified student loan bond as defined in section 144(b) of the Internal Revenue Code.
11. "First-time farmer" means a first-time farmer as defined in section 147(c) of the Internal Revenue Code.

Sec. 3. Section 7C.4, Code 1987, is amended to read as follows: