

Senate Study Bill 3090 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON KLIMESH)

A BILL FOR

1 An Act relating to nonpedestrian travel on roadways based
2 on lane designations, including the manner of overtaking
3 other vehicles, providing penalties, and making penalties
4 applicable.

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

1 Section 1. Section 321.208, subsection 7, paragraph h, Code
2 2024, is amended to read as follows:

3 *h.* Improper lane changes in violation of section ~~321.306~~
4 321.300 or 321.301.

5 Sec. 2. Section 321.233, Code 2024, is amended to read as
6 follows:

7 **321.233 Road workers exempted.**

8 This chapter, except sections 321.277 and 321.280, does
9 not apply to persons and motor vehicles and other equipment
10 while actually engaged in work upon the surface of a highway
11 officially closed to traffic but does apply to such persons
12 and vehicles when traveling to or from such work. The minimum
13 speed restriction of section 321.285, subsection 5, and the
14 provisions of sections ~~321.297, 321.298~~ 321.300, 321.301, and
15 321.323 do not apply to road workers operating maintenance
16 equipment on behalf of any state or local authority while
17 engaged in road maintenance, road blading, snow and ice control
18 and removal, and granular resurfacing work on a highway,
19 whether or not the highway is closed to traffic.

20 Sec. 3. NEW SECTION. **321.300 Driving on roadways not laned**
21 **for traffic or laned for traffic in opposing directions.**

22 1. While driving a vehicle on a roadway not laned for
23 traffic or laned for traffic moving in opposing directions
24 with no median or barrier dividing the lanes of traffic, the
25 driver shall drive the vehicle to the right of the center of
26 the roadway upon a roadway of sufficient width, entirely within
27 a single lane or as close as practicable to the right-hand edge
28 of the roadway, except as follows:

29 *a.* While overtaking another vehicle proceeding in the same
30 direction, in accordance with section 321.302.

31 *b.* While it is necessary to drive to the left of the center
32 of the roadway to avoid an obstruction, so long as the driver
33 yields the right-of-way to all vehicles traveling in the proper
34 direction in the unobstructed portion of the roadway.

35 *c.* While authorized by official traffic-control devices

1 designating a particular lane of the roadway for use by traffic
2 not otherwise permitted to use the lane, including a center
3 turn lane designated for making left-hand turns in the center
4 of the roadway.

5 *d.* While preparing for or making a left turn at an
6 intersection, alley, private road, or driveway, so long as the
7 driver yields the right-of-way to all vehicles traveling in the
8 proper direction of the roadway.

9 2. If a segment of the roadway laned for traffic in opposing
10 directions provides an additional lane to the right designated
11 by an official traffic-control device for slow-moving vehicles,
12 a driver immediately in front of another vehicle shall use such
13 a lane, and a driver traveling in such a lane shall yield the
14 right-of-way to vehicles moving in the same direction in the
15 lane not so designated when such lanes merge to form a single
16 lane.

17 3. The driver of a vehicle, or a person on horseback, if
18 applicable, meeting another such person on any roadway shall
19 yield one-half of the roadway by turning to the right.

20 4. A violation of this section is a simple misdemeanor
21 punishable as a scheduled violation under section 805.8A,
22 subsection 6, paragraph "e".

23 **Sec. 4. NEW SECTION. 321.301 Driving on roadways laned for**
24 **traffic moving in same direction.**

25 1. While driving a vehicle on a roadway laned for traffic
26 moving in the same direction, including a roadway with a center
27 median or barrier separating lanes of traffic traveling in
28 opposing directions, the driver shall do all of the following:

29 *a.* Keep the vehicle, as nearly as practicable, entirely
30 within a single lane, regardless of the number of lanes on
31 the roadway. The driver shall not move from such lane until
32 the driver has first ascertained that such movement can be
33 made without causing other roadway users to change speed or
34 direction.

35 *b.* If the roadway is laned for two lanes of traffic,

1 drive in the right-hand lane unless overtaking a vehicle in
2 accordance with section 321.302, preparing to exit or while
3 merging onto the roadway, avoiding an obstruction in the
4 right-hand lane, or complying with an official traffic-control
5 device.

