

**Senate Study Bill 1090 - Introduced**

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

**A BILL FOR**

1 An Act relating to the operation of authorized emergency  
2 vehicles and snow plows, making penalties applicable, and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2019, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 20C. "*Emergency lights*" means steady,  
4 oscillating, rotating, or flashing red and blue lights, but  
5 does not include original or aftermarket amber, white, or red  
6 directional or emergency signal, brake, or tail lamps.

7 NEW SUBSECTION. 93A. "*Warning lights*" means steady,  
8 oscillating, rotating, or flashing amber or white lights, and  
9 steady, oscillating, rotating, or flashing amber or red lights  
10 on a school bus, but does not include original or aftermarket  
11 amber, white, or red directional or emergency signal, brake,  
12 or tail lamps.

13 Sec. 2. Section 321.231, subsection 1, Code 2019, is amended  
14 to read as follows:

15 1. The driver of an authorized emergency vehicle, when  
16 responding to an emergency call or incident, or when in the  
17 pursuit of an actual or suspected perpetrator of a felony or  
18 misdemeanor, or in response to an incident dangerous to the  
19 public, or when responding to but not upon returning from a  
20 fire alarm, may exercise the privileges set forth in this  
21 section.

22 Sec. 3. Section 321.231, subsection 2, Code 2019, is amended  
23 by adding the following new paragraphs:

24 NEW PARAGRAPH. *c.* Drive the vehicle on the shoulder or  
25 median of a highway.

26 NEW PARAGRAPH. *d.* Disregard laws or regulations governing  
27 turning the vehicle in specified directions.

28 NEW PARAGRAPH. *e.* Disregard laws or regulations governing  
29 overtaking or passing other motorists.

30 Sec. 4. Section 321.231, subsections 3 and 4, Code 2019, are  
31 amended to read as follows:

32 3. The driver of a an official fire department vehicle,  
33 police vehicle, rescue vehicle, ~~or~~ ambulance, or emergency  
34 medical services vehicle, or a peace officer riding a police  
35 bicycle in the line of duty, may do any of the following:

1     a. Proceed past a red or stop signal or stop sign, but  
2 only after slowing down as an emergency vehicle driver may be  
3 necessary deem reasonable for safe operation in the same or  
4 similar circumstances based on information known to the driver  
5 at the time.

6     b. Exceed the maximum speed limits so long as the driver  
7 does not recklessly endanger life or property.

8     4. a. The exemptions granted to the driver of an authorized  
9 emergency vehicle under subsection 2 and to a the driver of  
10 an official fire department vehicle, police vehicle, rescue  
11 vehicle, or ambulance, or emergency medical services vehicle as  
12 provided in subsection 3 shall apply only when such vehicle is  
13 making use of an audible signaling warning device meeting the  
14 requirements of section 321.433 or a visual signaling device,  
15 except that use of an audible or visual signaling device shall  
16 not be required when exercising the meeting the requirements  
17 of section 321.423.

18     b. The exemption granted under subsection 3, paragraph  
19 "b", when the vehicle is operated by a peace officer shall be  
20 granted to a peace officer or reserve peace officer operating  
21 an authorized emergency vehicle without using an audible  
22 warning device or visual signaling device if such action does  
23 not recklessly endanger the life of the officer or the vehicle,  
24 and if the officer is pursuing a suspected violator of the  
25 speed restrictions imposed by or pursuant to this chapter  
26 for the purpose of determining the speed of travel of such  
27 suspected violator, or if the officer reasonably believes based  
28 on the facts and circumstances at the time that a suspected  
29 violator's knowledge of the officer's proximity may cause the  
30 suspected violator to destroy evidence of a suspected felony  
31 or aggravated misdemeanor, evade apprehension, or endanger the  
32 public or the officer.

33     c. The exemption granted under subsection 3, paragraph  
34 "b", shall be granted to the driver of an authorized emergency  
35 vehicle transporting a patient to a hospital while using

1 a visual signaling device but without using an audible  
2 warning device if a certified emergency medical care provider  
3 reasonably believes the patient's condition warrants limited  
4 use of the vehicle's audible warning device, provided the  
5 driver activates the vehicle's audible warning device when  
6 necessary to warn motorists or pedestrians of the vehicle's  
7 approach, or when approaching an intersection.

