

**Senate File 111 - Introduced**

SENATE FILE 111

BY CHAPMAN, ZAUN, BEHN, BROWN,  
BREITBACH, BERTRAND,  
CHELGREN, C. JOHNSON, and  
ANDERSON

**A BILL FOR**

1 An Act prohibiting persons from intentionally blocking the  
2 movement of traffic on certain highways, and providing a  
3 penalty.

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

1 Section 1. NEW SECTION. 318.6A Intentional blocking of  
2 traffic on certain highways prohibited — penalty — exceptions.

3 1. A person shall not loiter, or place or cause to be placed  
4 any obstruction as discussed in section 318.3, on the traveled  
5 portion of the right-of-way of a highway with a speed limit  
6 of fifty-five miles per hour or more with the intention of  
7 blocking the normal and reasonable movement of motor vehicle  
8 traffic.

9 2. a. A person who blocks the movement of traffic in  
10 violation of subsection 1 commits a class "D" felony, which  
11 shall be in lieu of the punishment imposed under section 318.6,  
12 subsection 1. However, section 318.6, subsection 2, to the  
13 extent practicable, shall apply to a punishment imposed under  
14 this section.

15 b. The person is subject to prosecution by the county  
16 attorney in the county where the highway is located. However,  
17 if the county attorney fails to initiate prosecution within  
18 thirty days, the attorney general may initiate and carry out  
19 the prosecution in cooperation, if possible, with the county  
20 attorney.

21 3. This section shall not apply to a person who blocks  
22 the movement of traffic for the purpose of obtaining law  
23 enforcement, medical, or mechanical assistance. This section  
24 shall also not apply to a person who is a peace officer or  
25 emergency responder, who is engaged in highway construction  
26 or maintenance, or who is an employee of a federal, state, or  
27 local government, if the person is acting within the scope of  
28 the person's duties.

29

#### EXPLANATION

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

32 Under current law, a person is prohibited from placing an  
33 obstruction in the highway right-of-way, including the traveled  
34 portion of the roadway. A person who violates this provision  
35 is subject to an injunction and guilty of creating a public

1 nuisance, an aggravated misdemeanor punishable by imprisonment  
2 not to exceed two years and a fine of at least \$625 but not to  
3 exceed \$6,250. Any obstruction is subject to removal.

4 This bill prohibits a person from loitering, or placing or  
5 causing to be placed any obstruction, on the traveled portion  
6 of the right-of-way of a highway with a speed limit of 55 miles  
7 per hour or more with the intention of blocking the normal and  
8 reasonable movement of motor vehicle traffic.

9 A person who blocks the movement of traffic in violation of  
10 the bill commits a class "D" felony, which is punishable by  
11 no more than five years in prison and a fine of at least \$750  
12 but not to exceed \$7,500. This punishment is in lieu of the  
13 punishment imposed for creating a public nuisance under current  
14 law. To the extent practicable, a court may order that the  
15 obstruction be abated or removed at the expense of the person.  
16 The costs for abatement or removal of the obstruction may be  
17 entered as a personal judgment against the person or assessed  
18 against the property where the obstruction occurred, or both.

19 The person is subject to prosecution by the county attorney  
20 in the county where the highway is located. However, if the  
21 county attorney fails to initiate prosecution within 30 days,  
22 the attorney general may initiate and carry out the prosecution  
23 in cooperation, if possible, with the county attorney.

24 The bill does not apply to a person who blocks the movement  
25 of traffic for the purpose of obtaining law enforcement,  
26 medical, or mechanical assistance. In addition, the  
27 bill does not apply to a person who is a peace officer or  
28 emergency responder, who is engaged in highway construction  
29 or maintenance, or who is an employee of a federal, state, or  
30 local government, if the person is acting within the scope of  
31 the person's duties.