

**Senate File 2198 - Introduced**

SENATE FILE 2198  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3107)

**A BILL FOR**

1 An Act relating to eluding or attempting to elude a marked law  
2 enforcement vehicle, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.279, subsection 2, Code 2009, is  
2 amended to read as follows:

3 2. a. The driver of a motor vehicle commits an aggravated  
4 misdemeanor if the driver willfully fails to bring the motor  
5 vehicle to a stop or otherwise eludes or attempts to elude a  
6 marked official law enforcement vehicle that is driven by a  
7 uniformed peace officer after being given a visual and audible  
8 signal as provided in this section and in doing so exceeds the  
9 speed limit by twenty-five miles per hour or more.

10 b. The driver of a motor vehicle commits an aggravated  
11 misdemeanor if the driver willfully fails to bring the motor  
12 vehicle to a stop or otherwise eludes or attempts to elude a  
13 marked official law enforcement vehicle that is driven by a  
14 uniformed peace officer after being given a visual and audible  
15 signal as provided in this section and in doing so creates  
16 an immediate risk of physical injury to another driver of a  
17 motor vehicle, a pedestrian, a bicyclist, or any person other  
18 than a peace officer acting within the official capacity of  
19 the officer, or causes damage to personal property or real  
20 property. In order to be convicted under this paragraph the  
21 driver must also have committed another traffic offense under  
22 this chapter.

23 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
24 3, shall not apply to this Act.

25 EXPLANATION

26 This bill relates to eluding or attempting to elude a marked  
27 law enforcement vehicle.

28 The bill provides that a driver of a motor vehicle commits an  
29 aggravated misdemeanor if the driver willfully fails to bring  
30 the motor vehicle to a stop or otherwise eludes or attempts to  
31 elude a marked official law enforcement vehicle that is driven  
32 by a uniformed peace officer after being given a visual and  
33 audible signal and in doing so creates an immediate risk of  
34 physical injury to another person other than a peace officer  
35 acting within the official capacity of the officer, or causes

1 damage to personal property or real property. In order to be  
2 convicted under the bill, the driver must also have committed  
3 another traffic offense under Code chapter 321.

4 An aggravated misdemeanor is punishable by confinement for  
5 no more than two years and a fine of at least \$625 but not more  
6 than \$6,250.

7 The bill may include a state mandate as defined in Code  
8 section 25B.3. The bill makes inapplicable Code section 25B.2,  
9 subsection 3, which would relieve a political subdivision from  
10 complying with a state mandate if funding for the cost of  
11 the state mandate is not provided or specified. Therefore,  
12 political subdivisions are required to comply with any state  
13 mandate included in the bill.