



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 3, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 313, an Act relating to traffic citations issued for school bus warning device and railroad crossing violations.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 313

AN ACT

RELATING TO TRAFFIC CITATIONS ISSUED FOR SCHOOL BUS WARNING
DEVICE AND RAILROAD CROSSING VIOLATIONS.

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

Section 1. Section 321.344A, Code 2005, is amended to read
as follows:

321.344A REPORTED VIOLATIONS FOR FAILURE TO STOP AT A
RAILROAD CROSSING.

1. The employee of a railroad who observes a violation of
section 321.341, 321.342, 321.343, or 321.344 may prepare a
written report on a form provided by the department of public
safety indicating that a violation has occurred. The railroad
employee may deliver the report not more than seventy-two
hours after the violation occurred to a peace officer of the
state or a peace officer of the county or municipality in
which the violation occurred. The report shall state the time
and the location at which the violation occurred and shall
include the registration plate number and a description of the
vehicle involved in the violation.

2. A peace officer may initiate an investigation not more
than seven calendar days after receiving a report of a
violation pursuant to this section. The peace officer may
request that the owner of the vehicle supply information
identifying the driver of the vehicle in accordance with
section 321.484.

a. If from the investigation, the peace officer is able to
identify the driver of the vehicle and has reasonable cause to
believe a violation has occurred, the peace officer shall
prepare a uniform traffic citation for the violation and shall

serve it personally or by certified mail on the driver of the vehicle.

b. If, from the investigation, the peace officer has reasonable cause to believe that a violation occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation on the owner of the motor vehicle. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.341, 321.342, 321.343, or 321.344, together with proof that the defendant named in the citation was the owner of the motor vehicle at the time the violation occurred, constitutes a permissible inference that the owner was the driver who committed the violation.

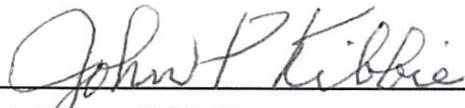
c. For purposes of this subsection, "owner" means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection.

Sec. 2. Section 321.372A, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. If, from the investigation, the peace officer has reasonable cause to believe that a violation of section 321.372, subsection 3, occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation to the owner of the motor vehicle. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.372, subsection 3, together with proof that the defendant named in the citation was the ~~registered~~ owner of the motor vehicle at the time the violation occurred, constitutes a permissible inference that the ~~registered~~ owner was the driver who committed the violation.

Sec. 3. Section 321.372A, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For purposes of this subsection, "owner" means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection.



JOHN P. KIBBIE

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 313, Eighty-first General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 3, 2005



THOMAS J. VILSACK

Governor