



IOWA HOUSE DEMOCRATS

BILL SUMMARY

HF 484

Duty to Report

Status of Bill: House Calendar
Committee: Transportation (21-0)
Research Analyst: Joe Gilde 281-6971

Lead Democrat: Rep. Kressig
Floor Manager: Rep. Thorup

Background

On December 14, 2015, Benjamin Clague was driving a CyRide bus in Ames when he hit Iowa State University student Emmalee Jacobs near the intersection of Lincoln Way and Ash Avenue. An Iowa State police officer found her body in the road and she was transported to the Mary Greeley Medical Center, where she later died.

According to the Ames police, Mr. Clague was driving on Lincoln Way and made a left turn onto Ash Avenue against a flashing yellow arrow. The bus then struck Ms. Jacobs. Mr. Clague was identified when a CyRide supervisor later reviewed video from the bus that included audio and heard a loud noise that the supervisor alerted the police to the possible incident. The video also showed Mr. Clague continuing to the next stop, getting out and inspecting the bus. The video did not show any other passengers on the bus.

Mr. Clague was originally charged with leaving the scene of a personal injury accident and failure to obey a traffic control device. Prosecutors declined to seek more serious charges in the case when they decided they could not prove Mr. Clague knew that he had hit Ms. Jacobs right away. The prosecutor said the statute requires that Mr. Clague would have needed to have known immediately that he had hit Ms. Jacobs and then fled.

Mr. Clague pled guilty to failure to report an accident, a simple misdemeanor. Mr. Clague was sentenced to 30 days in jail and ordered to pay a \$100 fine. All other charges were dropped.

Summary

HF 484 states that if the driver of a vehicle leaves the scene of an accident resulting in injury or death of a person without knowing they were involved in the accident, and later discovers that they may have been involved, they must contact emergency services as soon as reasonably possible.

A violation of this duty is a serious misdemeanor if the accident resulted in an injury to a person. A serious misdemeanor is punishable by up to 1 year incarceration and a fine of up to \$1,875. A violation that results in a serious injury is an aggravated misdemeanor. An aggravated misdemeanor is punishable by up to 2 years incarceration or a fine of up to \$6,250. A violation of this duty that results in death is a class "D" felony. A class "D" felony is punishable by incarceration of up to 5 years and a fine of up to \$7,500. A violation is subject to mandatory drivers license revocation, counts as an offense for purposes of habitual offender status, and may result in exclusion from an auto insurance policy.