8 Sec. 5. Section 321.231, Code 2019, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 3A. A peace officer operating an authorized  
11 emergency vehicle may execute a lawful intervention technique  
12 if such execution is reasonable under the circumstances based  
13 on the information available to the officer at the time, and  
14 the officer has completed a training course approved by the  
15 Iowa law enforcement academy that instructs participants in the  
16 proper execution of lawful intervention techniques.

17 Sec. 6. NEW SECTION. 321.231A **Authorized emergency vehicles**  
18 **— parades and events.**

19 1. The driver of an authorized emergency vehicle may operate  
20 the vehicle as part of an official governmental event for the  
21 purposes of the safety and security of an elected official,  
22 candidate for public office, or the public, or as part of a  
23 parade or other public service event if the parade or event  
24 is approved by the state or a municipality, as defined in  
25 section 670.1, and notice of the parade or event is publicly  
26 disseminated by the state or municipality in the area where the  
27 parade or event will occur at least five days prior to the date  
28 on which the parade or event will occur.

29 2. Notwithstanding any provision of law to the contrary, an  
30 authorized emergency vehicle operating in a parade or event may  
31 display emergency lights or warning lights. This subsection  
32 shall not be construed to exempt the driver of the authorized  
33 emergency vehicle from any duty to operate the vehicle with due  
34 regard for the safety of all persons.

35 Sec. 7. NEW SECTION. 321.231B **Authorized emergency vehicles**

1 — immunity from liability.

2 1. A fire fighter who is certified by the fire service  
3 training bureau, as described in section 100B.6, as a fire  
4 apparatus driver or operator and who has completed an emergency  
5 vehicle operations course and any applicable continuing  
6 education requirements established or approved by the fire  
7 service training bureau shall not be liable for any injury or  
8 loss arising from the fire fighter's operation of an authorized  
9 emergency vehicle in response to an emergency call or incident  
10 or to an incident dangerous to the public unless the fire  
11 fighter operates the vehicle with willful and wanton disregard  
12 for the safety of persons or property.

13 2. An emergency medical care provider, as defined in section  
14 147A.1, who has completed an emergency vehicle operations  
15 course and any applicable continuing education requirements  
16 established or approved by the department of public health  
17 shall not be liable for any injury or loss arising from the  
18 provider's operation of an authorized emergency vehicle in  
19 response to an emergency call or incident or to an incident  
20 dangerous to the public unless the provider operates the  
21 vehicle with willful and wanton disregard for the safety of  
22 persons or property.

23 3. A peace officer, as defined in section 801.4, or a  
24 reserve peace officer, as defined in section 80D.1A, who has  
25 completed an emergency vehicle operations course and any  
26 applicable continuing education requirements established  
27 or approved by the Iowa law enforcement academy shall not  
28 be liable for any injury or loss arising from the officer's  
29 operation of an authorized emergency vehicle in response to an  
30 emergency call or incident or to an incident dangerous to the  
31 public unless the officer operates the vehicle with willful and  
32 wanton disregard for the safety of persons or property.

33 4. Subsections 1 through 3 apply only when, in response  
34 to an emergency call or incident or to an incident dangerous  
35 to the public, the authorized emergency vehicle is making

1 use of a siren meeting the requirements of section 321.433  
2 or flashing blue and red lights meeting the requirements of  
3 section 321.423. The protections from liability provided by  
4 subsections 1 through 3 apply in addition to any other defenses  
5 to liability provided by law.

6 5. *a.* The driver of an authorized emergency vehicle shall  
7 not be liable for any injury or loss arising from the operation  
8 of the authorized emergency vehicle unless actual malice or  
9 willful and wanton disregard for the safety of persons or  
10 property is proven by clear and convincing evidence.

11 *b.* If a person brings a tort claim against the driver of  
12 an authorized emergency vehicle, a municipality, as defined in  
13 section 670.1, or this state, for any injury or loss arising  
14 from the operation of the authorized emergency vehicle, the  
15 court shall determine, on motion by any party or on its own  
16 motion, whether the person has presented sufficient, admissible  
17 evidence to support a prima facie finding of actual malice  
18 or willful and wanton disregard for the safety of persons or  
19 property, before the matter proceeds to trial.

20 Sec. 8. Section 321.324A, Code 2019, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 4. *a.* The driver of an authorized  
23 emergency vehicle may operate the vehicle as part of a funeral  
24 procession if approved by each municipality, as defined in  
25 section 670.1, in which the funeral procession occurs.

