

House File 2028 - Introduced

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BY ANDERSON

A BILL FOR

1 An Act relating to motor vehicles approaching stationary motor
2 vehicles displaying emergency signal lamps, and providing
3 penalties.

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

1 Section 1. Section 321.323A, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. The operator of a motor vehicle
4 approaching a stationary motor vehicle continually displaying
5 its emergency signal lamps flashing simultaneously shall
6 approach the vehicle with due caution and shall proceed in one
7 of the following manners, absent any other direction by a peace
8 officer:

9 a. Make a lane change into a lane not adjacent to the
10 stationary motor vehicle if possible in the existing safety and
11 traffic conditions.

12 b. If a lane change under paragraph "a" would be impossible,
13 prohibited by law, or unsafe, reduce the speed of the motor
14 vehicle to a reasonable and proper speed for the existing road
15 and traffic conditions, which speed shall be less than the
16 posted speed limit, and be prepared to stop.

17 Sec. 2. Section 805.8A, subsection 11, Code 2018, is amended
18 to read as follows:

19 11. a. Emergency vehicle and equipment-related
20 violations. For ~~emergency vehicle~~ violations relating to
21 certain authorized emergency vehicles, fire apparatus and
22 equipment, and police bicycles under the following sections,
23 the scheduled fine is as follows:

24 ~~a.~~ (1) Section 321.231.....\$100.

25 ~~b.~~ (2) Section 321.323A, subsection 1.\$100.

26 ~~c.~~ (3) Section 321.324.....\$100.

27 ~~d.~~ (4) Section 321.367.....\$100.

28 ~~e.~~ (5) Section 321.368.....\$100.

29 b. Violations relating to stationary nonemergency
30 vehicles. For violations relating to the approach of stationary
31 nonemergency vehicles under section 321.323A, subsections 2 and
32 2A, the scheduled fine is one hundred dollars.

33 EXPLANATION

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

1 Under current law, the operator of a motor vehicle who
2 encounters a stationary vehicle which is of a certain type and
3 which is displaying certain flashing lights must approach the
4 stationary vehicle with due caution and make a lane change if
5 possible under the existing safety and traffic conditions.
6 If a lane change would be impossible, prohibited by law, or
7 unsafe, the operator must reduce the speed of the vehicle to a
8 reasonable and proper speed for the existing road and traffic
9 conditions and be prepared to stop. Such stationary vehicles
10 include authorized emergency vehicles, towing or recovery
11 vehicles, utility maintenance vehicles, municipal maintenance
12 vehicles, stationary highway maintenance vehicles, and solid
13 waste or recycling collection service vehicles.

14 This bill extends these requirements to include any
15 stationary motor vehicle continually displaying its emergency
16 signal lamps flashing simultaneously. A violation of the
17 requirements is a simple misdemeanor punishable by a scheduled
18 fine of \$100. If the violation causes property damage,
19 the violation is punishable by suspension of the violator's
20 driver's license for 90 days in addition to the scheduled
21 fine. If the violation causes bodily injury, the violation is
22 punishable by an additional fine of \$500 and suspension of the
23 violator's driver's license for 180 days. If the violation
24 causes death, the violation is punishable by an additional fine
25 of \$1,000 and suspension of the violator's driver's license for
26 one year.

27 The bill amends the scheduled fine provision to separate
28 violations relating to stationary authorized emergency vehicles
29 from violations relating to stationary nonemergency vehicles.