

House File 28 - Introduced

HOUSE FILE 28

BY SALMON

A BILL FOR

1 An Act relating to the intentional avoidance of traffic-control
2 devices, providing penalties, and making penalties
3 applicable.

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

1 Section 1. Section 321.256, Code 2021, is amended to read
2 as follows:

3 **321.256 Obedience to official traffic-control devices —**
4 **intentional avoidance prohibited.**

5 1. No A driver of a vehicle shall not disobey the
6 instructions of any official traffic-control device placed
7 in accordance with the provisions of **this chapter**, unless at
8 the time otherwise directed by a peace officer subject to
9 the exceptions granted the driver of an authorized emergency
10 vehicle.

11 2. A driver of a vehicle shall not, with the intent to avoid
12 obedience to a traffic-control device placed in accordance
13 with this chapter, operate the vehicle upon or through private
14 property, or upon or through public property that is not a
15 street or highway.

16 Sec. 2. Section 805.8A, subsection 8, paragraph b, Code
17 2021, is amended to read as follows:

18 *b.* **Section 321.256**, subsection 1..... \$135.

19 Sec. 3. Section 805.8A, subsection 8, Code 2021, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *0c.* Section 321.256, subsection 2...\$35.

22 EXPLANATION

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

25 Current law requires the driver of a vehicle to obey
26 traffic-control devices. This bill prohibits a driver
27 of a vehicle from intentionally avoiding obedience to a
28 traffic-control device by operating the vehicle on private
29 property, or public property that is not a street or highway.

30 A violation of the bill is a simple misdemeanor punishable
31 by a scheduled fine of \$35. By operation of law, under Code
32 section 321.482A, if the violation causes a serious injury,
33 a court could impose an additional fine of \$500 or suspend
34 the person's driver's license for not more than 90 days, or
35 both. If the violation causes a death, a court could impose

1 an additional fine of \$1,000 or suspend the person's driver's
2 license for not more than 180 days, or both. Also by operation
3 of law, under Code section 321E.17, a driver who has a permit
4 to operate a vehicle of excessive size or weight and who
5 violates Code section 321.256 commits a serious violation
6 that could result in denial, suspension, or revocation of the
7 permit.