

MAR 2 2005

Place On Calendar

HOUSE FILE 540
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HF 114)

Passed House, Date 3-23-05 Passed Senate, Date _____
Vote: Ayes 100 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting consideration of certain traffic accidents
2 occurring in the line of duty during a certified law
3 enforcement officer's employment in establishment of motor
4 vehicle insurance rates.

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

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HF 540

1 Section 1. NEW SECTION. 516B.4 TRAFFIC ACCIDENTS
2 INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS -- INSURANCE
3 RATES.

4 The commissioner shall require that insurance companies
5 transacting business in this state not consider traffic
6 accidents that occur while a certified law enforcement officer
7 is operating a motor vehicle in the line of duty, for the
8 purpose of establishing motor vehicle insurance rates charged
9 by the insurer for that person and shall require that
10 insurance companies not cancel or refuse to renew any such
11 policy of that person for such traffic accidents, unless the
12 traffic accident results from the officer's reckless operation
13 of the motor vehicle or reckless disregard for the safety of
14 others as determined by the agency responsible for
15 investigation of the accident. The commissioner shall adopt
16 rules to define the operation of a motor vehicle in the line
17 of duty during employment as a certified law enforcement
18 officer.

19 For the purposes of this section, "certified law
20 enforcement officer" means a law enforcement officer who is
21 certified through the Iowa law enforcement academy as provided
22 in section 80B.13, subsection 3, or section 80B.17.

23 EXPLANATION

24 This bill prohibits insurance companies transacting
25 business in this state from considering traffic accidents that
26 occur in the line of duty during a person's employment as a
27 certified law enforcement officer, for the purpose of
28 establishing rates for motor vehicle insurance charged by the
29 insurer for that person and prohibits insurance companies from
30 canceling or refusing to renew any such policy of that person
31 because of such traffic accidents unless the traffic accident
32 results from the officer's reckless operation of the motor
33 vehicle or reckless disregard for the safety of others as
34 determined by the agency responsible for investigation of the
35 accident. The bill directs the commissioner to adopt rules

1 defining operation of a motor vehicle in the line of duty
2 during a person's employment as a certified law enforcement
3 officer.

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H-1117

1 Amend House File 540 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 80.43 TRAFFIC ACCIDENTS
5 INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS.

6 1. The commissioner shall adopt rules to define
7 when a traffic accident involving the operation of a
8 motor vehicle by a certified law enforcement officer
9 occurs in the line of duty during the officer's
10 employment as a certified law enforcement officer.

11 2. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 shall be reported by the officer's employer to the
14 department of public safety for review pursuant to the
15 rules adopted under subsection 1, and the department
16 shall certify whether or not the accident occurred
17 while in the line of duty during the officer's
18 employment as a certified law enforcement officer. If
19 the department certifies that the accident occurred in
20 the line of duty during the officer's employment as a
21 certified law enforcement officer, the department
22 shall forward the certification to the state
23 department of transportation.

24 3. Upon receiving a certification pursuant to
25 subsection 2, the state department of transportation
26 shall not maintain an accident report of the accident
27 described in the certification pursuant to section
28 321.266.

29 4. For the purposes of this section, "certified
30 law enforcement officer" means a law enforcement
31 officer who is certified through the Iowa law
32 enforcement academy as provided in section 80B.13,
33 subsection 3, or section 80B.17."

34 2. Title page, by striking lines 1 through 4 and
35 inserting the following: "An Act relating to reports
36 of traffic accidents involving certified law
37 enforcement officers."

By TOMENGA of Polk

H-1117 FILED MARCH 21, 2005

HOUSE FILE 540
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HF 114)

(As Amended and Passed by the House March 23, 2005)

Re- Passed House, Date 4-3-06 Passed Senate, Date 4-27-05
Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0
Approved _____ *Re-passed*
4-18-06 50-0

A BILL FOR

1 An Act relating to reports of traffic accidents involving
2 certified law enforcement officers.

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

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All New Language

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HF 540

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1 Section 1. NEW SECTION. 80.43 TRAFFIC ACCIDENTS
2 INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS.

3 1. The commissioner shall adopt rules to define when a
4 traffic accident involving the operation of a motor vehicle by
5 a certified law enforcement officer occurs in the line of duty
6 during the officer's employment as a certified law enforcement
7 officer.

8 2. Any traffic accident involving the operation of a motor
9 vehicle by a certified law enforcement officer shall be
10 reported by the officer's employer to the department of public
11 safety for review pursuant to the rules adopted under
12 subsection 1, and the department shall certify whether or not
13 the accident occurred while in the line of duty during the
14 officer's employment as a certified law enforcement officer.
15 If the department certifies that the accident occurred in the
16 line of duty during the officer's employment as a certified
17 law enforcement officer, the department shall forward the
18 certification to the state department of transportation.