6 c. If the roadway is laned for three or more lanes of
7 traffic, drive in a lane that is bordered by another lane
8 on both sides unless overtaking a vehicle in accordance with
9 section 321.302, preparing to exit or while merging onto the
10 roadway, avoiding an obstruction in the lane, or complying with
11 an official traffic-control device.

12 2. A violation of this section is a simple misdemeanor
13 punishable as a scheduled violation under section 805.8A,
14 subsection 6, paragraph "f".

15 3. Notwithstanding subsection 2, a peace officer shall
16 issue a warning memorandum in lieu of a citation to a person
17 for violating subsection 1, paragraph "b" or "c". This
18 subsection is repealed July 1, 2025.

19 Sec. 5. Section 321.302, Code 2024, is amended by striking
20 the section and inserting in lieu thereof the following:

21 **321.302 Drivers overtaking and drivers being overtaken.**

22 1. a. The driver of a vehicle shall not overtake another
23 vehicle traveling in the same direction unless the roadway
24 provides unobstructed pavement of sufficient width for two
25 or more lanes of traffic moving in the same direction as the
26 vehicle being overtaken and the lane used for overtaking is
27 clearly visible and free of oncoming traffic for a sufficient
28 distance ahead so the overtaking can be completed without
29 interfering with the safe operation of the overtaken vehicle or
30 a vehicle approaching from an opposing direction. The driver
31 of the overtaking vehicle shall not return to the lane occupied
32 prior to overtaking the other vehicle until the driver is
33 safely clear of the overtaken vehicle.

34 (1) If the roadway has a legal speed limit in excess of
35 thirty miles per hour, the overtaking vehicle shall return

1 to the right-hand side of the roadway before coming within
2 three hundred feet of a vehicle approaching from an opposing
3 direction.

4 (2) If the roadway has a legal speed limit of thirty miles
5 per hour or less, the overtaking vehicle shall return to the
6 right-hand side of the roadway before coming within one hundred
7 feet of a vehicle approaching from an opposing direction.

8 *b.* The driver of a vehicle overtaking another vehicle
9 shall pass to the left of the vehicle being overtaken, unless
10 otherwise provided in paragraph "c", at a safe distance and
11 shall not again drive to the right side of the roadway until
12 safely clear of the overtaken vehicle.

13 *c.* The overtaking driver shall not drive upon the right of
14 another vehicle unless the other vehicle is making, or about to
15 make, a left turn and the overtaking can be done safely.

16 2. The driver of a vehicle shall not drive off the pavement
17 or upon the shoulder of the roadway or upon the apron or
18 roadway of an intersecting roadway to overtake a vehicle on
19 either the left or right.

20 3. The driver of a vehicle shall not drive to the left side
21 of the center of a roadway not laned for traffic, or laned for
22 traffic in opposing directions, under any of the following
23 conditions:

24 *a.* While approaching the crest of a grade or a curve in the
25 roadway that obstructs or reduces the driver's view along the
26 roadway to less than approximately seven hundred feet.

27 *b.* While approaching within one hundred feet of any narrow
28 bridge, viaduct, or tunnel, if such notice is signposted, or
29 while approaching within one hundred feet of or traversing any
30 intersection or railroad grade crossing.

31 *c.* On a roadway marked by an official traffic-control
32 device, including a solid yellow painted line, directing
33 traffic to keep to the right or prohibiting traffic from
34 passing.

35 4. Except when overtaking and passing on the right is

1 permitted, the driver of a vehicle being overtaken shall
2 give way to the right in favor of the overtaking vehicle and
3 shall not increase the speed of the overtaken vehicle until
4 completely passed by the overtaking vehicle.

5 5. A person convicted of a violation of this section is
6 guilty of a simple misdemeanor punishable as a scheduled
7 violation under section 805.8A, subsection 6, paragraph "g".