26 *b.* Notwithstanding any provision of law to the contrary,  
27 an authorized emergency vehicle operating in a funeral  
28 procession may display emergency lights or warning lights.  
29 This subsection shall not be construed to exempt the driver of  
30 the authorized emergency vehicle from any duty to operate the  
31 vehicle with due regard for the safety of all persons.

32 Sec. 9. Section 321.393, subsection 4, Code 2019, is amended  
33 to read as follows:

34 4. The provisions of [this section](#) shall not prohibit the  
35 use of a lighting device or reflector displaying an amber light

1 when such lighting device or reflector is mounted on a motor  
2 truck, trailer, tractor, or motor grader owned by the state,  
3 or any political subdivision of the state, or any municipality  
4 therein, while such equipment is being used for snow removal,  
5 sanding, maintenance, or repair of the public streets or  
6 highways, or when such lighting device is permitted or required  
7 under section 321.423 or any other provision of law.

8 Sec. 10. Section 321.423, subsection 2, paragraphs f and h,  
9 Code 2019, are amended to read as follows:

10 *f.* A flashing white light, including a flashing headlamp, is  
11 permitted on a vehicle pursuant to [subsection 7](#).

12 *h.* A flashing amber warning light is permitted on a  
13 towing or recovery vehicle, a utility maintenance vehicle, a  
14 municipal maintenance vehicle, a highway maintenance vehicle,  
15 a construction vehicle, a solid waste or recycling collection  
16 service vehicle, a snow plow, or a vehicle operated in  
17 accordance with [subsection 6](#) or [section 321.398](#) or [321.453](#).

18 Sec. 11. Section 321.423, subsection 3, paragraph a,  
19 subparagraph (3), Code 2019, is amended to read as follows:

20 (3) An authorized emergency vehicle, other than a vehicle  
21 described in paragraph "a", subparagraph (1) or (2), ~~if the blue~~  
22 ~~light is positioned on the passenger side of the vehicle and is~~  
23 ~~used in conjunction with a red light positioned on the driver~~  
24 ~~side of the vehicle.~~

25 Sec. 12. Section 321.423, subsection 6, Code 2019, is  
26 amended to read as follows:

27 *6. Amber flashing light.*

28 *a.* A farm tractor, farm tractor with towed equipment,  
29 self-propelled implement of husbandry, road construction or  
30 maintenance vehicle, road grader, or other vehicle principally  
31 designed for use off the highway which, when operated on  
32 a primary or secondary road, is operated at a speed of  
33 thirty-five miles an hour or less, shall be equipped with and  
34 display an amber flashing light visible from the rear at any  
35 time from sunset to sunrise. If the amber flashing light is

1 obstructed by the towed equipment, the towed equipment shall  
2 also be equipped with and display an amber flashing light as  
3 required under [this subsection](#).

4 b. (1) A vehicle owned by a municipality, as defined in  
5 section 670.1, or a company in the business of snow and ice  
6 treatment or removal, that is used for snow and ice treatment  
7 or removal shall be equipped with one or more amber warning  
8 lights. This paragraph shall not be construed to require a  
9 lawn mower, snow blower, or all-terrain vehicle to be equipped  
10 with one or more amber warning lights.

11 (2) When a vehicle subject to subparagraph (1) is used to  
12 plow snow or remove snow or ice accumulation, the operator of  
13 the vehicle shall activate and display the vehicle's amber  
14 warning lights to alert pedestrians and other motorists.

15 (3) The department shall adopt rules establishing minimum  
16 optical warning light equipment standards for privately owned  
17 vehicles used for snow and ice treatment or removal. The  
18 department may offer safety inspections for such vehicles at a  
19 reasonable fee established by the department by rule.

20 c. All vehicles specified in [this subsection](#) which are  
21 manufactured for sale or sold in this state shall be equipped  
22 with an amber flashing light in accordance with the standards  
23 of the American society of agricultural engineers.

24 **Sec. 13. NEW SECTION. 321.424 Authorized emergency vehicle**  
25 **lights.**

26 Notwithstanding any provision of law to the contrary:

27 1. An authorized emergency vehicle may be equipped with  
28 a combination of interior or exterior emergency lights and  
29 warning lights, flashing headlamps, and flashing tail lamps.

30 2. An official law enforcement, fire department, or  
31 emergency medical services vehicle owned by the state or a  
32 municipality, as defined in section 670.1, that was purchased,  
33 delivered, or refurbished on or after July 1, 2019, shall be  
34 equipped with flashing headlamps unless the vehicle lacks the  
35 capability to be equipped with flashing headlamps. The lack



1 of such a capability shall be documented by the seller of  
2 the vehicle and such documentation shall be provided to the  
3 purchaser of the vehicle at the time of sale.

4 3. An authorized emergency vehicle owned by the state,  
5 a municipality, as defined in section 670.1, or a private  
6 emergency medical services company delivering services to the  
7 state, a municipality, or a hospital pursuant to a written  
8 contract, or a privately owned vehicle designated as an  
9 authorized emergency vehicle pursuant to section 321.451, shall  
10 be equipped with a combination of operational red and blue  
11 emergency lights. Authorized emergency vehicles in service on  
12 or before the effective date of this Act shall be equipped to  
13 comply with this subsection on or before July 1, 2021.

14 4. An authorized emergency vehicle equipped with an  
15 interior or exterior light bar shall position front and rear  
16 facing red lights on the driver's side of the vehicle and front  
17 and rear facing blue lights on the passenger's side of the  
18 vehicle.

19 5. An authorized emergency vehicle equipped with an  
20 interior or exterior light bar with red and blue flashing  
21 emergency lights may be equipped with flashing or solid white  
22 lights scattered among or between any lens that displays a red  
23 or blue flashing light.

24 6. An authorized emergency vehicle may be equipped with one  
25 or more lights capable of emitting a split red and blue steady  
26 or flashing light, which may be mounted on or in the vehicle.

27 7. An authorized emergency vehicle may be equipped with  
28 emergency lights on the side of the vehicle capable of emitting  
29 red and blue light, red and white light, or blue and white  
30 light.

31 8. An authorized emergency vehicle may be equipped with  
32 emergency lights or warning lights with a clear or colored  
33 lens.

34 9. An official law enforcement, fire, rescue, or emergency  
35 medical services vehicle may be equipped with lights or light

1 bars containing one or more rear zone amber warning lights or  
2 amber directional arrows, which shall be in addition to any  
3 other required lighting equipment. An authorized emergency  
4 vehicle shall not be equipped with an amber warning light  
5 positioned on the front or side of the vehicle. However,  
6 an aerial fire apparatus may be equipped with amber flashing  
7 lights on the outriggers of the apparatus.

8 10. An authorized emergency vehicle may be equipped with  
9 one or more steady, oscillating, or flashing white lights,  
10 flashing headlamps, or flashing reverse lamps, which shall be  
11 in addition to any other required lighting equipment. A light  
12 bar shall not be equipped or used to display flashing white  
13 lights visible from the rear of the vehicle. This subsection  
14 shall not be construed to prohibit an authorized emergency  
15 vehicle owned by the state or a municipality, as defined in  
16 section 670.1, from being equipped with or using a spotlight or  
17 exterior light bar capable of displaying a steady white light  
18 for use as a work light, alley light, search light, or takedown  
19 light.

20 11. An authorized emergency vehicle owned by a state or a  
21 municipality, as defined in section 670.1, that is primarily  
22 used as an incident command vehicle may be equipped with one  
23 or more steady or flashing green lights, which shall be in  
24 addition to any other required lighting equipment. A steady  
25 or flashing green light equipped pursuant to this subsection  
26 shall not be activated unless the vehicle is being used as  
27 a stationary incident command post at the location of an  
28 emergency incident, an official training exercise, or for  
29 maintenance or demonstration purposes.

30 Sec. 14. Section 321.433, Code 2019, is amended to read as  
31 follows:

32 **321.433 Sirens, whistles, air horns, and bells prohibited.**

33 1. A vehicle shall not be equipped with and a person shall  
34 not use upon a vehicle any siren, whistle, or bell, except as  
35 otherwise permitted in this section or any other provision of

1 law.

2 2. It is permissible but not required that any commercial  
3 vehicle be equipped with a theft alarm signal device which is  
4 so arranged that it cannot be used by the driver as an ordinary  
5 warning signal.

6 3. Any authorized emergency vehicle may be equipped with  
7 a siren, whistle, air horn, or bell capable of emitting sound  
8 audible under normal conditions from a distance of not less  
9 than five hundred feet, ~~but the~~.

