

TRANSPORTATION: Jensen, Chair: Hall and Scott

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SENATE FILE 225
BY HANNON and CORNING

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 or a vehicle which is improperly overtaking and
4 passing another vehicle shall be deemed to be the driver and
5 making penalties applicable.

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

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SF-225

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

3 The driver or an occupant of a school bus who observes a
4 violation of section 321.303 or section 321.372, subsection 3,
5 may prepare a written report on a form provided by the
6 department of public safety indicating that a violation has
7 occurred. The school bus driver or a school official may
8 deliver the report not more than twenty-four hours after the
9 violation occurred to a peace officer of the state or a peace
10 officer of the county or municipality in which the violation
11 occurred. The report shall state the time and the location at
12 which the violation occurred and shall include the
13 registration plate number and a description of the vehicle
14 involved in the violation.

15 Not more than forty-eight hours after receiving a report of
16 a violation of section 321.303 or section 321.372, subsection
17 3, from a school bus driver or a school official, the peace
18 officer shall prepare a uniform traffic citation for the
19 violation and shall personally serve it upon the owner of the
20 vehicle. If acting with reasonable diligence the officer is
21 unable to serve the citation personally to the owner, service
22 may be made by leaving a copy of the citation at the owner's
23 place of abode within this state in the presence of a
24 competent member of the family at least fourteen years of age
25 who is informed of the contents of the citation. If the
26 owner's current place of business and place of abode are not
27 known, service may be made by mailing a copy of the citation
28 by certified mail to the owner's last known address.

29 The owner of a vehicle involved in a violation of section
30 321.303 or section 321.372, subsection 3, is liable for the
31 violation and shall be deemed to be the driver of the vehicle.
32 It is not a defense that the owner was not driving the vehicle
33 at the time of the violation except in any of the following
34 circumstances:

35 1. The owner of the vehicle provides a peace officer with

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

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

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

17 4. The vehicle was stolen at the time of the violation.
18 If the owner of the vehicle establishes that the vehicle
19 was being driven by another person at the time of the
20 violation as provided in this section that person and not the
21 owner shall be charged with the violation.

22 Sec. 2. Section 321.484, unnumbered paragraph 3, Code
23 1985, is amended to read as follows:

24 If a peace officer as defined in section 801.4 has
25 reasonable cause to believe the driver of a motor vehicle has
26 violated sections 321.261, 321.262, or 321.264, ~~or-321-372,~~
27 the officer may request any owner of the motor vehicle to
28 supply information identifying the driver. When requested,
29 the owner of the vehicle shall identify the driver to the best
30 of ~~his-or-her~~ the owner's ability. However, the owner of the
31 vehicle is not required to supply identification information
32 to the officer if the owner believes the information is self-
33 incriminating.

34 EXPLANATION

35 This bill provides that the owner of a vehicle which fails

1 to obey the warning lamps or stop arm of a school bus as re-
2 quired under section 321.372, subsection 3, shall be deemed to
3 be the driver of the vehicle and is liable for the violation.
4 A violation entails a scheduled fine of \$25 subject to the
5 criminal penalty surcharge.

6 This bill also provides that the owner of a vehicle which
7 is improperly overtaking another vehicle (not necessarily a
8 school bus) on the left as required under section 321.303,
9 shall be deemed to be the driver of the vehicle and is liable
10 for the violation. A violation entails a scheduled fine of
11 \$15 subject to surcharge.

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

27 The bill also requires a peace officer to issue a uniform
28 traffic citation within 48 hours after receiving a report of a
29 violation of section 321.303 or section 321.372, subsection 3,
30 from a school bus driver or a school official.

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