

3/9/99 Do Pass

TRANSPORTATION

FILED MAR 4 1999

SENATE FILE

311

BY MCKEAN

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

A BILL FOR

1 An Act relating to limitations on the use of engine brakes and
2 providing a penalty.

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

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SF 311
TRANSPORTATION

1 Section 1. NEW SECTION. 321.431A ENGINE BRAKES --
2 LIMITATION ON USE.

3 1. A person operating a motor vehicle on the highways of
4 this state shall not use an engine brake except when such use
5 is necessary due to the slope of the highway or in an
6 emergency situation that requires the use of engine brakes to
7 avoid imminent danger to a person or to property.

8 2. A person operating a motor vehicle on the highways of
9 this state shall not use an unmuffled engine brake unless the
10 person is in an emergency situation that requires the use of
11 an engine brake to avoid imminent danger to a person or to
12 property.

13 3. For purposes of this section, the following definitions
14 shall apply:

15 a. "Engine brake" means a device that retards the forward
16 motion of a motor vehicle by the use of the compression of the
17 engine of the motor vehicle.

18 b. "Unmuffled engine brake" means an engine brake that is
19 not equipped with a muffler in good working order pursuant to
20 section 321.436.

21 4. A city or county may adopt an ordinance to limit the
22 use of engine brakes on roadways within its respective
23 jurisdiction if the city or county places signs indicating
24 such limitation in accordance with sections 321.254 and
25 321.255.

26 5. A violation of subsection 1 or 2 is punishable as a
27 scheduled violation under section 805.8, subsection 2,
28 paragraph "z".

29 Sec. 2. Section 805.8, subsection 2, paragraph z, Code
30 1999, is amended to read as follows:

31 z. For violations of section 321.431A, subsection 1 or 2,
32 relating to the use of engine brakes; section 321.460
33 prohibiting spilling loads on the highway; and of section
34 321.208A prohibiting operation in violation of an out-of-
35 service order, the scheduled fine is one hundred dollars.

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EXPLANATION

This bill creates new Code section 321.431A to limit the use of engine brakes to situations when such use is necessary due to the slope of a highway or in emergency situations. The bill prohibits the use of unmuffled engine brakes unless such use is necessary in an emergency situation. Violations of these provisions are punishable by a scheduled fine of \$100 under Code section 805.8.

The bill defines "engine brake" as a device that retards the forward motion of a motor vehicle by the use of the compression of the engine of the motor vehicle. An "unmuffled engine brake" is an engine brake that is not equipped with a muffler in good working order pursuant to Code section 321.436. Code section 321.436 requires motor vehicles to be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. Code section 321.436 also prohibits the use of a muffler cutout, bypass, or similar device.

New Code section 321.431A also provides that a city or county may adopt an ordinance to limit the use of engine brakes on roadways within their jurisdictions if the city or county places signs indicating such limitation in accordance with certain guidelines and requirements for placing of signs by local authorities.