

CHAPTER 1178**MOTOR VEHICLE OPERATION, MOTOR CARRIERS, AND
TRANSPORTATION OF HAZARDOUS MATERIALS***H.F. 2514*

AN ACT relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date.

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

Section 1. Section 321.208A, Code Supplement 1997, is amended to read as follows:

321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER — PENALTY.

A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. An employer shall not allow an employee to drive a commercial motor vehicle in violation of such out-of-service order. A person who violates this section shall be subject to a ~~penalty~~ scheduled fine of one hundred dollars under section 805.8, subsection 2, paragraph "z".

Sec. 2. Section 321.228, subsection 2, Code 1997, is amended to read as follows:

2. The provisions of sections 321.261 to ~~321.274~~ 321.273, and sections 321.277 and 321.280 shall apply upon highways and elsewhere throughout the state.

Sec. 3. Section 321.275, subsection 7, Code 1997, is amended by striking the subsection.

Sec. 4. Section 321.395, Code 1997, is amended to read as follows:

321.395 LAMPS ON PARKED VEHICLES.

Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent ~~thereto to~~ the roadway, outside of a business district whether attended or unattended during the times mentioned in section 321.384, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet upon such highway. ~~Lamps on parked or stopped vehicles, except trucks, trailers or semitrailers as defined in section 321.392, required to be exhibited by this section, but not including running lights, shall not be lighted at any time when the vehicle is being driven on the highway unless the head lamps are also lighted.~~ Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 5. Section 321.450, unnumbered paragraphs 1 and 3, Code 1997, are amended to read as follows:

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~~ adopted under United States Code, Title 49, and found in 49 C.F.R. § 107, 171 to 173, 177, 178, and 180. ~~However, rules adopted under this section concerning tank specifications shall not apply to cargo tank motor vehicles with a capacity of four thousand gallons or less used to transport gasoline in intrastate commerce, which were manufactured between 1950 and 1989, were domiciled in Iowa prior to July 1, 1991, and are in compliance with the American society of mechanical engineers specifications in effect at the time of manufacture.~~

Notwithstanding other provisions of this section, or the age requirements under section 321.449, the age requirements under section 321.449 and the rules adopted under this section pertaining to compliance with regulations adopted under ~~U.S.C.—United States Code~~, Title 49, and found in 49 C.F.R. § 177.804, shall not apply to retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business. ~~Notwithstanding contrary provisions of this chapter, motor vehicles registered for a maximum gross weight of five tons or less shall be exempt from the requirements of placarding and of carrying hazardous materials shipping papers if the hazardous materials which are transported are clearly labeled.~~

Sec. 6. Section 321.463, subsection 5, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For the purposes of the maximum gross weight tables in paragraphs “a”, “b”, and “c”, distance in feet is the measured distance in feet between the centers of the extreme axles of any group of axles, rounded to the nearest whole foot.

Sec. 7. Section 321.463, subsections 7 and 8, Code Supplement 1997, are amended to read as follows:

7. ~~In addition, the~~ The weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials from a designated borrow site to a construction project or transporting raw materials from a construction project, and which is operating on a highway that is not part of the interstate system and along a route of travel approved by the department or the appropriate local authority, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. ~~However, if~~ If the vehicle exceeds the ten percent tolerance allowed for ~~any one axle or tandem axle~~ under this paragraph subsection, the fine ~~to be assessed for the axle or tandem axle~~ shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle ~~under this paragraph~~. ~~This paragraph applies only to vehicles operating along a route of travel approved by the department.~~

8. A vehicle or combination of vehicles transporting materials to or from a construction project or commercial plant site ~~along a route of travel approved by the department or appropriate local authority shall comply with subsection 5, paragraph “a”~~ may operate under the maximum gross weight table for interstate highways in subsection 5, paragraph “a”, if the route is approved by the department or appropriate local authority. Route approval is not required if the vehicle or combination of vehicles transporting materials to or from a construction project or commercial plant site complies with the maximum gross weight table for noninterstate highways in subsection 5, paragraph “c”.

Sec. 8. Section 321.473, unnumbered paragraph 3, Code 1997, is amended to read as follows:

Any person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. The fine for violation of a special permit issued pursuant to this section shall be based upon the difference between the actual weight of the vehicle and load and the maximum weight allowed by the permit in accordance with section 321.463.

