

**House Study Bill 639 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON CARLSON)

**A BILL FOR**

1 An Act relating to the coordination of enforcement activities  
2 between the department of transportation and the department  
3 of public safety, including provisions relating to  
4 department of transportation employees designated as peace  
5 officers, and including effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.477, Code 2018, is amended to read  
2 as follows:

3 **321.477 Employees as peace officers — maximum age.**

4 1. The department may designate by resolution certain of its  
5 employees upon each of whom there is conferred the authority  
6 of a peace officer to enforce all laws of the state including  
7 but not limited to the rules and regulations of the department.  
8 Employees designated as peace officers pursuant to this  
9 section shall have the same powers, duties, privileges, and  
10 immunities conferred by law on peace officers ~~for~~ relating to  
11 the enforcement of all laws of this state and the apprehension  
12 of violators.

13 2. Employees designated as peace officers pursuant to this  
14 section who are assigned to the supervision of the highways  
15 of this state shall spend the preponderance of their time  
16 conducting enforcement activities that assure the safe and  
17 lawful movement and operation of commercial motor vehicles and  
18 vehicles transporting loads, including but not limited to the  
19 enforcement of motor vehicle laws relating to the operating  
20 authority, registration, size, weight, and load of motor  
21 vehicles and trailers, and registration of a motor carrier's  
22 interstate transportation service with the department.

23 ~~3. Employees designated as peace officers pursuant to~~  
24 ~~this section shall not exercise the general powers of a peace~~  
25 ~~officer within the limits of any city, except as follows:~~

26 ~~a. When so ordered by the direction of the governor.~~

27 ~~b. When request is made by the mayor of any city, with the~~  
28 ~~approval of the director.~~

29 ~~c. When request is made by the sheriff or county attorney of~~  
30 ~~any county, with the approval of the director.~~

31 ~~d. While in the pursuit of law violators or in investigating~~  
32 ~~law violations.~~

33 ~~e. While making any inspection provided by this chapter, or~~  
34 ~~any additional inspection ordered by the director.~~

35 ~~f. When engaged in the investigation and enforcement of laws~~

1 ~~relating to narcotic, counterfeit, stimulant, and depressant~~  
2 ~~drugs.~~

3 ~~4. The limitations specified in subsection 3 shall in no~~  
4 ~~way be construed as a limitation on the power of employees~~  
5 ~~designated as peace officers pursuant to this section when a~~  
6 ~~public offense is being committed in their presence.~~

7 ~~5. 3.~~ The department shall submit a report to the general  
8 assembly on or before December 1 of each year that details the  
9 nature and scope of enforcement activities conducted in the  
10 previous fiscal year by employees designated as peace officers  
11 pursuant to this section who are assigned to the supervision  
12 of the highways of this state. The report shall include a  
13 comparison of commercial and noncommercial motor vehicle  
14 enforcement activities conducted by such employees.

15 4. The department and the department of public safety shall  
16 coordinate to provide effective and efficient enforcement of  
17 all laws of the state, including any related regulatory action.

18 ~~6. 5.~~ The maximum age for a person employed as a peace  
19 officer pursuant to this section is sixty-five years of age.

20 Sec. 2. REPEAL. 2017 Iowa Acts, chapter 149, section 4, is  
21 repealed.

22 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
23 importance, takes effect upon enactment.

24 EXPLANATION

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

27 Under current law, the department of transportation (DOT)  
28 is authorized to designate by resolution certain of its  
29 employees upon each of whom there is conferred the authority  
30 of a peace officer to enforce all laws of the state including  
31 but not limited to the rules and regulations of the DOT.  
32 Employees designated as peace officers in this manner have  
33 the same powers conferred by law on peace officers for the  
34 enforcement of all laws of this state and the apprehension  
35 of violators. This bill amends current law to specify that

1 employees designated as peace officers in this manner have the  
2 same powers, duties, privileges, and immunities conferred by  
3 law on peace officers relating to the enforcement of all laws  
4 of this state and the apprehension of violators.

5 Under current law, such employees are prohibited from  
6 exercising the general powers of a peace officer within  
7 the limits of any city, except under certain circumstances.  
8 However, the limitation does not apply when a public offense is  
9 being committed in the employee's presence. The bill strikes  
10 these provisions.

11 The bill provides that the DOT and the department of public  
12 safety are required to coordinate to provide effective and  
13 efficient enforcement of all laws of the state, including any  
14 related regulatory action.

15 In 2017, the general assembly amended Code section 321.477  
16 to specify the powers, duties, and limitations of such  
17 employees. Under the terms of the legislation, the amended  
18 language is set to be repealed effective July 1, 2018. Because  
19 the bill amends language enacted in 2017, the bill repeals the  
20 future repeal provision. The bill takes effect upon enactment.