

Reprinted 3/87

TRANSPORTATION: Coleman, Chair; Priebe and Jensen

MAR 6 1987

Place On Calendar

HOUSE FILE 429

BY COMMITTEE ON TRANSPORTATION

(Formerly House File 211)

Passed ^{House} Senate, Date 3-25-87 (p. 725) Passed ^{Senate} House, Date _____
 Vote: Ayes 92 Nays 4 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 shall be deemed to be the driver and making
 4 penalties applicable.

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

HOUSE FILE 429

H-3169

1 Amend House File 429 as follows:
 2 1. By striking page 1, line 33 through page 2,
 3 line 1, and inserting the following:
 4 "1. The owner establishes that at the time of the
 5 violation the vehicle was in the custody of an
 6 identified person other than the owner."

H-3169 FILED MARCH 10, 1987 BY NEUBAUSER OF JOHNSON
(Adopted 3/25/87 (p. 725))

HOUSE FILE 429

H-3172

1 Amend House File 429 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 "driver" the following: "or an occupant".

H-3172 FILED MARCH 11, 1987 BY HARBOR of Mills
Love 3/23 (p. 725)

HOUSE FILE 429

H-3190

1 Amend House File 429 as follows:
 2 1. Page 2, by striking lines 16 through 19.

H-3190 FILED MARCH 16, 1987 BY PAULIN of Plymouth
H/P 3/23 (p. 725) VAN CAMP of Scott

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

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

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

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

33 1. The owner of the vehicle provides a peace officer with
34 the name and address of the person driving the vehicle at the
35 time of the violation and that person admits driving the

1 vehicle at the time of the violation.

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

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

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

20 Sec. 2. Section 321.484, unnumbered paragraph 3, Code
21 1985, is amended to read as follows:

22 If a peace officer as defined in section 801.4 has
23 reasonable cause to believe the driver of a motor vehicle has
24 violated sections 321.261, 321.262, or 321.264, ~~or-321.372,~~
25 the officer may request any owner of the motor vehicle to
26 supply information identifying the driver. When requested,
27 the owner of the vehicle shall identify the driver to the best
28 of ~~his-or-her~~ the owner's ability. However, the owner of the
29 vehicle is not required to supply identification information
30 to the officer if the owner believes the information is self-
31 incriminating.

32 EXPLANATION

33 This bill provides that the owner of a vehicle which fails
34 to obey the warning lamps or stop arm of a school bus as re-
35 quired under section 321.372, subsection 3, shall be deemed to

1 be the driver of the vehicle and is liable for the violation.
2 A violation entails a scheduled fine of \$25 subject to the
3 criminal penalty surcharge.

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

19 The bill also requires a peace officer to issue a uniform
20 traffic citation within 48 hours after receiving a report of a
21 violation of section 321.372, subsection 3, from a school bus
22 driver or a school official.

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Sen. Transportation 3/26/87
Do Pass 4/1/87 (p. 1035)
Retail Trans. 5/10/87 Amend per 5137-1 Do Pass 2/24 (p. 492)

HOUSE FILE 429
BY COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House March 23, 1987)

Passed ^{House} Senate, Date 4/6/88 (p. 1429) Passed ^{Senate} House, Date 3/27/88 (p. 1159)
Vote: Ayes 86 Nays 8 Vote: Ayes 48 Nays 0
Approved May 10, 1988

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 shall be deemed to be the driver and making
4 penalties applicable.

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

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House Amendments _____

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

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

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

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

- 33 1. The owner establishes that at the time of the violation
34 the vehicle was in the custody of an identified person other
35 than the owner.

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

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

14 4. The vehicle was stolen at the time of the violation.

15 If the owner of the vehicle establishes that the vehicle
16 was being driven by another person at the time of the
17 violation as provided in this section that person and not the
18 owner shall be charged with the violation.

19 Sec. 2. Section 321.484, unnumbered paragraph 3, Code
20 1985, is amended to read as follows:

21 If a peace officer as defined in section 801.4 has
22 reasonable cause to believe the driver of a motor vehicle has
23 violated sections 321.261, 321.262, or 321.264, ~~or~~ 321.372,
24 the officer may request any owner of the motor vehicle to
25 supply information identifying the driver. When requested,
26 the owner of the vehicle shall identify the driver to the best
27 of ~~his-or-her~~ the owner's ability. However, the owner of the
28 vehicle is not required to supply identification information
29 to the officer if the owner believes the information is self-
30 incriminating.

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HOUSE FILE 429

3663

1 Amend House File 429 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 8 through 10 and
 4 inserting the following: "four hours after the
 5 violation occurred to the sheriff of the county or the
 6 chief of police of the city in whose jurisdiction the
 7 violation occurred. The report shall state the time".

S-3663

Filed April 16, 1987

BY DONALD V. DOYLE

Placed o/c 3/29/88 (p. 1138)

HOUSE FILE 429

S-3665

1 Amend House File 429, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "occurred." the following: "The department of public
 5 safety shall adopt rules, pursuant to chapter 17A,
 6 regarding preparation of reports of violations of
 7 section 321.372, subsection 3 by school bus drivers."

