

JAN 3 1 2006
COMMERCE, REGULATION & LABOR

HOUSE FILE 2180
BY LUKAN

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

A BILL FOR

1 An Act relating to consideration by insurance companies of
2 traffic accidents involving volunteer emergency services
3 providers.

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

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1 Section 1. NEW SECTION. 80.43 TRAFFIC ACCIDENTS
2 INVOLVING VOLUNTEER EMERGENCY SERVICES PROVIDERS.

3 1. For the purposes of this section, "volunteer emergency
4 services provider" means a reserve peace officer as defined in
5 section 80D.1A, a volunteer fire fighter as defined in section
6 85.61, an emergency medical care provider or emergency rescue
7 technician as defined in section 147A.1 who is a volunteer but
8 is not covered as a volunteer emergency services provider
9 under chapter 97A, 97B, or 411.

10 2. The commissioner shall adopt rules to define when a
11 traffic accident involving the operation of a motor vehicle by
12 a volunteer emergency services provider occurs in the
13 provider's line of duty as a volunteer emergency services
14 provider.

15 3. Any traffic accident involving the operation of a motor
16 vehicle by a volunteer emergency services provider shall be
17 reported by the governmental entity that the provider serves
18 to the department of public safety for review pursuant to the
19 rules adopted under subsection 1, and the department shall
20 certify whether or not the accident occurred while in the
21 provider's line of duty. If the department certifies that the
22 accident occurred in the provider's line of duty, the
23 department shall forward the certification to the state
24 department of transportation.

25 4. The certification shall be maintained by the state
26 department of transportation as part of the accident report
27 required pursuant to section 321.266.

28 5. An insurance company transacting business in this state
29 shall not consider a traffic accident that occurred while a
30 volunteer emergency services provider was operating a motor
31 vehicle in the provider's line of duty for the purpose of
32 establishing motor vehicle insurance rates charged by the
33 insurer for that person or as a reason to refuse to issue,
34 cancel, or refuse to renew any motor vehicle insurance policy
35 of that person, unless the traffic accident results from the

1 provider's reckless operation of the motor vehicle or reckless
2 disregard for the safety of others as determined by the agency
3 responsible for investigation of the accident.

4 EXPLANATION

5 This bill prohibits consideration by insurance companies of
6 certain traffic accidents involving volunteer emergency
7 services providers.

8 The bill requires the commissioner of the department of
9 safety to adopt rules defining when a traffic accident
10 involving the operation of a motor vehicle by a volunteer
11 emergency services provider occurs in the provider's line of
12 duty as a provider.

13 The bill requires the governmental entity that a provider
14 serves to report such a traffic accident to the department of
15 safety for the department to review pursuant to the rules
16 adopted and to certify whether or not the accident occurred in
17 the provider's line of duty. If so, the department is
18 required to forward the certification to the state department
19 of transportation to be maintained as part of the accident
20 report required pursuant to Code section 321.266.

21 The bill prohibits an insurance company from considering
22 such a traffic accident for the purpose of establishing motor
23 vehicle insurance rates charged to the volunteer emergency
24 services provider by the insurer or as a reason to refuse to
25 issue, cancel, or refuse to renew any motor vehicle insurance
26 policy of the volunteer emergency services provider, unless
27 the agency responsible for investigation of the accident
28 determines that the accident resulted from the volunteer
29 emergency services provider's reckless operation of the motor
30 vehicle or reckless disregard for the safety of others.

31 For purposes of the bill, "volunteer emergency services
32 provider" means a volunteer fire fighter as defined in Code
33 section 85.61, a volunteer emergency medical care provider or
34 volunteer emergency rescue technician as defined in Code
35 section 147A.1 who is not covered as a volunteer emergency

1 services provider under Code chapter 97A, 97B, or 411, or a
2 reserve peace officer as defined in Code section 80D.1A.

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