19 3. Upon receiving a certification pursuant to subsection
20 2, the state department of transportation shall not maintain
21 an accident report of the accident described in the
22 certification pursuant to section 321.266.

23 4. For the purposes of this section, "certified law
24 enforcement officer" means a law enforcement officer who is
25 certified through the Iowa law enforcement academy as provided
26 in section 80B.13, subsection 3, or section 80B.17.

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S-3167

1 Amend House File 540, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 321.267A TRAFFIC
6 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
7 -- REPORTS.

8 1. Any traffic accident involving the operation of
9 a motor vehicle by a certified law enforcement officer
10 shall be reported to the department by the officer's
11 employer. The officer's employer shall certify to the
12 department whether or not the accident occurred as the
13 result of legal intervention by the officer, as
14 defined in the American national standards institute
15 D16.1 manual on classification of motor vehicle
16 accidents, 1996 edition.

17 2. Notwithstanding section 321.200, upon receiving
18 a certification pursuant to subsection 1, the
19 department shall not include a notation of the
20 accident described in the certification on the
21 officer's driving record.

22 3. For the purposes of this section, "certified
23 law enforcement officer" means a law enforcement
24 officer who is certified through the Iowa law
25 enforcement academy as provided in section 80B.13,
26 subsection 3, or section 80B.17."

By JOHN PUTNEY

S-3167 FILED APRIL 25, 2005

SENATE AMENDMENT TO
HOUSE FILE 540

H-1542

1 Amend House File 540, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 321.267A TRAFFIC
6 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
7 -- REPORTS.

8 1. Any traffic accident involving the operation of
9 a motor vehicle by a certified law enforcement officer
10 shall be reported to the department by the officer's
11 employer. The officer's employer shall certify to the
12 department whether or not the accident occurred as the
13 result of legal intervention by the officer, as
14 defined in the American national standards institute
15 D16.1 manual on classification of motor vehicle
16 accidents, 1996 edition.

17 2. Notwithstanding section 321.200, upon receiving
18 a certification pursuant to subsection 1, the
19 department shall not include a notation of the
20 accident described in the certification on the
21 officer's driving record.

22 3. For the purposes of this section, "certified
23 law enforcement officer" means a law enforcement
24 officer who is certified through the Iowa law
25 enforcement academy as provided in section 80B.13,
26 subsection 3, or section 80B.17."

RECEIVED FROM THE SENATE

H-1542 FILED APRIL 27, 2005

H-8008

1 Amend the amendment, H-1542, to House File 540, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 through 26, and
5 inserting the following:

6 "_____. By striking everything after the
7 enacting clause and inserting the following:

8 "Section 1. NEW SECTION. 321.267A TRAFFIC
9 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
10 -- REPORTS.

11 1. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 shall be reported to the department by the officer's
14 employer. The officer's employer shall certify to the
15 department whether or not the accident occurred in the
16 line of duty while operating an official government
17 vehicle.

18 2. Notwithstanding section 321.200, upon receiving
19 a certification pursuant to subsection 1, the
20 department shall not include a notation of the
21 accident described in the certification on the
22 officer's driving record.

23 3. The provisions of this section shall not
24 relieve a certified law enforcement officer operating
25 a motor vehicle of the duty to drive with due regard
26 for the safety of all persons, and shall not protect a
27 certified law enforcement officer from the
28 consequences of the officer's reckless disregard for
29 the safety of others.

30 4. For the purposes of this section, "certified law
31 enforcement officer" means a law enforcement officer
32 who is certified through the Iowa law enforcement
33 academy as provided in section 80B.13, subsection 3,
34 or section 80B.17."

By TOMENGA of Polk

H-8008 FILED JANUARY 31, 2006

**EIGHTY-FIRST GENERAL ASSEMBLY
2006 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 3, 2006

HOUSE FILE 540

H-8010

1 Amend the amendment, H-8008, to the Senate
2 amendment, H-1542, to House File 540, as amended,
3 passed, and reprinted by the House as follows:

4 1. Page 1, line 9, by inserting after the word
5 "OFFICERS" the following: "OR EMERGENCY SERVICES
6 PROVIDERS".

7 2. Page 1, line 12, by inserting after the word
8 "officer" the following: "or emergency services
9 provider".

10 3. Page 1, line 13, by inserting after the word
11 "officer's" the following: "or provider's".

12 4. Page 1, line 14, by inserting after the word
13 "officer's" the following: "or provider's".

14 5. Page 1, line 22, by inserting after the word
15 "officer's" the following: "or provider's".

16 6. Page 1, line 24, by inserting after the word
17 "officer" the following: "or emergency services
18 provider".

19 7. Page 1, line 27, by inserting after the word
20 "officer" the following: "or emergency services
21 provider".

