

House Transportation 2/12/91 Amend (3512) + the Pass 4/7

FILED JAN 31 1991

SENATE FILE 97
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 109)

Passed Senate, Date 3/7/91 (p. 252) Passed House, Date 4/17/91 (p. 1322)
Vote: Ayes 44 Nays 5 Vote: Ayes 93 Nays 1

Approved May 8, 1991 (p. 1717)

Proposed Senate as amended by House (S-3506)
4/23/91 (p. 1424)
Ayes 47, Nays 0

A BILL FOR

1 An Act increasing penalties for interfering with a traffic
35122 control device.

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

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SF 97

5088 amended

1 Section 1. Section 321.260, Code 1991, is amended to read
2 as follows:

3 321.260 INTERFERENCE WITH DEVICES, SIGNS, OR SIGNALS --
4 UNLAWFUL POSSESSION.

5 1. a. A person who willfully and intentionally, without
6 lawful authority, attempts to or in fact alters, defaces,
7 injures, knocks down, or removes an official traffic-control
8 device, an authorized warning sign or signal or barricade,
9 whether temporary or permanent, a railroad sign or signal, an
10 inscription, shield or insignia on any of such devices, signs,
11 signals, or barricades, or any other part thereof, shall, upon
12 conviction, be guilty of a serious misdemeanor and shall be
13 required to make restitution to the affected jurisdiction.

14 b. A person who is convicted under paragraph "a" of an act
15 relating to a stop sign or a yield sign shall be fined a
16 minimum amount of five hundred dollars and may be required to
17 complete community service in addition to making restitution
18 to the affected jurisdiction.

19 2. It shall be unlawful for any person to have in the
20 person's possession any official traffic-control device except
21 by reason of the person's employment. Any person convicted of
22 unauthorized possession of any official traffic-control device
23 shall upon conviction be ~~punished-as-provided-in-section~~
24 321.402 guilty of a serious misdemeanor.

25 EXPLANATION

26 This bill increases the penalties for a person who is
27 convicted of a serious misdemeanor of interfering with a stop
28 sign or yield sign to a minimum fine of \$500 and commensurate
29 community service and increases the charge for possession of a
30 traffic control device from a simple to a serious misdemeanor.
31 A simple misdemeanor carries a maximum sentence of
32 imprisonment not to exceed 30 days, or a fine not to exceed
33 \$100. A serious misdemeanor carries a maximum sentence of
34 imprisonment not to exceed one year, or a fine not to exceed
35 \$1,000, or both.

SENATE FILE 97

H-3512

1 Amend Senate File 97, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 15 and 16 and
4 inserting the following: "relating to a stop sign or
5 a yield sign may be required to".

6 2. Page 1, by striking line 21 and inserting the
7 following: "by-reason-of-the-person's-employment by
8 legal right or authority. Any person convicted of".

9 3. Page 1, by inserting after line 24 the
10 following:

11 "Sec. ____ . Section 321.423, subsection 1,
12 paragraph d, Code 1991, is amended by striking the
13 paragraph.

14 Sec. ____ . Section 321.423, subsection 2, paragraph
15 f, Code 1991, is amended to read as follows:

16 f. A flashing white light, ~~used in conjunction~~
17 ~~with hazard lights,~~ is permitted on a vehicle pursuant
18 to subsection 7.

19 Sec. ____ . Section 321.423, subsection 7,
20 unnumbered paragraph 1, Code 1991, is amended to read
21 as follows:

22 7. Except as provided in section 321.373,
23 subsection 7, and subsection 2, paragraph "c" of this
24 section, a flashing white light shall only be used on
25 a vehicle ~~when used in conjunction with hazard lights~~
26 ~~and a flashing white light shall not be used on a~~
27 ~~vehicle except in any of the following circumstances:"~~

28 4. Title page, line 2, by inserting after the
29 word "device" the following: "and relating to the use
30 of flashing white lights".

31 5. By renumbering and relettering as necessary.

By COMMITTEE ON TRANSPORTATION

KOENIGS of Mitchell, Chairperson

H-3512 FILED APRIL 4, 1991

Adopted... 4/17/91 (p. 1218)

SENATE FILE 97

H-3647

1 Amend Senate File 97, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 24, the
4 following:

5 "Sec. ____ . Section 668.10, subsection 1, Code
6 1991, is amended to read as follows:

7 1. The failure to place, erect, or install a stop
8 sign, traffic control device signal, or other
9 regulatory sign as defined in the uniform manual for
10 traffic control devices adopted pursuant to section
11 321.252. However, once a regulatory device has been
12 placed, created or installed, the state or
13 municipality may be assigned a percentage of fault for
14 its failure to maintain the device."

15 2. Title page, line 2, by inserting after the
16 word "device" the following: ", and relating to
17 governmental exemptions concerning traffic control
18 signals under the comparative fault statute".

19 3. By renumbering as necessary.

By JAY of Appanoose

H-3647 FILED APRIL 16, 1991

HOUSE AMENDMENT TO
SENATE FILE 97

S-3506

1 Amend Senate File 97, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 15 and 16 and
4 inserting the following: "relating to a stop sign or
5 a yield sign may be required to".

6 2. Page 1, by striking line 21 and inserting the
7 following: "by-reason-of-the-person's-employment by
8 legal right or authority. Any person convicted of".

