

2/26/01 Indefinitely Postponed

JAN 24 2001

TRANSPORTATION

HOUSE FILE 101
BY BAUDLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring motor vehicle operators to take certain
2 precautions when passing certain stationary vehicles and
3 providing a penalty.

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

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HF 101

1 Section 1. NEW SECTION. 321.323A APPROACHING CERTAIN
2 STATIONARY VEHICLES.

3 1. The operator of a motor vehicle approaching a
4 stationary authorized emergency vehicle that is displaying
5 flashing yellow, amber, white, red, or red and blue lights
6 shall approach the authorized emergency vehicle with due
7 caution and shall proceed in one of the following manners,
8 absent any other direction by a peace officer:

9 a. If the motor vehicle is traveling on a multilaned road
10 with two or more lanes proceeding in the same direction as the
11 motor vehicle, make a lane change into a lane not adjacent to
12 the authorized emergency vehicle if possible in the existing
13 safety and traffic conditions.

14 b. If a lane change under paragraph "a" would be
15 impossible or unsafe, reduce the speed of the motor vehicle to
16 a reasonable and proper speed for the existing road and
17 traffic conditions, which speed shall not exceed ten miles per
18 hour less than the posted speed limit.

19 2. The operator of a motor vehicle approaching a
20 stationary towing or recovery vehicle, or a stationary highway
21 maintenance vehicle, that is displaying flashing yellow,
22 amber, or red lights shall approach the vehicle with due
23 caution and shall proceed in one of the following manners,
24 absent any other direction by a peace officer:

25 a. If the motor vehicle is traveling on a multilaned road
26 with two or more lanes proceeding in the same direction as the
27 motor vehicle, make a lane change into a lane not adjacent to
28 the towing, recovery, or highway maintenance vehicle if
29 possible in the existing safety and traffic conditions.

30 b. If a lane change under paragraph "a" would be
31 impossible or unsafe, reduce the speed of the motor vehicle to
32 a reasonable and proper speed for the existing road and
33 traffic conditions, which speed shall not exceed ten miles per
34 hour less than the posted speed limit.

35 Sec. 2. Section 805.8, subsection 2, paragraph k,

1 unnumbered paragraph 1, Code 2001, is amended to read as
2 follows:

3 For violations by operators of school buses and emergency
4 vehicles, and for violations by other motor vehicle operators
5 when in the vicinity of a school bus, emergency vehicle, or
6 certain stationary vehicles, under sections 321.231, 321.323A,
7 321.324, and 321.372, subsections 1 and 2, the scheduled fine
8 is twenty-five dollars. For violations of section 321.372,
9 subsection 3, the scheduled fine is one hundred dollars.

10 EXPLANATION

11 This bill creates new Code section 321.323A to require
12 operators of motor vehicles to take specified precautions when
13 approaching a stationary authorized emergency vehicle or a
14 stationary towing, recovery, or highway maintenance vehicle.
15 The bill requires the operator of an approaching motor
16 vehicle, absent another direction from a peace officer, to
17 change lanes to a lane that is not adjacent to the stationary
18 vehicle if the motor vehicle is on a multilaned road with two
19 or more lanes proceeding in the same direction as the motor
20 vehicle or, if a lane change is not possible, reduce the speed
21 of the motor vehicle to a reasonable speed, not to exceed 10
22 miles per hour below the posted speed limit. The requirement
23 only applies when the stationary vehicle is displaying the
24 appropriate flashing lights.

25 The bill also makes a violation of the new requirement a
26 simple misdemeanor punishable by a scheduled fine of \$25.

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