

Withdrawn 3/18/03  
HF 343 substituted

FILED MAR 6 '03

SENATE FILE **315**  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1041)  
(COMPANION TO HF 343 BY  
COMMITTEE ON PUBLIC SAFETY)

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

**A BILL FOR**

1 An Act relating to enforcement of motor vehicle law provisions  
2 and making penalties applicable.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

SF 315

1 Section 1. Section 321.1, subsection 30, Code 2003, is  
2 amended to read as follows:

3 30. "Guaranteed arrest bond certificate" means any  
4 printed, unexpired certificate issued by an automobile club or  
5 association to any of its members, or any printed, unexpired  
6 certificate issued by an insurance company authorized to write  
7 automobile liability insurance within this state, which ~~said~~  
8 certificate is signed by such member or insured and contains a  
9 printed statement that such automobile club, association, or  
10 insurance company and a surety company which is doing business  
11 in this state under the provisions of section 515.48,  
12 subsection 2, guarantee the appearance of the person whose  
13 signature appears on the certificate and that they will, in  
14 the event of failure of such person to appear in court at the  
15 time of trial, pay any fine or forfeiture imposed on such  
16 person in an amount not to exceed two-hundred one thousand  
17 dollars. If such insurance company is itself qualified under  
18 the provisions of section 515.48, subsection 2, ~~then-it the~~  
19 insurance company may be its own surety. Bail in this form  
20 shall be subject to the forfeiture and enforcement provisions  
21 with respect to bail bonds in criminal cases as provided by  
22 law.

23 Sec. 2. Section 321.302, Code 2003, is amended to read as  
24 follows:

25 321.302 OVERTAKING ~~ON-THE-RIGHT~~ AND OTHERWISE.

26 1. ~~The~~ Unless otherwise prohibited by law, the driver of a  
27 vehicle on a roadway with unobstructed pavement of sufficient  
28 width for two or more lines of traffic moving in the same  
29 direction as the vehicle being passed may overtake and pass  
30 upon the right of another vehicle which is making or about to  
31 make a left turn when such movement can be made in safety.

32 2. ~~The~~ Unless otherwise prohibited by law, the driver of a  
33 vehicle may overtake and, allowing sufficient clearance, pass  
34 another vehicle proceeding in the same direction either upon  
35 the left or upon the right on a roadway with unobstructed

1 pavement of sufficient width for four or more lines of moving  
2 traffic when such movement can be made in safety.

3 3. ~~No-person~~ The driver of a vehicle shall not drive off  
4 the pavement or upon the shoulder of the roadway or upon the  
5 apron or roadway of an intersecting roadway in overtaking or  
6 passing on the right or the left.

7 ~~3~~ 4. A person convicted of a violation of this section is  
8 guilty of a simple misdemeanor punishable as a scheduled  
9 violation under section 805.8A, subsection 6, paragraph "d".

10 Sec. 3. Section 321.486, subsection 1, Code 2003, is  
11 amended to read as follows:

12 1. A current guaranteed arrest bond certificate as defined  
13 in section 321.1, subsection 30 shall be considered sufficient  
14 surety if the defendant is charged with an offense where the  
15 penalty does not exceed two-hundred one thousand dollars.

16 Sec. 4. Section 321K.1, Code 2003, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 3. A law enforcement agency conducting a  
19 roadblock in accordance with this section may require the  
20 driver to provide proof of financial liability coverage  
21 required under section 321.20B.

22 Sec. 5. Section 805.6, subsection 1, paragraph c,  
23 subparagraph (3), Code 2003, is amended by striking the  
24 subparagraph.

25 EXPLANATION

26 This bill relates to the enforcement of motor vehicle law  
27 provisions.

28 Code sections 321.1 and 321.486, relating to a guaranteed  
29 arrest bond certificate, are amended. The bill increases the  
30 maximum amount of a guaranteed arrest bond certificate from  
31 \$200 to \$1,000. A guaranteed arrest bond certificate is a  
32 guarantee by another person that if the defendant fails to  
33 appear in court at the time of trial, the person will pay any  
34 fine or forfeiture not exceeding \$1,000 imposed on the  
35 defendant.

1 Code section 321.302, relating to passing a motor vehicle,  
2 is amended. The bill provides that a driver of a vehicle may,  
3 if done so in a safe manner, overtake and pass on the right of  
4 another vehicle, which is making a left turn, on a roadway  
5 with unobstructed pavement of sufficient width for two or more  
6 lines of traffic moving in the same direction as the vehicle  
7 being passed. The bill also provides that the driver shall  
8 not drive off the pavement or upon the shoulder of the roadway  
9 or upon the apron or roadway of an intersecting roadway in  
10 overtaking or passing on the right or the left.

