

SENATE FILE 2154  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3058)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to parties to whom traffic citations are issued  
2 for failure to obey school bus warning devices.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2154  
JUDICIARY

1 Section 1. Section 321.372A, Code 2003, is amended to read  
2 as follows:

3 321.372A PROMPT INVESTIGATION OF REPORTED VIOLATION OF  
4 FAILING TO OBEY SCHOOL BUS WARNING DEVICES -- CITATION ISSUED  
5 TO DRIVER OR OWNER.

6 1. The driver of a school bus who observes a violation of  
7 section 321.372, subsection 3, may prepare a written report on  
8 a form provided by the department of public safety indicating  
9 that a violation has occurred. The school bus driver or a  
10 school official may deliver the report not more than seventy-  
11 two hours after the violation occurred to a peace officer of  
12 the state or a peace officer of the county or municipality in  
13 which the violation occurred. The report shall state the time  
14 and the location at which the violation occurred and shall  
15 include the registration plate number and a description of the  
16 vehicle involved in the violation.

17 2. Not more than seven calendar days after receiving a  
18 report of a violation of section 321.372, subsection 3, from a  
19 school bus driver or a school official, the peace officer  
20 shall initiate an investigation of the reported violation and  
21 contact the owner of the motor vehicle involved in the  
22 reported violation and request that the owner supply  
23 information identifying the driver in accordance with section  
24 321.484.

25 a. If, from the investigation, the peace officer is able  
26 to identify the driver and has reasonable cause to believe a  
27 violation of section 321.372, subsection 3, has occurred, the  
28 peace officer shall prepare a uniform traffic citation for the  
29 violation and shall serve it personally or by certified mail  
30 to the driver of the vehicle.

31 b. If, from the investigation, the peace officer has  
32 reasonable cause to believe that a violation of section  
33 321.372, subsection 3, occurred but is unable to identify the  
34 driver, the peace officer shall serve a uniform traffic  
35 citation for the violation to the owner of the motor vehicle.

1 Notwithstanding section 321.484, in a proceeding where the  
2 peace officer who conducted the investigation was not able to  
3 identify the driver of the motor vehicle, proof that the motor  
4 vehicle described in the uniform traffic citation was used to  
5 commit the violation of section 321.372, subsection 3,  
6 together with proof that the defendant named in the citation  
7 was the registered owner of the motor vehicle at the time the  
8 violation occurred, constitutes a rebuttable presumption that  
9 the registered owner was the driver who committed the  
10 violation.

11 EXPLANATION

12 This bill provides that a peace officer investigating a  
13 report by a school bus driver of a motor vehicle that failed  
14 to obey school bus warning devices may issue a citation to the  
15 owner of the vehicle if the identity of the driver cannot be  
16 determined. In a proceeding where the peace officer was not  
17 able to identify the driver of the vehicle, proof that the  
18 vehicle described in the citation was used to commit the  
19 violation, together with proof that the person named in the  
20 citation was the registered owner of the vehicle at the time  
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23 violation.

24 Current law requires the driver of a motor vehicle, when  
25 meeting a school bus with flashing amber warning lamps, to  
26 reduce speed to not more than 20 miles per hour and stop no  
27 closer than 15 feet from the bus when the bus stops and has  
28 its stop signal arm extended. In addition, a driver may not  
29 pass a school bus while red or amber warning lights are  
30 flashing. Failure to obey school bus warning devices is  
31 punishable as a scheduled violation subject to a \$100 fine.

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SENATE FILE 2154

S-5066

1 Amend Senate File 2154 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 321.555, subsection 1, Code  
5 2003, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. i. Failure to obey a school bus  
8 warning device in violation of section 321.372,  
9 subsection 3.

10 Sec. 2. Section 805.8A, subsection 10, paragraph  
11 b, Code Supplement 2003, is amended to read as  
12 follows:

13 b. For a violation under section 321.372,  
14 subsection 3, the scheduled fine is ~~one~~ two hundred  
15 fifty dollars."

16 2. Title page, line 1, by striking the words  
17 "parties to whom traffic citations are issued" and  
18 inserting the following: "the penalty".

By HERMAN C. QUIRMBACH  
MATT McCOY

S-5066 FILED MARCH 9, 2004

SENATE FILE 2154

S-5101

1 Amend Senate File 2154 as follows:

2 1. Page 2, line 8, by striking the words  
3 "rebuttable presumption" and inserting the following:  
4 "permissible inference".

By DONALD B. REDFERN

S-5101 FILED MARCH 16, 2004  
ADOPTED



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Redfern  
Kreiman  
Boettger

SSB# 3058

SENATE FILE Judiciary  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON REDFERN)

Succeeded By  
(SF) HF 2154

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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SENATE FILE 2154

AN ACT

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violation occurred, constitutes a permissible inference that

the registered owner was the driver who committed the violation.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2154, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor