

**House File 2304 - Introduced**

HOUSE FILE 2304

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 509)

**A BILL FOR**

1 An Act relating to motor vehicles approaching certain  
2 stationary motor vehicles, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.323A, subsection 1, unnumbered  
2 paragraph 1, Code 2018, is amended to read as follows:

3 The operator of a motor vehicle approaching a stationary  
4 authorized emergency vehicle that is displaying flashing  
5 ~~yellow, amber, white, red, or red and blue~~ lights, as permitted  
6 under section 321.423, shall approach the authorized emergency  
7 vehicle with due caution and shall proceed in one of the  
8 following manners, absent any other direction by a peace  
9 officer:

10 Sec. 2. Section 321.323A, subsection 2, unnumbered  
11 paragraph 1, Code 2018, is amended to read as follows:

12 The operator of a motor vehicle approaching a stationary  
13 towing or recovery vehicle, a stationary utility maintenance  
14 vehicle, a stationary municipal maintenance vehicle, a  
15 stationary highway maintenance vehicle, a stationary  
16 construction vehicle, or a stationary solid waste or recycling  
17 collection service vehicle, that is displaying flashing ~~yellow,~~  
18 ~~amber, blue, white, or red~~ lights, as permitted under section  
19 321.423, shall approach the vehicle with due caution and shall  
20 proceed in one of the following manners, absent any other  
21 direction by a peace officer:

22 Sec. 3. Section 321.323A, subsection 2, paragraph a, Code  
23 2018, is amended to read as follows:

24 a. Make a lane change into a lane not adjacent to the  
25 ~~towing, recovery, utility maintenance, municipal maintenance,~~  
26 ~~or highway maintenance~~ stationary motor vehicle if possible in  
27 the existing safety and traffic conditions.

28 Sec. 4. Section 321.323A, Code 2018, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 2A. The operator of a motor vehicle  
31 approaching a stationary motor vehicle that is continually  
32 displaying its emergency signal lamps flashing simultaneously  
33 shall approach the vehicle with due caution and shall proceed  
34 in one of the following manners, absent any other direction by  
35 a peace officer:

1 a. Make a lane change into a lane not adjacent to the  
2 stationary motor vehicle if possible in the existing safety and  
3 traffic conditions.

4 b. If a lane change under paragraph "a" would be impossible,  
5 prohibited by law, or unsafe, reduce the speed of the motor  
6 vehicle to a reasonable and proper speed for the existing road  
7 and traffic conditions, which speed shall be less than the  
8 posted speed limit, and be prepared to stop.

9 Sec. 5. Section 321.423, subsection 2, paragraph h, Code  
10 2018, is amended to read as follows:

11 h. A flashing amber light is permitted on a towing or  
12 recovery vehicle, a utility maintenance vehicle, a municipal  
13 maintenance vehicle, a highway maintenance vehicle, a  
14 construction vehicle, a solid waste or recycling collection  
15 service vehicle, or a vehicle operated in accordance with  
16 subsection 6 or [section 321.398](#) or [321.453](#).

17 Sec. 6. Section 805.8A, subsection 11, Code 2018, is amended  
18 to read as follows:

19 11. a. Emergency vehicle and equipment-related  
20 violations. For ~~emergency vehicle~~ violations relating to  
21 authorized emergency vehicles, fire apparatus and equipment,  
22 and police bicycles under the following sections, the scheduled  
23 fine is as follows:

- 24 ~~a.~~ (1) Section [321.231](#).....\$100.
- 25 ~~b.~~ (2) Section [321.323A, subsection 1](#).\$100.
- 26 ~~c.~~ (3) Section [321.324](#).....\$100.
- 27 ~~d.~~ (4) Section [321.367](#).....\$100.
- 28 ~~e.~~ (5) Section [321.368](#).....\$100.

29 b. Violations relating to stationary nonemergency vehicles.  
30 For violations relating to the approach of certain stationary  
31 nonemergency vehicles under section 321.323A, subsections 2 and  
32 2A, the scheduled fine is one hundred dollars.

33 EXPLANATION

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

1 Under current law, the operator of a motor vehicle who  
2 encounters a stationary vehicle which is of a certain type and  
3 which is displaying certain flashing lights must approach the  
4 stationary vehicle with due caution and make a lane change if  
5 possible under the existing safety and traffic conditions.  
6 If a lane change would be impossible, prohibited by law, or  
7 unsafe, the operator must reduce the speed of the vehicle to a  
8 reasonable and proper speed for the existing road and traffic  
9 conditions and be prepared to stop. This bill expands the  
10 list of protected stationary vehicles to include stationary  
11 construction vehicles, and permits construction vehicles  
12 to display amber flashing lights. The bill also extends  
13 these requirements to include a motor vehicle approaching a  
14 stationary motor vehicle that is continually displaying its  
15 emergency signal lamps flashing simultaneously.

16 A violation of the requirements relating to approaching  
17 stationary vehicles is a simple misdemeanor punishable by a  
18 scheduled fine of \$100. If the violation causes property  
19 damage, the violation is punishable by suspension of the  
20 violator's driver's license for 90 days in addition to the  
21 scheduled fine. If the violation causes bodily injury, the  
22 violation is punishable by an additional fine of \$500 and  
23 suspension of the violator's driver's license for 180 days.  
24 If the violation causes death, the violation is punishable by  
25 an additional fine of \$1,000 and suspension of the violator's  
26 driver's license for one year.

27 The bill amends the scheduled fine provision to separate  
28 violations relating to stationary authorized emergency vehicles  
29 from violations relating to stationary nonemergency vehicles.