

House File 721 - Introduced

HOUSE FILE 721

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 190)

A BILL FOR

1 An Act relating to authorized emergency vehicles, making
2 penalties applicable, and including effective date and
3 applicability provisions.

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

1 Section 1. Section 321.231, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. The driver of an authorized emergency vehicle, when
4 responding to an emergency call or when in the pursuit of
5 an actual or suspected perpetrator of a felony, aggravated
6 misdemeanor, or serious misdemeanor, or in response to an
7 incident dangerous to the public, or when responding to but not
8 upon returning from a fire alarm, may exercise the privileges
9 set forth in [this section](#).

10 Sec. 2. Section 321.231, subsection 2, Code 2021, is amended
11 by adding the following new paragraphs:

12 NEW PARAGRAPH. c. Drive the vehicle on the shoulder or
13 median of a highway.

14 NEW PARAGRAPH. d. Disregard laws or regulations governing
15 turning the vehicle in specified directions.

16 NEW PARAGRAPH. e. Disregard laws or regulations governing
17 overtaking or passing other motorists.

18 Sec. 3. Section 321.231, subsections 3 and 4, Code 2021, are
19 amended to read as follows:

20 3. The driver of a an official fire department vehicle,
21 police vehicle, rescue vehicle, ~~or~~ ambulance, emergency medical
22 services vehicle, or emergency management vehicle, or a peace
23 officer riding a police bicycle in the line of duty, may do any
24 of the following:

25 a. Proceed past a red or stop signal or stop sign, but only
26 after slowing down ~~as may be~~ to a speed deemed necessary for
27 safe operation by the driver based on information known to the
28 driver at the time.

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

31 4. a. The exemptions granted to the driver of an authorized
32 emergency vehicle under [subsection 2](#) and to a the driver of
33 an official fire department vehicle, police vehicle, rescue
34 vehicle, ~~or~~ ambulance, emergency medical services vehicle,
35 or emergency management vehicle as provided in [subsection 3](#)

1 shall apply only when such vehicle is making use of an audible
2 ~~signaling warning~~ device meeting the requirements of section
3 321.433 or a visual signaling device, ~~except that use of an~~
4 ~~audible or visual signaling device shall not be required when~~
5 exercising the authorized under this chapter.

6 b. The exemption granted under subsection 3, paragraph
7 "b", when the vehicle is operated by a peace officer shall be
8 granted to a peace officer or reserve peace officer operating
9 an authorized emergency vehicle without using an audible
10 warning device or visual signaling device if such action occurs
11 over the shortest distance necessary, does not recklessly
12 endanger persons or property, and if the officer is pursuing
13 a suspected violator of the speed restrictions imposed by or
14 pursuant to this chapter for the purpose of determining the
15 speed of travel of such suspected violator, or if the officer
16 reasonably believes based on the facts and circumstances
17 at the time that a suspected violator's knowledge of the
18 officer's proximity may cause the suspected violator to destroy
19 evidence of a suspected felony or aggravated misdemeanor, evade
20 apprehension, or endanger the public or the officer.

21 c. The exemption granted under subsection 3, paragraph
22 "b", shall be granted to the driver of an authorized emergency
23 vehicle transporting a patient to a hospital without using
24 a visual signaling device or audible warning device if a
25 certified emergency medical care provider reasonably believes
26 the patient's condition warrants rapid transport.

27 Sec. 4. Section 321.231, Code 2021, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 3A. A peace officer operating an authorized
30 emergency vehicle may execute a pursuit intervention technique
31 if such execution is reasonable under the circumstances based
32 on the information perceived by the officer at the time, and
33 the officer has completed a training course approved by the
34 Iowa law enforcement academy that instructs participants in
35 the proper execution of pursuit intervention techniques. For

1 purposes of this subsection, "*pursuit intervention technique*"
2 means a method by which a peace officer operating a motor
3 vehicle in pursuit of a fleeing motor vehicle causes or
4 attempts to cause the fleeing motor vehicle to stop, including
5 by use of reasonable force. This subsection shall not be
6 construed to limit a peace officer's objectively reasonable use
7 of force in connection with a pursuit.

