

February 27, 1963.

Senate File 327

Passed on File. By WALKER, COLEMAN, GETTING and KYHL.

Transportation 2/27

Passed Senate, Date..... Passed House, Date.....

Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to truck operators and contract carriers.

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

1 Section 1. Section three hundred twenty-seven point one
2 (327.1), Code of 1962, is hereby amended by inserting following the
3 word "state" in subsection two (2) the following, "as an irregu-
4 lar route common carrier".

1 Sec. 2. Section three hundred twenty-seven point one
2 (327.1), Code of 1962, is hereby further amended by striking from
3 line nine (9) of subsection five (5) the word "shipper" and in-
4 serting in lieu thereof the word "person".

1 Sec. 3. Section three hundred twenty-seven point one
2 (327.1), Code of 1962, is hereby further amended by striking the
3 line three (3) of the second paragraph of subsection five (5)
4 the word "shipper" and inserting in lieu thereof the word
5 "person".

1 Sec. 4. Section three hundred twenty-seven point one
2 (327.1), Code of 1962, is hereby further amended by striking from
3 last sentence in the second paragraph of subsection five (5) and
4 inserting in lieu thereof the following:

5 "No contract carrier shall have goods of more than five (5)
6 persons on one vehicle at any one time. For the purpose of
7 determining the number of persons who have goods on a vehicle,
8 'person' shall mean the individual, corporation, partnership,

9 company or association from whom the goods originated with the
10 intent that they be transported to the consignees thereof not-
11 withstanding that the goods may have been transferred or
12 assigned to or in any manner received or assembled by any other
13 individual, corporation, partnership, company or association
14 for the purpose of forwarding or shipping such goods by such
15 transferee, assignee, receiver or assembler as the shipper
16 thereof to the consignees under a transportation contract with
17 a contract carrier."

1 Sec. 5. Section three hundred twenty-seven point one
2 (321.1), Code 1962, is hereby further amended by adding thereto
3 the following new subsections:

4 1. "The term 'truck operator permit' shall mean a permit
5 to operate as a 'truck operator' as defined in this Chapter."

6 2. "The term 'contract carrier permit' shall mean a permit
7 to operate as a contract carrier as defined in this Chapter."

1 Sec. 6. Section three hundred twenty-seven point two
2 (327.2), Code 1962, is hereby amended by striking the comma (,)
3 following the word "operator" in line three (3) of subsection
4 one (1) and inserting in lieu thereof the following, "on its own
5 initiative as it deems it appropriate or".

1 Sec. 7. Section three hundred twenty-seven point two
2 (327.2), Code 1962, is hereby further amended by inserting fol-
3 lowing the word "reports" in line two (2) of subsection three
4 (3), "truck operators and contract carriers".

1 Sec. 8. Section three hundred twenty-seven point two
2 (327.2), Code 1962, is hereby further amended by inserting
3 following the word "operators" in line four (4) of subsection
4 three (3), "and contract carriers".

1 Sec. 9. Section three hundred twenty-seven point seven
2 (327.7), Code 1962, is hereby amended by inserting before the
3 word "Before" the following, "Except as provided in section three
4 hundred twenty-seven point twenty-three (327.23), Code 1962,
5 after the effective date of this Act".

1 Sec. 10. Section three hundred twenty-seven point seven
2 (327.7), Code 1962, is hereby further amended by striking sub-
3 section three (3) and inserting in lieu thereof the following,
4 "A statement of the territory in which permit authority is re-
5 quested."

1 Sec. 11. Section three hundred twenty-seven point seven
2 (327.7), Code 1962, is hereby further amended by adding thereto
3 the following new subsections:

4 1. "A financial statement setting forth the assets and
5 liabilities of applicant."

6 2. "A statement of the kinds of property to be transported
7 for which permit authority is sought."

1 Sec. 12. Section three hundred twenty-seven point eight
2 (327.8), Code 1962, is hereby amended by striking from lines one
3 (1) and two (2) the words "the application" and inserting in lieu
4 thereof the following, "an application for a truck operator's per-
5 mit if the commission finds that the granting of such permit would
6 be in the public interest".

1 Sec. 13. Section three hundred twenty-seven point eight
2 (327.8), Code 1962, is hereby further amended by inserting fol-
3 lowing the word "a" in line five (5) the words "truck opera-
4 tor's".

1 Sec. 14. Section three hundred twenty-seven point eight

2 (327.8), Code 1962, is hereby further amended by striking from
3 line five (5) the words "as herein defined".

1 Sec. 15. Section three hundred twenty-seven point eight
2 (327.8), Code 1962, is hereby further amended by inserting be-
3 fore the word "The" in line five (5) the following:

4 "In making its finding the commission shall consider whether
5 the proposed service is required by the present and future public
6 convenience and necessity, the adequacy of equipment, the finan-
7 cial ability of the applicant to provide reliable and efficient
8 service and such other matters as the public interest may re-
9 quire."

