

3/25/96 Judiciary

FILED FEB 29 1996

SENATE FILE 2376
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2013)

Passed Senate, Date _____ Passed House, 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.

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

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S.F. 2376

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

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

14 Sec. 2. Section 321.1, subsection 50, Code Supplement
15 1995, is amended to read as follows:

16 50. "Peace officer" means every officer authorized to
17 ~~direct-or-regulate-traffic-or-to-make-arrests-for-violations~~
18 ~~of-traffic-regulations-in-addition-to-its-meaning-in~~ carry out
19 and enforce all laws of the state and the rules and
20 regulations of the department or any other peace officer
21 included in the definition of peace officers under section
22 801.4.

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

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

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

32 321.477 EMPLOYEES AS PEACE OFFICERS.

33 The department ~~may~~ shall designate ~~by-resolution~~ as peace
34 officers certain of its full-time employees ~~upon-each-of-whom~~
35 ~~there-is-hereby-conferred~~ who shall have the authority of-a

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

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

13 327B.2 ENFORCEMENT.

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

21 Sec. 6. Section 452A.76, unnumbered paragraph 1, Code
22 Supplement 1995, is amended to read as follows:

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

1 Sec. 7. Section 801.4, subsection 11, paragraph h, Code
2 1995, is amended to read as follows:

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

6 EXPLANATION

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

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Giannetto
Vilsack
Fruise
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SSB. 2013
Judiciary
Succeeded By

SENATE FILE SF/HF 2376
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
GIANNETTO)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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