

JAN 24 1997
TRANSPORTATION

HOUSE FILE 85
BY WARNSTADT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the operator of a motor vehicle who caused a
2 traffic accident in which a fatality occurred to take an
3 operator's examination to maintain an operator's license.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 85

1 Section 1. Section 321.186, Code 1997, is amended to read
2 as follows:

3 321.186 EXAMINATION OF NEW-OR-INCOMPETENT CERTAIN
4 OPERATORS.

5 The department shall examine every person who, while
6 operating a motor vehicle, caused a traffic accident in which
7 a fatality occurred and may examine every new applicant for a
8 motor vehicle license or any person holding a valid motor
9 vehicle license when the department has reason to believe that
10 the person may be physically or mentally incompetent to
11 operate a motor vehicle, or whose driving record appears to
12 the department to justify the examination. The examinations
13 shall be held in every county within periods not to exceed
14 fifteen days except that the driving skills test for a
15 commercial driver's license shall be given only at locations
16 where required driving skills may be adequately tested,
17 including pretrip and off-road examinations. The department
18 shall make every effort to accommodate a functionally
19 illiterate operator or applicant when the operator or
20 applicant is taking a knowledge test. The department shall
21 make every effort to have an examiner conduct the commercial
22 driver's license driving skills tests at other locations in
23 this state where skills may be adequately tested when
24 requested by a person representing ten or more drivers
25 requiring driving skills testing.

26 The department shall make every effort to accommodate a
27 commercial driver's license operator's or applicant's need to
28 arrange an appointment for a driving skills test at an
29 established test site other than where the operator or
30 applicant passed the required knowledge test. The department
31 shall report to the governor and the general assembly on any
32 problems, extraordinary costs and recommendations regarding
33 the appointment scheduling process.

34 The examination shall include a screening of the operator's
35 or applicant's eyesight, a test of the operator's or

1 applicant's ability to read and understand highway signs
2 regulating, warning, and directing traffic, a test of the
3 operator's or applicant's knowledge of the traffic laws of
4 this state, an actual demonstration of ability to exercise
5 ordinary and reasonable control in the operation of a motor
6 vehicle and other physical and mental examinations as the
7 department finds necessary to determine the operator's or
8 applicant's fitness to operate a motor vehicle safely upon the
9 highways. However, an applicant for a new motor vehicle
10 license other than a commercial driver's license need not pass
11 a vision test administered by the department if the applicant
12 files with the department a vision report in accordance with
13 section 321.186A which shows that the applicant's visual
14 acuity level meets or exceeds those required by the
15 department.

16 A physician licensed under chapter 148, 150, or 150A, may
17 report to the department the identity of a person who has been
18 diagnosed as having a physical or mental condition which would
19 render the person physically or mentally incompetent to
20 operate a motor vehicle in a safe manner. The physician shall
21 make reasonable efforts to notify the person who is the
22 subject of the report, in writing. The written notification
23 shall state the nature of the disclosure and the reason for
24 the disclosure. A physician making a report under this
25 section shall be immune from any liability, civil or criminal,
26 which might otherwise be incurred or imposed as a result of
27 the report. A physician has no duty to make a report or to
28 warn third parties with regard to any knowledge concerning a
29 person's mental or physical competency to operate a motor
30 vehicle in a safe manner. Any report received by the
31 department from a physician under this section shall be kept
32 confidential. Information regulated by chapter 141 shall be
33 subject to the provisions of sections 141.23 and 141.24.

34 Sec. 2. NEW SECTION. 321.186B SUSPENSION OF LICENSE --
35 EXAMINATION OF CERTAIN DRIVERS.

1 A person who, while operating a motor vehicle, causes a
2 traffic accident in which a fatality occurs shall be subject
3 to suspension of the person's operator's license under section
4 321.210 unless the person takes and passes an operator's
5 examination administered under section 321.186.

6 Sec. 3. Section 321.210, subsection 1, Code 1997, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. h. Caused a traffic accident, while
9 operating a motor vehicle, in which a fatality occurred, and
10 who has not passed an operator's examination administered
11 under section 321.186.

12 EXPLANATION

13 This bill provides that the driver of a motor vehicle who
14 causes a traffic accident in which a fatality occurs shall
15 take and pass a driver's examination administered by the
16 department of transportation. A person who fails to do so
17 shall have the person's operator's license suspended by the
18 department.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35