

House File 2373 - Introduced

HOUSE FILE 2373

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2222)

(COMPANION TO SF 2218 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to school bus safety, including providing
2 penalties for failure to obey school bus warning lamps and
3 stop signal arms, providing for a school bus safety study
4 and administrative remedies, and making an appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.372, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* The driver of a school bus who
4 commits a violation of subsection 1 or 2 is guilty of a simple
5 misdemeanor punishable as a scheduled violation under section
6 805.8A, subsection 10.

7 *b.* A person convicted of a violation of subsection 3 is
8 subject to the following:

9 (1) For a first offense under subsection 3, the person
10 is guilty of a simple misdemeanor punishable by a fine of at
11 least two hundred fifty dollars but not more than six hundred
12 seventy-five dollars or by imprisonment for not more than
13 thirty days, or by both.

14 (2) For a second or subsequent offense under subsection 3,
15 the person is guilty of a serious misdemeanor.

16 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
17 2011, is amended to read as follows:

18 Notwithstanding section 321.482, a person who is convicted
19 of operating a motor vehicle in violation of section 321.178,
20 subsection 2, paragraph "a", subparagraph (2), section
21 321.180B, subsection 6, section 321.194, subsection 1,
22 paragraph "c", section 321.256, section 321.257, section
23 321.275, subsection 4, section 321.276, 321.297, 321.298,
24 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307,
25 321.308, section 321.309, subsection 2, or section 321.311,
26 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
27 321.324A, 321.327, 321.329, ~~or~~ 321.333, or 321.372, subsection
28 3, causing serious injury to or the death of another person
29 may be subject to the following penalties in addition to the
30 penalty provided for a scheduled violation in section 805.8A or
31 any other penalty provided by law:

32 Sec. 3. Section 805.8A, subsection 10, paragraph b, Code
33 Supplement 2011, is amended by striking the paragraph.

34 Sec. 4. SCHOOL BUS SAFETY STUDY — RULEMAKING — REQUESTS
35 FOR REEXAMINATION OF A DRIVER — EDUCATION PROGRAMS —

1 APPROPRIATION.

2 1. The department of transportation, the department of
3 public safety, and the department of education shall jointly
4 conduct a study relating to school bus safety, or may contract
5 with an outside vendor to conduct such a study under the joint
6 direction of the departments. The study shall focus on the use
7 of cameras mounted on school buses to enhance the safety of
8 children riding the buses and to aid in enforcement of motor
9 vehicle laws pertaining to school bus safety. The study shall
10 also consider the feasibility of requiring school children
11 to be picked up and dropped off on the side of the road on
12 which their home is located, the inclusion of school bus safety
13 as a priority in driver training curriculum, and any other
14 issues deemed appropriate by the departments. The findings and
15 recommendations shall be reported to the general assembly by
16 December 31, 2012.

17 2. By July 1, 2012, the department of transportation
18 shall initiate rulemaking to establish a violation of section
19 321.372, subsection 3, as a serious violation. The rules may
20 provide for an increasing tier of driver's license suspensions
21 for conviction of a first, second, or subsequent violation.
22 The specific direction provided under this subsection does
23 not, by implication or otherwise, invalidate any prior
24 rulemaking by the department designating certain violations
25 as serious violations and does not preclude future rulemaking
26 by the department to designate certain violations other
27 than violations of section 321.372, subsection 3, as serious
28 violations.

29 3. By December 31, 2012, the department of transportation
30 shall make available to local law enforcement agencies,
31 electronically through the Iowa traffic and criminal software,
32 the form for requesting departmental reexamination of a person
33 who may be physically or mentally incapable of operating a
34 motor vehicle safely.

35 4. The department of transportation, the department of

1 public safety, and the department of education shall cooperate
2 to establish educational programs to foster increased public
3 awareness of motor vehicle laws and safe driving behaviors
4 relating to school bus safety.

5 5. There is appropriated from the statutory allocations
6 fund to the department of transportation an amount sufficient
7 to fund the study required under this section and an amount
8 sufficient to fund the development and programming necessary to
9 make the request for departmental reexamination form available
10 through the Iowa traffic and criminal software.

