

JAN 10 1996

TRANSPORTATION

HOUSE FILE 2040  
BY CORMACK

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act increasing certain speed limits and making penalties  
2 applicable, and providing an effective date.

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

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HF 2040

1 Section 1. Section 321.210, subsection 2, paragraph d,  
2 Code 1995, is amended to read as follows:

3 d. The first two speeding violations within any twelve-  
4 month period of ten miles per hour or less over the legal  
5 speed limit in speed zones having a legal speed limit between  
6 thirty-four miles per hour and ~~fifty-six~~ sixty-one miles per  
7 hour.

8 Sec. 2. Section 321.285, Code 1995, is amended to read as  
9 follows:

10 321.285 SPEED RESTRICTIONS.

11 Any A person driving a motor vehicle on a highway shall  
12 drive the ~~same~~ vehicle at a careful and prudent speed not  
13 greater than nor less than is reasonable and proper, having  
14 due regard to the traffic, surface and width of the highway  
15 and of any other existing conditions ~~then-existing, and no.~~ A  
16 person shall not drive any vehicle upon a highway at a speed  
17 greater than will permit the person to bring it to a stop  
18 within the assured clear distance ahead, ~~such.~~ However, the  
19 driver having has the right to assume, however, that all  
20 persons using said the highway will observe the law.

21 The following shall be the lawful speed ~~except-as-provided~~  
22 ~~by-this-section, or~~ except as posted pursuant to sections  
23 262.68; 321.236, subsection 5; 321.288, subsection 6; 321.289;  
24 321.290; 321.293; 321.295; and 461A.36, and any speed in  
25 excess ~~thereof~~ of these speeds shall be unlawful:

26 1. Twenty miles per hour in any business district.

27 2. Twenty-five miles per hour in any residence or school  
28 district.

29 3. Forty-five miles per hour in any suburban district.  
30 Each school district as defined in ~~subsection 70~~ of section  
31 321.1, subsection 70, shall be marked by distinctive signs as  
32 provided by the current manual of uniform traffic control  
33 devices adopted by the department and placed on the highway at  
34 the limits of such school district.

35 4. Notwithstanding any other speed restrictions, the speed

1 limit for all vehicular traffic shall be ~~forty-five~~ sixty  
2 miles per hour.

3 5. Reasonable and proper, but not greater than ~~forty-five~~  
4 sixty miles per hour at any time between sunrise and sunset,  
5 and not greater than ~~forty~~ fifty-five miles per hour at any  
6 time between sunset and sunrise, on secondary roads unless  
7 such roads are surfaced with concrete or asphalt or a  
8 combination of both, in which case the speed limits shall be  
9 the same as provided in subsection 4 ~~of this section~~. When  
10 the board of supervisors of any county shall determine upon  
11 the basis of an engineering and traffic investigation that the  
12 speed limit on any secondary road is greater than is  
13 reasonable and proper under the conditions found to exist at  
14 any intersection or other place or upon any part of a  
15 secondary road, the board shall determine and declare a  
16 reasonable and proper speed limit at the intersection or other  
17 part of the secondary road. The speed limits as determined by  
18 the board of supervisors shall be effective when appropriate  
19 signs giving notice of the speed limits are erected by the  
20 board of supervisors at the intersection or other place or  
21 part of the highway.

22 6. Notwithstanding any other speed restrictions, the speed  
23 limit for all vehicular traffic on fully controlled-access,  
24 divided, multilaned highways including the national system of  
25 interstate highways designated by the federal highway  
26 administration and this state (23 U.S.C. § 103 (e)) is ~~sixty-~~  
27 five seventy miles per hour. However, the department or  
28 cities with the approval of the department may establish a  
29 lower speed limit upon such highways located within the  
30 corporate limits of a city. For the purposes of this  
31 subsection, a fully controlled-access highway is a highway  
32 that gives preference to through traffic by providing access  
33 connections with selected public roads only and by prohibiting  
34 crossings at grade or direct private driveway connections. A  
35 minimum speed of forty miles per hour, road conditions

1 permitting, is established on the highways referred to in this  
2 subsection.

3 It is further provided that any kind of vehicle, implement,  
4 or conveyance incapable of attaining and maintaining a speed  
5 of forty miles per hour shall be prohibited from using the  
6 interstate system.

7 Sec. 3. Section 321.293, Code 1995, is amended to read as  
8 follows:

9 321.293 LOCAL AUTHORITIES MAY ALTER LIMITS.

10 Local authorities in their respective jurisdiction  
11 jurisdictions may in their discretion, subject to the approval  
12 of the department, authorize by ordinance higher speeds than  
13 those stated in section 321.285 ~~upon on~~ through highways or  
14 ~~upon on~~ highways or portions thereof of the highways where  
15 stop or yield signs have been erected at the entrances,  
16 thereto provided signs are erected posted giving notice of the  
17 authorized speed, ~~but~~. However, local authorities shall not  
18 have authority to authorize by ordinance a speed in excess of  
19 ~~fifty-five~~ sixty miles per hour. If local authorities fail to  
20 authorize by ordinance higher speeds ~~than those stated in~~  
21 ~~section 321.285 upon through highways or upon highways or~~  
22 ~~portions thereof where stop signs have been erected at the~~  
23 ~~entrances thereto~~ in accordance with this section, the  
24 department may recommend, upon the basis of an engineering and  
25 traffic investigation, ~~to the local authorities~~ that the speed  
26 limit be increased. If local authorities fail to increase the  
27 speed limit upon said the recommendation of the department,  
28 said the department shall declare a reasonable and safe speed  
29 limit which shall be effective when appropriate signs are  
30 ~~erected giving notice thereof~~ posted.

