

**House File 753 - Introduced**

HOUSE FILE 753

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 5)

**A BILL FOR**

1 An Act relating to unintentionally causing the death of a  
2 person by operating a motor vehicle at an excessive speed,  
3 providing penalties, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.6A, subsection 2, Code 2021, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. Exceeding a speed limit established or  
4 posted pursuant to section 262.68, section 321.236, subsection  
5 5 or 11, section 321.236, subsection 13, paragraph "a", section  
6 321.285, section 321.288, subsection 2, paragraph "f", or  
7 section 321.289, 321.290, 321.293, 321.295, or 461A.36, by  
8 twenty-five miles per hour or more, if the death of the other  
9 person directly or indirectly results from the violation. This  
10 paragraph does not apply to a member of a public safety agency,  
11 as defined in section 34.1, performing official duties.

12 EXPLANATION

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

15 This bill provides that a person commits a class "C" felony  
16 when the person unintentionally causes the death of another  
17 by exceeding a speed limit established or posted pursuant  
18 to Code section 262.68 (speed limits on board of regents  
19 grounds), Code section 321.236(5) (power of local authorities  
20 to regulate speed in public parks) or (11) (power of local  
21 authorities to regulate speed in public alleys), Code section  
22 321.236(13)(a) (power of local authorities to regulate speed  
23 in rural residence districts), Code section 321.285 (general  
24 speed restrictions), Code section 321.288(2)(f) (reduced speed  
25 in road work zones), or Code section 321.289 (speed signs),  
26 321.290 (special restrictions), 321.293 (local authorities  
27 may alter limits), 321.295 (limitation on bridge or elevated  
28 structures), or 461A.36 (speed limits in state parks and  
29 preserves), by 25 miles per hour or more, if the death of the  
30 other person directly or indirectly results from the violation.  
31 A class "C" felony is punishable by confinement for no more  
32 than 10 years and a fine of at least \$1,370 but not more than  
33 \$13,660. The bill exempts members of a public safety agency  
34 performing official duties from this provision.

35 By operation of law, a person who commits a violation

1 under the bill is subject to driver's license suspension for  
2 vehicular homicide (Code section 321.210D) and is disqualified  
3 from operating a commercial motor vehicle for one year (Code  
4 section 321.208). In addition, the person is prohibited from  
5 being admitted to bail during the appeal process (Code section  
6 811.1). If the person fails to remain at the scene of the  
7 accident in violation of Code section 321.261, the person  
8 must also be denied parole or work release until the person  
9 has served at least seven-tenths of the maximum term of the  
10 person's sentence (Code section 902.12).

11 Under Code section 707.6A(4), a person who unintentionally  
12 causes a serious injury by the means described in the bill is  
13 guilty of a class "D" felony. A class "D" felony is punishable  
14 by confinement for no more than five years and a fine of at  
15 least \$1,025 but not more than \$10,245.