**Description**

*House File 2326* relates to traffic violations involving the approach of certain stationary vehicles. The Bill provides that the operator of a motor vehicle protected under Iowa Code section 321.323A(1) or (2) may file a report within 72 hours with a peace officer concerning a violation of the Iowa Code section. Within seven days after receiving the report, the peace officer will investigate the report and, if probable cause of a violation of the Iowa Code section is found, issue a scheduled traffic violation to the operator or owner of the vehicle.

**Background**

Currently, Iowa Code section 321.323A(1) and (2) provides that motor vehicle operators, when approaching certain stationary vehicles displaying flashing lights, must use due caution and make a lane change into a lane not adjacent to the stationary vehicle. If a lane change is not possible, the motor vehicle operator must reduce speed to a reasonable and proper speed and be prepared to stop.

A person who violates Iowa Code section 321.323A commits a simple misdemeanor, punishable by a scheduled fine of $135. The violator may be subject to additional penalties including a fine of $500 for a violation resulting in bodily injury and a fine of $1,000 for a violation causing death.

Similar provisions to those in the Bill currently exist under Iowa Code section 321.372A for school bus drivers who observe violations for failing to obey school bus warning devices.

The Department of Transportation must suspend a person’s driver’s license for 90 days after receiving a record of a person’s conviction for a violation which resulted in an accident causing damage to the property of another, for 180 days for a violation which resulted in bodily injury to another person, and for one year for a violation causing death.

**Assumptions**

- Costs to the Department of Public Safety and the Judicial Branch for implementing the Bill are minimal.
- There may be an increase in the number of convictions due to the new reporting mechanism.

**Fiscal Impact**

The fiscal impact of HF 2326 cannot be determined due to a lack of data. In FY 2021, there were 606 convictions for violations of Iowa Code section 321.323A(1). Each violation is punishable by a fine of at least $135. The Bill expands the enforcement of existing laws and
may result in an increase in the number of scheduled traffic citations issued and an increase in fine revenue.

Sources
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Public Safety
Department of Transportation
Judicial Branch

/s/ Holly M. Lyons
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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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