

House Study Bill 547 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

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 appointment, a peace officer of the department is subject
33 to dismissal at the will of the director. After the six
34 months' service, a peace officer of the department who was
35 appointed after having passed the examinations is not subject

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

26 EXPLANATION

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

29 This bill concerns motor vehicle enforcement officers
30 employed by and designated as peace officers by the department
31 of transportation.

32 Code section 8A.412, concerning the applicability of
33 the merit system to state employees, is amended to exclude
34 from the merit system motor vehicle enforcement officers
35 employed by and designated as peace officers by the department

1 of transportation. The bill requires the director of the
2 department of transportation to adopt rules not inconsistent
3 with the objectives of the merit system for these employees.

4 Code section 10A.601, concerning the employment appeal
5 board, is amended to specifically provide that the board
6 will hear contested case appeals concerning motor vehicle
7 enforcement officers.

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