

Baudler, Ch.
Boddicker
Bell

HSB 512

Succeede JUDICIARY

HOUSE FILE 3F/HF
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL REQUESTED
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 stationary authorized emergency,
3 towing, recovery, and highway maintenance vehicles and
4 providing a penalty.

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

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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. Make a lane change into a lane not adjacent to the
10 authorized emergency vehicle if possible in the existing
11 safety and traffic conditions.

12 b. If a lane change under paragraph "a" would be
13 impossible or unsafe, reduce the speed of the motor vehicle to
14 a reasonable and proper speed for the existing road and
15 traffic conditions, which speed shall be less than the posted
16 speed limit, and be prepared to stop.

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

23 a. Make a lane change into a lane not adjacent to the
24 towing, recovery, or highway maintenance vehicle if possible
25 in the existing safety and traffic conditions.

26 b. If a lane change under paragraph "a" would be
27 impossible or unsafe, reduce the speed of the motor vehicle to
28 a reasonable and proper speed for the existing road and
29 traffic conditions, which speed shall be less than the posted
30 speed limit, and be prepared to stop.

31 Sec. 2. Section 805.8A, subsection 11, paragraph a, Code
32 Supplement 2001, is amended to read as follows:

33 a. For violations under sections 321.231, 321.323A,
34 321.367, and 321.368, the scheduled fine is thirty-five
35 dollars.

EXPLANATION

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2 This bill creates new Code section 321.323A to require
3 operators of motor vehicles to take specified precautions when
4 approaching a stationary authorized emergency vehicle or a
5 stationary towing, recovery, or highway maintenance vehicle.
6 The bill requires the operator of an approaching motor
7 vehicle, absent another direction from a peace officer, to
8 change lanes to a lane that is not adjacent to the stationary
9 vehicle or, if a lane change is not possible or would be
10 unsafe, to reduce the speed of the motor vehicle to a
11 reasonable speed that is less than the posted speed limit, and
12 be prepared to stop. The requirement only applies when the
13 stationary vehicle is displaying the appropriate flashing
14 lights.

15 The bill also makes a violation of the new requirement a
16 simple misdemeanor punishable by a scheduled fine of \$35.

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REPRINTED

JAN 24 2002
Place On Calendar

HOUSE FILE 2112
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 512)

Passed House, ^(P. 241) Date 2/5/02 Passed Senate, ^{P. 472} Date 3/4/02
Vote: Ayes 93 Nays 0 Vote: Ayes 46 Nays 0
Approved March 14, 2002

A BILL FOR

1 An Act requiring motor vehicle operators to take certain
2 precautions when passing stationary authorized emergency,
3 towing, recovery, and highway maintenance vehicles and
4 providing a penalty.

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

HOUSE FILE 2112

H-8027

- 1 Amend House File 2112 as follows:
- 2 1. Page 1, by striking lines 31 through 35, and
- 3 inserting the following:
- 4 "Sec. ____ Section 805.8A, subsection 11,
- 5 paragraph b, Code Supplement 2001, is amended to read
- 6 as follows:
- 7 b. For a violation under section 321.323A or
- 8 321.324, the scheduled fine is fifty dollars."
- 9 2. By renumbering as necessary.

By BAUDLER of Adair
KREIMAN of Davis

H-8027 FILED FEBRUARY 4, 2002

adopted 2/5/02
(P. 241)

HF 2112

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. Make a lane change into a lane not adjacent to the
10 authorized emergency vehicle if possible in the existing
11 safety and traffic conditions.

12 b. If a lane change under paragraph "a" would be
13 impossible or unsafe, reduce the speed of the motor vehicle to
14 a reasonable and proper speed for the existing road and
15 traffic conditions, which speed shall be less than the posted
16 speed limit, and be prepared to stop.

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

23 a. Make a lane change into a lane not adjacent to the
24 towing, recovery, or highway maintenance vehicle if possible
25 in the existing safety and traffic conditions.

