

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act requiring the removal of motor vehicles involved in
2 certain accidents from the roadway, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.262, Code 2017, is amended to read
2 as follows:

3 **321.262 Leaving scene of traffic accident prohibited —**
4 **vehicle damage only — removal of vehicles.**

5 1. a. The driver of any vehicle involved in an accident
6 resulting only in damage to a vehicle which is driven or
7 attended by any person shall immediately ~~stop such~~ remove the
8 ~~driver's~~ vehicle at the scene of such accident or as close
9 ~~thereto as possible but shall forthwith return to and in every~~
10 ~~event~~ from the traveled portion of the roadway if the vehicle
11 is operable and the removal can be achieved in a safe manner.
12 The driver shall remove the vehicle to the shoulder, emergency
13 lane, or median nearest to the scene of the accident such that
14 the vehicle is completely off the traveled portion of the
15 roadway, and shall then stop the vehicle. The driver shall
16 remove the vehicle without obstructing traffic more than is
17 necessary.

18 b. Another person at the scene of the accident may remove
19 a vehicle involved in the accident in accordance with this
20 subsection to reduce the risk of a subsequent accident or to
21 ensure the safety of persons at the scene of the accident.

22 2. The driver shall remain at the scene of ~~such~~ the accident
23 until the driver has fulfilled the requirements of section
24 321.263. ~~Every such stop shall be made without obstructing~~
25 ~~traffic more than is necessary.~~ Any person failing to ~~stop or~~
26 ~~comply with said~~ remain at the scene of the accident or fulfill
27 the requirements of section 321.263 under such circumstances
28 shall be guilty of a misdemeanor and punished as provided in
29 section 321.482.

30 EXPLANATION

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

33 Current law requires the driver of a vehicle involved in an
34 accident resulting only in damage to a vehicle to immediately
35 stop the vehicle at the scene of the accident and to remain

1 at the scene of the accident until the driver has fulfilled
2 the requirements of Code section 321.263, which relates to the
3 exchange of personal information. A driver who fails to comply
4 with these requirements is guilty of a simple misdemeanor
5 punishable by up to 30 days in prison and a fine of at least \$65
6 but not to exceed \$625.

7 This bill requires the driver to first remove the driver's
8 vehicle from the traveled portion of the roadway if the
9 vehicle is operable and the removal can be achieved in a safe
10 manner. The bill requires the driver to remove the vehicle to
11 the shoulder, emergency lane, or median nearest to the scene
12 of the accident such that the vehicle is completely off the
13 traveled portion of the roadway. In addition, the bill allows
14 another person at the scene of the accident to remove a vehicle
15 involved in the accident from the roadway to reduce the risk of
16 a subsequent accident or to ensure the safety of persons at the
17 scene of the accident.

18 Under the bill, a driver who fails to remain at the scene
19 of the accident or fulfill the requirements of Code section
20 321.263 is guilty of a simple misdemeanor. However, a driver
21 who fails to remove the driver's vehicle from the traveled
22 portion of the roadway, but remains at the scene of the
23 accident and fulfills the requirements of Code section 321.263,
24 is not guilty of a simple misdemeanor.