22 8. Page 1, line 28, by inserting after the word
23 "officer's" the following: "or provider's".

24 9. Page 1, by inserting after line 34, the
25 following:

26 "____. For the purposes of this section,
27 "emergency services provider" means an emergency
28 medical care provider or emergency rescue technician
29 as defined in section 147A.1 or a fire fighter as
30 defined in section 411.1." "

31 10. By renumbering as necessary.

By THOMAS of Clayton

H-8010 FILED FEBRUARY 2, 2006

HOUSE FILE 540

H-8019

- 1 Amend the amendment, H-8008, to the Senate
2 amendment, H-1542, to House File 540, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, line 9, by inserting after the word
5 "OFFICERS" the following: "OR CERTIFIED EMERGENCY
6 SERVICES PROVIDERS".
7 2. Page 1, line 12, by inserting after the word
8 "officer" the following: "or certified emergency
9 services provider".
10 3. Page 1, line 13, by inserting after the word
11 "officer's" the following: "or provider's".
12 4. Page 1, line 14, by inserting after the word
13 "officer's" the following: "or provider's".
14 5. Page 1, line 22, by inserting after the word
15 "officer's" the following: "or provider's".
16 6. Page 1, line 24, by inserting after the word
17 "officer" the following: "or certified emergency
18 services provider".
19 7. Page 1, line 27, by inserting after the word
20 "officer" the following: "or certified emergency
21 services provider".
22 8. Page 1, line 28, by inserting after the word
23 "officer's" the following: "or provider's".
24 9. Page 1, by inserting after line 34, the
25 following:
26 "_____. For the purposes of this section, "certified
27 emergency services provider" means an emergency
28 medical care provider or emergency rescue technician
29 as defined in section 147A.1 or a fire fighter as
30 defined in section 411.1."
31 _____ . Title page, line 2, by inserting after the
32 word "officers" the following: "and certified
33 emergency services providers".
34 10. By renumbering as necessary.

By THOMAS of Clayton

H-8019 FILED FEBRUARY 13, 2006

**EIGHTY-FIRST GENERAL ASSEMBLY
2006 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 10, 2006

HOUSE FILE 540

H-8173

1 Amend the Senate amendment, H-1542, to House File
2 540, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 26 and
5 inserting the following:

6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 321.267A TRAFFIC
9 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
10 -- REPORTS.

11 1. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 shall be reported to the department by the officer's
14 employer. The officer's employer shall certify to the
15 department whether or not the accident occurred in the
16 line of duty while operating an official government
17 vehicle. Such a certification is effective only for
18 the purposes of this section.

19 2. Notwithstanding section 321.200, upon receiving
20 a certification pursuant to subsection 1, the
21 department shall not include a notation of the
22 accident described in the certification on the
23 officer's driving record.

24 3. The provisions of this section shall not
25 relieve a certified law enforcement officer operating
26 a motor vehicle of the duty to drive with due regard
27 for the safety of all persons.

28 4. For the purposes of this section, "certified law
29 enforcement officer" means a law enforcement officer
30 who is certified through the Iowa law enforcement
31 academy as provided in section 80B.13, subsection 3,
32 or section 80B.17.""

By TOMENGA of Polk

H-8173 FILED MARCH 9, 2006

HOUSE FILE 540

H-8371

- 1 Amend the amendment, H-8173, to the Senate
2 amendment, H-1542, to House File 540, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, line 9, by inserting after the word
5 "OFFICERS" the following: "OR OTHER EMERGENCY
6 RESPONDERS".
7 2. Page 1, line 12, by inserting after the word
8 "officer" the following: "or other emergency
9 responder".
10 3. Page 1, line 13, by inserting after the word
11 "officer's" the following: "or responder's".
12 4. Page 1, line 14, by inserting after the word
13 "officer's" the following: "or responder's".
14 5. Page 1, line 17, by inserting after the word
15 "vehicle" the following: "or during the responder's
16 deployment on an emergency call".
17 6. Page 1, line 23, by inserting after the word
18 "officer's" the following: "or responder's".
19 7. Page 1, line 25, by inserting after the word
20 "officer" the following: "or other emergency
21 responder".
22 8. Page 1, by inserting after line 32, the
23 following:
24 "5. For the purposes of this section, "other
25 emergency responder" means a fire fighter certified as
26 a fire fighter I pursuant to rules adopted under
27 chapter 100B and trained in emergency driving or an
28 emergency medical responder certified under chapter
29 147A and trained in emergency driving."
30 _____. Title page, line 2, by inserting after the
31 word "officers" the following: "and other emergency
32 responders".
33 9. By renumbering as necessary.

