

MAR 1 2005
TRANSPORTATION

HOUSE FILE 488
BY BAUDLER

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

A BILL FOR

1 An Act relating to penalties for certain motor vehicle violations
2 resulting in injury or death.

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

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HF 488

1 Section 1. NEW SECTION. 321.482A VIOLATIONS RESULTING IN
2 INJURY OR DEATH -- ADDITIONAL PENALTIES.

3 Notwithstanding section 321.482, a person who is convicted
4 of operating a motor vehicle in violation of section 321.275,
5 subsection 4, section 321.297, 321.298, 321.299, 321.302,
6 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section
7 321.309, subsection 2, or section 321.311, 321.319, 321.320,
8 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A,
9 321.327, 321.329, or 321.333 resulting in injury to or death
10 of another person may be subject to the following penalties in
11 addition to the penalty provided for a scheduled violation in
12 section 805.8A or any other penalty provided by law:

13 1. For a violation resulting in bodily injury other than
14 serious bodily injury, a fine of two hundred dollars or
15 suspension of the violator's driver's license or operating
16 privileges for not more than thirty days, as provided in
17 section 321.210, or both.

18 2. For a violation resulting in serious injury, a fine of
19 five hundred dollars or suspension of the violator's driver's
20 license or operating privileges for not more than ninety days,
21 or both. For purposes of this subsection, "serious injury"
22 means a bodily injury which creates a substantial risk of
23 death, or which causes serious permanent disfigurement, or
24 which causes protracted loss or impairment of the function of
25 any bodily organ or major bodily member, or which causes the
26 loss of any bodily member.

27 3. For a violation resulting in death, a fine of one
28 thousand dollars or suspension of the violator's driver's
29 license or operating privileges for not more than one hundred
30 eighty days, or both.

31 EXPLANATION

32 This bill provides that motor vehicle operators who are
33 convicted of certain moving violations which are simple
34 misdemeanors punishable by scheduled fines may be subject to
35 additional fines and licensing sanctions if such a violation

1 results in injury or death. The bill applies to specified
2 violations that involve failure to yield or interfering with
3 the right-of-way of a vehicle or person. If the violation
4 results in injury to another person, the court may impose an
5 additional fine of \$200 or suspension of the violator's
6 driver's license for up to 30 days, or both. For a violation
7 resulting in serious injury to another person, the court may
8 impose an additional fine of \$500 or driver's license
9 suspension for up to 90 days, or both. "Serious injury" is
10 defined as a bodily injury which creates a substantial risk of
11 death, or which causes serious permanent disfigurement,
12 protracted loss or impairment of the function of any bodily
13 organ or major bodily member, or the loss of any bodily
14 member. For a violation which results in the death of a
15 person, the court may impose an additional fine of \$1,000 or
16 driver's license suspension for up to 180 days, or both.

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