

**House File 2386 - Introduced**

HOUSE FILE 2386

BY GERHOLD

**A BILL FOR**

1 An Act relating to pedestrians, and making penalties  
2 applicable.

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

1 Section 1. Section 321.1, subsection 51, Code 2024, is  
2 amended to read as follows:

3 51. "Pedestrian" means ~~any~~ a person afoot or a person using  
4 a pedestrian conveyance.

5 Sec. 2. Section 321.1, Code 2024, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 51A. "Pedestrian conveyance" means any  
8 human-powered device by which a pedestrian may move other  
9 than by walking or by which a pedestrian may move another  
10 person, including but not limited to a wheelchair, stroller,  
11 skateboard, scooter, or other similar device. "Pedestrian  
12 conveyance" also includes an electric personal assistive  
13 mobility device and any other device used to move a person  
14 sitting or standing on the device regardless of whether the  
15 device is powered by an electric motor, so long as the electric  
16 motor produces less than seven hundred fifty watts. "Pedestrian  
17 conveyance" does not include a bicycle, except when ridden  
18 within a crosswalk.

19 Sec. 3. Section 321.1, subsection 90, paragraph a, Code  
20 2024, is amended to read as follows:

21 a. Any device moved by human power, including a low-speed  
22 electric bicycle and a pedestrian conveyance.

23 Sec. 4. Section 321.235A, subsection 2, paragraphs a and b,  
24 Code 2024, are amended to read as follows:

25 a. Yield the right-of-way to other pedestrians ~~and~~  
26 ~~human-powered devices~~.

27 b. Give an audible signal before overtaking and passing a  
28 pedestrian ~~or human-powered device~~.

29 Sec. 5. Section 321.366, subsection 1, paragraph g, Code  
30 2024, is amended to read as follows:

31 ~~g. Operate~~ Ride a bicycle, ~~skateboard,~~ or ~~other~~ use a  
32 pedestrian conveyance, or be a pedestrian, anywhere on a fully  
33 controlled-access facility. ~~For purposes of this paragraph,~~  
34 ~~"pedestrian conveyance" means any human-powered device by which~~  
35 ~~a pedestrian may move other than by walking or by which a~~

1 ~~walking person may move another pedestrian, including but not~~  
2 ~~limited to strollers and wheelchairs.~~

3 EXPLANATION

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

6 Under current law, for purposes of Code chapter 321 (motor  
7 vehicles and law of the road), "pedestrian" means any person  
8 afoot. This bill amends the definition to include a person  
9 using a pedestrian conveyance, as defined in the bill. In  
10 addition to devices moved by human-power, electric personal  
11 assistive mobility devices (Code section 321.1(20B)) and  
12 electric-powered devices that produce less than 750 watts are  
13 specifically included as a pedestrian conveyance.

14 The bill strikes a conflicting definition of pedestrian  
15 conveyance in Code section 321.366.

16 In Code chapter 321, the term "pedestrian" is used for  
17 purposes relating to required driver education awareness  
18 instruction, official traffic-control signals directing  
19 pedestrian traffic, and requirements for persons operating a  
20 motor vehicle to yield or give signals to pedestrians.

21 Code sections 321.325 through 321.340 provide pedestrians'  
22 rights and duties, which are applicable to persons using  
23 pedestrian conveyances under the bill. Pursuant to current  
24 law, generally, a person who commits a prohibited action  
25 against a pedestrian is guilty of a simple misdemeanor  
26 punishable by a \$35 scheduled fine (Code section 805.8A(9)).  
27 If applicable, Code section 321.482A enhances the fine and  
28 requires the department of transportation to suspend a person's  
29 driver's license in accordance with the Code section if the  
30 person is convicted of a specified violation, including certain  
31 actions against pedestrians and persons using pedestrian  
32 conveyances, that results in serious injury or death.

33 Under the bill, a bicyclist is only considered a pedestrian  
34 when riding a bicycle within a crosswalk, as bicyclists are  
35 otherwise subject to the provisions of Code chapter 321 and

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1 have all the rights and duties applicable to the driver of  
2 a vehicle, except those provisions which by their nature can  
3 have no application or those provisions for which specific  
4 exceptions have been set forth regarding police bicycles (Code  
5 section 321.234).