11 Code section 321K.1, relating to a law enforcement agency  
12 conducting a routine motor vehicle roadblock, is amended. In  
13 addition to the purposes for routine roadblocks outlined in  
14 Code section 321K.1, the bill provides that a law enforcement  
15 agency may also check for financial liability coverage during  
16 a routine roadblock. If a driver is unable to provide proof  
17 of financial liability coverage, the violation is punishable  
18 under Code section 321.20B.

19 Code section 805.6, relating to the uniform citation and  
20 complaint, is amended. The bill eliminates the requirement  
21 for an appearance bond in a motor vehicle accident that  
22 involves damages which are less than \$1,000 because an  
23 appearance bond is already required under Code section 805.6,  
24 subsection 1, paragraph "c", subparagraph (1), (2), or (4).  
25 An unsecured appearance bond authorizes the court to enter a  
26 conviction and render judgment against a defendant in the  
27 amount of the unsecured appearance bond if the defendant fails  
28 to appear in court.

29  
30  
31  
32  
33  
34  
35

Small  
Putney  
Ball

SSB 1041

SENATE/HOUSE FILE Transportation  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Succeeded By  
(SF) HF 315

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

**A BILL FOR**

1 An Act relating to enforcement of motor vehicle law provisions  
2 and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 321.1, subsection 30, Code 2003, is  
2 amended to read as follows:

3 30. "Guaranteed arrest bond certificate" means any  
4 printed, unexpired certificate issued by an automobile club or  
5 association to any of its members, or any printed, unexpired  
6 certificate issued by an insurance company authorized to write  
7 automobile liability insurance within this state, which ~~said~~  
8 certificate is signed by such member or insured and contains a  
9 printed statement that such automobile club, association, or  
10 insurance company and a surety company which is doing business  
11 in this state under the provisions of section 515.48,  
12 subsection 2, guarantee the appearance of the person whose  
13 signature appears on the certificate and that they will, in  
14 the event of failure of such person to appear in court at the  
15 time of trial, pay any fine or forfeiture imposed on such  
16 person in an amount not to exceed two-hundred one thousand  
17 dollars. If such insurance company is itself qualified under  
18 the provisions of section 515.48, subsection 2, ~~then-it the~~  
19 insurance company may be its own surety. Bail in this form  
20 shall be subject to the forfeiture and enforcement provisions  
21 with respect to bail bonds in criminal cases as provided by  
22 law.

23 Sec. 2. Section 321.218, subsection 1, Code 2003, is  
24 amended to read as follows:

25 1. A person whose driver's license or operating privilege  
26 has been denied, canceled, suspended, or revoked as provided  
27 in this chapter or as provided in section 252J.8, 261.126, or  
28 section 901.5, subsection 10, and who operates a motor vehicle  
29 upon the highways of this state while the license or privilege  
30 is denied, canceled, suspended, or revoked, commits a simple  
31 misdemeanor. In addition to any other penalties, the  
32 punishment imposed for a violation of this subsection shall  
33 include assessment of a fine of not less than two hundred  
34 fifty dollars nor more than one thousand five hundred dollars.

35 Sec. 3. Section 321.302, Code 2003, is amended to read as

1 follows:

2 321.302 OVERTAKING ON-THE-RIGHT AND OTHERWISE.

3 1. The Unless otherwise prohibited by law, the driver of a  
4 vehicle on a roadway with unobstructed pavement of sufficient  
5 width for two or more lines of traffic moving in the same  
6 direction as the vehicle being passed may overtake and pass  
7 upon the right of another vehicle which is making or about to  
8 make a left turn.

9 2. The driver of a vehicle may overtake and, allowing  
10 sufficient clearance, pass another vehicle proceeding in the  
11 same direction either upon the left or upon the right on a  
12 roadway with unobstructed pavement of sufficient width for  
13 four or more lines of moving traffic when such movement can be  
14 made in safety.

15 3. No-person The driver of a vehicle shall not drive off  
16 the pavement or upon the shoulder of the roadway or upon the  
17 apron or roadway of an intersecting roadway in overtaking or  
18 passing on the right or the left.

19 3 4. A person convicted of a violation of this section is  
20 guilty of a simple misdemeanor punishable as a scheduled  
21 violation under section 805.8A, subsection 6, paragraph "d".

22 Sec. 4. Section 321.486, subsection 1, Code 2003, is  
23 amended to read as follows:

24 1. A current guaranteed arrest bond certificate as defined  
25 in section 321.1, subsection 30 shall be considered sufficient  
26 surety if the defendant is charged with an offense where the  
27 penalty does not exceed two-hundred one thousand dollars.

28 Sec. 5. Section 321K.1, subsection 1, paragraph a, Code  
29 2003, is amended to read as follows:

30 a. The licensing and financial liability coverage of  
31 operators of motor vehicles.

32 Sec. 6. Section 805.6, subsection 1, paragraph c,  
33 subparagraph (3), Code 2003, is amended by striking the  
34 subparagraph.