8 Sec. 5. NEW SECTION. 321.231A Authorized emergency vehicles
9 — **parades and events.**

10 1. The driver of an authorized emergency vehicle may operate
11 the vehicle as part of an official governmental event for the
12 purposes of the safety and security of an elected official,
13 candidate for public office, or the public, or as part of a
14 parade or other public service event if the parade or event is
15 approved by the state or a municipality, as defined in section
16 670.1, at least one day prior to the date on which the parade or
17 event will occur.

18 2. Notwithstanding any provision of law to the contrary, an
19 authorized emergency vehicle operating in a parade or event may
20 display any of the vehicle's lighting devices. This subsection
21 shall not be construed to exempt the driver of the authorized
22 emergency vehicle from any duty to operate the vehicle with due
23 regard for the safety of all persons.

24 Sec. 6. NEW SECTION. 321.231B Authorized emergency vehicles
25 — **immunity from liability.**

26 1. The following shall not be liable for the consequence of
27 any injury or loss arising from the operation of an authorized
28 emergency vehicle in response to an emergency call or to an
29 incident dangerous to the public unless the driver operates the
30 authorized emergency vehicle with reckless disregard for the
31 safety of persons or property:

32 a. A fire fighter operating the authorized emergency
33 vehicle who is certified by the fire service training bureau,
34 as described in section 100B.6, as a fire apparatus driver
35 operator, or an operator who has completed an emergency vehicle

1 operations course and any applicable continuing education
2 requirements established or approved by the fire service
3 training bureau.

4 *b.* An emergency medical care provider, as defined in
5 section 147A.1, operating the authorized emergency vehicle who
6 has completed an emergency vehicle operations course and any
7 applicable continuing education requirements established or
8 approved by the department of public health.

9 *c.* A peace officer, as defined in section 801.4, or a
10 reserve peace officer, as defined in section 80D.1A, operating
11 the authorized emergency vehicle who has completed an emergency
12 vehicle operations course and any applicable continuing
13 education requirements established or approved by the Iowa law
14 enforcement academy.

15 *d.* An emergency management agency employee operating the
16 authorized emergency vehicle who has completed an emergency
17 vehicle operations course and any applicable continuing
18 education requirements pursuant to section 29C.9, and where
19 the local or joint emergency management commission has adopted
20 a written policy related to emergency vehicle operations.
21 For purposes of this paragraph, "*emergency management agency*
22 *employee*" means a member of the personnel, including but not
23 limited to the coordinator, an operations officer, or an
24 emergency management assistant, of a local or joint emergency
25 management commission.

26 *e.* Any entity, including a nonprofit corporation, on whose
27 behalf the fire fighter, emergency medical care provider, peace
28 officer, reserve peace officer, or emergency management agency
29 employee is operating the authorized emergency vehicle.

30 2. The protections from liability set forth in subsection
31 1 apply only when, in response to an emergency call or to an
32 incident dangerous to the public, the driver operating the
33 authorized emergency vehicle is utilizing a siren meeting the
34 requirements of section 321.433 or flashing blue and red lights
35 authorized under this chapter. The protections from liability

1 provided by subsection 1 apply in addition to any other defense
2 to liability provided by law. This section shall not be
3 construed to lower the standard of recklessness to recover
4 against any entity or authorized emergency vehicle driver.

5 3. The driver of an authorized emergency vehicle, and any
6 entity on whose behalf the driver is operating the authorized
7 emergency vehicle, shall not be liable for any injury or loss
8 arising from the operation of the authorized emergency vehicle
9 unless reckless disregard for the safety of persons or property
10 is proven by a preponderance of the evidence.

