SENATE FILE 2257 BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2091)

A BILL FOR

- 1 An Act relating to requirements for motorists approaching
- 2 certain stationary vehicles on the highway, and providing
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.323A, Code 2011, is amended to read 2 as follows:

3 321.323A Approaching certain stationary vehicles.

The operator of a motor vehicle approaching a stationary
 authorized emergency vehicle that is displaying flashing
 yellow, amber, white, red, or red and blue lights shall
 approach the authorized emergency vehicle with due caution and
 shall proceed in one of the following manners, absent any other
 direction by a peace officer:

10 a. Make a lane change into a lane not adjacent to the 11 authorized emergency vehicle if possible in the existing safety 12 and traffic conditions.

13 b. If a lane change under paragraph "a" would be impossible, 14 prohibited by law, or unsafe, reduce the speed of the motor 15 vehicle to a speed that is at least ten miles per hour below the 16 posted speed limit and is reasonable and proper speed for the 17 existing road and traffic conditions, which speed shall be less 18 than the posted speed limit, and be prepared to stop.

19 2. The operator of a motor vehicle approaching a stationary 20 towing or recovery vehicle, a stationary utility maintenance 21 vehicle, a stationary municipal maintenance vehicle, or a 22 stationary highway maintenance vehicle, that is displaying 23 flashing yellow, amber, or red lights, shall approach the 24 vehicle with due caution and shall proceed in one of the 25 following manners, absent any other direction by a peace 26 officer:

a. Make a lane change into a lane not adjacent to the
towing, recovery, utility maintenance, municipal maintenance,
or highway maintenance vehicle if possible in the existing
safety and traffic conditions.

31 b. If a lane change under paragraph "a" would be impossible, 32 prohibited by law, or unsafe, reduce the speed of the motor 33 vehicle to a speed that is at least ten miles per hour below the 34 posted speed limit and is reasonable and proper speed for the 35 existing road and traffic conditions, which speed shall be less

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1 than the posted speed limit, and be prepared to stop. 2 3. a. A person convicted of a violation of this section 3 commits a simple misdemeanor punishable as a scheduled 4 violation under section 805.8A, subsection 11. 5 b. A person convicted of a violation of this section which 6 resulted in an accident causing bodily injury to or the death 7 of another person may be subject to the following penalties in 8 addition to the penalty provided for a scheduled violation in 9 section 805.8A, subsection 11, or any other penalty provided 10 by law: (1) For a violation causing bodily injury to another person, 11 12 a fine of five hundred dollars. 13 (2) For a violation causing death, a fine of one thousand 14 dollars. c. Upon receiving a record of a person's conviction for a 15 16 violation under paragraph "a" which resulted in an accident 17 causing damage to the property of another person or bodily 18 injury to or death of another person, the department shall 19 suspend the person's driver's license or operating privileges, 20 upon thirty days' notice and without preliminary hearing, as 21 follows: 22 (1) For a violation causing damage to the property of 23 another person, but not resulting in bodily injury to another 24 person, the department shall suspend the violator's driver's 25 license or operating privileges for ninety days. 26 (2) For a violation causing bodily injury to another person, 27 the department shall suspend the violator's driver's license or 28 operating privileges for one hundred eighty days. (3) For a violation causing death, the department shall 29 30 suspend the violator's driver's license or operating privileges 31 for one year. Sec. 2. Section 321.482A, unnumbered paragraph 1, Code 32 33 2011, is amended to read as follows: 34 Notwithstanding section 321.482, a person who is convicted 35 of operating a motor vehicle in violation of section 321.178,

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1 subsection 2, paragraph "a", subparagraph (2), section 2 321.180B, subsection 6, section 321.194, subsection 1, 3 paragraph "c", section 321.256, section 321.257, section 4 321.275, subsection 4, section 321.276, 321.297, 321.298, 5 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 6 321.308, section 321.309, subsection 2, or section 321.311, 7 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324, 8 321.324A, 321.327, 321.329, or 321.333 causing serious injury 9 to or the death of another person may be subject to the 10 following penalties in addition to the penalty provided for 11 a scheduled violation in section 805.8A or any other penalty 12 provided by law:

13 Sec. 3. PUBLIC AWARENESS AND COMPLIANCE PROGRAMS. The 14 department of transportation, in conjunction with the 15 department of public safety, shall establish programs to foster 16 public awareness of and compliance with the requirements of 17 section 321.323A.

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EXPLANATION

Under current law, when the driver of a motor vehicle is 19 20 approaching a stationary authorized emergency vehicle that is 21 displaying flashing yellow, amber, white, red, or red and blue 22 lights, or a stationary towing or recovery vehicle, utility 23 maintenance vehicle, municipal maintenance vehicle, or highway 24 maintenance vehicle that is displaying flashing yellow, amber, 25 or red lights, the driver is required to move into a lane not 26 adjacent to the stationary vehicle if possible in the existing 27 safety and traffic conditions. If changing lanes would be 28 impossible, unlawful, or unsafe, the driver is required to 29 reduce the speed of the motor vehicle to a reasonable and 30 proper speed for the existing road and traffic conditions, 31 which speed shall be less than the posted speed limit, and be 32 prepared to stop. This bill amends the provision relating 33 to reduced speed by specifying that if making a lane change 34 would be impossible, prohibited by law, or unsafe, the driver 35 shall reduce the speed of the motor vehicle to a speed that is

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at least 10 miles per hour below the posted speed limit and
 is reasonable and proper for the existing road and traffic
 conditions and the driver shall be prepared to stop.

4 Under current law, a violation of the requirements to move 5 over or slow down when approaching certain stationary vehicles 6 is a simple misdemeanor punishable by a scheduled fine of \$100. 7 However, if the violation causes a serious personal injury, 8 a court could impose an additional fine of \$500 or suspend 9 the person's driver's license for not more than 90 days, or 10 both. If the violation causes a death, a court could impose 11 an additional fine of \$1,000 or suspend the person's driver's 12 license for not more than 180 days, or both.

Under the bill, a violation is still a simple misdemeanor 13 14 punishable by a scheduled fine of \$100, but the bill 15 establishes an additional penalty for violations causing damage 16 to property, revises the existing penalties for violations 17 resulting in bodily injury or death, and makes the driver's 18 license sanctions mandatory. The bill provides that if the 19 violation results in an accident causing damage to the property 20 of another person but not causing bodily injury to another 21 person, the department of transportation shall suspend the 22 person's driver's license or operating privileges for 90 23 days. If the violation results in an accident causing bodily 24 injury to another person, the department shall suspend the 25 person's driver's license or operating privileges for 180 26 days, and the court may impose a fine of \$500 in addition to 27 any other penalty provided by law. This differs from current 28 law, which allows a \$500 fine for violations causing bodily 29 injury which meets the standard for serious bodily injury. The 30 bill provides that if the violation results in an accident 31 causing death, the department shall suspend the person's 32 driver's license or operating privileges for one year and, as 33 is currently the case, the court may impose a fine of \$1,000 in 34 addition to any other penalty provided by law.

35 The bill requires the department of transportation and the

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1 department of public safety to establish educational programs

2 to promote public awareness and compliance with requirements

3 for motorists approaching certain stationary vehicles.

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