

Senate File 333 - Introduced

SENATE FILE 333

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 72)

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, subsection 2, Code 2021, is amended
10 by adding the following new paragraphs:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 1. The driver of an authorized emergency vehicle may operate
10 the vehicle as part of an official governmental event for the
11 purposes of the safety and security of an elected official,
12 candidate for public office, or the public, or as part of a
13 parade or other public service event if the parade or event is
14 approved by the state or a municipality, as defined in section
15 670.1, at least one day prior to the date on which the parade or
16 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. 6. NEW SECTION. 321.231B **Authorized emergency vehicles**
24 **— immunity from liability.**

25 1. The following shall not be liable for the consequence of
26 any injury or loss arising from the operation of an authorized
27 emergency vehicle in response to an emergency call or to an
28 incident dangerous to the public unless the driver operates the
29 authorized emergency vehicle with reckless disregard for the
30 safety of persons or 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
34 operator, or an operator who has completed an emergency vehicle
35 operations course and any applicable continuing education

1 requirements established or approved by the fire service
2 training bureau.

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

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

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

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

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

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

4 3. a. The driver of an authorized emergency vehicle,
5 and any entity on whose behalf the driver is operating the
6 authorized emergency vehicle, shall not be liable for any
7 injury or loss arising from the operation of the authorized
8 emergency vehicle unless reckless disregard for the safety
9 of persons or property is proven by a preponderance of the
10 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, this state, or any other entity on whose behalf
14 the driver is operating the authorized emergency vehicle, for
15 any injury or loss arising from the operation of the authorized
16 emergency vehicle, the court shall determine, on motion by any
17 party or on its own motion, whether the person has presented
18 sufficient, admissible evidence to support a prima facie
19 finding of recklessness before the matter proceeds to trial.

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

22 NEW SUBSECTION. 3A. a. The driver of an authorized
23 emergency vehicle may operate the vehicle as part of a funeral
24 procession, and a peace officer may provide traffic control
25 relating to a funeral procession upon request or when necessary
26 for the safety of all persons.

27 b. Notwithstanding any provision of law to the contrary, an
28 authorized emergency vehicle operating in a funeral procession
29 or for traffic control relating to a funeral procession may
30 display any of the vehicle's lighting devices. This subsection
31 shall not be construed to exempt the driver of the authorized
32 emergency vehicle from any duty to operate the vehicle with due
33 regard for the safety of all persons.

34 Sec. 8. Section 321.433, Code 2021, is amended to read as
35 follows:

1 **321.433 Sirens, whistles, air horns, and bells prohibited.**

2 1. A vehicle shall not be equipped with and a person shall
3 not use upon a vehicle any siren, whistle, or bell, except as
4 otherwise permitted in this section or any other provision of
5 law.

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

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

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

17 5. An official fire department vehicle, emergency medical
18 services program vehicle, or law enforcement vehicle owned
19 by the state, a municipality, as defined in section 670.1,
20 or a corporation providing emergency medical services to
21 a municipality pursuant to a written contract, that was
22 purchased, delivered, or refurbished on or after July 1,
23 2021, excluding an all-terrain vehicle or a special service
24 vehicle, shall be equipped with a two-hundred-watt electric
25 or electronic siren capable of emitting at least two distinct
26 siren tones, and one or more compatible siren speakers.

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

1 of the vehicle.

2 7. For purposes of this section:

3 a. "Electric siren" means an audible warning device that
4 produces sound using an electric motor with an attached
5 rotating slotted or perforated disc.

6 b. "Electronic siren" means an audible warning device
7 that produces sound electronically using amplifiers and
8 electromagnetic speakers.

9 c. "Low-frequency siren" means a siren that produces
10 low-frequency sound waves and is used in addition to an
11 electric or electronic siren.

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

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

28 NEW PARAGRAPH. h. A vehicle owned by a chief, medical
29 director, or certified medical provider of an authorized
30 emergency medical service, if the application for a certificate
31 of designation is requested by the chief, medical officer, or
32 medical director of the authorized emergency medical service.
33 However, the department shall not approve an application
34 received pursuant to this paragraph unless the owner of the
35 vehicle has completed an emergency vehicle operations course

1 approved by the department of public health, and provided proof
2 of financial liability coverage or risk pool coverage.

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

5 NEW SUBSECTION. 4. A public or private entity shall not
6 require an employee or volunteer to apply for or maintain
7 a certificate of designation pursuant to this section as a
8 condition of employment or of permitting the person to continue
9 to volunteer. A person shall not be required to operate or
10 use a vehicle designated as an authorized emergency vehicle
11 pursuant to this section.

12 NEW SUBSECTION. 5. This section shall not be construed
13 to exempt the state or a municipality, as defined in section
14 670.1, from any duty to purchase, equip, maintain, or otherwise
15 provide authorized emergency vehicles to meet any requirement
16 to provide public services, including law enforcement, fire
17 protection, rescue, emergency medical services, or emergency
18 management.

