

Senate Study Bill 3192 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON KAPUCIAN)

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.