

FEB 17 1999

TRANSPORTATION

HOUSE FILE

**304**

BY DODERER and MILLAGE

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to motor vehicle drivers' compliance with orders  
2 or directions given by peace officers.

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

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**HF 304**

1 Section 1. Section 321.229, Code 1999, is amended to read  
2 as follows:

3 321.229 OBEDIENCE TO PEACE OFFICERS.

4 No A person shall not willfully fail or refuse to comply  
5 with any lawful order or direction of any peace officer  
6 invested by law with authority to direct, control, or regulate  
7 traffic. However, a person shall not be deemed to have  
8 willfully failed or refused to comply with a lawful order or  
9 direction of a peace officer if all of the following apply:

10 1. The order or direction was given at a time when the  
11 display of lighted head lamps is required for motor vehicles  
12 under section 321.384.

13 2. At the time that the order or direction was given, the  
14 motor vehicle was located on a street or highway which is  
15 located outside of the corporate limits of any city or outside  
16 of the limits of any benefited street lighting district.

17 3. The person in the motor vehicle who has been given the  
18 order or direction by the peace officer acknowledges the order  
19 or direction by initiating a continuous signal, which may  
20 include, but is not limited to, initiation of use of the  
21 vehicle's emergency signal lamps.

22 4. The person in the motor vehicle who has been given the  
23 order or direction immediately proceeds, at the applicable  
24 speed limit, to a lighted area which is reasonably proximate  
25 to the location at which the order or direction was given.

26 EXPLANATION

27 This bill amends Code section 321.229 to provide that a  
28 person does not commit the crime of disobedience to a peace  
29 officer's order or direction if the order or direction was  
30 given at a time when motor vehicle head lamps are required,  
31 the motor vehicle was located on a street or highway outside a  
32 city or outside a benefited street lighting district at the  
33 time the order or direction was given, the person driving the  
34 motor vehicle acknowledges the order or direction by  
35 initiating a continuous signal of some type, and the person

1 driving the motor vehicle immediately drives to a reasonably  
2 proximate lighted area.

3 Code section 321.229 currently prohibits a person from  
4 willfully failing or refusing to comply with a lawful order or  
5 direction of a peace officer with authority to regulate  
6 traffic.

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