

McKean
Hammond
Maddox

SSB-3130

Judiciary
Succeeded By
SF/HF 2245

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

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

A BILL FOR

1 An Act relating to reclassifying certain simple misdemeanors as
2 scheduled violations.

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

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1 Section 1. Section 321.47, Code Supplement 1999, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A person convicted of a
4 violation of this section is guilty of a simple misdemeanor
5 punishable as a scheduled violation under section 805.8,
6 subsection 2, paragraph "ad".

7 Sec. 2. Section 321.91, subsection 2, Code 1999, is
8 amended to read as follows:

9 2. Any ~~A person who abandons a vehicle shall be~~ convicted
10 of a violation of this section is guilty of a simple
11 misdemeanor punishable as a scheduled violation under section
12 805.8, subsection 2, paragraph "m".

13 Sec. 3. Section 321.99, Code 1999, is amended to read as
14 follows:

15 321.99 FRAUDULENT USE OF REGISTRATION.

16 A person shall not knowingly lend to another a registration
17 card, registration plate, special plate, or permit issued to
18 the person if the other person desiring to borrow the card,
19 plate, or permit would not be entitled to the use of it. A
20 person shall not knowingly permit the use of a registration
21 card, registration plate, special plate, or permit issued to
22 the person by one not entitled to it, nor shall a person
23 knowingly display upon a vehicle a registration card,
24 registration plate, special plate, or permit not issued for
25 that vehicle under this chapter. A person convicted of a
26 violation of this section is guilty of a simple misdemeanor
27 punishable as a scheduled violation under section 805.8,
28 subsection 2, paragraph "o".

29 Sec. 4. Section 321.115, Code 1999, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 5. A person convicted of a violation of
32 this section is guilty of a simple misdemeanor punishable as a
33 scheduled violation under section 805.8, subsection 2,
34 paragraph "o".

35 Sec. 5. Section 321.219, Code 1999, is amended to read as

1 follows:

2 321.219 PERMITTING UNAUTHORIZED MINOR TO DRIVE.

3 No A person shall not cause or knowingly permit the
4 person's child or ward under the age of eighteen years to
5 drive a motor vehicle upon any highway when such the minor is
6 not authorized hereunder under this section or in violation of
7 ~~any-of-the-provisions-of~~ this chapter.

8 A person convicted of a violation of this section is guilty
9 of a simple misdemeanor punishable as a scheduled violation
10 under section 805.8, subsection 2, paragraph "w".

11 Sec. 6. Section 321.220, Code 1999, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. A person convicted of a
14 violation of this section is guilty of a simple misdemeanor
15 punishable as a scheduled violation under section 805.8,
16 subsection 2, paragraph "w".

17 Sec. 7. Section 321.234A, Code Supplement 1999, is amended
18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A person convicted of a
20 violation of this section is guilty of a simple misdemeanor
21 punishable as a scheduled violation under section 805.8,
22 subsection 4, paragraph "b".

23 Sec. 8. Section 321.247, Code 1999, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. A person convicted of a
26 violation of this section is guilty of a simple misdemeanor
27 punishable as a scheduled violation under section 805.8,
28 subsection 2, paragraph "e".

29 Sec. 9. Section 321.302, Code 1999, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. A person convicted of a
32 violation of this section is guilty of a simple misdemeanor
33 punishable as a scheduled violation under section 805.8,
34 subsection 2, paragraph "h".

Sec. 10. Section 321.327, Code 1999, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. A person convicted of a
3 violation of this section is guilty of a simple misdemeanor
4 punishable as a scheduled violation under section 805.8,
5 subsection 2, paragraph "i".

6 Sec. 11. Section 321.366, unnumbered paragraph 3, Code
7 1999, is amended to read as follows:

8 ~~Violations~~ A person convicted of a violation of subsection
9 6 is guilty of a simple misdemeanor punishable as a scheduled
10 violation under section 805.8, subsection 2, paragraph "a".
11 Other violations of this section are punishable as provided in
12 section 321.482.

13 Sec. 12. Section 321.421, Code 1999, is amended by adding
14 the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. A person convicted of a
16 violation of this section is guilty of a simple misdemeanor
17 punishable as a scheduled violation under section 805.8,
18 subsection 2, paragraph "e".

19 Sec. 13. Section 482.15, Code 1999, is amended to read as
20 follows:

21 482.15 PENALTIES.

22 A person who violates ~~a-provision-of~~ this chapter or a rule
23 issued under this chapter is guilty of a simple misdemeanor
24 punishable as a scheduled violation under section 805.8,
25 subsection 5, paragraph "e".

26 Sec. 14. Section 483A.42, Code 1999, is amended to read as
27 follows:

28 483A.42 PENALTIES.

29 A person who violates ~~a-provision-of~~ this chapter is guilty
30 of a simple misdemeanor ~~and-shall-be-fined-not-less-than-ten~~
31 ~~dollars-for-each-cited-offense~~ punishable as a scheduled
32 violation under section 805.8, subsection 5, paragraph "e".

33 Sec. 15. Section 805.8, subsection 2, paragraph e, Code
34 Supplement 1999, is amended to read as follows:

35 e. For improperly used or nonused or defective or improper

1 equipment under sections 321.383, 321.384, 321.385, 321.386,
2 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,
3 321.423, 321.430, and 321.433, the scheduled fine is twenty
4 dollars. For violations of sections 321.247 and 321.421, the
5 scheduled fine is one hundred dollars.

