

House Study Bill 84 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BEST)

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 an
5 actual or suspected perpetrator of a felony or misdemeanor, or
6 in response to an incident dangerous to the public, or when
7 responding to but not upon returning from a fire alarm, may
8 exercise the privileges set forth in this section.

9 Sec. 2. Section 321.231, subsections 3 and 4, Code 2021, are
10 amended to read as follows:

11 3. The driver of a an official fire department vehicle,
12 police vehicle, rescue vehicle, ~~or~~ ambulance, emergency
13 management vehicle, or emergency medical services vehicle, or a
14 peace officer riding a police bicycle in the line of duty, may
15 do any of the following:

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

21 b. Exceed the maximum speed limits so long as the driver
22 ~~does not endanger life or property~~ acts reasonably and in good
23 faith.

24 4. a. The exemptions granted to the driver of an authorized
25 emergency vehicle under subsection 2 and to a the driver of
26 an official fire department vehicle, police vehicle, rescue
27 vehicle, ~~or~~ ambulance, emergency management vehicle, or
28 emergency medical services vehicle as provided in subsection 3
29 shall apply only when such vehicle is making use of an audible
30 signaling warning device meeting the requirements of section
31 321.433 or a ~~visual signaling device~~, ~~except that use of an~~
32 ~~audible or visual signaling device shall not be required when~~
33 exercising the emergency lights authorized under this chapter.

34 b. The exemption granted under subsection 3, paragraph
35 "b", ~~when the vehicle is operated by a peace officer~~ shall be

1 granted to a peace officer or reserve peace officer operating
2 an authorized emergency vehicle without using an audible
3 warning device or emergency lights if such action does not
4 recklessly endanger persons or property, and if the officer
5 is pursuing a suspected violator of the speed restrictions
6 imposed by or pursuant to this chapter for the purpose of
7 determining the speed of travel of such suspected violator,
8 or if the officer reasonably believes based on the facts and
9 circumstances at the time that a suspected violator's knowledge
10 of the officer's proximity may cause the suspected violator
11 to destroy evidence of a suspected felony or aggravated
12 misdemeanor, evade apprehension, or endanger the public or the
13 officer.

14 c. The exemption granted under subsection 3, paragraph
15 "b", shall be granted to the driver of an authorized emergency
16 vehicle transporting a patient to a hospital without using
17 the vehicle's emergency lights or audible warning device if a
18 certified emergency medical care provider reasonably believes
19 the patient's condition warrants limited use of the vehicle's
20 emergency lights or audible warning device, provided the driver
21 activates the vehicle's audible warning device when necessary
22 to warn motorists or pedestrians of the vehicle's approach, or
23 when approaching an intersection.

24 Sec. 3. Section 321.231, Code 2021, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 3A. A peace officer operating an authorized
27 emergency vehicle may execute a pursuit intervention technique
28 if such execution is reasonable under the circumstances based
29 on the information available to the officer at the time, and
30 the officer has completed a training course approved by the
31 Iowa law enforcement academy that instructs participants in
32 the proper execution of pursuit intervention techniques. For
33 purposes of this subsection, "*pursuit intervention technique*"
34 means a method by which a peace officer operating a motor
35 vehicle in pursuit of a fleeing motor vehicle causes or

1 attempts to cause the fleeing motor vehicle to stop, including
2 by use of reasonable force. This subsection shall not be
3 construed to limit a peace officer's objectively reasonable use
4 of force in connection with a pursuit.

5 Sec. 4. NEW SECTION. 321.231A **Authorized emergency vehicles**
6 **— parades and events.**

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

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

23 Sec. 5. NEW SECTION. 321.231B **Authorized emergency vehicles**
24 **— immunity from liability.**

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

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

1 established or approved by the fire service training bureau.

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

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

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

24 **e.** Any governmental or private entity on whose behalf the
25 fire fighter, emergency medical care provider, peace officer,
26 reserve peace officer, or emergency management agency employee
27 is operating the authorized emergency vehicle.

28 **2.** The protections from liability set forth in subsection
29 1 apply only when, in response to an emergency call or to an
30 incident dangerous to the public, the driver operating the
31 authorized emergency vehicle is utilizing a siren meeting the
32 requirements of section 321.433 or flashing blue and red lights
33 authorized under this chapter. The protections from liability
34 provided by subsection 1 apply in addition to any other defense
35 to liability provided by law.

