

**House File 536 - Reprinted**

HOUSE FILE 536

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 301)

(As Amended and Passed by the House March 9, 2023)

**A BILL FOR**

1 An Act concerning penalties relating to drug paraphernalia and  
2 certain traffic offenses, providing penalties, and making  
3 penalties applicable.

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

1 Section 1. Section 124.401, subsection 5, paragraph a, Code  
2 2023, is amended to read as follows:

3 a. It is unlawful for any person knowingly or intentionally  
4 to possess a controlled substance unless such substance was  
5 obtained directly from, or pursuant to, a valid prescription  
6 or order of a practitioner while acting in the course of the  
7 practitioner's professional practice, or except as otherwise  
8 authorized by this chapter. Any person who violates this  
9 subsection is guilty of a serious misdemeanor for a first  
10 offense. A person who commits a violation of this subsection  
11 and who has previously been convicted of violating this chapter  
12 or chapter 124B or 453B, or chapter 124A as it existed prior to  
13 July 1, 2017, is guilty of an aggravated misdemeanor. A person  
14 who commits a violation of this subsection and has previously  
15 been convicted two or more times of violating this chapter or  
16 chapter 124B or 453B, or chapter 124A as it existed prior to  
17 July 1, 2017, is guilty of a class "D" felony. For purposes  
18 of this paragraph, a conviction for violating section 124.414  
19 shall not be considered a previous conviction for violating  
20 this chapter.

21 Sec. 2. Section 124.411, subsection 3, Code 2023, is amended  
22 by adding the following new paragraph:

23 NEW PARAGRAPH. c. An offense under section 124.414.

24 Sec. 3. Section 124.414, subsection 3, Code 2023, is amended  
25 to read as follows:

26 3. A person who violates this section commits a simple  
27 misdemeanor punishable as a scheduled violation under section  
28 805.8C.

29 Sec. 4. Section 321.277, subsection 1, Code 2023, is amended  
30 to read as follows:

31 1. A person who drives any vehicle in such manner as to  
32 indicate either a willful or a wanton disregard for the safety  
33 of persons or property is guilty of reckless driving. It shall  
34 be prima facie evidence of a violation of this section if a  
35 person does any of the following:

1 a. Exceeds the posted speed limit by thirty-five miles per  
2 hour or more.

3 b. Violates section 321.304, subsection 1.

4 Sec. 5. Section 321.323A, subsection 1, Code 2023, is  
5 amended to read as follows:

6 1. The operator of a motor vehicle approaching a stationary  
7 or slow-moving authorized emergency vehicle, towing or recovery  
8 vehicle, utility maintenance vehicle, municipal maintenance  
9 vehicle, highway maintenance vehicle, construction vehicle, or  
10 solid waste or recycling collection service vehicle that is  
11 displaying flashing lights, as permitted under [section 321.423](#),  
12 or a stationary motor vehicle that is continually displaying  
13 emergency signal lamps flashing simultaneously, shall approach  
14 the ~~authorized emergency~~ vehicle with due caution and shall  
15 proceed in one of the following manners, absent any other  
16 direction by a peace officer:

17 a. Make a lane change into a lane not adjacent to the  
18 ~~authorized emergency~~ vehicle if possible in the existing safety  
19 and traffic conditions.

20 b. If a lane change under paragraph "a" would be impossible,  
21 prohibited by law, or unsafe, reduce the speed of the motor  
22 vehicle to a reasonable and proper speed for the existing road  
23 and traffic conditions, which speed shall be at least twenty  
24 miles per hour less than the posted speed limit if on a highway  
25 that is not part of a municipal street system, and which speed  
26 shall be less than the posted speed limit if on a part of a  
27 municipal street system, and be prepared to stop.

28 Sec. 6. Section 321.323A, subsection 2, Code 2023, is  
29 amended by striking the subsection and inserting in lieu  
30 thereof the following:

31 2. For purposes of this section, "*slow-moving*" means that a  
32 vehicle described in subsection 1 is being operated at a speed  
33 of fifteen miles per hour or less by a person in connection  
34 with the person's official job duties on, along, or adjacent  
35 to the roadway.

1     Sec. 7. Section 321.323A, subsection 3, Code 2023, is  
2 amended by striking the subsection.

3     Sec. 8. Section 321.323A, subsection 4, paragraph a, Code  
4 2023, is amended to read as follows:

5     a. A person convicted of a violation of **this section** commits  
6 a simple misdemeanor punishable as a scheduled violation under  
7 section **805.8A, subsection ~~11~~ 11A**.

8     Sec. 9. Section 321.323A, subsection 4, paragraph b,  
9 unnumbered paragraph 1, Code 2023, is amended to read as  
10 follows:

11     A person convicted of a violation of **this section** which  
12 resulted in an accident causing bodily injury to or the death  
13 of another person may be subject to the following penalties  
14 in addition to the penalty provided for a scheduled violation  
15 in **section 805.8A, subsection ~~11~~ 11A**, or any other penalty  
16 provided by law:

17     Sec. 10. Section 321A.17, subsection 4, Code 2023, is  
18 amended to read as follows:

19     4. An individual applying for a driver's license following a  
20 period of suspension or revocation pursuant to a dispositional  
21 order issued under **section 232.52, subsection 2**, paragraph  
22 "a", or under **section 321.180B**, section 321.210, subsection  
23 1, paragraph "a", subparagraph (4), or **section 321.210A**,  
24 **321.213A, 321.213B, 321.216B**, or **321.513**, following a period  
25 of suspension or revocation under **section 321.178** or **321.194**,  
26 or section 321.372, subsection 3, or following a period of  
27 revocation pursuant to a court order issued under section  
28 321J.2A, is not required to maintain proof of financial  
29 responsibility under **this section**.

30     Sec. 11. Section 805.8A, subsection 3, paragraph ai, Code  
31 2023, is amended to read as follows:

32     ai. **Section 321.438**..... \$ ~~70~~ 35.

33     Sec. 12. Section 805.8A, subsection 5, paragraph a,  
34 subparagraph (5), Code 2023, is amended to read as follows:

35     (5) One hundred thirty-five dollars plus ~~five~~ ten dollars

1 for each mile per hour of excessive speed over twenty miles per  
2 hour over the limit.

3 Sec. 13. Section 805.8A, subsection 5, Code 2023, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *Od.* For a violation of section 321.285 that  
6 does not involve driving a motor vehicle on a highway in excess  
7 of a posted speed limit, the scheduled fine is one hundred  
8 thirty-five dollars.

9 Sec. 14. Section 805.8A, subsection 11, paragraph a,  
10 subparagraph (2), Code 2023, is amended by striking the  
11 subparagraph.

12 Sec. 15. Section 805.8A, subsection 11, paragraph b, Code  
13 2023, is amended by striking the paragraph.

14 Sec. 16. Section 805.8A, Code 2023, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 11A. *Violations relating to approach of*  
17 *stationary or slow-moving vehicles.* For violations of section  
18 321.323A, the scheduled fine is one hundred thirty-five  
19 dollars.

20 Sec. 17. Section 805.8A, subsection 14, paragraph c,  
21 subparagraph (1), Code 2023, is amended to read as follows:

22 (1) For a violation under [section 321.445](#), the scheduled  
23 fine is ~~seventy~~ fifty dollars.

24 Sec. 18. Section 805.8C, Code 2023, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 3A. *Drug paraphernalia violations.*

27 *a.* For a first violation of section 124.414, the scheduled  
28 fine is two hundred sixty dollars.

29 *b.* For a second or subsequent violation of section 124.414,  
30 the scheduled fine is five hundred twenty dollars.