26 b. If a lane change under paragraph "a" would be
27 impossible or unsafe, reduce the speed of the motor vehicle to
28 a reasonable and proper speed for the existing road and
29 traffic conditions, which speed shall be less than the posted
30 speed limit, and be prepared to stop.

31 Sec. 2. Section 805.8A, subsection 11, paragraph a, Code
32 Supplement 2001, is amended to read as follows:

33 a. For violations under sections 321.231, 321.323A,
34 321.367, and 321.368, the scheduled fine is thirty-five
35 dollars.

EXPLANATION

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This bill creates new Code section 321.323A to require operators of motor vehicles to take specified precautions when approaching a stationary authorized emergency vehicle or a stationary towing, recovery, or highway maintenance vehicle. The bill requires the operator of an approaching motor vehicle, absent another direction from a peace officer, to change lanes to a lane that is not adjacent to the stationary vehicle or, if a lane change is not possible or would be unsafe, to reduce the speed of the motor vehicle to a reasonable speed that is less than the posted speed limit, and be prepared to stop. The requirement only applies when the stationary vehicle is displaying the appropriate flashing lights.

The bill also makes a violation of the new requirement a simple misdemeanor punishable by a scheduled fine of \$35.

HOUSE FILE 2112

H-8015

1 Amend House File 2112 as follows:

- 2 1. Page 1, line 13, by inserting after the word
3 "impossible" the following: ", prohibited by law,".
4 2. Page 1, line 27, by inserting after the word
5 "impossible" the following: ", prohibited by law,".

By BAUDLER of Adair
KREIMAN of Davis

H-8015 FILED JANUARY 28, 2002

Adopted
2-5-02 (P. 240)

5-2/14/02 Dotson

HOUSE FILE 2112
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 512)

(As Amended and Passed by the House February 5, 2002)

Passed House, ^(P.473) Date 3/4/02 Passed Senate, ^(P.472) Date 3/4/02
Vote: Ayes 46 Nays 0 Vote: Ayes 46 Nays 0
Approved 3/14/02

A BILL FOR

1 An Act requiring motor vehicle operators to take certain
2 precautions when passing stationary authorized emergency,
3 towing, recovery, and highway maintenance vehicles and
4 providing a penalty.

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

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7 House Amendments _____
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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. Make a lane change into a lane not adjacent to the
10 authorized emergency vehicle if possible in the existing
11 safety and traffic conditions.

12 b. If a lane change under paragraph "a" would be
13 impossible, prohibited by law, or unsafe, reduce the speed of
14 the motor vehicle to a reasonable and proper speed for the
15 existing road and traffic conditions, which speed shall be
16 less than the posted speed limit, and be prepared to stop.

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

23 a. Make a lane change into a lane not adjacent to the
24 towing, recovery, or highway maintenance vehicle if possible
25 in the existing safety and traffic conditions.

26 b. If a lane change under paragraph "a" would be
27 impossible, prohibited by law, or unsafe, reduce the speed of
28 the motor vehicle to a reasonable and proper speed for the
29 existing road and traffic conditions, which speed shall be
30 less than the posted speed limit, and be prepared to stop.

31 Sec. 2. Section 805.8A, subsection 11, paragraph b, Code
32 Supplement 2001, is amended to read as follows:

33 b. For a violation under section 321.323A or 321.324, the
34 scheduled fine is fifty dollars.

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HOUSE FILE 2112

AN ACT

REQUIRING MOTOR VEHICLE OPERATORS TO TAKE CERTAIN PRECAUTIONS WHEN PASSING STATIONARY AUTHORIZED EMERGENCY, TOWING, RECOVERY, AND HIGHWAY MAINTENANCE VEHICLES AND PROVIDING A PENALTY.

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

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

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

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

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

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

a. Make a lane change into a lane not adjacent to the towing, recovery, or highway maintenance vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

Sec. 2. Section 805.8A, subsection 11, paragraph b, Code Supplement 2001, is amended to read as follows:

b. For a violation under section 321.323A or 321.324, the scheduled fine is fifty dollars.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2112, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 3/14, 2002

THOMAS J. VILSACK
Governor