

36-93 (P. 131)

Sub Comm. Judiciary
Bisignano, Fuhrman, Wilek

(F.125) 1-25-93 *Guaranteed*
(P.712) 3-18-93 Do Pass

FILED JAN 25 1993

(P.850) 3/25/93 Referred from Regular Calendar
to Ways & Means Comm.

SENATE FILE **32**

BY JENSEN

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act imposing an additional criminal penalty surcharge on
2 certain motor vehicle violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 32

S-3197

1 Amend Senate File 32 as follows:
2 1. Page 1, by striking lines 24 and 25 and
3 inserting the following: "321.377, or 461A.36, two
4 dollars."

By TONY BISIGNANO
JOHN W. JENSEN

S-3197 FILED MARCH 23, 1993

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SF32

1 Section 1. Section 911.2, Code 1993, is amended to read as
2 follows:

3 911.2 SURCHARGE.

4 1. When a court imposes a fine or forfeiture for a
5 violation of a state law, or of a city or county ordinance
6 except an ordinance regulating the parking of motor vehicles,
7 the court shall assess an additional penalty in the form of a
8 surcharge equal to thirty percent of the fine or forfeiture
9 imposed. In the event of multiple offenses, the surcharge
10 shall be based upon the total amount of fines or forfeitures
11 imposed for all offenses.

12 2. In addition to the surcharge provided under subsection
13 1, when a court imposes a fine for any of the following
14 violations, the court shall assess an additional surcharge as
15 follows:

16 a. Driving while intoxicated, under section 321J.2, ten
17 dollars.

18 b. Failure to use child restraint devices under section
19 321.446, ten dollars.

20 c. Failure to use seatbelts under section 321.445 or
21 321.446, ten dollars.

22 d. For excessive speed violations, under section 321.236,
23 subsection 5 or 11, 321.278, 321.285, 321.286, 321.287,
24 321.377, or 461A.36, one dollar for each mile per hour over
25 the speed limit.

26 e. Reckless driving, under section 29B.106 or 321.277, ten
27 dollars.

28 PARAGRAPH DIVIDED. When If a fine or forfeiture is
29 suspended in whole or in part, the surcharge shall be reduced
30 in proportion to the amount suspended.

31 3. The surcharge is subject to the provisions of chapter
32 909 governing the payment and collection of fines, as provided
33 in section 909.8.

34 Sec. 2. Section 911.3, Code 1993, is amended to read as
35 follows:

1 911.3 DISPOSITION OF SURCHARGE.

2 1. When a court assesses a surcharge under section 911.2,
3 subsection 1, the clerk of the district court shall transmit
4 sixteen and two-thirds percent of the surcharge collected to
5 the treasurer of state to be deposited in the fund established
6 in section 912.14. Ninety-four percent of the remainder of
7 the surcharge collected shall be transmitted to the treasurer
8 of state by the fifteenth day of the following month. The
9 treasurer of state shall deposit that money in the general
10 fund of the state. The clerk of the district court shall
11 transmit six percent of the remainder of the surcharge to the
12 county treasurer or shall remit six percent of the remainder
13 of the surcharge to the city that was the plaintiff in any
14 action for deposit in the general fund of the city.

15 2. When a court assesses a surcharge under section 911.2,
16 subsection 2, the clerk of the district court shall transmit
17 ninety percent of the surcharge collected to the treasurer of
18 state by the fifteenth day of the following month for deposit
19 into the emergency medical services fund created in the state
20 treasury under the control of the Iowa department of public
21 health. The remaining ten percent shall be deposited in the
22 general fund of the county.

23 EXPLANATION

24 This bill imposes an additional criminal penalty surcharge
25 on certain motor vehicle violations, including speeding,
26 reckless driving, driving while intoxicated, and seatbelt and
27 child restraint seat violations. The proceeds from the
28 additional surcharge are split 90 percent to the emergency
29 medical services fund and 10 percent to the county in which
30 the violation occurred.

31 This bill may include a state mandate under chapter 25B.

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SENATE FILE 32
FISCAL NOTE

REQ. BY SENATOR JENSEN

A fiscal note for Senate File 32 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 32 imposes additional penalty surcharges on certain motor vehicle violations, including speeding, reckless driving, driving while intoxicated (DWI), and seatbelt and child restraint seat violations. The proceeds are to be split 90.0% to the Emergency Medical Services (EMS) Fund and 10.0% to the county in which the violation occurred.

ASSUMPTIONS:

1. The number of convictions in FY 1994 will be the same as the number that occurred in calendar year 1992.
2. The average speeding violation is 10 miles per hour over the speed limit. This is an estimate. The State does not collect data to determine the average margin of violations.

FISCAL IMPACT:

The total fiscal effect of Senate File 32 would be an increase of \$2,633,121 to the EMS Fund in FY 1994 and subsequent years. Because 90.0% of the increased surcharges goes to the EMS Fund, and the remainder to the counties, there is no anticipated impact on the General Fund. The counties' share of the increased surcharges would be \$292,569 each year. The following table illustrates the impact to the State's EMS Fund.

Violation	Number of Violations	Surcharge Penalty	Total Penalty Collected	Amount to EMS Fund (90.0%)
Speeding	209,945	\$10	\$2,099,450	\$1,889,505
DWI	10,248	10	102,480	92,232
Child Restraints	4,409	10	44,090	39,681
Reckless Driving	1,203	10	12,030	10,827
Seatbelts	66,764	\$10	\$ 667,640	\$ 600,876
Total	292,569	\$10	\$2,925,690	\$2,633,121

SOURCES:

Department of Public Health
Department of Public Safety
Department of Justice

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Department of Transportation

(LSB 1076xs, JAM)

FILED MARCH 11, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR