

Senate File 449 - Introduced

SENATE FILE 449
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 301)

(COMPANION TO HF 524 BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

1 An Act relating to motor vehicle accidents resulting in injury
2 or death, and making penalties applicable.

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

1 Section 1. Section 321.209, subsection 3, Code 2021, is
2 amended to read as follows:

3 3. Failure to stop and render aid as required under the laws
4 of this state or to otherwise comply with section 321.261 in
5 the event of a motor vehicle accident resulting in the death
6 or personal injury of another.

7 Sec. 2. Section 321.261, subsection 1, Code 2021, is amended
8 to read as follows:

9 1. a. The driver of any vehicle who knows or has reason to
10 believe that the driver's vehicle was involved in an accident
11 resulting in injury to or death of any person shall immediately
12 stop the vehicle at the scene of the accident or as close as
13 possible and if able, shall then return to and remain at the
14 scene of the accident in accordance with section 321.263.

15 Every such stop shall be made without obstructing traffic more
16 than is necessary.

17 b. If the driver of a vehicle leaves the scene of an
18 accident resulting in injury to or death of a person without
19 knowledge or reason to believe that the driver's vehicle was
20 involved in the accident, and later discovers that the driver's
21 vehicle may have been involved in an accident that resulted in
22 injury to or death of a person, the driver shall, as soon as
23 reasonably possible, make a good-faith effort to immediately
24 contact emergency services or make a 911 call and provide the
25 dispatcher with any requested information described in section
26 321.263 and the location and possible time of the accident.

27 Sec. 3. Section 321.261, subsections 3 and 4, Code 2021, are
28 amended to read as follows:

29 3. a. Notwithstanding subsection 2, any person failing to
30 stop or to comply with the requirements in subsection 1, in
31 the event of an accident resulting in a serious injury to any
32 person, is guilty upon conviction of an aggravated misdemeanor.

33 b. Notwithstanding paragraph "a", any person failing to stop
34 or to comply with the requirements in subsection 1, who causes
35 the accident resulting in a serious injury to any person, is

1 guilty upon conviction of a class "D" felony.

2 c. For purposes of this section subsection, "serious injury"
3 means as defined in section 702.18.

4 4. a. A person failing to stop or to comply with the
5 requirements in subsection 1, in the event of an accident
6 resulting in the death of a person, is guilty upon conviction
7 of a class "D" felony.

8 b. Notwithstanding paragraph "a", a person failing to stop
9 or to comply with the requirements in subsection 1, who causes
10 the accident resulting in the death of a person, is guilty upon
11 conviction of a class "C" felony.

12 Sec. 4. Section 321.261, Code 2021, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. Notwithstanding any other provision
15 of law to the contrary, any person who has suffered physical,
16 emotional, or financial harm as the result of a motor vehicle
17 accident from which another person who caused the accident
18 failed to stop or to comply with the requirements of subsection
19 1, as described in subsection 3, paragraph "b", and subsection
20 4, paragraph "b", shall be considered a victim pursuant to
21 chapter 915, subchapter II, for purposes of any related
22 proceedings against the other person.

23 Sec. 5. Section 321.555, subsection 1, paragraph f, Code
24 2021, is amended to read as follows:

25 f. Failure to stop and leave information, ~~or~~ to render aid
26 ~~as required by~~, or to otherwise comply with sections 321.261
27 and 321.263.

28 EXPLANATION

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

31 Under current law, the driver of a vehicle involved in an
32 accident resulting in injury to or death of a person must
33 immediately stop the vehicle at the scene of the accident or
34 as close as possible and if able, must then return to and
35 remain at the scene of the accident. This bill applies the

1 provision to a driver who knows or has reason to believe that
2 the driver's vehicle was involved in an accident resulting in
3 injury to or death of a person.

4 The bill provides that if a driver leaves the scene of an
5 accident resulting in injury to or death of a person without
6 knowledge or reason to believe that the driver's vehicle was
7 involved in the accident, and later discovers that the driver's
8 vehicle may have been involved in an accident that resulted in
9 injury to or death of a person, the driver must, as soon as
10 reasonably possible, make a good-faith effort to immediately
11 contact emergency services or make a 911 call and provide
12 the dispatcher with any requested information described in
13 Code section 321.263 and the location and possible time of
14 the accident. Under Code section 321.263, such information
15 includes the driver's name, address, registration number of
16 the vehicle or other information on the registration receipt,
17 driver's license information, and other identification data.

18 The bill specifies the difference between accidents caused
19 by a person and accidents involving a person that result in
20 serious injury or death, as it relates to penalties for persons
21 who fail to comply with Code section 321.261(1). The bill
22 also specifies that any person who has suffered physical,
23 emotional, or financial harm as the result of a motor vehicle
24 accident that results in serious injury or death and that was
25 caused by another person who failed to comply with Code section
26 321.261(1) must be considered a victim for purposes of any
27 related proceedings against the other person.

28 A person who violates Code section 321.261 relating to
29 an accident resulting in an injury is guilty of a serious
30 misdemeanor. A serious misdemeanor is punishable by
31 confinement for no more than one year and a fine of at least
32 \$430 but not more than \$2,560.

33 A person who violates Code section 321.261 relating
34 to an accident resulting in a serious injury is guilty of
35 an aggravated misdemeanor. An aggravated misdemeanor is

1 punishable by confinement for no more than two years and a fine
2 of at least \$855 but not more than \$8,540.

3 A person who violates Code section 321.261 relating to an
4 accident caused by the person resulting in a serious injury is
5 guilty of a class "D" felony. A class "D" felony is punishable
6 by confinement for no more than five years and a fine of at
7 least \$1,025 but not more than \$10,245.

8 A person who violates Code section 321.261 relating to an
9 accident resulting in death is guilty of a class "D" felony.

10 A person who violates Code section 321.261 relating to an
11 accident caused by the person resulting in death is guilty
12 of a class "C" felony. A class "C" felony is punishable by
13 confinement for no more than 10 years and a fine of at least
14 \$1,370 but not more than \$13,660.

15 A violation of Code section 321.261 is subject to mandatory
16 driver's license revocation under Code section 321.209, is
17 considered an offense for purposes of habitual offender status
18 under Code section 321.555, and may result in exclusion from an
19 automobile insurance policy under Code section 515D.4.