Sec. 9. Section 321.491, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on

highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract must be certified by the person preparing it to be true and correct. The clerk of the district court shall collect a fee of fifty cents for each individual copy of any record of conviction or forfeiture of bail furnished to any requestor at the clerk's office except for the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as a repayment receipt, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system. Notwithstanding any other provision in this section or chapter 22, the judicial department shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, the judicial department shall collect a fee from such vendor which is the greater of three thousand dollars per month or the actual direct cost of providing the records.

Sec. 10. Section 325A.2, Code Supplement 1997, is amended to read as follows:

325A.2 DUTIES OF DEPARTMENT AND LOCAL AUTHORITIES.

1. The department shall do all of the following:

~~1- a.~~ Prescribe and enforce safety and financial responsibility regulations for motor carriers and require the filing of reports regarding safety and financial responsibility.

~~2- b.~~ Approve a tariff for motor carriers of household goods.

~~3- c.~~ Issue, amend, suspend, or revoke motor carrier permits and certificates.

2. A local authority, as defined in section 321.1, shall not impose any regulations upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450.

Sec. 11. Section 455B.424, subsection 1, Code 1997, is amended to read as follows:

1. The person who generates hazardous waste or the owner or operator of a hazardous waste disposal facility who transports hazardous wastes off of the site where the hazardous waste was generated or off the disposal facility site shall pay a fee of ten dollars for each ton up to two thousand five hundred tons of hazardous waste transported off the site, excluding the water content of any waste that is transported to another facility under the ownership of the generator for the purposes of waste treatment or recycling.

Sec. 12. Section 455B.424, subsection 2, paragraph b, Code 1997, is amended to read as follows:

b. Two dollars for each ton up to five hundred tons of hazardous waste destroyed or treated at the generator's site or at the disposal facility to render the hazardous waste non-hazardous.

Sec. 13. Section 805.6, subsection 1, paragraph c, subparagraph (2), Code 1997, is amended to read as follows:

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than ~~five hundred~~ one thousand dollars, the amount of fifty dollars plus court costs.

Sec. 14. Section 805.8, subsection 2, paragraph z, Code Supplement 1997, is amended to read as follows:

z. For violations of section 321.460 prohibiting spilling loads on the highway and of section 321.208A prohibiting operation in violation of an out-of-service order, the scheduled fine is one hundred dollars.

Sec. 15. Section 805.10, subsection 1, Code 1997, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to property and the total damages are ~~five hundred~~ one thousand dollars or more, or in an injury to person.

Sec. 16. Section 321.274, Code 1997, is repealed.

Sec. 17. EFFECTIVE DATE. Section 5 of this Act takes effect October 1, 1998, contingent upon adoption of new regulations concerning the transportation or shipment of hazardous materials by the appropriate federal agencies.

Approved May 6, 1998

CHAPTER 1179

ENTERPRISE ZONES — ELIGIBLE HOUSING BUSINESSES AND RELATED MATTERS

H.F. 2538

AN ACT relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

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

Section 1. NEW SECTION. 15E.193A ELIGIBLE HOUSING BUSINESS.

1. A housing business qualifying under this section is eligible to receive incentives and assistance only as provided in this section. Sections 15E.193 and 15E.196 do not apply to an eligible housing business qualifying under this section.

2. An eligible housing business under this section includes a housing developer or housing contractor that builds or rehabilitates a minimum of four single-family homes with a value, after completion of the building or rehabilitation, not exceeding one hundred twenty thousand dollars for each home located in that part of a city or county in which there is a designated enterprise zone or one multiple dwelling unit building containing three or more individual dwelling units with a total value per unit, after completion of the building or rehabilitation, not exceeding one hundred twenty thousand dollars located in that part of a city or county in which there is a designated enterprise zone.

3. The single-family homes and dwelling units which are rehabilitated or constructed by the eligible housing business shall be modest homes or units but shall include the necessary amenities. When completed and made available for occupancy, the single-family homes and dwelling units shall meet the United States department of housing and urban development's housing quality standards and local safety standards.

4. The eligible housing business shall complete its building or rehabilitation within two years from the time the business begins construction on the single-family homes and dwelling units. The failure to complete construction or rehabilitation within two years shall result in the eligible housing business becoming ineligible and subject to the repayment requirements and penalties enumerated in subsection 7.

5. An eligible housing business shall provide the enterprise zone commission with all of the following information:

a. The long-term strategic plan for the housing business which shall include labor and infrastructure needs.