35

EXPLANATION

1 This bill relates to the enforcement of motor vehicle law  
2 provisions.

3 Code sections 321.1 and 321.486, relating to a guaranteed  
4 arrest bond certificate, are amended. The bill increases the  
5 maximum amount of a guaranteed arrest bond certificate from  
6 \$200 to \$1,000. A guaranteed arrest bond certificate is a  
7 guarantee by another person that if the defendant fails to  
8 appear in court at the time of trial, the person will pay any  
9 fine or forfeiture not exceeding \$1,000 imposed on the  
10 defendant.

11 Code section 321.218, relating to suspension of a driver's  
12 license, is amended. Current law in Code section 261.126  
13 provides that the driver's license of a person may be  
14 suspended if the person defaults on the person's student  
15 loans. The bill makes it a simple misdemeanor for operating a  
16 motor vehicle while under suspension for defaulting on student  
17 loans.

18 Code section 321.302, relating to passing a motor vehicle,  
19 is amended. The bill provides that a driver of a vehicle may  
20 overtake and pass on the right of another vehicle which is  
21 making a left turn only on a roadway with unobstructed  
22 pavement of sufficient width for two or more lines of traffic  
23 moving in the same direction as the vehicle being passed. The  
24 bill also provides that the driver shall not drive off the  
25 pavement or upon the shoulder of the roadway or upon the apron  
26 or roadway of an intersecting roadway in overtaking or passing  
27 on the right or the left.

28 Code section 321K.1, relating to a law enforcement agency  
29 conducting a routine motor vehicle roadblock, is amended. In  
30 addition to the purposes for routine roadblocks outlined in  
31 Code section 321K.1, the bill provides that a law enforcement  
32 agency may also check for financial liability coverage during  
33 a routine roadblock. If a driver is unable to provide proof  
34 of financial liability coverage, the violation is punishable  
35 under Code section 321.20B.



1 Code section 805.6, relating to the uniform citation and  
2 complaint, is amended. The bill eliminates the requirement  
3 for an appearance bond in a motor vehicle accident that  
4 involves damages which are less than \$1,000 because an  
5 appearance bond is already required under Code section 805.6,  
6 subsection 1, paragraph "c", subparagraph (1), (2), or (4).  
7 An unsecured appearance bond authorizes the court to enter a  
8 conviction and render judgment against a defendant in the  
9 amount of the unsecured appearance bond if the defendant fails  
10 to appear in court.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35



---

**TO:** Members of the General Assembly  
**FROM:** Betsy Dittemore, Legislative Liaison  
**DATE:** January 13, 2003  
**RE:** Proposed Transportation-related amendments

---

The Department of Public Safety, Division of Iowa State Patrol, is proposing the following amendments to Chapters 321 and 321K:

Sections 1 and 4. 321.1 and 321.486. Since simple misdemeanor fines were increased (to \$500 from \$100), certain traffic fines exceed the maximum limit on the guaranteed arrest bond certificate, which is set at \$200. (i.e. proof of insurance card violations in accident situations have \$990 unsecured bond). This proposal increases the limit of the arrest bond to one thousand dollars.

Section 2. 321.218. Technical change. In 1998 Chapter 261 was amended to allow the suspension, revocation or denial of any license of persons who default on student loans. However, no enforcement section was included in chapter 321.

Section 3. 321.302 Overtaking on right. Current interpretations of this section allow a dangerous situation to occur where a vehicle is allowed to pass on the shoulder of the road when a car is making a left turn, which could be particularly deadly at an intersection. Because of the construction of subsection 2, whereby the prohibition of driving off the pavement or upon the shoulder of the roadway is part of the second paragraph, some courts have ruled that this prohibition applies *only* to that paragraph (vehicles traveling in the same direction) and does not include paragraph one (vehicle overtaking and passing another vehicle making a left turn). This proposal (1) allows overtaking a vehicle making a left turn "on a road with unobstructed pavement for 2 or more lines of traffic moving in the same direction", and (2) divides the second paragraph so that the sentence prohibiting driving off the pavement applies to *both* passing a vehicle making a left turn and passing another vehicle proceeding in the same direction. It also adds a prohibition of driving upon the apron of a roadway of an intersecting highway.

Section 5. 321K When conducting routine roadblocks where officers check for various safety and registration related violations, they currently cannot request proof of financial liability. This proposal adds that to the list of what may be requested.

Section 6. 805.6 Technical. Court appearances on violations involving accidents are only required when there is serious injury (SF 2146 in 2000). This change created an inequitable situation between bond requirements for situations involving accidents with no serious injury, accidents with damage under \$1,000 which still has a fixed unsecured bond, and situations where no accident occurred. Because of the previous changes to the code in SF 2146 make this section irrelevant and inconsistent. This proposal deletes the requirement for an increased unsecured bond for charges not requiring an appearance in minor accidents.