S-3665

Filed April 16, 1987

BY DONALD V. DOYLE

*Adopted 5/1/87 (p. 1657)
 Placed o/c 3/29/88 (p. 1138)*

HOUSE FILE 429

S-3666

1 Amend House File 429, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 13, by inserting before the word
 4 "vehicle" the words "driver and".

S-3666

Filed April 16, 1987

BY DONALD V. DOYLE

Placed o/c 3/29 (1138)

HOUSE FILE 429

S-3667

1 Amend House File 429 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 2, line 23, by striking the word and
 4 figures "or 321.264, or ~~321.372~~" and inserting the
 5 following: "321.264, or 321.372, or 321.372A,".

S-3667

Filed April 16, 1987

BY DONALD V. DOYLE

Placed o/c 3/29 (p. 1138)

HOUSE FILE 429

S-3656

- 1 Amend House File 429 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 18, by striking the word "shall"
- 4 and inserting the word "may".

S-3656

Filed April 16, 1987

BY DONALD V. DOYLE

Placed on 5/22/87 (p. 1135)

HOUSE FILE 429

S-3658

- 1 Amend House File 429, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 7, by striking the word "may" and
- 4 inserting the word "shall".

S-3658

Filed April 16, 1987

BY DONALD V. DOYLE

Placed on 5/22/87 (p. 1135)

HOUSE FILE 429

S-3659

- 1 Amend House File 429 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 29 and 30 and
- 4 inserting the following: "321.372, subsection 3, is
- 5 presumed to be the driver of the vehicle. It is not
- 6 a".

S-3659

Filed April 16, 1987

BY DONALD V. DOYLE

Placed on 5/22/87 (p. 1135)

HOUSE FILE 429

S-3662

- 1 Amend House File 429, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 2, by striking lines 17 and 18 and in-
- 4 serting the following: "violation as provided in this
- 5 section the charge shall be dismissed."

S-3662

Filed April 16, 1987

BY DONALD V. DOYLE

Placed on 5/22/87 (p. 1136)

HOUSE FILE 429

S-3696

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 30, by inserting before the word
4 "It" the following: "If the vehicle is registered for
5 more than one owner, it shall be the first owner
6 listed in the registration who shall be liable for the
7 violation and presumed to be the driver of the
8 vehicle."

S-3696

Filed April 20, 1987

BY DONALD V. DOYLE

Placed in file 3/27/87

HOUSE FILE 429

S-3699

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 30 the
4 following:
5 "Sec. ____ . NEW SECTION. 321.484A TESTIMONY NOT
6 COMPELLED.
7 Persons shall not be compelled in any criminal case
8 under this chapter to be witnesses against
themselves."

S-3699

Filed April 21, 1987

BY DONALD V. DOYLE

Placed in file 3/29

HOUSE FILE 429

S-3700

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 14 through 30 and
4 inserting the following:
5 "The owner of a vehicle involved in a violation of
6 section 321.372, subsection 3, is subject to a civil
7 penalty of twenty-five dollars which may be imposed by
8 the department. It is not a".
9 2. Page 1, line 31, by inserting after the word
10 "defense" the following: "against imposition of the
11 civil penalty".
12 3. Page 2, by striking lines 15 through 18.

S-3700

Filed April 21, 1987

BY DONALD V. DOYLE

Placed in file 3/29

HOUSE FILE 429

S-3669

- 1 Amend House File 429 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 14 through 27 and
- 4 inserting the following:
- 5 "The report shall be deemed to be a criminal
- 6 complaint by the school bus driver and shall be filed
- 7 before a magistrate and the criminal action shall
- 8 proceed as provided under section 804.1."

S-3669

Filed April 16, 1987

BY DONALD V. DOYLE

Filed 4/16/87 (1138)

HOUSE FILE 429

S-3670

- 1 Amend House File 429 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 6, by striking the words "The
- 4 school bus driver or a" and inserting the following:
- 5 "School districts shall provide a training course for
- 6 their school bus drivers in the identification of
- 7 motor vehicles and drivers of motor vehicles. Each
- 8 school bus driver shall be required to successfully
- 9 complete the training course. The course shall have a
- 10 minimum of fifteen hours of instruction and shall be
- 11 approved by the department of public safety.
- 12 The school bus driver or a".

S-3670

Filed April 16, 1987

BY DONALD V. DOYLE

Filed 4/16/87 (1138)

HOUSE FILE 429

S-3682

- 1 Amend House File 429 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 14 the
- 4 following:
- 5 "When a vehicle involved in a violation of section
- 6 321.372, subsection 3, is owned by and titled to a
- 7 corporation, partnership, business, or governmental
- 8 body, the court may require the president of the
- 9 corporation, partner, owner of the business, or top
- 10 official of the governmental body to determine who was
- 11 driving the vehicle."

