

House File 2400 - Introduced

HOUSE FILE 2400
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 428)

A BILL FOR

1 An Act relating to reporting accidents resulting in injury or
2 death, and providing penalties.

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

1 Section 1. Section 321.209, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. Failing to report a motor vehicle
4 accident as provided in section 321.266A.

5 Sec. 2. NEW SECTION. 321.266A Continuing duty to report
6 accidents — injury or death.

7 1. A person operating a motor vehicle involved in a motor
8 vehicle accident who leaves the scene of the accident without
9 knowledge that the accident resulted in injury to or death
10 of another person shall give notice of the accident to the
11 sheriff of the county in which the accident occurred, or the
12 nearest office of the state patrol, or to any other peace
13 officer as near as practicable to the place where the accident
14 occurred immediately after the person obtains knowledge that
15 the accident resulted in injury to or death of another person
16 or that the accident was of such a nature that a reasonable
17 person would anticipate that the accident resulted in injury
18 to or death of another person.

19 2. A person who violates this section is guilty of one of
20 the following:

21 a. If the accident resulted in an injury to a person, a
22 serious misdemeanor.

23 b. If the accident resulted in a serious injury, as defined
24 in section 702.18, to a person, an aggravated misdemeanor.

25 c. If the accident resulted in the death of a person, a
26 class "D" felony.

27 3. A person charged with a violation of this section shall
28 not be charged with a violation of section 321.261, 321.263, or
29 321.266 based on the same set of facts and circumstances.

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 requires a person operating a motor vehicle
34 involved in a motor vehicle accident who leaves the scene of
35 the accident without knowledge that the accident resulted in

1 injury to or death of another person to give notice of the
2 accident to the sheriff of the county in which the accident
3 occurred, or the nearest office of the state patrol, or to any
4 other peace officer as near as practicable to the place where
5 the accident occurred immediately after the person obtains
6 knowledge that the accident resulted in injury to or death of
7 another person or that the accident was of such a nature that a
8 reasonable person would anticipate that the accident resulted
9 in injury to or death of another person.

10 A person who violates the provisions of the bill is guilty of
11 a serious misdemeanor if the accident resulted in an injury, an
12 aggravated misdemeanor if the accident resulted in a serious
13 injury, or a class "D" felony if the accident resulted in a
14 death. A serious misdemeanor is punishable by a fine of at
15 least \$315 but not to exceed \$1,875 and imprisonment not to
16 exceed one year. An aggravated misdemeanor is punishable by a
17 fine of at least \$625 but not to exceed \$6,250 and imprisonment
18 not to exceed two years. A class "D" felony is punishable by a
19 fine of at least \$750 but not to exceed \$7,500 and imprisonment
20 not to exceed five years.

21 The bill prohibits a person charged with a violation of
22 the bill from being charged with a violation of Code section
23 321.261 (accidents resulting in injury or death), 321.263
24 (information and aid — leaving the scene of a personal injury
25 accident), or 321.266 (reporting accidents) based on the same
26 set of facts and circumstances.

27 Under current law, Code section 321.209 provides a list of
28 convictions for which a person is subject to mandatory driver's
29 license revocation by the department of transportation (DOT),
30 including convictions for failure to stop and render aid in
31 the event of a motor vehicle accident resulting in the death
32 or personal injury of another. The bill adds convictions
33 for violations of the provisions of the bill to the list.
34 The bill requires the DOT to revoke the driver's license or
35 operating privilege of a person who violates the provisions

1 of the bill upon 30 days' notice and without preliminary
2 hearing upon receiving a record of the person's conviction
3 when such conviction has become final. By operation of law,
4 Code section 321.212 provides that the DOT shall not grant an
5 application for a new driver's license to the person until
6 the expiration of one year after the revocation. During the
7 revocation period, the person is eligible for a temporary
8 restricted license under Code section 321.215(1). Under
9 current law, a person convicted for failure to stop and render
10 aid in the event of a motor vehicle accident resulting in the
11 death or personal injury of another is eligible for a temporary
12 restricted license under Code section 321.215(2).