

# House Study Bill 37

## Conference Committee Text

PAG LIN

1 1 Section 1. Section 97B.49, subsection 16, paragraph d,  
1 2 subparagraph (7), Code 1995, is amended to read as follows:  
1 3 (7) An employee of the state department of transportation  
1 4 who is designated as a

~~—~~  
~~—~~peace officer

~~—~~ " by resolution

~~—~~ under  
1 5 section 321.477, but only if the employee retires on or after  
1 6 July 1, 1990. For purposes of this subparagraph, service as a  
1 7 traffic weight officer employed by the highway commission  
1 8 prior to the creation of the state department of  
1 9 transportation or as a peace officer employed by the Iowa  
1 10 state commerce commission prior to the creation of the state  
1 11 department of transportation shall be included in computing  
1 12 the employee's years of membership service.  
1 13 Sec. 2. Section [321.1](#), subsection 50, Code 1995, is  
1 14 amended to read as follows:  
1 15 50. "Peace officer" means every officer authorized to  
1 16

~~—~~ direct or regulate traffic or to make arrests for violations

~~—~~  
1 17

~~—~~ of traffic regulations in addition to its meaning in  
~~—~~ carry out

1 18 and enforce all laws of the state and the rules and  
1 19 regulations of the department or any other peace officer  
1 20 included in the definition of peace officers under section  
1 21 801.4.

1 22 Sec. 3. Section 321.465, unnumbered paragraph 4, Code  
1 23 1995, is amended to read as follows:  
1 24

~~—~~ Upon weighing a vehicle and load, as above provided, if

~~—~~  
1 25

~~—~~ such

~~—~~ If the load is a sealed load, the

~~—~~ weight

~~—~~ peace officer

1 26 shall issue a certificate setting forth the weights as  
1 27 determined by the

~~—~~ weight

~~—~~ peace officer and the seal number or

1 28 numbers, if requested by the operator.

1 29 Sec. 4. Section [321.477](#), Code 1995, is amended to read as  
1 30 follows:

1 31 321.477 EMPLOYEES AS PEACE OFFICERS.

1 32 The department

~~may~~  
- shall designate

~~by resolution~~  
- as peace  
1 33 officers certain

~~of its~~  
- full-time employees

~~upon each of whom~~  
-  
1 34

~~there is hereby conferred~~  
- who shall have the authority

~~of a~~  
-  
1 35

~~peace officer to control and direct~~  
- to carry out and enforce  
2 1 all laws of the state and rules and regulations of the  
2 2 department. Each designated employee's peace officer  
2 3 authority shall include, but not be limited to, controlling  
2 4 and directing traffic

~~and weigh~~  
-, weighing vehicles, and

~~to~~  
-  
2 5

~~make~~  
- making arrests for violations of the motor vehicle laws  
2 6 relating to

~~the~~  
- operating authority, registration, size,  
2 7 weight, and load of motor vehicles and trailers and  
2 8 registration of a motor carrier's interstate transportation  
2 9 service with the department.  
2 10 Sec. 5. Section [327B.2](#), Code 1995, is amended to read as  
2 11 follows:  
2 12 327B.2 ENFORCEMENT.  
2 13

~~The state~~  
- State department of transportation

~~may designate~~  
-  
2 14

~~by resolution certain of its employees upon each of whom there~~  
-  
2 15

~~is hereby conferred~~  
- employees designated as peace officers  
2 16 under section 321.477 shall have the authority

~~of a peace~~  
-

~~officer~~

- to make arrests for violations of laws relating to the  
2 18 registration of a motor carrier's interstate transportation  
2 19 service with the state department of transportation.  
2 20 Sec. 6. Section 452A.76, unnumbered paragraph 2, Code  
2 21 1995, is amended to read as follows:  
2 22 Authority to enforce division III is given to the state  
2 23 department of transportation. Employees

~~of~~

- designated by the  
2 24 state department of transportation

~~designated enforcement~~

-  
2 25

~~employees~~

- shall have the power of peace officers in the  
2 26 performance of their duties; however, they shall not be  
2 27 considered members of the Iowa highway safety patrol. The  
2 28 department of transportation shall furnish

~~enforcement~~

- peace  
2 29 officer employees with necessary equipment and supplies in the  
2 30 same manner as provided in section 80.18, including uniforms  
2 31 which are distinguishable in color and design from those of  
2 32 the Iowa highway safety patrol.

~~Enforcement~~

- Peace officer  
2 33 employees shall be furnished and shall conspicuously display  
2 34 badges of authority.  
2 35 Sec. 7. Section 801.4, subsection 11, paragraph h, Code  
3 1 1995, is amended to read as follows:  
3 2 h.

~~Such employees~~

- Employees of the state department of  
3 3 transportation

~~as~~

- who are designated as

~~"~~

-peace officers

~~"~~

- by  
3 4

~~resolution of~~

- the department under section 321.477.

3 5 EXPLANATION  
3 6 This bill gives full-time employees designated by the state  
3 7 department of transportation the same authority as a peace  
3 8 officer to enforce all the laws of the state of Iowa. It  
3 9 eliminates a requirement that the department designate  
3 10 employees by resolution and allows them to simply designate an  
3 11 employee who will have peace officer status. The bill also  
3 12 makes other technical changes.

3 13 BACKGROUND STATEMENT  
3 14 SUBMITTED BY THE AGENCY  
3 15 This bill clarifies that motor vehicle enforcement officers

3 16 and investigators have peace officer authority to enforce all  
3 17 laws of the state of Iowa. Motor vehicle enforcement officers  
3 18 undergo basic law enforcement training identical to other Iowa  
3 19 peace officers. This bill is modeled after Code language  
3 20 clarifying the same issue for peace officers employed by the  
3 21 department of natural resources.  
3 22 LSB 1167DP 76  
3 23 js/jj/8