11 Sec. 7. Section 321.324A, Code 2021, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 3A. a. The driver of an authorized
14 emergency vehicle may operate the vehicle as part of a funeral
15 procession, and a peace officer may provide traffic control
16 relating to a funeral procession upon request or when necessary
17 for the safety of all persons.

18 b. Notwithstanding any provision of law to the contrary, an
19 authorized emergency vehicle operating in a funeral procession
20 or for traffic control relating to a funeral procession may
21 display any of the vehicle's lighting devices. This subsection
22 shall not be construed to exempt the driver of the authorized
23 emergency vehicle from any duty to operate the vehicle with due
24 regard for the safety of all persons.

25 Sec. 8. Section 321.433, Code 2021, is amended to read as
26 follows:

27 **321.433 Sirens, whistles, air horns, and bells prohibited.**

28 1. A vehicle shall not be equipped with and a person shall
29 not use upon a vehicle any siren, whistle, or bell, except as
30 otherwise permitted in this section or any other provision of
31 law.

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

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

5 4. An authorized emergency medical services program, fire
6 department, or law enforcement agency may equip one or more
7 vehicles with an air horn or a low-frequency siren.

8 5. An official fire department vehicle, emergency medical
9 services program vehicle, or law enforcement vehicle owned
10 by the state, a municipality, as defined in section 670.1,
11 or a corporation providing emergency medical services to
12 a municipality pursuant to a written contract, that was
13 purchased, delivered, or refurbished on or after July 1,
14 2021, excluding an all-terrain vehicle or a special service
15 vehicle, shall be equipped with a two-hundred-watt electric
16 or electronic siren capable of emitting at least two distinct
17 siren tones, and one or more compatible siren speakers.

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

28 7. For purposes of this section:

29 a. "Electric siren" means an audible warning device that
30 produces sound using an electric motor with an attached
31 rotating slotted or perforated disc.

32 b. "Electronic siren" means an audible warning device
33 that produces sound electronically using amplifiers and
34 electromagnetic speakers.

35 c. "Low-frequency siren" means a siren that produces

1 low-frequency sound waves and is used in addition to an
2 electric or electronic siren.

3 Sec. 9. Section 321.451, subsection 1, Code 2021, is amended
4 by adding the following new paragraphs:

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

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

29 Sec. 10. Section 321.451, Code 2021, is amended by adding
30 the following new subsections:

31 NEW SUBSECTION. 4. A public or private entity shall not
32 require an employee or volunteer to apply for or maintain
33 a certificate of designation pursuant to this section as a
34 condition of employment or of permitting the person to continue
35 to volunteer. A person shall not be required to operate or

1 use a vehicle designated as an authorized emergency vehicle
2 pursuant to this section.

3 NEW SUBSECTION. 5. This section shall not be construed
4 to exempt the state or a municipality, as defined in section
5 670.1, from any duty to purchase, equip, maintain, or otherwise
6 provide authorized emergency vehicles to meet any requirement
7 to provide public services, including law enforcement, fire
8 protection, rescue, or emergency medical services.

9 Sec. 11. EFFECTIVE DATE. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 Sec. 12. APPLICABILITY. The following applies to causes of
12 action accrued on or after the effective date of this Act:

13 The section of this Act enacting section 321.231B.

14 EXPLANATION

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

17 OPERATION IN EMERGENCY SITUATIONS. This bill allows the
18 driver of an authorized emergency vehicle to exercise the
19 privileges set forth in Code section 321.231 when in pursuit
20 of a perpetrator of an aggravated or serious misdemeanor, in
21 addition to the circumstances allowed under current law. Under
22 such circumstances, the bill allows the driver of an authorized
23 emergency vehicle to drive the vehicle on the shoulder or
24 median of a highway, to disregard laws or regulations governing
25 turning the vehicle in specified directions, and to disregard
26 laws or regulations governing overtaking or passing other
27 motorists. The bill also allows the drivers of official
28 fire department vehicles, police vehicles, rescue vehicles,
29 ambulances, emergency medical services vehicles, emergency
30 management vehicles, and peace officers riding a police
31 bicycle to proceed past a red or stop signal or stop sign,
32 but only after slowing down to a speed deemed necessary for
33 safe operation by the driver based on information known to the
34 driver at the time, and to exceed the maximum speed limits
35 so long as the driver does not recklessly endanger life or

1 property.

