

JAN 30 2004
PUBLIC SAFETY

HOUSE FILE 2137
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a surcharge for certain speeding violations,
2 creating a state patrol revolving fund, and making an
3 appropriation.

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

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1 Section 1. NEW SECTION. 80.41 STATE PATROL REVOLVING
2 FUND.

3 A state patrol revolving fund is created in the state
4 treasury under the control of the department of public safety.
5 The fund shall consist of moneys collected from the speeding
6 violation surcharge under section 911.4, moneys appropriated
7 by the general assembly, and any other moneys obtained or
8 accepted by the department for deposit in the revolving fund.
9 The proceeds of the revolving fund are appropriated to and
10 shall be used by the department of public safety for
11 employment of peace officers in the Iowa state patrol division
12 and purchase and maintenance of equipment required for the
13 performance of the officers' duties. Section 8.33 does not
14 apply to any moneys in the revolving fund and, notwithstanding
15 section 12C.7, subsection 2, earnings or interest on moneys
16 deposited in the revolving fund shall be credited to the
17 revolving fund.

18 Sec. 2. Section 602.8102, Code Supplement 2003, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 135C. Assess the speeding violation
21 surcharge as provided by section 911.4.

22 Sec. 3. Section 602.8107, subsection 4, unnumbered
23 paragraph 2, Code Supplement 2003, is amended to read as
24 follows:

25 This subsection does not apply to amounts collected for
26 victim restitution, the victim compensation fund, criminal
27 penalty surcharge, law enforcement initiative surcharge,
28 speeding violation surcharge, amounts collected as a result of
29 procedures initiated under subsection 5 or under section
30 8A.504, or sheriff's room and board fees.

31 Sec. 4. Section 602.8108, Code Supplement 2003, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 4A. When a court assesses the speeding
34 violation surcharge under section 911.4, the clerk of court
35 shall remit to the treasurer of state, no later than the

1 fifteenth day of each month, all the moneys collected during
2 the preceding month, for deposit in the state patrol revolving
3 fund created in section 80.41.

4 Sec. 5. Section 805.8A, subsection 5, paragraph b, Code
5 Supplement 2003, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In addition to the criminal
8 penalty surcharge assessed pursuant to chapter 911, the
9 speeding violation surcharge required by section 911.4 shall
10 be added to the scheduled fines in this lettered paragraph.

11 Sec. 6. Section 909.8, Code 2003, is amended to read as
12 follows:

13 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
14 SURCHARGE.

15 The provisions of this chapter governing the payment and
16 collection of a fine, except section 909.3A, also apply to the
17 payment and collection of surcharges imposed pursuant to
18 chapter 911. However, section 909.10 shall not apply to
19 surcharges assessed under section sections 911.3 and 911.4.

20 Sec. 7. NEW SECTION. 911.4 SPEEDING VIOLATION SURCHARGE.

21 1. In addition to the criminal penalty surcharge assessed
22 pursuant to this chapter, a speeding violation surcharge of
23 fifty dollars shall be assessed by the clerk of the district
24 court when the court imposes a fine for a scheduled violation
25 under section 805.8A, subsection 5, paragraph "b".

26 2. The surcharge shall be deposited in the state patrol
27 revolving fund created in section 80.41.

28 3. The surcharge is subject to the provisions of chapter
29 909 governing the payment and collection of fines, as provided
30 in section 909.8.

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EXPLANATION

32 This bill imposes a speeding violation surcharge of \$50 for
33 excessive speed violations committed in a speed zone greater
34 than 55 miles per hour. The speeding violation surcharge is
35 in addition to the scheduled fine and criminal penalty

1 surcharge currently assessed for such speeding violations.

2 The bill creates a state patrol revolving fund under the
3 control of the department of public safety for deposit of
4 moneys collected from the speeding violation surcharge.
5 Moneys in the fund are appropriated to the department for
6 employment and equipment of peace officers in the Iowa state
7 patrol division.

8 The bill directs that a clerk of court shall remit all
9 moneys collected in the preceding month from the speeding
10 violation surcharge to the treasurer of state for deposit in
11 the state patrol revolving fund. Speeding violation
12 surcharges are exempt from Code provisions allowing a county
13 to retain a portion of delinquent surcharges collected by a
14 county attorney and requiring that delinquent fines collected
15 by the clerk of court be deposited in a judicial revolving
16 fund.

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