

House Study Bill 549 - Introduced

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

A BILL FOR

1 An Act concerning the removal of damaged or disabled vehicles
2 from the roadway following an accident and the removal of
3 abandoned vehicles by the department of transportation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.89, subsections 1 and 2, Code 2014,
2 are amended to read as follows:

3 1. *Definitions.* As used in this section and sections 321.90
4 and 321.91 unless the context otherwise requires:

5 a. "*Abandoned vehicle*" means any of the following:

6 (1) A vehicle that has been left unattended on public
7 property for more than twenty-four hours and lacks current
8 registration plates or two or more wheels or other parts which
9 renders the vehicle totally inoperable.

10 (2) A vehicle that has remained illegally on public property
11 for more than twenty-four hours.

12 (3) A vehicle that has been unlawfully parked on private
13 property or has been placed on private property without the
14 consent of the owner or person in control of the property for
15 more than twenty-four hours.

16 (4) A vehicle that has been legally impounded by order of
17 a police authority and has not been reclaimed for a period
18 of ten days. However, a police authority may declare the
19 vehicle abandoned within the ten-day period by commencing the
20 notification process in subsection 3.

21 (5) Any vehicle parked on the highway right-of-way
22 determined by a police authority or a representative of the
23 department to create a hazard to other vehicle traffic.

24 (6) A vehicle that has been impounded pursuant to section
25 321J.4B by order of the court and whose owner has not paid the
26 impoundment fees after notification by the person or agency
27 responsible for carrying out the impoundment order.

28 b. "*Demolisher*" means a person licensed under chapter 321H
29 whose business it is to convert a vehicle to junk, processed
30 scrap, or scrap metal, or otherwise to wreck or dismantle
31 vehicles.

32 c. "*Highway right-of-way*" means as defined in section 318.1.

33 ~~e.~~ d. "*Police authority*" means the state patrol, a peace
34 officer designated by the department under section 321.477,
35 any law enforcement agency of a county or city, or any special

1 security officer employed by the state board of regents under
2 section 262.13.

3 e. "Representative of the department" means an employee
4 of the department acting in the exercise of the management,
5 control, or maintenance of the primary road system.

6 2. *Authority to take possession of abandoned vehicles.* A
7 police authority, upon the authority's own initiative, ~~or~~ upon
8 the request of any other authority having the duties of control
9 of highways or traffic, or at the direction of a representative
10 of the department, shall take into custody an abandoned vehicle
11 on public property and may take into custody an abandoned
12 vehicle on private property. The police authority may employ
13 its own personnel, equipment, and facilities or hire a private
14 entity, equipment, and facilities for the purpose of removing,
15 preserving, storing, or disposing of abandoned vehicles. A
16 property owner or other person in control of private property
17 may employ a private entity who is a garagekeeper, as defined
18 in section 321.90, to dispose of an abandoned vehicle, and the
19 private entity may take into custody the abandoned vehicle
20 without a police authority's initiative. If a police authority
21 employs a private entity to dispose of abandoned vehicles, the
22 police authority shall provide the private entity with the
23 names and addresses of the registered owners, all lienholders
24 of record, and any other known claimant to the vehicle or
25 the personal property found in the vehicle. The owners,
26 lienholders, or other claimants of the abandoned vehicle shall
27 not have a cause of action against a private entity for action
28 taken under this section if the private entity provides notice
29 as required by subsection 3, paragraph "a".

30 Sec. 2. Section 321.262, Code 2014, is amended to read as
31 follows:

32 **321.262 Leaving scene of traffic accident - vehicle damage**
33 **only — removal of vehicle.**

34 The driver of any vehicle involved in an accident resulting
35 only in damage to a vehicle which is driven or attended by

1 any person shall immediately ~~stop~~ remove such vehicle ~~at the~~
2 ~~scene of such accident or as close thereto as possible but~~
3 ~~shall forthwith return to and in every event~~ from the roadway
4 if the vehicle is operable and the removal can be done in a
5 safe manner. The vehicle shall be removed to the nearest
6 shoulder, emergency lane, or median, such that the vehicle is
7 completely off the roadway. Such removal shall be done without
8 obstructing traffic more than is necessary. The driver shall
9 remain at the scene of ~~such~~ the accident until the driver has
10 fulfilled the requirements of section 321.263. ~~Every such~~
11 ~~stop shall be made without obstructing traffic more than is~~
12 ~~necessary.~~ Any person failing to ~~stop or~~ comply with ~~said the~~ the
13 requirements of this section under such circumstances shall be
14 guilty of a misdemeanor and punished as provided in section
15 321.482.

16 EXPLANATION

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

19 This bill relates to the removal of abandoned vehicles from
20 public or private property and the removal of damaged vehicles
21 from a roadway.

22 The bill amends the definition of "abandoned vehicle"
23 to specify that a vehicle parked anywhere on the highway
24 right-of-way and creating a hazard to other traffic is
25 considered an abandoned vehicle. A police authority or
26 a representative of the department of transportation may
27 determine that such a vehicle is creating a hazard.

28 Currently, police authorities, including the state patrol,
29 city and county law enforcement agencies, and special security
30 officers employed by the board of regents, have the authority
31 to remove, or direct the removal of, abandoned vehicles from
32 public or private property. The bill grants the same authority
33 to peace officers of the department of transportation. In
34 addition, the bill authorizes the department of transportation
35 to direct that an abandoned vehicle on public property be taken

1 into custody by a police authority. Currently, abandoned
2 vehicles are taken into custody upon a police authority's own
3 initiative or at the request of any other authority having
4 control over highways or traffic.

5 Current law requires any driver who is involved in an
6 accident resulting only in damage to a vehicle to immediately
7 stop at the scene and remain there until the driver has
8 exchanged pertinent information with the person attending the
9 other vehicle involved in the accident, or to stop as close to
10 the scene as possible and return immediately to the scene to
11 exchange information. Under the bill, a driver involved in an
12 accident resulting only in damage to a vehicle is required to
13 remove the driver's vehicle completely off the roadway if the
14 vehicle is operable and the removal can be done safely. The
15 removal is to be done without obstructing traffic more than is
16 necessary. The driver is then required to remain at the scene
17 to exchange information. Pursuant to current law, a violation
18 of these requirements is a simple misdemeanor.