

Senate File 222 - Introduced

SENATE FILE 222

BY MATHIS

A BILL FOR

1 An Act relating to penalties for drivers of motor vehicles who
2 pass, or fail to reduce speed or stop for, school buses, and
3 including effective date provisions.

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

1 Section 1. Section 321.372, subsection 5, paragraph b,
2 subparagraph (1), Code 2019, is amended to read as follows:

3 (1) For a first offense under subsection 3, the person
4 is guilty of a simple misdemeanor punishable by a fine of at
5 least two hundred fifty dollars but not more than six hundred
6 seventy-five dollars ~~or by imprisonment for not more than~~
7 ~~thirty days, or by both.~~ The department shall require the
8 person to attend and successfully complete, at the person's
9 own expense, a driver improvement program approved by the
10 department in lieu of driver's license suspension for the
11 offense pursuant to section 321.210.

12 Sec. 2. DRIVER IMPROVEMENT PROGRAM FOR A FIRST SCHOOL
13 BUS SAFETY OFFENSE. Notwithstanding 2012 Iowa Acts, chapter
14 1015, section 5, subsection 2, by July 1, 2019, the department
15 of transportation shall initiate rulemaking to amend 761 IAC
16 615.43 to require a person who is convicted of a first offense
17 of section 321.372, subsection 3, to attend and successfully
18 complete, at the person's own expense, a driver improvement
19 program approved by the department in lieu of driver's license
20 suspension, subject to all other provisions of 761 IAC 615.43.

21 Sec. 3. EFFECTIVE DATE. The following, being deemed of
22 immediate importance, takes effect upon enactment:

23 The section of this Act requiring the department of
24 transportation to initiate rulemaking.

25 EXPLANATION

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

28 Under current law, the driver of a vehicle, when meeting a
29 school bus with flashing amber warning lamps, is required to
30 reduce the vehicle's speed to not more than 20 miles per hour,
31 and to bring the vehicle to a complete stop when the school
32 bus stops and the stop signal arm is extended. The vehicle
33 must remain stopped until the stop signal arm is retracted,
34 after which time the driver may proceed with due caution. The
35 driver of a vehicle overtaking a school bus is prohibited from

1 passing a school bus when red or amber warning signal lights
2 are flashing. The driver is required to bring the vehicle to a
3 complete stop no closer than 15 feet from the school bus when
4 it is stopped and the stop arm is extended, and the vehicle is
5 required to remain stopped until the stop arm is retracted and
6 the school bus resumes motion.

7 A first offense of these provisions is a simple misdemeanor
8 punishable by a fine of at least \$250 but not more than \$675 or
9 by imprisonment for not more than 30 days, or both. A second
10 or subsequent offense is a serious misdemeanor punishable by
11 confinement for no more than one year and a fine of at least
12 \$315 but not more than \$1,875. Under Code section 321.482A, a
13 violation causing serious injury is punishable by an additional
14 fine of \$500 or suspension of the violator's driver's license
15 for not more than 90 days, or both, and a violation causing
16 death is punishable by an additional fine of \$1,000 or
17 suspension of the violator's driver's license for not more than
18 180 days, or both.

19 In 2012, the general assembly required the department of
20 transportation (DOT) to, by administrative rule, classify an
21 offense under these provisions as a serious violation. Serious
22 violations are subject to driver's license suspension under
23 Code section 321.210.

24 This bill strikes the term of imprisonment for a first
25 offense. The bill specifies that the DOT must require the
26 person to attend and successfully complete, at the person's own
27 expense, a driver improvement program approved by the DOT in
28 lieu of driver's license suspension under Code section 321.210.

29 The bill provides that the DOT must initiate rulemaking to
30 require persons convicted of a first school bus safety offense
31 to participate in a driver improvement program in lieu of
32 driver's license suspension. This provision of the bill takes
33 effect upon enactment.