

# IOWA SCHOOL BUS SAFETY

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**Even safer than riding in your own vehicle, riding on a school bus is the safest way for your child to travel to and from school.**

The greatest risk is not riding the school bus, but approaching or leaving it. So, children need to be especially careful around the school bus "danger zone," which is 10 feet in front, behind and on each side of the school bus. Drivers also need to remain constantly alert to students as they exit or enter the bus, or move in front of the bus to cross a highway.



*\*Although not affected by Kady's Law, it is important to remember that offenses that cause unintentional serious injury or death to another person and that are charged as operating while intoxicated (OWI), reckless driving, eluding or attempting to elude a law enforcement vehicle, or drag racing may be charged as homicide or serious injury by vehicle, which are class "B" (OWI causing death), "C" (reckless driving or eluding causing death) or "D" (OWI, reckless driving, or eluding causing serious injury; drag racing causing death) felonies. These felonies carry significant higher penalties and sanctions, including fines of up to \$10,000, mandatory restitution of \$150,000, mandatory imprisonment of 25 years, and mandatory suspension of driving privileges for six years for a class "B" felony conviction.*

## KEEP AWARE DRIVING - YOUTH NEED SCHOOL SAFETY ACT

In March 2012, Iowa Gov. Terry Branstad signed into law Senate File 2218, the "Keep Aware Driving — Youth Need School Safety Act," commonly known as Kady's Law ([Kady's Law Final Report, Dec. 2012](#))



*Kady Halverson*

Passed unanimously in the Iowa House and Senate, the law is aimed at preventing other tragic deaths and serious injuries to Iowa's school children while boarding or unloading from a school bus. On May 10, 2011, Kady Halverson, age 7, of Northwood, was struck by a pickup while trying to cross the road to board a school bus.

The Act increased the criminal penalties for passing a stopped school bus and directed the Iowa DOT to enact rules that make illegally passing a stopped school bus a serious moving violation that triggers increasing periods of suspension for first, second and subsequent offenses.

On Aug. 14, 2012, the Iowa Department of Transportation adopted an emergency administrative rule that increases the administrative driving privilege sanctions for illegally passing a stopped school bus. Effective Aug. 15, 2012, the rule provides that a person's Iowa driving privilege will be suspended 30 days for a first conviction, 90 days for a second conviction, and 180 days for a third or subsequent conviction.

Kady's Law also increased the criminal penalties and administrative sanctions for those convicted of such violations, which are now as follows.

#### FIRST OFFENSE

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**Criminal citation** Iowa Code 321.372(5)(b)(1) — Unlawful passing of school bus first offense, simple misdemeanor

**Fine** Iowa Code 321.372(5)(b)(1) — At least \$250, but not more than \$675

**Imprisonment** The court may order imprisonment not to exceed 30 days in lieu of or in addition to a fine.

**Driving privilege suspension** The Iowa DOT will impose a 30-day suspension. You may have an opportunity to complete our [driver improvement program](#) in lieu of having your license suspended.

### **SECOND OFFENSE**

### **THIRD AND SUBSEQUENT OFFENSES**

#### **ANY OFFENSE CAUSING SERIOUS INJURY TO ANOTHER PERSON\***

#### **ANY OFFENSE CAUSING DEATH TO ANOTHER PERSON\* \*\***

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*\*\* The Iowa DOT also has authority under Iowa Code 321.210 and 761 Iowa Administrative Code to suspend the driving privilege of a person convicted for a moving violation that contributed to a fatal motor vehicle accident for at least 120 days. Typical suspensions under this authority are for a period of one year.*

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Although misdemeanor convictions do not pose the same penalties as felony convictions, they often have other effects on a person's life. Employers often run background checks, and when they do, a misdemeanor is a criminal offense that will appear on the report. A misdemeanor can also cause problems with obtaining security clearances.

Kim Snook, former director of the Iowa DOT's Driver & Identification Services, said, "We hope that these increased penalties and sanctions will make driver's think twice before foolishly choosing to pass a stopped school bus. More than thinking about their own penalty, however, we hope they will remember and recognize that passing a stopped school bus threatens the life of a child. The few seconds gained is not worth risking a child's life."

The Iowa departments of Transportation, Public Safety and Education, and University of Iowa-National Advanced Driving Simulator and Iowa State University-Center for Transportation Research and Education have teamed up to provide additional public

education on school bus safety in 2012, as well as to complete a study on school bus safety.