

Senate Study Bill 3019 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to traffic violations involving the approach
2 of certain stationary vehicles, including by providing for
3 reporting of violations, requiring investigations, and
4 providing for enforcement against vehicle owners.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.323B Prompt investigation of
2 reported violation on approach to stationary vehicle — citation
3 issued to driver or owner.

4 1. An operator of an authorized emergency vehicle, towing
5 or recovery vehicle, utility maintenance vehicle, municipal
6 maintenance vehicle, highway maintenance vehicle, construction
7 vehicle, or solid waste or recycling collection service
8 vehicle, whose vehicle is stationary and displaying flashing
9 lights, or any peace officer, who observes a violation of
10 section 321.323A, subsection 1 or 2, may prepare a written
11 report on a form provided by the department of public safety
12 indicating that a violation has occurred. The operator or
13 peace officer may deliver the report to a peace officer of the
14 state or a peace officer of the county or municipality where
15 the violation occurred, but must deliver the report not more
16 than seventy-two hours after the violation occurred. The
17 report must state the time and location of the violation and
18 must include the registration plate number and a description of
19 the vehicle involved in the violation.

20 2. Not more than seven calendar days after receiving a
21 report pursuant to subsection 1 of a violation of section
22 321.323A, subsection 1 or 2, the peace officer shall initiate
23 an investigation of the reported violation, contact the owner
24 of the motor vehicle involved in the reported violation, and
25 request that the owner supply information identifying the
26 person who was operating the motor vehicle in accordance with
27 section 321.484.

28 a. If the investigating peace officer identifies the person
29 who was operating the motor vehicle and has reasonable cause
30 to believe a violation of section 321.323A, subsection 1 or 2,
31 has occurred, the peace officer shall serve a uniform traffic
32 citation for the violation personally or by certified mail to
33 the identified person.

34 b. If the investigating peace officer has reasonable cause
35 to believe that a violation of section 321.323A, subsection

1 1 or 2, occurred but is unable to identify the person who
2 was operating the motor vehicle, the peace officer shall
3 serve a uniform traffic citation for the violation personally
4 or by certified mail to the owner of the motor vehicle.
5 Notwithstanding section 321.484, in a proceeding where the
6 peace officer who conducted the investigation was not able
7 to identify the person who was operating the motor vehicle,
8 proof that the motor vehicle described in the uniform traffic
9 citation was used to commit a violation of section 321.323A,
10 subsection 1 or 2, together with proof that the defendant named
11 in the citation was the owner of the motor vehicle at the time
12 the violation occurred, constitutes a permissible inference
13 that the owner was the person who committed the violation.

14 c. As used in this subsection, "owner" means a person who
15 holds the legal title to a motor vehicle; however, if the motor
16 vehicle is the subject of a security agreement with a right
17 of possession in the debtor, the debtor shall be deemed the
18 owner for purposes of this subsection, or if the motor vehicle
19 is leased as defined in section 321.493, the lessee shall be
20 deemed the owner for purposes of this subsection.

21 Sec. 2. Section 321.484, subsection 3, Code 2022, is amended
22 to read as follows:

23 3. If a peace officer as defined in [section 801.4](#) has
24 reasonable cause to believe the driver of a motor vehicle
25 has violated [section 321.261](#), [321.262](#), [321.264](#), [321.323A](#),
26 [321.341](#), [321.342](#), [321.343](#), [321.344](#), or [321.372](#), the officer may
27 request any owner of the motor vehicle to supply information
28 identifying the driver. When requested, the owner of the
29 vehicle shall identify the driver to the best of the owner's
30 ability. However, the owner of the vehicle is not required to
31 supply identification information to the officer if the owner
32 believes the information is self-incriminating.

33

EXPLANATION

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

1 Under current law, Code section 321.323A(1) and (2)
2 provide the operator of a motor vehicle must approach certain
3 stationary vehicles displaying flashing lights, including an
4 authorized emergency vehicle, towing or recovery vehicle,
5 utility maintenance vehicle, municipal maintenance vehicle,
6 highway maintenance vehicle, construction vehicle, and solid
7 waste or recycling collection service vehicle, with due caution
8 and must make a lane change into a lane not adjacent to the
9 stationary vehicle if possible, or reduce the speed of the
10 motor vehicle to a reasonable and proper speed and be prepared
11 to stop.

12 This bill authorizes the operator of a vehicle protected
13 under Code section 321.323A(1) or (2), or any peace officer,
14 who observes a violation of Code section 321.323A(1) or (2)
15 to file a written report within 72 hours of the violation to
16 a peace officer of the state or a peace officer of the county
17 or municipality where the violation occurred. The report
18 must include the time and location of the violation and the
19 registration plate number and a description of the vehicle
20 involved in the violation.

21 The bill requires the investigating peace officer to
22 contact the owner of the motor vehicle involved in the reported
23 violation within seven calendar days and request that the owner
24 supply information identifying the person who was operating the
25 motor vehicle in accordance with Code section 321.484. Code
26 section 321.484 provides, among other things, that the owner
27 of the vehicle shall identify the driver to the best of the
28 owner's ability. However, the owner of the vehicle is not
29 required to supply identification information to the officer if
30 the owner believes the information is self-incriminating.

31 If the investigating peace officer is able to identify the
32 person who was operating the motor vehicle and has reasonable
33 cause to believe the violation occurred, the peace officer must
34 serve a uniform traffic citation for the violation personally
35 or by certified mail to the identified person.

1 If the investigating peace officer has reasonable cause to
2 believe that the violation occurred but is unable to identify
3 the person who was operating the motor vehicle, the peace
4 officer must serve a uniform traffic citation for the violation
5 personally or by certified mail to the owner of the motor
6 vehicle. In a related proceeding, proof that the motor vehicle
7 described in the uniform traffic citation was used to commit
8 the violation, together with proof that the defendant named in
9 the citation was the owner of the motor vehicle at the time the
10 violation occurred, constitutes a permissible inference that
11 the owner was the person who committed the violation.

12 The bill defines "owner" as the term is used in the bill.

13 A person who violates Code section 321.323A commits a simple
14 misdemeanor punishable by a scheduled fine of \$135. If the
15 violation resulted in an accident causing bodily injury to or
16 the death of another person, the violator may be subject to
17 additional penalties including a fine of \$500 for a violation
18 causing bodily injury to another person, and a fine of \$1,000
19 for a violation causing death.

20 The department of transportation must suspend a person's
21 driver's license for 90 days after receiving a record of a
22 person's conviction for a violation which resulted in an
23 accident causing damage to the property of another, for 180
24 days for a violation which resulted in bodily injury to another
25 person, and for one year for a violation causing death.

26 A person who violates Code section 321.484 commits a simple
27 misdemeanor punishable by confinement for no more than 30 days
28 and a fine of at least \$105 but not more than \$855.

29 Similar provisions to those in the bill currently exist
30 under Code section 321.372A for school bus drivers who observe
31 violations of failing to obey school bus warning devices.