10 4. An authorized emergency medical services program, fire  
11 department, or law enforcement agency may equip one or more  
12 vehicles with an air horn.

13 5. An official fire department vehicle, emergency medical  
14 services program vehicle, or law enforcement vehicle owned  
15 by the state, a municipality, as defined in section 670.1,  
16 or a corporation providing emergency medical services to  
17 a municipality pursuant to a written contract, that was  
18 purchased, delivered, or refurbished on or after July 1,  
19 2019, excluding an all-terrain vehicle or a special service  
20 vehicle, shall be equipped with a two-hundred-watt electric  
21 or electronic siren capable of emitting at least two distinct  
22 siren tones, and one or more compatible siren speakers.

23 6. An authorized emergency vehicle's siren, whistle, or  
24 bell shall not be used except when the vehicle is operated in  
25 response to an emergency call or incident, in response to an  
26 incident dangerous to the public, in a parade or designated  
27 public service event, for a demonstration, for maintenance, or  
28 in the immediate pursuit of an actual or suspected violator of  
29 the law, and the driver of the vehicle shall sound the siren,  
30 whistle, or bell when the driver reasonably believes necessary  
31 to warn pedestrians and other drivers of the approach of the  
32 vehicle.

33 7. For purposes of this section:

34 a. "Electric siren" means an audible warning device that  
35 produces sound using an electric motor with an attached

1 rotating slotted or perforated disc.

2 b. "Electronic siren" means an audible warning device  
3 that produces sound electronically using amplifiers and  
4 electromagnetic speakers.

5 Sec. 15. Section 321.451, subsection 1, Code 2019, is  
6 amended by adding the following new paragraphs:

7 NEW PARAGRAPH. g. A vehicle owned by a certified chief or  
8 certified chief officer of a volunteer fire department, a fire  
9 department comprised of a combination of volunteer and paid  
10 members, or a nonprofit corporation that delivers emergency  
11 services on behalf of a municipality, as defined in section  
12 670.1, pursuant to a written contract, if the application for  
13 a certificate of designation is requested by the chief of the  
14 fire department. However, the department shall not approve  
15 an application received pursuant to this paragraph unless  
16 the owner of the vehicle has completed an emergency vehicle  
17 operations course approved by the fire service training bureau,  
18 as described in section 100B.6, provided proof of certification  
19 as a fire officer, and provided proof of financial liability  
20 coverage or risk pool coverage.

21 NEW PARAGRAPH. h. A vehicle owned by a chief or medical  
22 director of an authorized emergency medical service provider,  
23 if the application for a certificate of designation is  
24 requested by the chief of the authorized emergency medical  
25 service provider. However, the department shall not approve  
26 an application received pursuant to this paragraph unless  
27 the owner of the vehicle has completed an emergency vehicle  
28 operations course approved by the department of public health,  
29 and provided proof of financial liability coverage or risk pool  
30 coverage.

31 NEW PARAGRAPH. i. A vehicle owned by a state or county  
32 emergency management coordinator if the application for a  
33 certificate of designation is requested by the emergency  
34 management coordinator. However, the department shall not  
35 approve an application received pursuant to this paragraph

1 unless the owner of the vehicle has completed an emergency  
2 vehicle operations course approved by the fire service training  
3 bureau, as described in section 100B.6, or the department  
4 of public health, and provided proof of financial liability  
5 coverage or risk pool coverage.

6 Sec. 16. Section 321.451, subsection 3, Code 2019, is  
7 amended to read as follows:

8 3. The certificate of designation shall be valid for a  
9 period of one year and shall at all times be carried with the  
10 registration receipt for the vehicle to which the certificate  
11 refers. The certificate may be revoked or temporarily  
12 suspended by the director upon a showing of abuse, of reckless  
13 or unsafe driving, of failure to prove or maintain at all  
14 times financial liability coverage or risk pool coverage, or  
15 that the vehicle has unsafe equipment. The certificate shall  
16 only be revoked or suspended after notice to the holder of the  
17 certificate and a hearing before the director or the director's  
18 designee. A peace officer may request proof of certification  
19 and proof of financial liability coverage or risk pool coverage  
20 from the holder of a certificate and provide information to the  
21 director or the director's designee alleging grounds for the  
22 revocation or suspension of a certificate. The director shall  
23 develop, maintain, and make available electronic forms to be  
24 used by a peace officer or other person to submit information  
25 regarding the revocation or suspension of a certificate.

