House File 2497 - Introduced

HOUSE FILE 2497 BY FORBES

A BILL FOR

- 1 An Act relating to drivers who fail to slow or stop when
- 2 approaching a school bus displaying flashing lights or a
- 3 stop signal arm, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 321.261, subsection 2, Code 2024, is 2 amended to read as follows:
- 3 2. Any person failing to stop or to comply with the
- 4 requirements in subsection 1 of this section, in the event of
- 5 an accident resulting in an injury to any person is guilty upon
- 6 conviction of a serious misdemeanor. If the violation occurs
- 7 in connection with a violation of section 321.372, subsection
- 8 3, the person is guilty upon conviction of an aggravated
- 9 misdemeanor.
- 10 Sec. 2. Section 321.372, subsection 5, paragraph b, Code
- 11 2024, is amended to read as follows:
- 12 b. A person convicted of a violation of subsection 3 is
- 13 subject to one of the following penalties, as applicable:
- 14 (1) (a) For a first offense under subsection 3 if no minor
- 15 pedestrian is present outside the school bus, the person is
- 16 guilty of a simple misdemeanor punishable by a fine of at least
- 17 three hundred forty-five dollars but not more than nine hundred
- 18 thirty dollars or by imprisonment for not more than thirty
- 19 days, or by both. The department may require the person to
- 20 attend and successfully complete, at the person's own expense,
- 21 a driver improvement program approved by the department in
- 22 lieu of driver's license suspension for the offense pursuant
- 23 to section 321.210.
- 24 (b) For a second or subsequent offense under subparagraph
- 25 division (a), the person is guilty of a serious misdemeanor.
- 26 (2) If a minor pedestrian is present outside the school bus,
- 27 the person commits a serious misdemeanor.
- 28 (3) If the person strikes a minor pedestrian, the person
- 29 commits an aggravated misdemeanor.
- 30 (4) If the person causes bodily injury, the person commits a
- 31 class "D" felony.
- 32 (5) If the person causes serious injury, as defined in
- 33 section 702.18, the person commits a class "C" felony.
- 34 (2) For a second or subsequent offense under subsection 3,
- 35 the person is guilty of a serious misdemeanor.

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- 1 Sec. 3. Section 321.372, subsection 5, Code 2024, is amended 2 by adding the following new paragraph:
- 3 NEW PARAGRAPH. c. As used in this subsection, "minor
- 4 pedestrian" means a person under the age of eighteen who was a
- 5 passenger or will be a passenger on a school bus, including but
- 6 not limited to such a person waiting for a school bus, entering
- 7 a school bus, or exiting a school bus, if the person is on
- 8 the roadway or immediately adjacent to the roadway on which a
- 9 school bus is being operated.
- 10 EXPLANATION
- 11 The inclusion of this explanation does not constitute agreement with 12 the explanation's substance by the members of the general assembly.
- 13 Current law requires the driver of any vehicle who knows or
- 14 has reason to believe that the driver's vehicle was involved
- 15 in an accident resulting in injury to or death of any person
- 16 to immediately stop the vehicle at the scene of the accident
- 17 or as close as possible and if able, return to and remain at
- 18 the scene of the accident. In addition, if the driver leaves
- 19 the scene of an accident resulting in injury to or death of a
- 20 person without knowledge or reason to believe that the driver's
- 21 vehicle was involved in the accident, and later discovers that
- 22 the driver's vehicle may have been involved in an accident that
- 23 resulted in injury to or death of a person, the driver must,
- 24 as soon as reasonably possible, make a good-faith effort to
- 25 immediately contact emergency services or make a 911 call and
- 26 provide the dispatcher with any requested information and the
- 27 location and possible time of the accident. This bill enhances
- 28 the penalty for a violation of this provision when a person
- 29 fails to yield or stop when required while approaching a school
- 30 bus when such failure results in injury. Such a violation
- 31 is an aggravated misdemeanor under the bill. An aggravated
- 32 misdemeanor is punishable by confinement for no more than two
- 33 years and a fine of at least \$855 but not more than \$8,540.
- 34 Under current law, a person operating a vehicle (driver)
- 35 is required to reduce the vehicle's speed to not more than 20

- 1 miles per hour when meeting a school bus with flashing amber 2 warning lamps, and must bring the vehicle to a complete stop 3 when the school bus stops and the stop signal arm is extended. 4 The driver must remain stopped until the stop signal arm is 5 retracted after which time the driver is authorized to proceed 6 with due caution. Additionally, a driver is prohibited from 7 overtaking or passing a school bus when red or amber warning 8 signal lights are flashing. The driver must bring the vehicle 9 to a complete stop no closer than 15 feet from the school bus 10 when the bus is stopped and the stop arm is extended, and the 11 driver must remain stopped until the stop arm is retracted and 12 the school bus resumes motion. 13 A driver who violates any of these provisions (school bus 14 provisions) commits a simple misdemeanor punishable by a fine 15 of at least \$340 but not more than \$930 or by imprisonment for 16 not more than 30 days, or by both. This fine is enhanced from 17 the standard simple misdemeanor fine of at least \$105 but not 18 more than \$855. However, the department of transportation 19 (DOT) may require a person to attend and successfully complete, 20 at the person's own expense, a driver improvement program 21 approved by the DOT in lieu of the DOT suspending the person's 22 driver's license pursuant to Code section 321.210. 23 The bill enhances and adds new criminal penalties if a driver 24 violates the school bus provisions, but does not affect the 25 option for a person to complete a driver improvement program in 26 lieu of a driver's license suspension for a first offense if no 27 minor pedestrian is present outside of a school bus. Under the bill, a driver commits a serious misdemeanor if the 28 29 violation occurs while a minor pedestrian is present outside 30 of a school bus. The bill defines "minor pedestrian" for 31 purposes of Code section 321.372(5). A serious misdemeanor is
- 35 commits an aggravated misdemeanor.

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32 punishable by confinement for no more than one year and a fine

Under the bill, a driver who strikes a minor pedestrian

33 of at least \$430 but not more than \$2,560.

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If a driver causes bodily injury, the driver commits a class 2 "D" felony. A class "D" felony is punishable by confinement 3 for no more than five years and a fine of at least \$1,025 but 4 not more than \$10,245.

If a driver causes serious injury, defined by reference as 6 a disabling mental illness, a bodily injury which (1) creates 7 a substantial risk of death, (2) causes serious permanent 8 disfigurement, or (3) causes protracted loss or impairment of 9 the function of any bodily member or organ, and any injury to 10 a child that requires surgical repair and necessitates the 11 administration of general anesthesia, including but not limited 12 to skull fractures, rib fractures, and metaphyseal fractures 13 of the long bones of children under the age of four years, 14 the driver commits a class "C" felony. A class "C" felony is 15 punishable by confinement for no more than 10 years and a fine

16 of at least \$1,370 but not more than \$13,660.