

4/10/95 Referred to Transportation

MAR 21 1995  
Place On Calendar

HOUSE FILE 510  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 37)

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

**A BILL FOR**

1 An Act relating to peace officer status for state department of  
2 transportation employees and transfer of motor vehicle  
3 enforcement officers.

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

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HF 510

1 Section 1. Section 97B.49, subsection 16, paragraph d,  
2 subparagraph (7), Code 1995, is amended to read as follows:

3 (7) An employee of the state department of transportation  
4 who is designated as a "peace officer"~~-by-resolution~~ under  
5 section 321.477, but only if the employee retires on or after  
6 July 1, 1990. For purposes of this subparagraph, service as a  
7 traffic weight officer employed by the highway commission  
8 prior to the creation of the state department of  
9 transportation or as a peace officer employed by the Iowa  
10 state commerce commission prior to the creation of the state  
11 department of transportation shall be included in computing  
12 the employee's years of membership service.

13 Sec. 2. Section 321.1, subsection 50, Code 1995, is  
14 amended to read as follows:

15 50. "Peace officer" means every officer authorized to  
16 ~~direct-or-regulate-traffic-or-to-make-arrests-for-violations~~  
17 ~~of-traffic-regulations-in-addition-to-its-meaning-in~~ carry out  
18 and enforce all laws of the state and the rules and  
19 regulations of the department or any other peace officer  
20 included in the definition of peace officers under section  
21 801.4.

22 Sec. 3. Section 321.465, unnumbered paragraph 4, Code  
23 1995, is amended to read as follows:

24 ~~Upon weighing a vehicle and load, as above provided, if~~  
25 ~~such~~ If the load is a sealed load, the weight peace officer  
26 shall issue a certificate setting forth the weights as  
27 determined by the weight peace officer and the seal number or  
28 numbers, if requested by the operator.

29 Sec. 4. Section 321.477, Code 1995, is amended to read as  
30 follows:

31 321.477 EMPLOYEES AS PEACE OFFICERS.

32 The department ~~may~~ shall designate ~~by-resolution~~ as peace  
33 officers certain of ~~its~~ full-time employees ~~upon each of whom~~  
34 ~~there is hereby conferred~~ who shall have the authority of a  
35 ~~peace officer to control and direct~~ to carry out and enforce

1 all laws of the state and rules and regulations of the  
2 department. Each designated employee's peace officer  
3 authority shall include, but not be limited to, controlling  
4 and directing traffic and weigh, weighing vehicles, and to  
5 make making arrests for violations of the motor vehicle laws  
6 relating to the operating authority, registration, size,  
7 weight, and load of motor vehicles and trailers and  
8 registration of a motor carrier's interstate transportation  
9 service with the department.

10 Sec. 5. Section 327B.2, Code 1995, is amended to read as  
11 follows:

12 327B.2 ENFORCEMENT.

13 ~~The state~~ State department of transportation ~~may designate~~  
14 ~~by resolution certain of its employees upon each of whom there~~  
15 ~~is hereby conferred~~ employees designated as peace officers  
16 under section 321.477 shall have the authority of a peace  
17 officer to make arrests for violations of laws relating to the  
18 registration of a motor carrier's interstate transportation  
19 service with the state department of transportation.

20 Sec. 6. Section 452A.76, unnumbered paragraph 2, Code  
21 1995, is amended to read as follows:

22 Authority to enforce division III is given to the state  
23 department of transportation. Employees of designated by the  
24 state department of transportation ~~designated-enforcement~~  
25 employees shall have the power of peace officers in the  
26 performance of their duties; however, they shall not be  
27 considered members of the Iowa highway safety patrol. The  
28 department of transportation shall furnish enforcement peace  
29 officer employees with necessary equipment and supplies in the  
30 same manner as provided in section 80.18, including uniforms  
31 which are distinguishable in color and design from those of  
32 the Iowa highway safety patrol. Enforcement Peace officer  
33 employees shall be furnished and shall conspicuously display  
34 badges of authority.

35 Sec. 7. Section 801.4, subsection 11, paragraph h, Code

1 1995, is amended to read as follows:

2 h. ~~Such-employees~~ Employees of the state department of  
3 transportation ~~as who~~ are designated as "peace officers" by  
4 ~~resolution-of~~ the department under section 321.477.

5 Sec. 8. MOTOR VEHICLE ENFORCEMENT OFFICERS. The office of  
6 motor vehicle enforcement of the motor vehicle division of the  
7 state department of transportation shall be transferred to the  
8 division of highway safety and uniformed force of the  
9 department of public safety, effective July 1, 1995. The  
10 appropriations, grants, motor vehicles, equipment, supplies,  
11 and records of or used by the employees of the office of motor  
12 vehicle enforcement of the state department of transportation  
13 shall also be transferred to the department of public safety,  
14 effective July 1, 1995. All references in the Code which  
15 authorize the motor vehicle enforcement office of the motor  
16 vehicle division of the state department of transportation to  
17 perform enforcement-related duties shall be considered  
18 authority for the transferred employees to perform those same  
19 enforcement-related duties as employees of the division of  
20 highway safety and uniformed force of the department of public  
21 safety. The commissioner of public safety and the director of  
22 transportation shall work jointly to implement the transfer  
23 authorized under this section.

24 EXPLANATION

25 This bill gives full-time employees designated by the state  
26 department of transportation the same authority as a peace  
27 officer to enforce all the laws of the state of Iowa. It  
28 eliminates a requirement that the department designate  
29 employees by resolution and allows them to simply designate an  
30 employee who will have peace officer status. The bill  
31 provides for the transfer of the office of motor vehicle  
32 enforcement of the motor vehicle division of the state  
33 department of transportation to the division of highway safety  
34 and uniformed force of the department of public safety,  
35 effective July 1, 1995. The bill also makes other technical

- 1 changes.
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HSB 37

TRANSPORTATION

Succeeded By

SENATE/HOUSE FILE SE FILE 510  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

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

A BILL FOR

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2 transportation employees.

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

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34 ~~there-is-hereby-conferred~~ who shall have the authority ~~of-a~~  
35 ~~peace-officer-to-control-and-direct~~ to carry out and enforce

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16 under section 321.477 shall have the authority of-a-peace  
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6 This bill gives full-time employees designated by the state  
7 department of transportation the same authority as a peace  
8 officer to enforce all the laws of the state of Iowa. It  
9 eliminates a requirement that the department designate  
10 employees by resolution and allows them to simply designate an  
11 employee who will have peace officer status. The bill also  
12 makes other technical changes.

13 BACKGROUND STATEMENT

14 SUBMITTED BY THE AGENCY

15 This bill clarifies that motor vehicle enforcement officers  
16 and investigators have peace officer authority to enforce all  
17 laws of the state of Iowa. Motor vehicle enforcement officers  
18 undergo basic law enforcement training identical to other Iowa  
19 peace officers. This bill is modeled after Code language  
20 clarifying the same issue for peace officers employed by the  
21 department of natural resources.

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