S-3682

Filed April 16, 1987

BY DONALD V. DOYLE

Filed 4/16/87 (1138)

HOUSE FILE 429

S-5137

1 Amend House File 429 as amended, passed and
2 reprinted by the House, as follows:

3 1. By striking, everything after the enacting
4 clause and inserting the following:

5 Section 1. NEW SECTION. 321.372A PROMPT
6 INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY
7 SCHOOL BUS WARNING DEVICES.

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

21 Not more than forty-eight hours after receiving a
22 report of a violation of section 321.372, subsection
23 3, from a school bus driver or a school official, the
24 peace officer shall investigate the reported violation
25 and contact the owner of the motor vehicle involved in
26 the reported violation and request that the owner
27 supply information identifying the driver in
28 accordance with section 321.484. If, from the
29 investigation, the peace officer is able to identify
30 the driver and has reasonable cause to believe a
31 violation of section 321.372, subsection 3, has
32 occurred, the peace officer shall prepare a uniform
33 traffic citation for the violation and shall
34 personally serve it upon the driver of the vehicle."

35 2. Title page, by striking lines 1 through 4 and
36 inserting the following: "An Act relating to the
37 investigation of a driver of a vehicle violating the
38 warning lamps or stop arm of a school bus and
39 requiring the issuance of a uniform citation in
40 certain circumstances."

S-5137

Filed February 24, 1988

(Adopted 3/29 (S. 1137))

BY COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

HOUSE FILE 429

S-3727

1 Amend House File 429 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 27, by inserting after the word
4 "address." the following: "However, if the vehicle
5 involved in a violation of section 321.372, subsection
6 3, is not registered in this state, the citation shall
7 be served on the owner of the vehicle in the same
8 manner as other uniform traffic citations are served."

S-3727

Filed April 22, 1987

Placed c/o 3/29 (p. 1132)

BY DONALD V. DOYLE

HOUSE FILE 429

S-3731

1 Amend House File 429, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by inserting after line 27 the fol-
4 lowing:
5 "Bus drivers and peace officers who issue or cause
6 to be issued citations under this section for
7 violations of section 321.372, subsection 3, are not
8 individually liable in an action for false arrest
9 unless malice is proven. However, the school board
10 for which the bus driver is employed shall be liable
11 for the actions of their employees under this
12 section."

S-3731

Filed April 22, 1987

Placed c/o 3/29

BY DONALD V. DOYLE

HOUSE FILE 429

S-3826

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 30, by inserting after the word
4 "vehicle" the following: "if the owner was the actual
5 driver or had authorized its use".

S-3826

Filed April 27, 1987

Placed c/o 3/29

BY TOM MANN, JR.

SENATE AMENDMENT TO HOUSE FILE 429

H-6080

1 Amend House File 429 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. By striking, everything after the enacting
 4 clause and inserting the following:
 5 Section 1. NEW SECTION. 321.372A PROMPT
 6 INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY
 7 SCHOOL BUS WARNING DEVICES.

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

21 Not more than forty-eight hours after receiving a
 22 report of a violation of section 321.372, subsection
 23 3, from a school bus driver or a school official, the
 24 peace officer shall investigate the reported violation
 25 and contact the owner of the motor vehicle involved in
 26 the reported violation and request that the owner
 27 supply information identifying the driver in
 28 accordance with section 321.484. If, from the
 29 investigation, the peace officer is able to identify
 30 the driver and has reasonable cause to believe a
 31 violation of section 321.372, subsection 3, has
 32 occurred, the peace officer shall prepare a uniform
 33 traffic citation for the violation and shall
 34 personally serve it upon the driver of the vehicle."

35 2. Title page, by striking lines 1 through 4 and
 36 inserting the following: "An Act relating to the
 37 investigation of a driver of a vehicle violating the
 38 warning lamps or stop arm of a school bus and
 39 requiring the issuance of a uniform citation in
 40 certain circumstances."

H-6080 FILED MARCH 30, 1988 RECEIVED FROM THE SENATE

House Amendment 4/6 (p. 1429)

HOUSE FILE 429

AN ACT

RELATING TO THE INVESTIGATION OF A DRIVER OF A VEHICLE VIOLATING THE WARNING LAMPS OR STOP ARM OF A SCHOOL BUS AND REQUIRING THE ISSUANCE OF A UNIFORM CITATION IN CERTAIN CIRCUMSTANCES.

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

Section 1. NEW SECTION. 321.372A PROMPT INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY SCHOOL BUS WARNING DEVICES.

The driver of a school bus who observes a violation of section 321.372, subsection 3, may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The school bus driver or a school official may deliver the report not more than twenty-four 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.

Not more than forty-eight hours after receiving a report of a violation of section 321.372, subsection 3, from a school bus driver or a school official, the peace officer shall investigate the reported violation and contact the owner of the motor vehicle involved in the reported violation and request that the owner supply information identifying the driver in accordance with section 321.484. If, from the investigation, the peace officer is able to identify the driver and has reasonable cause to believe a violation of section 321.372, subsection 3, has occurred, the peace officer

shall prepare a uniform traffic citation for the violation and shall personally serve it upon the driver of the vehicle.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 429, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 10, 1988

TERRY E. BRANSTAD
Governor

HF 429