By THOMAS of Clayton

H-8371 FILED MARCH 23, 2006

HOUSE FILE 540

H-8366

- 1 Amend the amendment, H-8008, to the Senate
2 amendment, H-1542, to House File 540, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, line 9, by inserting after the word
5 "OFFICERS" the following: "OR OTHER EMERGENCY
6 RESPONDERS".
7 2. Page 1, line 12, by inserting after the word
8 "officer" the following: "or other emergency
9 responder".
10 3. Page 1, line 13, by inserting after the word
11 "officer's" the following: "or responder's".
12 4. Page 1, line 14, by inserting after the word
13 "officer's" the following: "or responder's".
14 5. Page 1, line 17, by inserting after the word
15 "vehicle" the following: "or during the responder's
16 deployment on an emergency call. Such a certification
17 is effective only for the purposes of this section".
18 6. Page 1, line 22, by inserting after the word
19 "officer's" the following: "or responder's".
20 7. Page 1, line 24, by inserting after the word
21 "officer" the following: "or other emergency
22 responder".
23 8. Page 1, line 27, by inserting after the word
24 "officer" the following: "or other emergency
25 responder".
26 9. Page 1, line 28, by inserting after the word
27 "officer's" the following: "or responder's".
28 10. Page 1, by inserting after line 34, the
29 following:
30 "5. For the purposes of this section, "other
31 emergency responder" means a fire fighter certified as
32 a fire fighter I pursuant to rules adopted under
33 chapter 100B and trained in emergency driving or an
34 emergency medical responder certified under chapter
35 147A and trained in emergency driving."
36 _____. Title page, line 2, by inserting after the
37 word "officers" the following: "and other emergency
38 responders".
39 11. By renumbering as necessary.

By THOMAS of Clayton

H-8366 FILED MARCH 23, 2006

**HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 540**

S-5159

1 Amend the Senate amendment, H-1542, to House File
2 540, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 26 and
5 inserting the following:

6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 321.267A TRAFFIC
9 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
10 OR OTHER EMERGENCY RESPONDERS -- REPORTS.

11 1. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 or other emergency responder shall be reported to the
14 department by the officer's or responder's employer.
15 The officer's or responder's employer shall certify to
16 the department whether or not the accident occurred in
17 the line of duty while operating an official
18 government vehicle or during the responder's
19 deployment on an emergency call. Such a certification
20 is effective only for the purposes of this section.

21 2. Notwithstanding section 321.200, upon receiving
22 a certification pursuant to subsection 1, the
23 department shall not include a notation of the
24 accident described in the certification on the
25 officer's or responder's driving record.

26 3. The provisions of this section shall not
27 relieve a certified law enforcement officer or other
28 emergency responder operating a motor vehicle of the
29 duty to drive with due regard for the safety of all
30 persons.

31 4. For the purposes of this section, "certified law
32 enforcement officer" means a law enforcement officer
33 who is certified through the Iowa law enforcement
34 academy as provided in section 80B.13, subsection 3,
35 or section 80B.17.

36 5. For the purposes of this section, "other
37 emergency responder" means a fire fighter certified as
38 a fire fighter I pursuant to rules adopted under
39 chapter 100B and trained in emergency driving or an
40 emergency medical responder certified under chapter
41 147A and trained in emergency driving."

42 2. Title page, line 2, by inserting after the
43 word "officers" the following: "and other emergency
44 responders".

RECEIVED FROM THE HOUSE

S-5159 FILED APRIL 4, 2006

HOUSE FILE 540

AN ACT

RELATING TO REPORTS OF TRAFFIC ACCIDENTS INVOLVING CERTIFIED
LAW ENFORCEMENT OFFICERS AND OTHER EMERGENCY RESPONDERS.

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

Section 1. NEW SECTION. 321.267A TRAFFIC ACCIDENTS
INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS OR OTHER
EMERGENCY RESPONDERS -- REPORTS.

1. Any traffic accident involving the operation of a motor vehicle by a certified law enforcement officer or other emergency responder shall be reported to the department by the officer's or responder's employer. The officer's or responder's employer shall certify to the department whether or not the accident occurred in the line of duty while operating an official government vehicle or during the responder's deployment on an emergency call. Such a certification is effective only for the purposes of this section.

2. Notwithstanding section 321.200, upon receiving a certification pursuant to subsection 1, the department shall not include a notation of the accident described in the certification on the officer's or responder's driving record.

3. The provisions of this section shall not relieve a certified law enforcement officer or other emergency responder operating a motor vehicle of the duty to drive with due regard for the safety of all persons.

4. For the purposes of this section, "certified law enforcement officer" means a law enforcement officer who is certified through the Iowa law enforcement academy as provided in section 80B.13, subsection 3, or section 80B.17.

5. For the purposes of this section, "other emergency responder" means a fire fighter certified as a fire fighter I pursuant to rules adopted under chapter 100B and trained in emergency driving or an emergency medical responder certified under chapter 147A and trained in emergency driving.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 540, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor