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April 14, 2008



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Mark Wyatt
Iowa Bicycle Coalition
P.O. Box 572
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**RE: Randy Van Zee Accident
April 4, 2008**


Dear Mr. Wyatt,

I share your concern about the above accident as county attorney and a cyclist. This accident was investigated by the Iowa State Patrol who filed two charges: Failure to Stop a Safe and Sure Distance, Section 321.285 and Failure to Have Insurance, Section 321.20B. Neither of the above code sections are listed in the additional penalty Section 321.482A. I thought of Failure to Have Control, Section 321.288, but it is not in Section 321.482A either.

Unfortunately, the two code sections you suggest 321.302 and 321.299 do not apply. Both of these sections refer to a "vehicle" being passed. Section 321.1(90)(a) states a "vehicle" does not include any device moved by human power.

The last thing we want to do is file a charge we cannot prove. Please feel free to share with me any additional thoughts or information.

Very truly yours,



Bruce A. Green
O'Brien County Attorney

BAG/lb