31 Sec. 4. Section 321A.3, subsection 4, Code 1995, is  
32 amended to read as follows:

33 4. The abstract of operating record ~~provided under this~~  
34 ~~section shall designate which speeding violations occurring on~~  
35 ~~or after July 1, 1986, but before May 12, 1987, are for~~

1 ~~violations of ten miles per hour or less over the legal speed~~  
2 ~~limit in speed zones that have a legal speed limit greater~~  
3 ~~than thirty-five miles per hour. -- For speeding violations~~  
4 ~~occurring on or after May 12, 1987, the abstract provided~~  
5 under this section shall designate which speeding violations  
6 are for ten miles per hour or less over the legal speed limit  
7 in speed zones that have a legal speed limit equal to or  
8 greater than thirty-five miles per hour but not greater than  
9 fifty-five sixty miles per hour.

10 Sec. 5. Section 516B.3, subsection 1, Code 1995, is  
11 amended to read as follows:

12 1. The commissioner shall require that insurance companies  
13 transacting business in this state not consider speeding  
14 violations ~~occurring on or after July 1, 1986, but before May~~  
15 ~~12, 1987, which are for speeding violations for ten miles per~~  
16 ~~hour or less over the legal speed limit in speed zones that~~  
17 ~~have a legal speed limit greater than thirty-five miles per~~  
18 ~~hour or speeding violations occurring on or after May 12,~~  
19 ~~1987, which are for speeding violations~~ for ten miles per hour  
20 or less over the legal speed limit in speed zones that have a  
21 legal speed limit equal to or greater than thirty-five miles  
22 per hour but not greater than fifty-five sixty miles per hour  
23 for the purpose of establishing rates for motor vehicle  
24 insurance charged by the insurer and shall require that  
25 insurance companies not cancel or refuse to renew any such  
26 policy for such violations. In any twelve-month period, this  
27 section applies only to the first two such violations which  
28 occur.

29 Sec. 6. Section 805.8, subsection 2, paragraph g,  
30 subparagraph (4), Code Supplement 1995, is amended to read as  
31 follows:

32 (4) Notwithstanding subparagraphs (1) and (3), for  
33 excessive speed violations in speed zones greater than fifty-  
34 five sixty miles per hour when in excess of the limit by five  
35 miles per hour or less the fine is ten dollars, by more than

1 five and not more than ten miles per hour the fine is twenty  
2 dollars, by more than ten and not more than fifteen miles per  
3 hour the fine is forty dollars, by more than fifteen and not  
4 more than twenty miles per hour the fine is sixty dollars, and  
5 by more than twenty miles per hour the fine is sixty dollars  
6 plus two dollars for each mile per hour of excessive speed  
7 over twenty miles per hour over the limit.

8 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
9 immediate importance, is effective upon enactment.

10 EXPLANATION

11 This bill increases the speed limits on controlled-access,  
12 divided, multilaned highways, including the interstate, from  
13 65 miles per hour to 70 miles per hour. It increases the  
14 speed limit on secondary roads from 55 miles per hour to 60  
15 miles per hour. If a secondary road does not have a concrete  
16 or asphalt surface, the speed limit is increased from 55 miles  
17 per hour to 60 miles per hour between sunrise and sunset and  
18 increased from 50 miles per hour to 55 miles per hour between  
19 sunset and sunrise. The bill makes other technical changes  
20 commensurate with increasing the speed limit.

21 This bill is effective upon enactment.

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**HOUSE FILE 2040  
FISCAL NOTE**

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A fiscal note for House File 2040 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2040 increases the speed limit on controlled-access, multilaned, divided highways including interstates, from 65 to 70 miles per hour. It increases the speed limit on secondary roads from 55 to 60 miles per hour. If a secondary road does not have a concrete or asphalt surface, the speed limit is increased from 55 to 60 miles per hour between sunrise and sunset and increased from 50 to 55 miles per hour between sunset and sunrise.

**ASSUMPTIONS**

1. There are 782 miles of interstate highways and 7,700 miles of primary highways with an estimated 3,600 speed limit signs.
2. Based on an inventory of no passing zones, there is approximately one no passing zone per mile of primary and secondary highway.
3. Changing the speed limit signs could be dealt with in two ways: The first is to install an overlay over the number, the second is to install new signs. The estimated cost for overlays is \$178,000. The estimated cost to install new signs is \$634,000.
4. The estimated cost to resurvey no passing zones is \$210,000.
5. The estimated cost for marking the no passing zone extensions and relocating the signs is \$1,890,000.
6. The above cost estimates include labor, materials, and equipment.

**FISCAL IMPACT**

The total State and county estimated FY 1997 cost of HF 2040 will range from \$2.3 million to \$2.7 million, depending on how many new speed limit signs are installed verses how many sign overlays are used.

The estimated State cost will range from \$0.8 million to \$1.1 million and will be paid from the Primary Road Fund.

The estimated county costs will range from \$1.5 million to \$1.6 million and will be paid from local road fund dollars.

**SOURCE**

Department of Transportation

(LSB 3338hh, DLR)