

FILED JAN 29 2002

SENATE FILE 2071
BY BOLKCOM and DVORSKY

(COMPANION TO LSB 6135HH BY
MASCHER)

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

A BILL FOR

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

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

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SF 2071
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 shall, absent any other direction by a peace
8 officer, make a lane change into a lane not adjacent to the
9 authorized emergency vehicle. This subsection only applies if
10 the motor vehicle is traveling on a highway with more than one
11 lane proceeding in the same direction as the motor vehicle and
12 if the lane change is possible in the existing safety and
13 traffic conditions.

14 2. The operator of a motor vehicle approaching a
15 stationary towing or recovery vehicle, or a stationary highway
16 maintenance vehicle, that is displaying flashing yellow,
17 amber, or red lights shall approach the vehicle with due
18 caution and shall, absent any other direction by a peace
19 officer, make a lane change into a lane not adjacent to the
20 towing, recovery, or highway maintenance vehicle. This
21 subsection only applies if the motor vehicle is traveling on a
22 highway with more than one lane proceeding in the same
23 direction as the motor vehicle and if the lane change is
24 possible in the existing safety and traffic conditions.

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

27 a. For violations under sections 321.231, 321.323A,
28 321.367, and 321.368, the scheduled fine is thirty-five
29 dollars.

30 EXPLANATION

31 This bill creates new Code section 321.323A to require
32 operators of motor vehicles to take specified precautions when
33 approaching a stationary authorized emergency vehicle or a
34 stationary towing, recovery, or highway maintenance vehicle.
35 The bill requires the operator of an approaching motor

1 vehicle, absent another direction from a peace officer, to
2 change lanes to a lane that is not adjacent to the stationary
3 vehicle if the vehicle is traveling on a highway with more
4 than one lane traveling in the same direction as the motor
5 vehicle and the lane change is possible in the existing safety
6 and traffic conditions. The requirement only applies when the
7 stationary vehicle is displaying the appropriate flashing
8 lights.

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

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