26 Sec. 17. Section 321.451, Code 2019, is amended by adding  
27 the following new subsections:

28 NEW SUBSECTION. 4. The department shall create and maintain  
29 a database of vehicles designated as an authorized emergency  
30 vehicle pursuant to this section.

31 NEW SUBSECTION. 5. The operator of a vehicle designated  
32 as an authorized emergency vehicle pursuant to this section,  
33 except a vehicle designated under subsection 1, paragraph "f",  
34 may request reimbursement from the operator's employer or  
35 organization for which the operator volunteers for reasonable

1 costs or expenses incurred by the operator during the operation  
2 of the vehicle as an authorized emergency vehicle on official  
3 business, including fuel and mileage reimbursement, and the  
4 operator shall be reimbursed upon a determination that the  
5 operator's request was proper.

6 NEW SUBSECTION. 6. A public or private employer shall  
7 not require an employee or volunteer to apply for or maintain  
8 a certificate of designation pursuant to this section as a  
9 condition of employment or of permitting the person to continue  
10 to volunteer. A person shall not be required to operate or  
11 use a vehicle designated as an authorized emergency vehicle  
12 pursuant to this section.

13 NEW SUBSECTION. 7. This section shall not be construed  
14 to exempt the state or a municipality, as defined in section  
15 670.1, from any duty to purchase, equip, maintain, or otherwise  
16 provide authorized emergency vehicles to meet any requirement  
17 to provide public services, including law enforcement, fire  
18 protection, rescue, or emergency medical services.

19 Sec. 18. EFFECTIVE DATE. This Act, being deemed of  
20 immediate importance, takes effect upon enactment.

21

EXPLANATION

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

24 OPERATION IN EMERGENCY SITUATIONS. This bill allows the  
25 driver of an authorized emergency vehicle, when responding  
26 to an emergency call or incident, when in the pursuit of an  
27 actual or suspected perpetrator of a felony or misdemeanor,  
28 in response to an incident dangerous to the public, or when  
29 responding to but not upon returning from a fire alarm, to  
30 drive the vehicle on the shoulder or median of a highway, to  
31 disregard laws or regulations governing turning the vehicle  
32 in specified directions, and to disregard laws or regulations  
33 governing overtaking or passing other motorists. The bill also  
34 allows official fire department vehicles, police vehicles,  
35 rescue vehicles, ambulances, emergency medical services

1 vehicles, and peace officers riding a police bicycle to proceed  
2 past a red or stop signal or stop sign, but only after slowing  
3 down as an emergency vehicle driver may deem reasonable for  
4 safe operation in the same or similar circumstances based on  
5 information known to the driver at the time, and to exceed the  
6 maximum speed limits so long as the driver does not recklessly  
7 endanger life.

8 Under current law, authorized emergency vehicles are  
9 permitted to operate in this manner only when such vehicles are  
10 making use of an audible or visual signaling device, except a  
11 vehicle operated by a peace officer is not required to use an  
12 audible or visual signaling device if the officer is pursuing  
13 a suspected violator of a speed limit. The bill provides  
14 that a peace officer is also not required to use an audible  
15 or visual device if the officer reasonably believes based  
16 on the facts and circumstances at the time that a suspected  
17 violator's knowledge of the officer's proximity may cause the  
18 suspected violator to destroy evidence of a suspected felony  
19 or aggravated misdemeanor, evade apprehension, or endanger the  
20 public or the officer. However, the bill permits such action  
21 only if the action does not recklessly endanger the life of the  
22 officer or the vehicle.

23 The bill also provides that the driver of an authorized  
24 emergency vehicle transporting a patient to a hospital is not  
25 required to use an audible warning device while exceeding a  
26 speed limit if a certified emergency medical care provider  
27 reasonably believes the patient's condition warrants limited  
28 use of the vehicle's audible warning device, provided the  
29 driver activates the vehicle's audible warning device when  
30 necessary to warn motorists or pedestrians of the vehicle's  
31 approach, or when approaching an intersection.

32 The bill further provides that a peace officer operating an  
33 authorized emergency vehicle may execute a lawful intervention  
34 technique if such execution is reasonable under the  
35 circumstances based on the information available to the officer

1 at the time, and the officer has completed a training course  
2 approved by the Iowa law enforcement academy that instructs  
3 participants in the proper execution of lawful intervention  
4 techniques.