11 Sec. 5. EFFECTIVE UPON ENACTMENT. The section of this Act
12 providing for a school bus safety study, the adoption of rules,
13 law enforcement requests for reexamination of a driver, and
14 educational programs and making an appropriation, being deemed
15 of immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill contains provisions relating to school bus safety.

18 Under current law, when the driver of a vehicle meets a
19 school bus with flashing amber warning lights, the driver is
20 required to reduce the vehicle's speed to not more than 20
21 miles per hour and, when the stop signal arm on the bus is
22 extended, bring the vehicle to a complete stop and remain
23 stopped until the stop arm is retracted. The driver of a
24 vehicle overtaking a school bus may not pass the school bus
25 when the bus's red or amber warning lights are flashing.
26 When the bus's stop signal arm is extended, the driver of
27 an overtaking vehicle must stop at least 15 feet from the
28 school bus and remain stopped until the stop arm is retracted
29 and the bus resumes motion. Currently, a violation of these
30 requirements is a simple misdemeanor punishable by a scheduled
31 fine of \$200. Pursuant to Code section 321.372A, a citation
32 for such a violation can be issued to the owner of the vehicle
33 if the identity of the driver cannot be determined by the
34 investigating peace officer.

35 The bill increases the penalty for a first offense to a

1 simple misdemeanor punishable by a fine of at least \$250 but
2 not more than \$675 or by imprisonment for not more than 30
3 days, or by both.

4 The bill provides that a second or subsequent violation is
5 punishable as a serious misdemeanor. A serious misdemeanor is
6 punishable by confinement for no more than one year and a fine
7 of at least \$315 but not more than \$1,875.

8 The bill adds failure to obey school bus warning lights and
9 stop arm signals to the list of violations for which additional
10 penalties may apply in cases involving serious injury or death.
11 A violation causing serious injury may subject the driver to
12 an additional fine of \$500 or driver's license suspension for
13 not more than 90 days, or both. A violation causing death may
14 subject the driver to an additional fine of \$1,000 or driver's
15 license suspension for not more than 180 days, or both. In
16 addition, the bill requires the department of transportation
17 to initiate rulemaking by July 1, 2012, to establish failure
18 to obey school bus warning lights and stop arm signals as a
19 serious violation. Driving offenses which are designated as
20 serious violations are grounds for suspension of a person's
21 driver's license. The bill authorizes the department to
22 provide by rule for an increasing tier of driver's license
23 suspensions for repeated violations of school bus safety laws.

24 The bill requires the departments of transportation,
25 public safety, and education to jointly conduct a study
26 relating to school bus safety or to contract with an outside
27 vendor to conduct such a study. The study shall focus on the
28 effectiveness of cameras mounted on school buses and consider
29 the feasibility of requiring children to be picked up and
30 dropped off on the side of the road on which their home is
31 located, the inclusion of school bus safety in driver training
32 curriculum, and other appropriate matters. A report to the
33 general assembly regarding the departments' findings and
34 recommendations is due by December 31, 2012.

35 The bill requires the department of transportation to

1 provide local law enforcement with electronic access to the
2 form used to request reexamination of a driver who may be
3 physically or mentally incapable of operating a motor vehicle
4 safely. Access to the form shall be provided by December 31,
5 2012, through the Iowa traffic and criminal software, known as
6 TraCS.

7 The bill requires the departments of transportation, public
8 safety, and education to establish public awareness programs to
9 promote safe driving behaviors relating to school bus safety.

10 The bill makes an appropriation from the statutory
11 allocations fund to the department of transportation to provide
12 an amount sufficient to fund the study required under the
13 bill and to complete the programming necessary to make the
14 departmental reexamination form available through TraCS.

15 The provisions of the bill relating to a school bus safety
16 study, requiring the adoption of rules establishing failure
17 to obey school bus warning lights and stop arm signals as
18 a serious violation, facilitating law enforcement requests
19 for reexamination of a driver, establishing public awareness
20 education, and making an appropriation take effect upon
21 enactment of the bill.