

FEB 1 2002
TRANSPORTATION

HOUSE FILE 2187
BY COHOON

(COMPANION TO LSB 5776SS
BY KIBBIE)

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

A BILL FOR

1 An Act creating a rebuttable presumption concerning failure to
2 obey school bus warning devices.

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

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HF 2187

1 Section 1. Section 321.372A, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Not more than seven calendar days after receiving a report
4 of a violation of section 321.372, subsection 3, from a school
5 bus driver or a school official, the peace officer shall
6 initiate an investigation of the reported violation and
7 contact the owner of the motor vehicle involved in the
8 reported violation and request that the owner supply
9 information identifying the driver in accordance with section
10 321.484. If, from the investigation, the peace officer is
11 able to identify the driver and has reasonable cause to
12 believe a violation of section 321.372, subsection 3, has
13 occurred, the peace officer shall prepare a uniform traffic
14 citation for the violation and shall serve it personally or by
15 certified mail to on the driver of the vehicle or if the
16 driver cannot be identified, on the registered owner of the
17 vehicle.

18 In a proceeding involving a violation of section 321.372,
19 subsection 3, where the peace officer has not been able to
20 identify the driver of the vehicle involved in the violation,
21 proof that the vehicle described in the uniform traffic
22 citation or complaint was used in the violation, together with
23 proof that the defendant named in the uniform traffic citation
24 or complaint was the registered owner of the vehicle at the
25 time of the violation, constitutes a rebuttable presumption
26 that the registered owner was the driver of the vehicle at the
27 time of the violation.

28 EXPLANATION

29 This bill provides that when there is a violation of the
30 requirement to obey a school bus warning device for which the
31 driver of the vehicle cannot be identified, the citation shall
32 be served on the owner of the vehicle. The bill provides a
33 rebuttable presumption that the registered owner of the
34 vehicle involved in the violation was the driver of the
35 vehicle at the time of the violation if the registered owner

1 of the vehicle is the defendant named in the citation or
2 complaint.

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