

House Study Bill 107 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to the charging procedure for scheduled
2 violations for exceeding weight limits on an axle or
3 vehicle.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 805.8A, subsection 12, paragraph e, Code
2 2023, is amended to read as follows:

3 e. (1) Violations of the schedule of axle, ~~and tandem axle,~~
4 ~~and gross or group of axle~~ axles, and gross weight violations
5 limits in section 321.463 shall be scheduled violations subject
6 to the uniform citation and complaint provisions, procedures,
7 and exceptions contained in sections 805.6 through 805.11,
8 irrespective of the amount of the scheduled fine under that
9 schedule.

10 ~~(a) Violations of the schedule of weight violations shall be~~
11 ~~chargeable, where the fine charged does not exceed one thousand~~
12 ~~dollars, only by uniform citation and complaint.~~

13 ~~(b) Violations of the schedule of weight violations, where~~
14 ~~the fine charged exceeds one thousand dollars shall, when the~~
15 ~~violation is admitted and section 805.9 applies, be chargeable~~
16 ~~upon uniform citation and complaint, indictment, or county~~
17 ~~attorney's information, but otherwise shall be chargeable only~~
18 ~~upon indictment or county attorney's information.~~

19 (2) In all cases of charges under the schedule of weight
20 violations, the charge citation and complaint shall specify the
21 amount of fine charged under the schedule. ~~Where a defendant~~
22 ~~is convicted and the fine under the foregoing schedule of~~
23 ~~weight violations exceeds one thousand dollars, the conviction~~
24 ~~shall be of an indictable offense although section 805.9 is~~
25 ~~employed and whether the violation is charged upon uniform~~
26 ~~citation and complaint, indictment, or county attorney's~~
27 ~~information.~~

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 Under current law, Code sections 805.6 through 805.11
32 authorize the commissioner of public safety, the director of
33 transportation, and the director of the department of natural
34 resources to adopt a uniform citation and complaint, and
35 associated procedures, for charging traffic violations and

1 other violations which are designated as scheduled violations.

2 Code section 321.463 limits the maximum gross weight of a
3 vehicle based on the number and type of axles and the distance
4 between the axles on the vehicle. A violation results in a
5 scheduled fine ranging from \$12 to \$2,200 plus 10 cents per
6 pound in excess of 20,000 pounds over the limit.

7 Current law requires weight limit violations resulting in a
8 fine exceeding \$1,000, when the violation is admitted, to be
9 chargeable upon uniform citation and complaint, indictment, or
10 county attorney's information. However, if the violation is
11 not admitted, the violation is chargeable only upon indictment
12 or county attorney's information.

13 This bill makes such violations of Code section 321.463
14 a scheduled violation subject to the uniform citation and
15 complaint provisions, procedures, and exceptions, irrespective
16 of the amount of the scheduled fine.

17 The bill makes conforming changes to Code section
18 805.8A(12)(e), but does not change the scheduled fine amount
19 for any violation.