

CHAPTER 120**MOTOR VEHICLE SPEED LIMITS AND SAFETY BELTS***S.F. 311*

AN ACT relating to motor vehicle law including speed limits by limiting the special treatment of speeding violations of ten miles per hour or less over the legal speed limit to speed zones equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour, by requiring the state department of transportation to adopt rules providing exemptions for mandatory seat belt requirements under certain circumstances and by increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing penalties and a conditional effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.210, unnumbered paragraph 10, Code 1987, is amended to read as follows:

The department shall not consider or assess any points for speeding violations of ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour in determining a license suspension under this section. This paragraph shall apply to only the first two such violations which occur within any twelve-month period.

Sec. 2. Section 321.285, subsection 8, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Notwithstanding any other speed restrictions, the speed ~~limits~~ limit for all vehicular traffic, except vehicles subject to the provisions of section 321.286 on fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state (23 U.S.C. sec. 103 (e) 1977) ~~shall be fifty-five~~ is sixty-five miles per hour. However, the department or ~~the cities,~~ with the approval of the department, may establish a lower speed limit upon such highways located within the corporate limits of ~~any a city and used as city alternate routes,~~ commonly referred to as "freeways." For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. ~~It is further provided that a~~ A minimum speed of forty miles per hour, road conditions permitting, ~~shall be~~ is established on the highways referred to in this subsection.

Sec. 3. Section 321.286, subsection 1, Code 1987, is amended to read as follows:

1. ~~Fifty-five~~ Sixty-five miles per hour on all fully controlled-access, divided, multilaned highways including interstate highways.

Sec. 4. Section 321.287, Code 1987, is amended to read as follows:

321.287 BUS SPEED LIMITS.

~~No~~ A passenger-carrying motor vehicle used as a common carrier, ~~except school buses,~~ shall ~~not~~ be driven upon the highways at a ~~greater rate of speed than fifty-five miles per hour at any time in excess of the posted maximum speed limit.~~ No A school bus shall ~~not~~ be operated in violation of section 321.377.

Sec. 5. Section 321.445, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by physically handicapped persons who use collapsible wheelchairs.

Sec. 6. Section 321A.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The abstract of operating record provided under this section shall designate which speeding violations are for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour.

Sec. 7. Section 507B.4, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 12. Failure of a person to comply with section 516B.3.

Sec. 8. NEW SECTION. 516B.3 MINOR TRAFFIC VIOLATIONS NOT CONSIDERED IN ESTABLISHING RATES.

1. The commissioner shall require that insurance companies transacting business in this state not consider speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour for the purpose of establishing rates for motor vehicle insurance charged by the insurer and shall require that insurance companies not cancel or refuse to renew any such policy for such violations. In any twelve-month period, this section applies only to the first two such violations which occur.

2. If the rate for motor vehicle insurance is based on an operating record of a period longer than twelve months in length, the twelve-month periods under subsection 1 shall not overlap.

Sec. 9. Section 805.8, subsection 2, paragraph g, Code 1987, is amended to read as follows:
g. (1) For excessive speed violations when not more than five miles per hour in excess of the limit under sections 111.36, 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287, the scheduled fine is ten dollars.

(2) Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

(3) For excessive speed violations when in excess of the limit under ~~those sections~~ 111.36, 321.236, subsections 5 and 11, 321.285, 321.286, and 321.287 by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

(4) Notwithstanding subparagraphs (1) and (3), for excessive speed violations in speed zones greater than fifty-five miles per hour when in excess of the limit by five miles per hour or less the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is forty dollars, by more than fifteen and not more than twenty miles per hour the fine is sixty dollars, and by more than twenty miles per hour the fine is sixty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

(5) Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in a subparagraph of this paragraph "g".

Sec. 10. Section 516B.3, created under this Act, applies to insurance policies which are issued or renewed on or after July 1, 1987. Section 6 of this Act applies to abstracts of operating records issued on or after July 1, 1987.

Sec. 11. CONDITIONAL EFFECTIVE DATE AND APPLICATION. This Act takes effect from and after the date of its enactment or the date federal legislation which modifies 23 U.S.C. § 154 by approving speed limits of at least sixty-five miles per hour becomes law, whichever occurs later. If the modification to 23 U.S.C. § 154 allowing speed limits of at least sixty-five miles per hour does not apply to all fully controlled-access, divided, multilaned highways, this Act, except for sections 1, 4, 5, 6, 7, 8, 9 and 10, applies only to such highways or sections of

highways for which a sixty-five mile per hour speed limit is permissible under the modification to 23 U.S.C. § 154 and subsequent modifications to 23 U.S.C. § 154.

Approved May 12, 1987

CHAPTER 121

COURT APPOINTED ADVOCATES FOR CHILDREN

H.F. 515

AN ACT relating to the appointment of court appointed special advocates, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.2, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Court appointed special advocate" means a person duly certified by the judicial department for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding.

Sec. 2. Section 232.2, subsection 20, Code 1987, is amended to read as follows:

20. "Guardian ad litem" means a person appointed by the court to represent the interests of the a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions pursuant to section 232.54, subsections 1 and 4, and section 232.103, subsection 2, paragraph "c".

Sec. 3. Section 232.13, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

232.13 STATE LIABILITY.

1. For purposes of chapter 25A, the following persons shall be considered state employees:

- a. A child given a work assignment of value to the state or the public under this chapter.
- b. A court appointed special advocate.

2. The state of Iowa is exclusively liable for and shall pay any compensation becoming due a person under section 85.59.

Sec. 4. Section 232.89, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The court may appoint a special advocate, as defined in section 232.2, subsection 9A, to act as guardian ad litem. The court appointed special advocate shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child. The court appointed special advocate shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the court appointed special advocate shall file reports to the court as required by the court.

Sec. 5. Section 232.126, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The court may appoint a special advocate, as defined in section 232.2, subsection 9A, to act as guardian ad litem. The court appointed special advocate shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child. The court appointed special advocate shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the court appointed special advocate shall file reports to the court as required by the court.