5 By operation of law, a violation of these provisions of the  
6 bill is punishable by a scheduled fine of \$100.

7 PARADES AND EVENTS. The bill allows the driver of an  
8 authorized emergency vehicle to operate the vehicle as part of  
9 an official governmental event for the purposes of the safety  
10 and security of an elected official, candidate for public  
11 office, or the public, or as part of a parade or other public  
12 service event if the parade or event is approved by the state  
13 or a municipality and notice of the parade or event is publicly  
14 disseminated by the state or municipality at least five days  
15 prior to the date on which the parade or event will occur. In  
16 addition, the bill allows an authorized emergency vehicle to  
17 operate in a parade or event while displaying emergency lights  
18 or warning lights.

19 IMMUNITY FROM LIABILITY. The bill provides that a certified  
20 fire fighter, emergency medical care provider, peace officer,  
21 or reserve peace officer who has completed certain training  
22 shall not be liable for any injury or loss arising from the  
23 operation of an authorized emergency vehicle in response to  
24 an emergency call or incident or to an incident dangerous to  
25 the public unless the vehicle is operated with willful and  
26 wanton disregard for the safety of persons or property. This  
27 provision of the bill only applies when, in response to an  
28 emergency call or incident or to an incident dangerous to the  
29 public, the authorized emergency vehicle is making use of a  
30 siren or flashing blue and red lights.

31 The bill specifies that the driver of an authorized  
32 emergency vehicle shall not be liable for any injury or loss  
33 arising from the operation of the vehicle unless actual malice  
34 or willful and wanton disregard for the safety of persons or  
35 property is proven by clear and convincing evidence. If a



1 person brings a tort claim against the driver of an authorized  
2 emergency vehicle, a municipality, or the state for any injury  
3 or loss arising from the operation of the authorized emergency  
4 vehicle, the bill requires a court to determine, on motion  
5 by any party or on its own motion, whether the person has  
6 presented sufficient, admissible evidence to support a prima  
7 facie finding of actual malice or willful and wanton disregard  
8 for the safety of persons or property, before the matter  
9 proceeds to trial.

10 FUNERAL PROCESSIONS. The bill authorizes a driver of an  
11 authorized emergency vehicle to operate the vehicle as part of  
12 a funeral procession if approved by each municipality in which  
13 the funeral procession occurs. The bill allows an authorized  
14 emergency vehicle operating in a funeral procession to display  
15 emergency lights or warning lights.

16 SNOW PLOW LIGHTS. The bill requires snow plows to be  
17 equipped with and to use flashing amber warning lights. By  
18 operation of law, a violation of this provision is punishable  
19 by a scheduled fine of \$30.

20 AUTHORIZED EMERGENCY VEHICLE LIGHTS. The bill allows an  
21 authorized emergency vehicle to be equipped with a combination  
22 of interior or exterior emergency lights and warning lights,  
23 flashing headlamps, and flashing tail lamps. The bill requires  
24 an official law enforcement, fire department, or emergency  
25 medical services vehicle owned by the state or a municipality  
26 that was purchased, delivered, or refurbished on or after  
27 July 1, 2019, to be equipped with flashing headlamps unless  
28 the vehicle lacks the capability to be equipped with flashing  
29 headlamps.

30 The bill requires an authorized emergency vehicle owned  
31 by the state, a municipality, or a private emergency medical  
32 services company, or a privately owned vehicle, to be equipped  
33 with a combination of operational red and blue emergency  
34 lights. Authorized emergency vehicles in service on or before  
35 the effective date of the bill are required to comply with this

1 provision on or before July 1, 2021. The bill also requires  
2 an authorized emergency vehicle equipped with an interior or  
3 exterior light bar to position front and rear facing red lights  
4 on the driver's side of the vehicle and front and rear facing  
5 blue lights on the passenger's side of the vehicle.

6 The bill provides that an authorized emergency vehicle  
7 equipped with an interior or exterior light bar with red and  
8 blue flashing emergency lights may be equipped with flashing  
9 or solid white lights scattered among or between any lens that  
10 displays a red or blue flashing light. An authorized emergency  
11 vehicle may also be equipped with one or more lights capable of  
12 emitting a split red and blue steady or flashing light, which  
13 may be mounted on or in the vehicle, and with emergency lights  
14 on the side of the vehicle capable of emitting red and blue  
15 light, red and white light, or blue and white light.

