

Senate File 2356 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3075)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judicial branch including contested and
2 uncontested parking violations, assessment of city and county
3 fines, filing civil citations of municipal infractions with
4 the clerk, and records kept by the clerk.

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

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1 1 Section 1. Section 321.236, subsection 1, unnumbered
1 2 paragraph 2, Code Supplement 2007, is amended to read as
1 3 follows:
1 4 Parking meter, snow route, and overtime parking violations
1 5 which are ~~denied~~ contested shall be charged and proceed before
1 6 a court the same as other traffic violations. Filing fees and
1 7 court costs shall be assessed as provided in section 602.8106,
1 8 subsection 1 and section 805.6, subsection 1, paragraph "a"
1 9 for parking violation cases. ~~Parking violations which are~~
1 10 ~~admitted.~~

1 11 Sec. 2. Section 321.236, subsection 1, paragraphs a and b,
1 12 Code Supplement 2007, are amended to read as follows:

1 13 a. ~~May Parking violations which are uncontested shall be~~
1 14 charged and collected upon a simple notice of a fine payable
1 15 to the city clerk, ~~if authorized by ordinance.~~ The fine for
1 16 each violation charged under a simple notice of a fine shall
1 17 be established by ordinance. The fine may be increased by
1 18 five dollars if the parking violation is not paid within
1 19 thirty days of the date upon which the violation occurred, ~~if~~
1 20 ~~authorized by ordinance.~~ Violations of section 321L.4,
1 21 subsection 2, ~~may shall~~ be charged and collected upon a simple
1 22 notice of a one hundred dollar fine payable to the city clerk,
1 23 ~~if authorized by ordinance.~~ ~~No costs~~ Costs or other charges
1 24 shall not be assessed. All fines collected by a city pursuant
1 25 to this paragraph shall be retained by the city and all fines
1 26 collected by a county pursuant to this paragraph shall be
1 27 retained by the county, except as provided by an agreement
1 28 between a city and a county treasurer for the collection of
1 29 fines pursuant to section 331.553, subsection 8.

1 30 b. ~~Notwithstanding any such ordinance, may be prosecuted~~
1 31 ~~under the provisions of sections 805.7 to 805.13 or as any~~
1 32 ~~other traffic violation.~~

1 33 Sec. 3. Section 331.302, subsection 2, Code 2007, is
1 34 amended to read as follows:

1 35 2. ~~A For a violation of an ordinance a county shall not~~
2 1 provide a penalty in excess of ~~a five hundred dollar the~~
2 2 ~~maximum fine or in excess of thirty days and term of~~
2 3 ~~imprisonment for the violation of an ordinance a simple~~
2 4 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~
2 5 The criminal penalty surcharge required by section 911.1 shall
2 6 be added to a county fine and is not a part of the county's
2 7 penalty.

2 8 Sec. 4. Section 331.302, subsection 4A, paragraph a,
2 9 subparagraph (2), Code 2007, is amended to read as follows:

2 10 (2) A portion of the Code of Iowa may be adopted by
2 11 reference only if the criminal penalty provided by the law
2 12 adopted does not exceed ~~thirty days the maximum fine and term~~
2 13 ~~of imprisonment and a five hundred dollar fine for a simple~~
2 14 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~

2 15 Sec. 5. Section 364.3, subsection 2, Code 2007, is amended
2 16 to read as follows:

2 17 2. ~~A For the violation of an ordinance a city shall not~~
2 18 ~~provide a penalty in excess of a five hundred dollar the~~
2 19 ~~maximum fine or in excess of thirty days and term of~~
2 20 ~~imprisonment for the violation of an ordinance a simple~~
2 21 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~
2 22 An amount equal to ten percent of all fines collected by
2 23 cities shall be deposited in the account established in
2 24 section 602.8108. However, one hundred percent of all fines
2 25 collected by a city pursuant to section 321.236, subsection 1,
2 26 shall be retained by the city. The criminal penalty surcharge
2 27 required by section 911.1 shall be added to a city fine and is
2 28 not a part of the city's penalty.

