

Senate File 426 - Introduced

SENATE FILE 426
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1135)

A BILL FOR

1 An Act prohibiting persons from intentionally blocking the
2 movement of traffic on certain highways, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

10 2. a. A person who commits a first violation of subsection
11 1 is guilty of a serious misdemeanor. A person who commits a
12 second violation of subsection 1 is guilty of an aggravated
13 misdemeanor. A person who commits a third or subsequent
14 violation of subsection 1 is guilty of a class "D" felony. A
15 punishment imposed under this paragraph "a" shall be in lieu
16 of any punishment imposed under section 318.6, subsection
17 1. However, section 318.6, subsection 2, to the extent
18 practicable, shall apply to a punishment imposed under this
19 section.

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

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

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 Under current law, a person is prohibited from placing
3 an obstruction in the highway right-of-way, including the
4 traveled portion of the roadway. A person who violates this
5 provision is subject to an injunction and guilty of creating a
6 public nuisance, an aggravated misdemeanor. Any obstruction
7 is subject to removal.

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

13 A person who commits a first violation of the provisions
14 of the bill is guilty of a serious misdemeanor punishable
15 by imprisonment not to exceed one year and a fine of at
16 least \$315 but not to exceed \$1,875. A person who commits a
17 second violation of the provisions of the bill is guilty of
18 an aggravated misdemeanor punishable by imprisonment not to
19 exceed two years and a fine of at least \$625 but not to exceed
20 \$6,250. A person who commits a third or subsequent violation
21 of the provisions of the bill is guilty of a class "D" felony
22 punishable by imprisonment not to exceed five years and a
23 fine of at least \$750 but not to exceed \$7,500. A punishment
24 imposed under the bill is in lieu of any punishment imposed
25 for creating a public nuisance under current law. To the
26 extent practicable, a court may order that the obstruction be
27 abated or removed at the expense of the person. The costs for
28 abatement or removal of the obstruction may be entered as a
29 personal judgment against the person or assessed against the
30 property where the obstruction occurred, or both.

31 The person is subject to prosecution by the county attorney
32 in the county where the highway is located. However, if the
33 county attorney fails to initiate prosecution within 30 days,
34 the attorney general may initiate and carry out the prosecution
35 in cooperation, if possible, with the county attorney.

1 The bill does not apply to a person who blocks the movement
2 of traffic for the purpose of obtaining law enforcement,
3 medical, or mechanical assistance. In addition, the
4 bill does not apply to a person who is a peace officer or
5 emergency responder, who is engaged in highway construction
6 or maintenance, or who is an employee of a federal, state, or
7 local government, if the person is acting within the scope of
8 the person's duties.