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

8 Sec. 6. Section 321.324A, Code 2021, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 3A. a. The driver of an authorized
11 emergency vehicle may operate the vehicle as part of a funeral
12 procession if approved by each municipality, as defined in
13 section 670.1, in which the funeral procession occurs.

14 b. Notwithstanding any provision of law to the contrary, an
15 authorized emergency vehicle operating in a funeral procession
16 may display any of the vehicle's lighting devices. This
17 subsection shall not be construed to exempt the driver of the
18 authorized emergency vehicle from any duty to operate the
19 vehicle with due regard for the safety of all persons.

20 Sec. 7. Section 321.433, Code 2021, is amended to read as
21 follows:

22 **321.433 Sirens, whistles, air horns, and bells prohibited.**

23 1. A vehicle shall not be equipped with and a person shall
24 not use upon a vehicle any siren, whistle, or bell, except as
25 otherwise permitted in this section or any other provision of
26 law.

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

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

35 4. An authorized emergency medical services program, fire

1 department, or law enforcement agency may equip one or more
2 vehicles with an air horn.

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

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

23 7. For purposes of this section:

24 a. "Electric siren" means an audible warning device that
25 produces sound using an electric motor with an attached
26 rotating slotted or perforated disc.

27 b. "Electronic siren" means an audible warning device
28 that produces sound electronically using amplifiers and
29 electromagnetic speakers.

30 Sec. 8. Section 321.451, subsection 1, Code 2021, is amended
31 by adding the following new paragraphs:

32 NEW PARAGRAPH. g. A vehicle owned or operated by a
33 certified chief or certified fire officer of a volunteer fire
34 department, a fire department comprised of a combination of
35 volunteer and paid members, or a nonprofit corporation that

1 delivers emergency services on behalf of a municipality, as
2 defined in section 670.1, pursuant to a written contract, if
3 the application for a certificate of designation is requested
4 by the chief of the fire department. However, the department
5 shall not approve an application received pursuant to this
6 paragraph unless the owner or operator, as applicable, of the
7 vehicle has completed an emergency vehicle operations course
8 approved by the fire service training bureau, as described
9 in section 100B.6, provided proof of certification as a fire
10 officer, and provided proof of financial liability coverage or
11 risk pool coverage.

12 NEW PARAGRAPH. *h.* A vehicle owned or operated by a chief
13 or medical director of an authorized emergency medical service
14 provider, if the application for a certificate of designation
15 is requested by a medical director of, a medical officer of, or
16 the chief of the authorized emergency medical service provider.
17 However, the department shall not approve an application
18 received pursuant to this paragraph unless the owner or
19 operator, as applicable, of the vehicle has completed an
20 emergency vehicle operations course approved by the department
21 of public health, and provided proof of financial liability
22 coverage or risk pool coverage.

23 Sec. 9. Section 321.451, Code 2021, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 4. A public or private employer shall
26 not require an employee or volunteer to apply for or maintain
27 a certificate of designation pursuant to this section as a
28 condition of employment or of permitting the person to continue
29 to volunteer. A person shall not be required to operate or
30 use a vehicle designated as an authorized emergency vehicle
31 pursuant to this section.

32 NEW SUBSECTION. 5. This section shall not be construed
33 to exempt the state or a municipality, as defined in section
34 670.1, from any duty to purchase, equip, maintain, or otherwise
35 provide authorized emergency vehicles to meet any requirement

1 to provide public services, including law enforcement, fire
2 protection, rescue, or emergency medical services.

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

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

7 The section of this Act enacting section 321.231B.

8 EXPLANATION

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

11 OPERATION IN EMERGENCY SITUATIONS. This bill allows
12 the driver of an authorized emergency vehicle to exercise
13 the privileges set forth in Code section 321.231 when in
14 pursuit of a perpetrator of a misdemeanor, in addition to
15 the circumstances allowed under current law. The bill also
16 allows the drivers of official fire department vehicles, police
17 vehicles, rescue vehicles, ambulances, emergency management
18 vehicles, emergency medical services vehicles, and peace
19 officers riding a police bicycle to proceed past a red or
20 stop signal or stop sign, but only after slowing down as an
21 emergency vehicle driver may deem reasonable for safe operation
22 in the same or similar circumstances based on information known
23 to the driver at the time, and to exceed the maximum speed
24 limits so long as the driver acts reasonably and in good faith.