2 29 Sec. 6. Section 364.22, subsection 4, unnumbered paragraph
2 30 1, Code 2007, is amended to read as follows:

2 31 An officer authorized by a city to enforce a city code or
2 32 regulation may issue a civil citation to a person who commits
2 33 a municipal infraction. ~~The A copy of the~~ citation may be
2 34 served by personal service as provided in rule of civil
2 35 procedure 1.305, by certified mail addressed to the defendant
3 1 at the defendant's last known mailing address, return receipt
3 2 requested, or by publication in the manner as provided in rule
3 3 of civil procedure 1.310 and subject to the conditions of rule
3 4 of civil procedure 1.311. A copy of the citation shall be
3 5 retained by the issuing officer, and ~~one copy the original~~
3 6 ~~citation~~ shall be sent to the clerk of the district court.

3 7 The citation shall serve as notification that a civil offense
3 8 has been committed and shall contain the following
3 9 information:

3 10 Sec. 7. Section 380.10, subsection 2, Code 2007, is
3 11 amended to read as follows:

3 12 2. A portion of the Code of Iowa may be adopted by
3 13 reference only if the criminal penalty provided by the law
3 14 adopted does not exceed ~~thirty days' the maximum fine and term~~
3 15 ~~of imprisonment and a five hundred dollar fine for a simple~~
3 16 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~

3 17 Sec. 8. Section 602.8104, subsection 2, Code 2007, is
3 18 amended by adding the following new paragraph:

3 19 NEW PARAGRAPH. k. A record book of certificates of
3 20 deposit, not in the clerk's name, which are being held by the
3 21 clerk on behalf of a conservatorship, trust, or an estate
3 22 pursuant to a court order as provided in section 636.37.

3 23 Sec. 9. Section 602.8106, subsection 1, paragraph c, Code
3 24 Supplement 2007, is amended to read as follows:

3 25 c. For filing and docketing a complaint or information or
3 26 uniform citation and complaint for parking violations under
3 27 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
3 28 eight dollars, effective January 1, 2004. The court costs in
3 29 cases of parking meter and overtime parking violations which
3 30 are ~~denied contested~~, and charged and collected pursuant to
3 31 section 321.236, subsection 1, or pursuant to a uniform
3 32 citation and complaint, are eight dollars per information or
3 33 complaint or per uniform citation and complaint effective
3 34 January 1, 1991.

3 35 Sec. 10. Section 636.37, Code 2007, is amended to read as
4 1 follows:

4 2 636.37 DUTY OF CLERK.

4 3 1. The clerk of the district court with whom any deposit
4 4 of funds, moneys, or securities shall be made, as provided by
4 5 any law or an order of court, shall enter in a book, to be
4 6 provided and kept for that purpose, the amount of such
4 7 deposit, the character thereof, the date of its deposit, from
4 8 whom received, from what source derived, to whom due or to
4 9 become due, if known.

4 10 2. A separate book shall be maintained for all
4 11 certificates of deposit not in the name of the clerk of the
4 12 district court that are being held by the clerk on behalf of a
4 13 conservatorship, trust, or estate. The book shall list the
4 14 relevant details of the transaction, including but not limited
4 15 to the name of the conservator, trustee, or executor, and
4 16 cross references to the court orders opening and closing the
4 17 conservatorship, trust, or estate.

4 18 Sec. 11. Section 805.8A, subsection 1, paragraph a, Code
4 19 2007, is amended to read as follows:

4 20 a. For parking violations under sections 321.236, 321.239,
4 21 321.358, 321.360, and 321.361, the scheduled fine is five
4 22 dollars, except if the local authority has established the
4 23 fine by ordinance ~~pursuant to section 321.236, subsection 1.~~
4 24 The scheduled fine for a parking violation pursuant to section
4 25 321.236 increases by five dollars, ~~as if~~ authorized by
4 26 ordinance ~~pursuant to section 321.236, subsection 1, and if~~
4 27 the parking violation is not paid within thirty days of the

4 28 date upon which the violation occurred. For purposes of
4 29 calculating the unsecured appearance bond required under
4 30 section 805.6, the scheduled fine shall be five dollars, or if
4 31 the amount of the fine is greater than five dollars, the
4 32 unsecured appearance bond shall be the amount of the fine
4 33 established by the local authority pursuant to section
~~4 34 321.236, subsection 1.~~ However, violations charged by a city
4 35 or county upon simple notice of a fine instead of a uniform
5 1 citation and complaint ~~as permitted~~ required by section
5 2 321.236, subsection 1, paragraph "a", are not scheduled
5 3 violations, and this section shall not apply to any offense
5 4 charged in that manner. For a parking violation under section
5 5 321.362 or 461A.38, the scheduled fine is ten dollars.
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