8 Sec. 6. Section 321.482A, unnumbered paragraph 1, Code
9 2024, is amended to read as follows:

10 Notwithstanding [section 321.482](#), a person who is convicted
11 of operating a motor vehicle in violation of section 321.178,
12 subsection 2, paragraph "a", subparagraph (2), section
13 321.180B, subsection 6, [section 321.194, subsection 2,](#)
14 paragraph "b", subparagraph (2), [section 321.256, 321.257,](#)
15 [section 321.275, subsection 4, section 321.276, ~~321.297,~~](#)
16 [~~321.298, 321.299~~ 321.300, 321.301, 321.302, ~~321.303, 321.304,~~](#)
17 [321.305, ~~321.306,~~ 321.307, 321.311, 321.319, 321.320, 321.321,](#)
18 [321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333,](#)
19 [section 321.372, subsection 3, or section 321.449B,](#) causing
20 serious injury to or the death of another person may be subject
21 to the following penalties in addition to the penalty provided
22 for a scheduled violation in [section 805.8A](#) or any other
23 penalty provided by law:

24 Sec. 7. Section 805.8A, subsection 6, paragraphs e and f,
25 Code 2024, are amended to read as follows:

26 e. [Section ~~321.297~~ 321.300](#)..... \$135.

27 f. [Section ~~321.299~~ 321.301](#)..... \$135.

28 Sec. 8. Section 805.8A, subsection 6, paragraphs h, i, and
29 k, Code 2024, are amended by striking the paragraphs.

30 Sec. 9. Section 805.8A, subsection 8, paragraph e, Code
31 2024, is amended by striking the paragraph.

32 Sec. 10. REPEAL. Sections 321.297, 321.298, 321.299,
33 321.303, 321.304, and 321.306, Code 2024, are repealed.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill repeals and replaces provisions regulating driving
3 on the right side of roadways and overtaking and passing on
4 roadways.

5 The current driving requirements and prohibitions found in
6 Code sections 321.297, 321.298, 321.299, 321.302, 321.303,
7 321.304, and 321.306 remain in effect with certain changes.
8 The bill distinguishes roadways in two ways: (1) roadways
9 not laned for traffic or laned for traffic in opposing
10 directions and (2) roadways laned for traffic moving in the
11 same direction.

12 The bill requires a person to drive in the right-hand lane
13 on a roadway with multiple lanes for traffic moving in the
14 same direction or to the right of the center line of any other
15 roadway, as applicable. Limited exceptions include while
16 overtaking another vehicle and avoiding obstructions when such
17 actions can be completed safely, while authorized by official
18 traffic-control devices, and while preparing to make a left
19 turn, so long as the driver yields to all vehicles traveling
20 in the proper direction. However, if the roadway has three or
21 more lanes for traffic moving in the same direction, a driver
22 is required to drive in the center lanes, such that the far
23 left lane can be used for overtaking and the far right lane can
24 be used to enter or exit the roadway, as applicable.

25 The bill also provides for these traffic regulations and
26 prohibitions, as applicable, on one-way roads, roads with
27 temporary passing lanes, and roads with center turn lanes.

28 Overtaking another vehicle is only authorized when such
29 action can be completed safely and without causing another
30 vehicle to adjust speed or direction. The authorized manner
31 for and prohibitions against overtaking another vehicle remain
32 similar to current law.

33 A person who violates the bill is guilty of a simple
34 misdemeanor punishable by a scheduled fine of \$135, which
35 matches the current penalty for such violations. However, a

1 peace officer is required to issue a warning memorandum in lieu
2 of a citation until July 1, 2025, to a person who drives in
3 the left lane of a roadway with two lanes for traffic moving
4 in the same direction when an exception does not apply, and
5 to a person who drives in either the left or right lane on a
6 roadway with three or more lanes for traffic moving in the same
7 direction when an exception does not apply.

8 Similar to current law, if a violation of the bill causes a
9 serious injury, a court could impose an additional fine of \$500
10 or suspend the person's driver's license for not more than 90
11 days, or both. If the violation causes a death, a court could
12 impose an additional fine of \$1,000 or suspend the person's
13 driver's license for not more than 180 days, or both (Code
14 section 321.482A).