16 The bill further provides that an official law enforcement,  
17 fire, rescue, or emergency medical services vehicle may be  
18 equipped with lights or light bars containing one or more rear  
19 zone amber warning lights or amber directional arrows, and  
20 prohibits an authorized emergency vehicle from being equipped  
21 with an amber warning light positioned on the front or side of  
22 the vehicle. However, an aerial fire apparatus may be equipped  
23 with amber flashing lights on the outriggers of the apparatus.

24 The bill allows an authorized emergency vehicle to be  
25 equipped with one or more steady, oscillating, or flashing  
26 white lights, flashing headlamps, or flashing reverse lamps,  
27 and prohibits a light bar from being equipped or used to  
28 display flashing white lights visible from the rear of the  
29 vehicle. However, white lights used as a work light, alley  
30 light, search light, or takedown light are permitted.

31 The bill further allows an authorized emergency vehicle  
32 primarily used as an incident command vehicle to be equipped  
33 with one or more steady or flashing green lights.

34 By operation of law, a violation of any provision of Code  
35 chapter 321 for which a penalty is not provided is a simple

1 misdemeanor, punishable by a fine of at least \$65 but not to  
2 exceed \$625 and imprisonment not to exceed 30 days.

3 SIRENS AND AIR HORNS. The bill allows an authorized  
4 emergency medical services program, fire department, or law  
5 enforcement agency to equip one or more vehicles with an air  
6 horn. The bill requires such vehicles purchased, delivered,  
7 or refurbished on or after July 1, 2019, to be equipped with  
8 a 200-watt electric or electronic siren capable of emitting  
9 at least two distinct siren tones, and one or more compatible  
10 siren speakers.

11 The bill prohibits an authorized emergency vehicle's siren,  
12 whistle, or bell from being used except when the vehicle is  
13 operated in response to an emergency call or incident, in  
14 response to an incident dangerous to the public, in a parade  
15 or designated public service event, for a demonstration, for  
16 maintenance, or in the immediate pursuit of an actual or  
17 suspected violator of the law. The bill requires the driver  
18 of the vehicle to sound the siren, whistle, or bell when the  
19 driver reasonably believes necessary to warn pedestrians and  
20 other drivers of the approach of the vehicle.

21 By operation of law, a violation of this provision is  
22 punishable by a scheduled fine of \$30.

23 DESIGNATION AS AUTHORIZED EMERGENCY VEHICLE. The bill  
24 includes in the list of vehicles authorized to be designated  
25 as authorized emergency vehicles those vehicles owned by a  
26 certified chief or certified chief officer of a volunteer fire  
27 department, a fire department comprised of a combination of  
28 volunteer and paid members, or a nonprofit corporation that  
29 delivers emergency services; vehicles owned by a chief or  
30 medical director of an authorized emergency medical service  
31 provider; and vehicles owned by a state or county emergency  
32 management coordinator. The bill requires the completion of  
33 certain training and proof of financial liability coverage or  
34 risk pool coverage to obtain the designation.

35 The bill provides that a certificate of designation as an

1 authorized emergency vehicle shall be valid for a period of  
2 one year, and allows the department of transportation (DOT) to  
3 revoke or temporarily suspend the designation due to abuse,  
4 reckless or unsafe driving, failure to prove or maintain at  
5 all times financial liability coverage or risk pool coverage,  
6 or the fact that the vehicle has unsafe equipment. The bill  
7 provides for a process by which the DOT may revoke or suspend a  
8 designation. The bill requires the DOT to create and maintain  
9 a database of vehicles designated as authorized emergency  
10 vehicles.

11 The bill allows the operator of an authorized emergency  
12 vehicle, except a towing and recovery vehicle, to request  
13 reimbursement from the operator's employer or organization for  
14 which the operator volunteers for reasonable costs or expenses  
15 incurred during the operation of the vehicle as an authorized  
16 emergency vehicle on official business, including fuel and  
17 mileage reimbursement. The bill prohibits a public or private  
18 employer from requiring an employee or volunteer to apply for  
19 or maintain a certificate of designation for an authorized  
20 emergency vehicle, and from requiring a person to operate or  
21 use an authorized emergency vehicle.

22 EFFECTIVE DATE. The bill takes effect upon enactment.