

**House File 2363 - Introduced**

HOUSE FILE 2363

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 547)

**A BILL FOR**

1 An Act concerning the employment of motor vehicle enforcement  
2 officers.

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

1 Section 1. Section 8A.412, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 25. Peace officers employed by the  
4 department of transportation pursuant to section 321.477. The  
5 director of the department of transportation shall adopt rules  
6 not inconsistent with the objectives of this subchapter for the  
7 persons described in this subsection.

8 Sec. 2. Section 10A.601, subsections 1 and 7, Code 2014, are  
9 amended to read as follows:

10 1. A full-time employment appeal board is created within  
11 the department of inspections and appeals to hear and decide  
12 contested cases under section 321.477, chapter 8A, subchapter  
13 IV, and chapters 80, 88, 91C, 96, and 97B.

14 7. An application for rehearing before the appeal board  
15 shall be filed pursuant to section 17A.16, unless otherwise  
16 provided in section 321.477, chapter 8A, subchapter IV, or  
17 chapter 80, 88, 91C, 96, or 97B. A petition for judicial review  
18 of a decision of the appeal board shall be filed pursuant to  
19 section 17A.19. The appeal board may be represented in any  
20 such judicial review by an attorney who is a regular salaried  
21 employee of the appeal board or who has been designated  
22 by the appeal board for that purpose, or at the appeal  
23 board's request, by the attorney general. Notwithstanding  
24 the petitioner's residency requirement in section 17A.19,  
25 subsection 2, a petition for judicial review may be filed in  
26 the district court of the county in which the petitioner was  
27 last employed or resides, provided that if the petitioner  
28 does not reside in this state, the action shall be brought in  
29 the district court of Polk county, Iowa, and any other party  
30 to the proceeding before the appeal board shall be named in  
31 the petition. Notwithstanding the thirty-day requirement in  
32 section 17A.19, subsection 6, the appeal board shall, within  
33 sixty days after filing of the petition for judicial review or  
34 within a longer period of time allowed by the court, transmit  
35 to the reviewing court the original or a certified copy of

1 the entire records of a contested case. The appeal board may  
2 also certify to the court, questions of law involved in any  
3 decision by the appeal board. Petitions for judicial review  
4 and the questions so certified shall be given precedence over  
5 all other civil cases except cases arising under the workers'  
6 compensation law of this state. No bond shall be required for  
7 entering an appeal from any final order, judgment, or decree of  
8 the district court to the supreme court.

9 Sec. 3. Section 321.477, Code 2014, is amended to read as  
10 follows:

11 **321.477 Employees as peace officers — ~~maximum-age terms of~~**  
12 **employment — discipline.**

13 1. The department may designate by resolution certain of  
14 its employees upon each of whom there is hereby conferred the  
15 authority of a peace officer to control and direct traffic and  
16 weigh vehicles, and to make arrests for violations of the motor  
17 vehicle laws relating to the operating authority, registration,  
18 size, weight, and load of motor vehicles and trailers and  
19 registration of a motor carrier's interstate transportation  
20 service with the department.

21 2. An applicant to be a peace officer in the department  
22 pursuant to this section shall not be appointed as a peace  
23 officer until the applicant has passed a satisfactory physical  
24 and mental examination. In addition, the applicant must be  
25 a citizen of the United States and be not less than eighteen  
26 years of age. The mental examination shall be conducted  
27 under the direction or supervision of the director and may  
28 be oral or written or both. An applicant shall take an oath  
29 on becoming a peace officer of the department, to uphold the  
30 laws and Constitution of the United States and Constitution  
31 of the State of Iowa. During the period of six months after  
32 employment, a peace officer of the department or a peace  
33 officer candidate employed by the department and attending  
34 a course of instruction conducted by, or comparable to the  
35 course of instruction required by, the Iowa law enforcement

1 academy pursuant to chapter 80B is subject to dismissal at the  
 2 will of the director. After the six months' service, a peace  
 3 officer of the department who was appointed after having passed  
 4 the examinations is not subject to dismissal, suspension,  
 5 disciplinary demotion, or other disciplinary action resulting  
 6 in the loss of pay unless charges have been filed with the  
 7 department of inspections and appeals and a hearing held by  
 8 the employment appeal board created by section 10A.601, if  
 9 requested by the peace officer, at which the peace officer  
 10 has an opportunity to present a defense to the charges. The  
 11 decision of the appeal board is final, subject to the right  
 12 of judicial review in accordance with the terms of the Iowa  
 13 administrative procedure Act, chapter 17A. However, the  
 14 procedures as to dismissal, suspension, demotion, or other  
 15 discipline do not apply to a peace officer who is covered by  
 16 a collective bargaining agreement which provides otherwise,  
 17 and do not apply to the demotion of an office or bureau head  
 18 to the rank which the office or bureau head held at the time  
 19 of appointment as office or bureau head, if any. An office  
 20 or bureau head who is demoted has the right to return to the  
 21 rank which the office or bureau head held at the time of  
 22 appointment as office or bureau head, if any. All rules,  
 23 except employment provisions negotiated pursuant to chapter 20,  
 24 regarding the enlistment, appointment, and employment affecting  
 25 peace officers of the department shall be established by the  
 26 director in consultation with the director of the department of  
 27 administrative services, subject to approval by the governor.

28 3. The maximum age for a person employed as a peace officer  
 29 pursuant to this section is sixty-five years of age.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
 32 the explanation's substance by the members of the general assembly.

33 This bill concerns motor vehicle enforcement officers  
 34 employed by and designated as peace officers by the department  
 35 of transportation.

1 Code section 8A.412, concerning the applicability of  
2 the merit system to state employees, is amended to exclude  
3 from the merit system motor vehicle enforcement officers  
4 employed by and designated as peace officers by the department  
5 of transportation. The bill requires the director of the  
6 department of transportation to adopt rules not inconsistent  
7 with the objectives of the merit system for these employees.

8 Code section 10A.601, concerning the employment appeal  
9 board, is amended to specifically provide that the board  
10 will hear contested case appeals concerning motor vehicle  
11 enforcement officers.

12 Code section 321.477, which authorizes the department  
13 to designate motor vehicle enforcement officers as peace  
14 officers, is amended. The bill provides for the examination  
15 of applicants to be motor vehicle enforcement officers, a  
16 probation period for new officers, and requirements relative  
17 to the discipline and dismissal of motor vehicle enforcement  
18 officers. The provisions are similar to those applicable to  
19 department of public safety officers and described in Code  
20 section 80.15.