1 Sec. 16. Section three hundred twenty-seven point eight
2 (327.8), Code 1962, is hereby further amended by adding thereto
3 after the period (.) in the last line thereof the following:

4 "In the event that application is denied, the applicant
5 shall be entitled to a hearing by the commission thereon if
6 request therefor is filed with the commission within thirty
7 (30) days from the date of the order denying the application."

1 Sec. 17. Section three hundred twenty-seven point eight
2 (327.8), Code 1962, is hereby further amended by adding thereto
3 the following new paragraph:

4 "Truck operator permits issued hereunder may be sold, trans-
5 ferred, leased or assigned under such reasonable rules and regu-
6 lations as may be fixed by the commission, provided that the
7 commission finds that such sale, transfer, lease or assignment
8 is in the public interest. In the event that application is
9 denied the applicant shall be entitled to a hearing by the
10 commission thereon if request therefor is filed with the commis-
11 sion within thirty (30) days from the date of the order denying

12 the application.”

1 Sec. 18. Chapter three hundred twenty-seven (327), Code
2 1962, is hereby amended by adding thereto the following new
3 sections:

4 1. “Upon the filing of an application for a contract car-
5 rier permit if the commission finds that the granting of such
6 permit would not be against public interest and if the applicant
7 shall otherwise comply with the terms and conditions of this
8 chapter, the commission shall issue to the applicant a contract
9 carrier permit. The actual operation of such motor vehicle or
10 vehicles shall not begin without the written approval of the
11 state department of public safety, stating that the applicant
12 has complied with the prescribed safety regulations. In the
13 event that application is denied, the applicant shall be entitled
14 to a hearing by the commission thereon if request therefor is
15 filed with the commission within thirty (30) days from the date
16 of the order denying the application.”

17 2. “Contract carrier permits issued hereunder may be sold,
18 transferred, leased or assigned under such reasonable rules and
19 regulations as may be fixed by the commission, provided that the
20 commission finds that such sale, transfer, lease or assignment
21 is not against the public interest. In the event that applica-
22 tion is denied, the applicant shall be entitled to a hearing by
23 the commission thereon if request therefor is filed with the
24 commission within thirty (30) days from the date of the order
25 denying the application.”

26 3. “Except as hereinafter provided, no person shall, at the
27 same time, hold a permit as a truck operator and a permit as a

28 contract carrier authorizing operation for the transportation of
29 property by motor vehicle in intrastate commerce over the same
30 route or within the same territory, unless for good cause shown
31 the commission shall find that such dual operation may be con-
32 tinued consistently with the public interest.

33 "Any person who, prior to the effective date of this Act,
34 operated both as a truck operator and as a contract carrier may,
35 in the continuance of his own operation after the effective date
36 of this Act, continue to operate as a truck operator and a con-
37 tract carrier for the transportation of property by motor vehicle
38 in intrastate commerce to the same extent to which such person
39 was authorized under the provisions of this chapter prior to the
40 effective date of this Act."

41 4. "It shall be the duty of every contract carrier to es-
42 tablish and observe reasonable minimum rates and charges for any
43 service rendered or to be rendered in the transportation of
44 property or in connection therewith and to file such reasonable
45 minimum rates and charges with the commission and to establish
46 and observe reasonable regulations and practices to be applied in
47 connection with said reasonable minimum rates and charges. Noth-
48 ing herein provided shall be so construed as to require such
49 carriers to maintain the same rates, rules and regulations for
50 the same services for all shippers served."

51 5. "In any hearing on an application for a truck operator
52 or contract carrier permit or for the sale, transfer, lease or
53 assignment of a truck operator or contract carrier permit the
54 applicant shall pay all the costs and expenses of the hearing
55 and necessary preliminary investigation in connection therewith

56 before any such application shall be granted.

57 "The commission shall have the right to require the appli-
58 cant to deposit with it at the time an application for a truck
59 operator or contract carrier permit or for the sale, transfer,
60 lease or assignment of any such permit is filed, an amount of
61 money to be determined by the commission to secure the payment
62 of the said costs and expenses."

1 Sec. 19. Section three hundred twenty-seven point twenty-
2 one (327.21), Code 1962, is hereby amended by inserting following
3 the word "operator" in line two (2) the words "or contract car-
4 rier".

1 Sec. 20. Section three hundred twenty-seven point twenty-
2 one (327.21), Code 1962, is hereby further amended by inserting
3 following the word "operator" in the last line thereof the words
4 "or contract carrier".

1 Sec. 21. Section three hundred twenty-seven point twenty-
2 two (327.22), Code 1962, is hereby amended by inserting following
3 the word "operator" in line three (3) the words "or contract car-
4 rier".