

FILED JAN 23 2002

SENATE FILE 2037
BY DVORSKY

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

A BILL FOR

1 An Act relating to certain precautions motor vehicle operators
2 must take 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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SF 2037
TRANSPORTATION

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 regard for all other traffic and shall proceed in
8 one of the following manners, absent any other direction by a
9 peace officer:

10 a. (1) If the motor vehicle is traveling on a highway
11 with more than one lane proceeding in the same direction as
12 the motor vehicle, make a lane change into a lane not adjacent
13 to the authorized emergency vehicle if possible in the
14 existing safety and traffic conditions.

15 (2) If a lane change under subparagraph (1) would be
16 unlawful, impossible, or unsafe, reduce the speed of the motor
17 vehicle to a reasonable and proper speed for the existing road
18 and traffic conditions, which speed shall not exceed ten miles
19 per hour under the posted speed limit, and be prepared to
20 stop.

21 b. If the motor vehicle is traveling on a highway other
22 than a highway described in paragraph "a", reduce the speed of
23 the motor vehicle to a reasonable and proper speed for the
24 existing road and traffic conditions, which speed shall not
25 exceed ten miles per hour under the posted speed limit, and be
26 prepared to stop.

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

34 a. (1) If the motor vehicle is traveling on a highway
35 with more than one lane proceeding in the same direction as

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

4 (2) If a lane change under subparagraph (1) would be
5 unlawful, impossible, or unsafe, reduce the speed of the motor
6 vehicle to a reasonable and proper speed for the existing road
7 and traffic conditions, which speed shall not exceed ten miles
8 per hour under the posted speed limit, and be prepared to
9 stop.

10 b. If the motor vehicle is traveling on a highway other
11 than a highway described in paragraph "a", reduce the speed of
12 the motor vehicle to a reasonable and proper speed for the
13 existing road and traffic conditions, which speed shall not
14 exceed ten miles per hour under the posted speed limit, and be
15 prepared to stop.

16 3. For purposes of this section, "stationary" means parked
17 or standing on, or within twelve feet of, the highway.

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

20 a. For violations under sections 321.231, 321.323A,
21 321.367, and 321.368, the scheduled fine is thirty-five
22 dollars.

23 EXPLANATION

24 This bill creates new Code section 321.323A to require
25 operators of motor vehicles to take specified precautions when
26 approaching a stationary authorized emergency vehicle or a
27 stationary towing, recovery, or highway maintenance vehicle.
28 The bill requires the operator of an approaching motor
29 vehicle, absent another direction from a peace officer, to
30 change lanes to a lane that is not adjacent to the stationary
31 vehicle if the vehicle is traveling on a highway with more
32 than one lane proceeding in the same direction as the motor
33 vehicle. If such a lane change is unlawful, impossible, or
34 unsafe, the operator is required to reduce the speed of the
35 motor vehicle to a reasonable speed that does not exceed 10

1 miles per hour under the posted speed limit, and to be
2 prepared to stop. If the vehicle is traveling on a highway
3 with only one lane proceeding in the same direction as the
4 motor vehicle, the operator is also required to proceed at a
5 reasonable speed 10 miles under the posted speed limit and to
6 be prepared to stop. The requirement only applies when the
7 stationary vehicle is displaying the appropriate flashing
8 lights. For purposes of the bill, "stationary" means parked
9 or standing on, or within 12 feet of, the highway.

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

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