25 Under current law, authorized emergency vehicles are
26 permitted to operate in this manner only when such vehicles are
27 making use of an audible or visual signaling device, except a
28 vehicle operated by a peace officer is not required to use an
29 audible or visual signaling device if the officer is pursuing a
30 suspected violator of a speed limit. The bill instead requires
31 the use of an audible warning device or emergency lights, and
32 provides that a peace officer is not required to use an audible
33 warning device or emergency lights if the officer reasonably
34 believes based on the facts and circumstances at the time that
35 a suspected violator's knowledge of the officer's proximity may

1 cause the suspected violator to destroy evidence of a suspected
2 felony or aggravated misdemeanor, evade apprehension, or
3 endanger the public or the officer. However, the bill permits
4 such action only if the action does not recklessly endanger
5 persons or property.

6 The bill provides that the driver of an authorized emergency
7 vehicle transporting a patient to a hospital is not required
8 to use emergency lights or an audible warning device while
9 exceeding a speed limit if a certified emergency medical care
10 provider reasonably believes the patient's condition warrants
11 limited use of the vehicle's emergency lights or audible
12 warning device, provided the driver activates the vehicle's
13 audible warning device when necessary to warn motorists or
14 pedestrians of the vehicle's approach, or when approaching an
15 intersection.

16 The bill further provides that a peace officer operating an
17 authorized emergency vehicle may execute a pursuit intervention
18 technique, as defined in the bill, if such execution is
19 reasonable under the circumstances based on the information
20 available to the officer at the time, and the officer
21 has completed a training course approved by the Iowa law
22 enforcement academy that instructs participants in the proper
23 execution of pursuit intervention techniques.

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

26 PARADES AND EVENTS. The bill allows the driver of an
27 authorized emergency vehicle to operate the vehicle as part of
28 an official governmental event for the purposes of the safety
29 and security of an elected official, candidate for public
30 office, or the public, or as part of a parade or other public
31 service event if the parade or event is approved by the state
32 or a municipality and notice of the parade or event is publicly
33 disseminated by the state or municipality at least five days
34 prior to the date on which the parade or event will occur. In
35 addition, the bill allows an authorized emergency vehicle to

1 operate in a parade or event while displaying the vehicle's
2 lighting devices.

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

15 The bill specifies that the driver of an authorized
16 emergency vehicle shall not be liable for any injury or loss
17 arising from the operation of the vehicle unless reckless
18 disregard for the safety of persons or property is proven by a
19 preponderance of the evidence.

20 FUNERAL PROCESSIONS. The bill authorizes a driver of an
21 authorized emergency vehicle to operate the vehicle as part of
22 a funeral procession if approved by each municipality in which
23 the funeral procession occurs. The bill allows an authorized
24 emergency vehicle operating in a funeral procession to display
25 the vehicle's lighting devices.

26 SIRENS AND AIR HORNS. The bill allows an authorized
27 emergency medical services program, fire department, or law
28 enforcement agency to equip one or more vehicles with an air
29 horn. The bill requires such vehicles purchased, delivered,
30 or refurbished on or after July 1, 2021, to be equipped with
31 a 200-watt electric or electronic siren capable of emitting
32 at least two distinct siren tones, and one or more compatible
33 siren speakers.

34 The bill prohibits an authorized emergency vehicle's siren,
35 whistle, air horn, or bell from being used except when the

1 vehicle is operated in response to an emergency call or to an
2 incident dangerous to the public, in a parade or designated
3 public service event, for a demonstration, for maintenance, or
4 in the immediate pursuit of an actual or suspected violator
5 of the law. The bill requires the driver of the vehicle to
6 sound the siren, whistle, air horn, or bell when the driver
7 reasonably believes necessary to warn pedestrians and other
8 drivers of the approach of the vehicle.

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

11 DESIGNATION AS AUTHORIZED EMERGENCY VEHICLE. The bill
12 includes in the list of vehicles authorized to be designated
13 as authorized emergency vehicles those vehicles owned by a
14 certified chief or certified fire officer of a volunteer fire
15 department, a fire department comprised of a combination of
16 volunteer and paid members, or a nonprofit corporation that
17 delivers emergency services; and vehicles owned by a chief or
18 medical director of an authorized emergency medical service
19 provider. The bill requires the completion of certain training
20 and proof of financial liability coverage or risk pool coverage
21 to obtain the designation.

22 The bill prohibits a public or private employer from
23 requiring an employee or volunteer to apply for or maintain a
24 certificate of designation for an authorized emergency vehicle,
25 and from requiring a person to operate or use an authorized
26 emergency vehicle.

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