

FEB 24 2006
Place On Calendar

HOUSE FILE 2523
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2207)

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

A BILL FOR

1 An Act relating to safe motor vehicle operation, including
2 penalties for certain motor vehicle violations causing serious
3 injury or death and classroom instruction for driver education
4 courses.

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

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HF 2523

1 Section 1. Section 321.178, subsection 1, Code Supplement
2 2005, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. Instruction providing an awareness
4 about sharing the road with bicycles and motorcycles. The
5 instruction course shall be first approved by the state
6 department of transportation. Instructional materials
7 creating an awareness about sharing the road with bicycles and
8 motorcycles shall also be distributed during the course of
9 instruction.

10 Sec. 2. NEW SECTION. 321.482A VIOLATIONS RESULTING IN
11 INJURY OR DEATH -- ADDITIONAL PENALTIES.

12 Notwithstanding section 321.482, a person who is convicted
13 of operating a motor vehicle in violation of section 321.275,
14 subsection 4, section 321.297, 321.298, 321.299, 321.302,
15 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section
16 321.309, subsection 2, or section 321.311, 321.319, 321.320,
17 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A,
18 321.327, 321.329, or 321.333 causing serious injury to or
19 death of another person may be subject to the following
20 penalties in addition to the penalty provided for a scheduled
21 violation in section 805.8A or any other penalty provided by
22 law:

23 1. For a violation causing serious injury, a fine of five
24 hundred dollars or suspension of the violator's driver's
25 license or operating privileges for not more than ninety days,
26 or both. For purposes of this subsection, "serious injury"
27 means the same as defined in section 702.18.

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

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EXPLANATION

34 This bill requires a driver education course to include
35 instruction about making students aware of sharing the road

1 with bicycles and motorcycles. Under the bill, the bicycle
2 and motorcycle awareness course shall first be approved by the
3 state department of transportation.

4 The bill also provides that motor vehicle operators who are
5 convicted of certain moving violations which are simple
6 misdemeanors may be subject to additional fines and licensing
7 sanctions if such a violation causes injury or death. The
8 bill applies to specified violations that involve failure to
9 yield or interfering with the right-of-way of a vehicle or
10 person. For a violation causing serious injury to another
11 person, the court may impose an additional fine of \$500 or
12 driver's license suspension for up to 90 days, or both. Under
13 the bill, "serious injury" means the same as defined in Code
14 section 702.18.

15 For a violation which causes the death of a person, the
16 court may impose an additional fine of \$1,000 or driver's
17 license suspension for up to 180 days, or both.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2523 – Traffic Violations Penalty Enhancements (LSB 5232 HV)
Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2523 requires a driver's education course, as approved by the Department of Transportation, to include instruction on awareness of sharing the road with bicycles and motorcycles. The Bill provides that motor vehicle operators convicted of certain moving violations which are simple misdemeanors may be subject to additional fines and licensing sanctions if such a violation results in serious injury or death.

Assumptions

1. The law will become effective July 1, 2006. A lag effect of six months is assumed, from the law's effective date to the date of the first entry of affected offenders into the correctional system (to allow for court case processing time).
2. In FY 2005, there were 14,449 convictions for the enumerated scheduled violations in the Bill.

Correctional Impact

The FY 2005 conviction reports do not identify the number of accidents that result in serious injury or death. Therefore, the number of violations that may result in the imposition of increased fines cannot be determined.

Fiscal Impact

General Fund

The fiscal impact due to the collection of additional fines is anticipated to be an increase to the General Fund; however, the amount cannot be determined since the number of violations resulting in serious injury or death is unknown.

Primary Road Fund and Road Use Tax Fund

There may be additional costs to the Department of Transportation (DOT) associated with settlement hearings, processing and reinstating suspensions, and programming; however, these costs are unknown. Costs to the DOT associated with providing instruction on awareness of sharing the road with bicycles and motorcycles are anticipated to be minimal. All such costs would result in a decrease to the Motor Vehicle Division's base budget, which includes Primary Road Fund and Road Use Tax Fund moneys.

Source

Department of Transportation

/s/ Holly M. Lyons

February 28, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