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

19 The bill provides that the driver of an authorized emergency
20 vehicle transporting a patient to a hospital is not required
21 to use an audible warning or visual signaling device while
22 exceeding a speed limit if a certified emergency medical care
23 provider reasonably believes the patient's condition warrants
24 rapid transport.

25 The bill further provides that a peace officer operating an
26 authorized emergency vehicle may execute a pursuit intervention
27 technique, as defined in the bill, if such execution is
28 reasonable under the circumstances based on the information
29 perceived by the officer at the time, and the officer
30 has completed a training course approved by the Iowa law
31 enforcement academy that instructs participants in the proper
32 execution of pursuit intervention techniques.

33 By operation of law, a violation of these provisions of the
34 bill is punishable by a scheduled fine of \$135.

35 PARADES AND EVENTS. The bill allows the driver of an

1 authorized emergency vehicle to operate the vehicle as part of
2 an official governmental event for the purposes of the safety
3 and security of an elected official, candidate for public
4 office, or the public, or as part of a parade or other public
5 service event if the parade or event is approved by the state
6 or a municipality at least one day prior to the date on which
7 the parade or event will occur. In addition, the bill allows
8 an authorized emergency vehicle to operate in a parade or event
9 while displaying the vehicle's lighting devices.

10 IMMUNITY FROM LIABILITY. The bill provides that a certified
11 fire fighter, emergency medical care provider, peace officer,
12 reserve peace officer, or emergency management agency employee
13 who has completed certain training, or an associated entity,
14 shall not be liable for any consequence of injury or loss
15 arising from the operation of an authorized emergency vehicle
16 in response to an emergency call or to an incident dangerous
17 to the public unless the vehicle is operated with reckless
18 disregard for the safety of persons or property. This
19 provision of the bill only applies when, in response to an
20 emergency call or to an incident dangerous to the public,
21 the authorized emergency vehicle is making use of a siren or
22 flashing blue and red lights.

23 The bill specifies that the driver of an authorized
24 emergency vehicle shall not be liable for any injury or loss
25 arising from the operation of the vehicle unless reckless
26 disregard for the safety of persons or property is proven by a
27 preponderance of the evidence.

28 FUNERAL PROCESSIONS. The bill authorizes a driver of an
29 authorized emergency vehicle to operate the vehicle as part of
30 a funeral procession, and a peace officer may provide traffic
31 control upon request or when necessary for the safety of all
32 persons. The bill allows an authorized emergency vehicle
33 operating in a funeral procession to display the vehicle's
34 lighting devices.

35 SIRENS AND AIR HORNS. The bill allows an authorized

1 emergency medical services program, fire department, or law
2 enforcement agency to equip one or more vehicles with an
3 air horn or low-frequency siren. The bill requires certain
4 vehicles purchased, delivered, or refurbished on or after July
5 1, 2021, to be equipped with a 200-watt electric or electronic
6 siren capable of emitting at least two distinct siren tones,
7 and one or more compatible siren speakers.

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

18 By operation of law, a violation of this provision is
19 punishable by a scheduled fine of \$45.

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

31 The bill prohibits a public or private entity from requiring
32 an employee or volunteer to apply for or maintain a certificate
33 of designation for an authorized emergency vehicle, and from
34 requiring a person to operate or use an authorized emergency
35 vehicle.

H.F. 721

1 EFFECTIVE DATE AND APPLICABILITY. The bill takes effect
2 upon enactment, and Code section 321.231B (limiting liability
3 for certain authorized emergency vehicle operators), as enacted
4 in the bill, applies to causes of action accrued on or after
5 the effective date of the bill.