9 3. Page 1, by inserting after line 24 the
10 following:

11 "Sec. ____ . Section 321.423, subsection 1,
12 paragraph d, Code 1991, is amended by striking the
13 paragraph.

14 Sec. ____ . Section 321.423, subsection 2, paragraph
15 f, Code 1991, is amended to read as follows:

16 f. A flashing white light~~7-used-in-conjunction~~
17 ~~with-hazard-lights7~~ is permitted on a vehicle pursuant
18 to subsection 7.

19 Sec. ____ . Section 321.423, subsection 7,
20 unnumbered paragraph 1, Code 1991, is amended to read
21 as follows:

22 7. Except as provided in section 321.373,
23 subsection 7, and subsection 2, paragraph "c" of this
24 section, a flashing white light shall only be used on
25 a vehicle ~~when-used-in-conjunction-with-hazard-lights~~
26 ~~and-a-flashing-white-light-shall-not-be-used-on-a~~
27 ~~vehicle-except in any-of~~ the following circumstances:"

28 4. Title page, line 2, by inserting after the
29 word "device" the following: "and relating to the use
30 of flashing white lights".

31 5. By renumbering and relettering as necessary.

RECEIVED FROM THE HOUSE

S-3506 FILED APRIL 19, 1991

Senate concurred 4/23/91 (p. 1424)

DIELEMAN, CH.
GETTINGS
NYSTROM

SSB 109

TRANSPORTATION

SENATE FILE

97

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act increasing penalties for interfering with a traffic
2 control device.

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

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TLSB 1856SC 74

jc/cf/24

1 Section 1. Section 321.260, Code 1991, is amended to read
2 as follows:

3 321.260 INTERFERENCE WITH DEVICES, SIGNS, OR SIGNALS --
4 UNLAWFUL POSSESSION.

5 1. a. A person who willfully and intentionally, without
6 lawful authority, attempts to or in fact alters, defaces,
7 injures, knocks down, or removes an official traffic-control
8 device, an authorized warning sign or signal or barricade,
9 whether temporary or permanent, a railroad sign or signal, an
10 inscription, shield or insignia on any of such devices, signs,
11 signals, or barricades, or any other part thereof, shall, upon
12 conviction, be guilty of a serious misdemeanor and shall be
13 required to make restitution to the affected jurisdiction.

14 b. A person who is convicted under paragraph "a" of an act
15 relating to a stop sign or a yield sign shall be fined a
16 minimum amount of five hundred dollars and may be required to
17 complete community service in addition to making restitution
18 to the affected jurisdiction.

19 2. It shall be unlawful for any person to have in the
20 person's possession any official traffic-control device except
21 by reason of the person's employment. Any person convicted of
22 unauthorized possession of any official traffic-control device
23 shall upon conviction be ~~punished as provided in section~~
24 ~~321.482~~ guilty of a serious misdemeanor.

25 EXPLANATION

26 This bill increases the penalties for a person who is
27 convicted of a serious misdemeanor of interfering with a stop
28 sign or yield sign to a minimum fine of \$500 and commensurate
29 community service and increases the charge for possession of a
30 traffic control device from a simple to a serious misdemeanor.
31 A simple misdemeanor carries a maximum sentence of
32 imprisonment not to exceed 30 days, or a fine not to exceed
33 \$100. A serious misdemeanor carries a maximum sentence of
34 imprisonment not to exceed one year, or a fine not to exceed
35 \$1,000, or both.

SENATE FILE 97

AN ACT

INCREASING PENALTIES FOR INTERFERING WITH A TRAFFIC CONTROL DEVICE AND RELATING TO THE USE OF FLASHING WHITE LIGHTS.

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

Section 1. Section 321.260, Code 1991, is amended to read as follows:

321.260 INTERFERENCE WITH DEVICES, SIGNS, OR SIGNALS -- UNLAWFUL POSSESSION.

1. a. A person who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes an official traffic-control device, an authorized warning sign or signal or barricade, whether temporary or permanent, a railroad sign or signal, an inscription, shield or insignia on any of such devices, signs, signals, or barricades, or any other part thereof, shall, upon conviction, be guilty of a serious misdemeanor and shall be required to make restitution to the affected jurisdiction.

b. A person who is convicted under paragraph "a" of an act relating to a stop sign or a yield sign may be required to complete community service in addition to making restitution to the affected jurisdiction.

2. It shall be unlawful for any person to have in the person's possession any official traffic-control device except by reason of the person's employment by legal right or authority. Any person convicted of unauthorized possession of any official traffic-control device shall upon conviction be punished as provided in section 321.482 guilty of a serious misdemeanor.

Sec. 2. Section 321.423, subsection 1, paragraph d, Code 1991, is amended by striking the paragraph.

Sec. 3. Section 321.423, subsection 2, paragraph f, Code 1991, is amended to read as follows:

f. ~~A flashing white light used in conjunction with hazard lights~~ is permitted on a vehicle pursuant to subsection 7.

Sec. 4. Section 321.423, subsection 7, unnumbered paragraph 1, Code 1991, is amended to read as follows:

7. Except as provided in section 321.373, subsection 7, and subsection 2, paragraph "c" of this section, a flashing white light shall only be used on a vehicle ~~when used in conjunction with hazard lights and a flashing white light shall not be used on a vehicle except in any of the following circumstances:~~

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 97, Seventy-fourth General Assembly.

JOHN F. DRYER
Secretary of the Senate

Approved *May 8*, 1991

TERRY E. BRANSTAD
Governor