

House File 2568 - Introduced

HOUSE FILE 2568

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 586)

(SUCCESSOR TO HF 214)

A BILL FOR

1 An Act relating to nonvehicular traffic, including pedestrian
2 conveyances and bicyclists' right-of-way at certain
3 crosswalks, and making penalties applicable.
4 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.

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

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

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

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

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

28 Sec. 5. Section 321.327, subsection 1, Code 2024, is amended
29 to read as follows:

30 1. Where traffic-control signals are not in place
31 or in operation, the driver of a vehicle shall yield the
32 right-of-way, slowing down or stopping if need be to so yield,
33 to a pedestrian or a person riding a bicycle crossing the
34 roadway within any marked crosswalk or within any unmarked
35 crosswalk at an intersection, except as otherwise provided in

1 this chapter.

2 Sec. 6. Section 321.366, subsection 1, paragraph g, Code
3 2024, is amended to read as follows:

4 g. Operate Ride a bicycle, ~~skateboard, or other use a~~
5 pedestrian conveyance, or be a pedestrian, anywhere on a fully
6 controlled-access facility. ~~For purposes of this paragraph,~~
7 ~~"pedestrian conveyance" means any human-powered device by which~~
8 ~~a pedestrian may move other than by walking or by which a~~
9 ~~walking person may move another pedestrian, including but not~~
10 ~~limited to strollers and wheelchairs.~~

11 EXPLANATION

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

14 This bill relates to laws applicable to nonvehicular
15 traffic.

16 Under current law, for purposes of Code chapter 321 (motor
17 vehicles and law of the road), "pedestrian" means any person
18 afoot. The bill amends the definition to include a person
19 using a pedestrian conveyance, as defined in the bill. In
20 addition to devices moved by human-power, electric personal
21 assistive mobility devices (Code section 321.1(20B)) and
22 electric-powered devices that produce less than 750 watts are
23 specifically included as a pedestrian conveyance. However,
24 bicycles are not considered a pedestrian conveyance.

25 The bill strikes a conflicting definition of pedestrian
26 conveyance in Code section 321.366.

27 In Code chapter 321, the term "pedestrian" is used for
28 purposes relating to required driver education awareness
29 instruction, official traffic-control signals directing
30 pedestrian traffic, and requirements for persons operating a
31 motor vehicle to yield or give signals to pedestrians.

32 Code sections 321.325 through 321.340 provide pedestrians'
33 rights and duties, which are applicable to persons using
34 pedestrian conveyances under the bill. Pursuant to current
35 law, generally, a person who commits a prohibited action

1 against a pedestrian is guilty of a simple misdemeanor
2 punishable by a \$35 scheduled fine (Code section 805.8A(9)).

3 Under current law, a person riding a bicycle (bicyclist) on
4 a highway is subject to the provisions of Code chapter 321 and
5 has all the rights and duties applicable to a driver, except
6 those provisions which by their nature have no application
7 and those provisions for which specific exceptions have been
8 set forth regarding police bicycles (Code section 321.234).
9 In addition, current law penalizes certain actions against
10 bicyclists, such as steering a vehicle unreasonably close to
11 the bicyclist or projecting an object at the bicyclist (Code
12 section 321.281).

13 The bill requires a driver to yield the right-of-way to a
14 bicyclist crossing the roadway within any marked crosswalk,
15 or within any unmarked crosswalk at an intersection, in
16 the same manner required when yielding to pedestrians where
17 traffic-control signals are not in place or in operation.

18 A driver who fails to yield the right-of-way to a bicyclist
19 when required commits a simple misdemeanor punishable by a
20 \$135 scheduled fine. By operation of law, if the violation
21 causes a serious injury, a court could impose an additional
22 fine of \$500 or suspend the person's driver's license for not
23 more than 90 days, or both. If the violation causes a death, a
24 court could impose an additional fine of \$1,000 or suspend the
25 person's driver's license for not more than 180 days, or both
26 (Code section 321.482A). The penalties for certain violations
27 against pedestrians, including persons using a pedestrian
28 conveyance, are also enhanced under Code section 321.482A if
29 the violation causes serious injury or death.