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

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

23 The section of this Act enacting section 321.231B.

24 EXPLANATION

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

27 OPERATION IN EMERGENCY SITUATIONS. This bill allows
28 the driver of an authorized emergency vehicle to exercise
29 the privileges set forth in Code section 321.231 when in
30 pursuit of a perpetrator of a misdemeanor, in addition to
31 the circumstances allowed under current law. Under such
32 circumstances, the bill allows the driver of an authorized
33 emergency vehicle to drive the vehicle on the shoulder or
34 median of a highway, to disregard laws or regulations governing
35 turning the vehicle in specified directions, and to disregard

1 laws or regulations governing overtaking or passing other
2 motorists. The bill also allows the drivers of official
3 fire department vehicles, police vehicles, rescue vehicles,
4 ambulances, emergency medical services vehicles, emergency
5 management vehicles, and peace officers riding a police bicycle
6 to proceed past a red or stop signal or stop sign, but only
7 after slowing down to or maintaining a speed deemed necessary
8 for safe operation by the driver based on information known to
9 the driver at the time, and to exceed the maximum speed limits
10 so long as the driver does not recklessly endanger life or
11 property.

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

29 The bill provides that the driver of an authorized emergency
30 vehicle transporting a patient to a hospital is not required
31 to use an audible warning or visual signaling device while
32 exceeding a speed limit if a certified emergency medical care
33 provider reasonably believes the patient's condition warrants
34 rapid transport.

35 The bill further provides that a peace officer operating an

1 authorized emergency vehicle may execute a pursuit intervention
2 technique, as defined in the bill, if such execution is
3 reasonable under the circumstances based on the information
4 perceived by the officer at the time, and the officer
5 has completed a training course approved by the Iowa law
6 enforcement academy that instructs participants in the proper
7 execution of pursuit intervention techniques.

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

10 PARADES AND EVENTS. The bill allows the driver of an
11 authorized emergency vehicle to operate the vehicle as part of
12 an official governmental event for the purposes of the safety
13 and security of an elected official, candidate for public
14 office, or the public, or as part of a parade or other public
15 service event if the parade or event is approved by the state
16 or a municipality at least one day prior to the date on which
17 the parade or event will occur. In addition, the bill allows
18 an authorized emergency vehicle to operate in a parade or event
19 while displaying the vehicle's lighting devices.

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

33 The bill specifies that the driver of an authorized
34 emergency vehicle shall not be liable for any injury or loss
35 arising from the operation of the vehicle unless reckless

1 disregard for the safety of persons or property is proven by
2 a preponderance of the evidence. If a person brings a tort
3 claim against the driver of an authorized emergency vehicle, a
4 municipality, or the state for any injury or loss arising from
5 the operation of the authorized emergency vehicle, the bill
6 requires a court to determine, on motion by any party or on
7 its own motion, whether the person has presented sufficient,
8 admissible evidence to support a prima facie finding of
9 recklessness before the matter 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, and a peace officer may provide traffic
13 control upon request or when necessary for the safety of all
14 persons. The bill allows an authorized emergency vehicle
15 operating in a funeral procession to display the vehicle's
16 lighting devices.

17 SIRENS AND AIR HORNS. The bill allows an authorized
18 emergency medical services program, fire department, or law
19 enforcement agency to equip one or more vehicles with an
20 air horn or low-frequency siren. The bill requires certain
21 vehicles purchased, delivered, or refurbished on or after July
22 1, 2021, to be equipped with a 200-watt electric or electronic
23 siren capable of emitting at least two distinct siren tones,
24 and one or more compatible siren speakers.

25 The bill prohibits an authorized emergency vehicle's siren,
26 whistle, air horn, or bell from being used except when the
27 vehicle is operated in response to an emergency call or to an
28 incident dangerous to the public, in a parade or designated
29 public service event, for a demonstration, for maintenance, or
30 in the immediate pursuit of an actual or suspected violator
31 of the law. The bill requires the driver of the vehicle to
32 sound the siren, whistle, air horn, or bell when the driver
33 reasonably believes necessary to warn pedestrians and other
34 drivers of the approach of the vehicle.

35 By operation of law, a violation of this provision is

1 punishable by a scheduled fine of \$45.

2 DESIGNATION AS AUTHORIZED EMERGENCY VEHICLE. The bill
3 includes in the list of vehicles authorized to be designated
4 as authorized emergency vehicles those vehicles owned by a
5 certified chief or certified fire officer of a volunteer fire
6 department, a fire department comprised of a combination
7 of volunteer and paid members, or a nonprofit corporation
8 that delivers emergency services; and vehicles owned by a
9 chief, medical director, or certified medical provider of an
10 authorized emergency medical service. The bill requires the
11 completion of certain training and proof of financial liability
12 coverage or risk pool coverage to obtain the designation.

13 The bill prohibits a public or private entity from requiring
14 an employee or volunteer to apply for or maintain a certificate
15 of designation for an authorized emergency vehicle, and from
16 requiring a person to operate or use an authorized emergency
17 vehicle.

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