

Motor Vehicle Division Policy Memo # 22-21

2022 legislation – Firefighter/EMS blue lights & conviction expungement

DATE: June 24, 2022

FROM: MVD Policy & Compliance Team

TO: Motor Vehicle Division and county treasurer staff who process court convictions for driver records and review plate/registration applications

SUBJECT

This policy memo explains SF 551 that was passed during the 2022 legislative session that impacts certain MVD processes concerning firefighter and EMS vehicle operators exceeding the speed limit.

SUMMARY

Conviction expungement from driver records. The bill requires a court to dismiss and expunge from a noncommercial driver's record any excessive speed violation citations if the person is a firefighter or emergency medical service (EMS) member who was responding to an emergency and the person's chief officer presents the court with a signed statement providing details about the emergency call that resulted in the citation. This does not apply to a person who holds a commercial driver's license (CDL) or a commercial learner's permit (CLP). In effect, the new law will require us to remove a speeding conviction from a noncommercial driver's record only if we receive a court order that meets these conditions outlined in the bill for driver record expungement.

Exceeding maximum speed limit – plates and blue lights. Of note to Vehicle and Motor Carrier Services staff, the bill allows members of a fire department or emergency medical services (EMS) agency to reasonably exceed maximum speed limits if:

- They have received emergency vehicle operations training; and
- They are responding to but not returning from an emergency call or fire alarm; and
- They are using a blue light under Iowa Code section 321.423 OR the vehicle is displaying firefighter plates or emergency medical services plates.

The bill also adds to the blue light section in Iowa Code 321.423 to require a firefighter operating a fire department vehicle with blue lights to receive emergency vehicle operations training, and also to authorize an EMS vehicle operated by an EMS member to display a blue light upon certain authorization and application.

The legislation is effective July 1, 2022.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=SF551>

CURRENT

Conviction expungement from driver records. Under current law in 321.267A, we already remove an accident report notation from the driving record when an emergency responder is involved in an accident in the line of duty, however, we have no authority to remove a conviction from a driver's record even if the conviction is expunged.

Exceeding maximum speed limit – plates and blue lights. Under current law, drivers of vehicles displaying fire fighter or emergency medical services registration plates do not have authorization to reasonably exceed the maximum speed limits when the driver is a current member of a paid or volunteer fire department or emergency medical services agency, the driver is responding to an emergency call or fire alarm, and the driver has received emergency vehicle operations training.

Under current law in 321.423(3), a vehicle owned by a member of a fire department may display blue lights when authorized by the chief of the fire department, the request is made on a form provided by the department, and necessity for authorization is shown, but the member is not required to receive emergency vehicle operations training.

Under current law in 321.423(3), vehicles authorized by the chief officer of an emergency medical services agency may not display blue lights.

NEW

Conviction expungement from driver records. Effective July 1, 2022, we are authorized to remove a speeding conviction from a driver's record if we receive a court order that meets the conditions outlined in new section 321.231A(3), including that the subject of the order is a noncommercial driver and a firefighter/EMS member who was responding to an emergency at the time of the speeding incident. Other than this very narrow circumstance, our policy on not removing convictions from driver records upon expungement of the criminal record has not changed for any other type of offense (*i.e., convictions remain on the driving record even if expunged on the criminal record*).

Exceeding maximum speed limit – plates and blue lights. Effective July 1, 2022, drivers displaying fire fighter or emergency medical services registration plates may reasonably exceed the maximum speed limits based on facts and circumstances at the time if the driver is a current member of a paid or volunteer fire department or emergency medical services agency, the driver is responding to, but not returning from, an emergency call or fire alarm, and the driver has received emergency vehicle operations training.

Further, a member of a fire department who seeks to display blue lights under 321.423(3) has a new requirement to receive emergency vehicle operations training in addition to existing requirements.

Additionally, vehicles authorized by the chief officer of an emergency medical services agency may display blue lights if the vehicle is owned by a member of the emergency medical services agency, the request for authorization is made by the member on forms provided by the department, and necessity for authorization to respond to an emergency call or fire alarm under 321.231A is demonstrated in the request.

BUSINESS IMPACT

Conviction expungement from driver records: The bill allows a court to dismiss and expunge speeding citations before a conviction is even entered. Therefore, since we only record final convictions (not citations) on driver records, we may not become involved in this process if the court expunges the citation before a conviction is entered and expect to receive very few, if any, orders of this nature. However, we should be prepared to receive and process expungement orders under the new law.

Staff who review court orders and process amended convictions should monitor for orders that meet the conditions for driver record expungement under the new law. If we receive an order requiring us to remove a speeding conviction from a noncommercial driver's record under section 321.231A(3), please send it to an MVD Compliance Officer for review (route to CORVW).

Exceeding maximum speed limit – plates and blue lights. We will be updating the blue light application form to require certification that the firefighter has received emergency vehicle operations training and to allow vehicles authorized by the chief officer of an emergency medical services agency to apply. We note that the legislation only requires that the member of a fire department has received emergency vehicle operations training.

However, we will not be changing DOT plate applications for firefighter/EMS plates because 1) not all customers with these plates intend to exceed maximum speed limits, and we think it would be an unnecessary burden to require this "emergency training" certification for all customers, and 2) firefighter and EMS plates already require another entity (the firefighters associations and the emergency medical services association, respectively) to verify the customer qualifies for the plates.