

*Amended to Pass 4/23/87 (p. 424)*

Senate File 166

TRANSPORTATION: Jensen, Chair, Hail and Scott

Senate File 166

JUDICIARY: Mann, Chair, Doyle and Fuhrman

SENATE FILE 1166

FILED FEB 11 1987

BY VANDE HOEF

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act providing that under certain circumstances the owner of a  
 2 vehicle which is violating the warning lamps or stop arm of a  
 3 school bus shall be deemed to be the driver and making  
 4 penalties applicable.

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

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SF 166

1 Section 1. NEW SECTION. 321.372A VEHICLE OWNER LIABILITY  
2 FOR FAILURE TO OBEY SCHOOL BUS WARNING DEVICES.

3 The driver of a school bus or a school official who  
4 observes a violation of section 321.372, subsection 3, may  
5 prepare a written report indicating that a violation has  
6 occurred. The school bus driver or school official may  
7 deliver the report not more than twenty-four hours after the  
8 violation occurred to a peace officer of the state or a peace  
9 officer of the county or municipality in which the violation  
10 occurred. The report shall state the time and the location at  
11 which the violation occurred and shall include the  
12 registration plate number and a description of the vehicle  
13 involved in the violation.

14 Not more than forty-eight hours after receiving a report of  
15 a violation of section 321.372, subsection 3, from a school  
16 bus driver or school official, the peace officer shall prepare  
17 a uniform traffic citation for the violation and shall  
18 personally serve it upon the owner of the vehicle. If acting  
19 with reasonable diligence the officer is unable to serve the  
20 citation personally to the owner, service may be made by  
21 leaving a copy of the citation at the owner's place of abode  
22 within this state in the presence of a competent member of the  
23 family at least fourteen years of age who is informed of the  
24 contents of the citation. If acting with reasonable diligence  
25 the officer is unable to serve the citation at the owner's  
26 place of abode with a competent member of the owner's family,  
27 service may be made by certified mail addressed to the owner's  
28 last known address.

29 The owner of a vehicle involved in a violation of section  
30 321.372, subsection 3, is liable for the violation and shall  
31 be deemed to be the driver of the vehicle. It is not a  
32 defense that the owner was not driving the vehicle at the time  
33 of the violation except in any of the following circumstances:

34 1. The owner of the vehicle provides a peace officer with  
35 the name and address of the person driving the vehicle at the

1 time of the violation and that person admits driving the  
2 vehicle at the time of the violation.

3 2. The owner of the vehicle is a lessor of vehicles  
4 licensed under chapter 321F and the owner establishes that at  
5 the time of the violation the vehicle was in the custody of a  
6 lessee pursuant to a lease as defined in chapter 321F and the  
7 owner provides a peace officer with the name, address, and  
8 motor vehicle license number of the lessee.

9 3. The owner of the vehicle is a motor vehicle dealer or  
10 manufacturer and the owner establishes that the vehicle was  
11 being driven by another person on a trial run or test drive,  
12 or for another reason at the time of the violation and the  
13 dealer or manufacturer provides a peace officer with the name,  
14 address, and motor vehicle license number of the person  
15 driving the vehicle.

16 4. The vehicle was stolen at the time of the violation.

17 If the owner of the vehicle establishes that the vehicle  
18 was being driven by another person at the time of the  
19 violation as provided under subsections 1 through 4 that  
20 person and not the owner shall be charged with the violation.

21 Sec. 2. Section 321.484, unnumbered paragraph 3, Code  
22 1987, is amended to read as follows:

23 If a peace officer as defined in section 801.4 has  
24 reasonable cause to believe the driver of a motor vehicle has  
25 violated sections 321.261, 321.262, or 321.264, ~~or~~ 321.372,  
26 the officer may request any owner of the motor vehicle to  
27 supply information identifying the driver. When requested,  
28 the owner of the vehicle shall identify the driver to the best  
29 of ~~his-or-her~~ the owner's ability. However, the owner of the  
30 vehicle is not required to supply identification information  
31 to the officer if the owner believes the information is self-  
32 incriminating.

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#### EXPLANATION

34 This bill provides that the owner of a vehicle which fails  
35 to obey the warning lamps or stop arm of a school bus as re-

1 quired under section 321.372, subsection 3, shall be deemed to  
2 be the driver of the vehicle and is liable for the violation.  
3 A violation entails a scheduled fine of \$25 subject to the  
4 criminal penalty surcharge.

5 The owner will not be charged for the violation if the  
6 owner provides a peace officer with the name and address of  
7 the person driving the vehicle at the time of the violation  
8 and the person admits driving the vehicle at the time of the  
9 violation; if the owner is a lessor of vehicles licensed under  
10 chapter 321F and the owner establishes that at the time the  
11 vehicle was in the custody of a lessee pursuant to a lease as  
12 defined in chapter 321F and the owner provides a peace officer  
13 with the name, address and motor vehicle license number of the  
14 lessee; if the owner is a motor vehicle dealer or manufacturer  
15 and the owner establishes that the vehicle was being driven by  
16 another person and the dealer or manufacturer provides a peace  
17 officer with the name, address and license number of the  
18 person driving the vehicle; or if the vehicle was stolen.

19 The bill also requires a peace officer to issue a uniform  
20 traffic citation within 48 hours after receiving a report of a  
21 violation of section 321.372, subsection 3, from a school bus  
22 driver or a school official.

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