6 Sec. 16. Section 805.8, subsection 2, paragraph h, Code
7 Supplement 1999, is amended to read as follows:

8 h. For operating, passing, turning, and standing
9 violations under section 321.236, subsections 3, 4, 9, and 12,
10 section 321.275, subsections 1 through 7, sections 321.295,
11 321.297, 321.299, 321.303, 321.304, subsections 1 and 2,
12 sections 321.305, 321.306, 321.311, 321.312, 321.314, 321.315,
13 321.316, 321.318, 321.323, 321.340, 321.353, 321.354, 321.363,
14 321.365, 321.366, 321.368, 321.382, and 321.395, the scheduled
15 fine is fifteen dollars. For violations of section 321.302,
16 the scheduled fine is one hundred dollars.

17 Sec. 17. Section 805.8, subsection 2, paragraph i, Code
18 Supplement 1999, is amended to read as follows:

19 i. For violations involving failures to yield or to
20 observe pedestrians and other vehicles under section 321.257,
21 subsection 2, sections 321.288, 321.298, 321.307, 321.308,
22 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and
23 321.367, the scheduled fine is twenty dollars. For violations
24 of section 321.327, the scheduled fine is one hundred dollars.

25 Sec. 18. Section 805.8, subsection 2, paragraph m, Code
26 Supplement 1999, is amended to read as follows:

27 m. For height, weight, length, width, and load violations
28 and towed vehicle violations under sections 321.309, 321.310,
29 321.381, 321.394, 321.437, 321.454, 321.455, 321.456, 321.457,
30 321.458, 321.461, and 321.462, the scheduled fine is twenty-
31 five dollars. For weight violations under sections 321.459 and
32 321.466, the scheduled fine is twenty dollars for each two
33 thousand pounds or fraction thereof of overweight. For
34 abandoned vehicles under section 321.91, the scheduled fine is
one hundred dollars.

1 Sec. 19. Section 805.8, subsection 2, paragraph o, Code
2 Supplement 1999, is amended to read as follows:

3 o. For violation of registration provisions under section
4 321.17; violation of intrastate hauling on foreign
5 registration under section 321.54; improper operation or
6 failure to register under section 321.55; and violation of
7 requirement for display of registration or plates under
8 section 321.98, the scheduled fine is twenty dollars. For
9 fraudulent use of registration violations under section 321.99
10 and violations of antique car registration requirements under
11 section 321.115, the scheduled fine is one hundred dollars.

12 Sec. 20. Section 805.8, subsection 2, paragraph v, Code
13 Supplement 1999, is amended to read as follows:

14 v. Violations of the schedule of axle and tandem axle and
15 gross or group of axle weight violations in section 321.463
16 shall be scheduled violations subject to the provisions,
17 procedures and exceptions contained in sections 805.6 to
18 805.11, irrespective of the amount of the fine under that
19 schedule. Violations of the schedule of weight violations
20 shall be chargeable~~7-where-the-fine-charged-does-not-exceed~~
21 ~~one-hundred-dollars7~~ only by uniform citation and complaint.
22 ~~Violations-of-the-schedule-of-weight-violations7-where-the~~
23 ~~fine-charged-exceeds-one-hundred-dollars-shall7-when-the~~
24 ~~violation-is-admitted-and-section-805-9-applies7-be-chargeable~~
25 ~~upon-uniform-citation-and-complaint7-indictment7-or-county~~
26 ~~attorney's-information7-but-otherwise7-shall-be-chargeable~~
27 ~~only-upon-indictment-or-county-attorney's-information7~~

28 In all cases of charges under the schedule of weight
29 violations, the charge shall specify the amount of fine
30 charged under the schedule. ~~Where-a-defendant-is-convicted~~
31 ~~and-the-fine-under-the-foregoing-schedule-of-weight-violations~~
32 ~~exceeds-one-hundred-dollars7-the-conviction-shall-be-of-an~~
33 ~~indictable-offense-although-section-805-9-is-employed-and~~
34 ~~whether-the-violation-is-charged-upon-uniform-citation-and~~
35 ~~complaint7-indictment7-or-county-attorney's-information7~~

1 Sec. 21. Section 805.8, subsection 2, paragraph w, Code
2 1999, is amended to read as follows:

3 w. For failure to have a valid license or permit for
4 operating a motor vehicle on the highways of this state
5 pursuant to section 321.174, or permitting an unauthorized
6 minor to drive in violation of section 321.219, or permitting
7 an unauthorized person to drive in violation of section
8 321.220, the scheduled fine is one hundred dollars.

9 Sec. 22. Section 805.8, subsection 2, paragraph ad, Code
10 Supplement 1999, is amended to read as follows:

11 ad. For violations of section 321.57, the scheduled fine
12 is fifty dollars. For violations of section 321.62, the
13 scheduled fine is fifty dollars. For violations of section
14 321.47, the scheduled fine is one hundred dollars.

15 Sec. 23. Section 805.8, subsection 2, Code Supplement
16 1999, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. ai. For violations of section 321.366, the
18 scheduled fine is one hundred dollars.

19 Sec. 24. Section 805.8, subsection 4, paragraph b, Code
20 Supplement 1999, is amended to read as follows:

21 b. For operating violations under section 321G.9,
22 subsections 1, 2, 3, 4, 5 and 7, sections 321G.11, and
23 321G.13, subsections 4 and 9, the scheduled fine is twenty
24 dollars. For violations of section 321.234A, the scheduled
25 fine is one hundred dollars.

26 Sec. 25. Section 805.8, subsection 5, paragraph e, Code
27 Supplement 1999, is amended to read as follows:

28 e. For violations of sections 481A.85, 481A.93, 481A.95,
29 481A.120, 481A.137, 481B.5, 482.3, and 482.9, 482.15, and
30 483A.42, the scheduled fine is one hundred dollars.

31 EXPLANATION

32 This bill reclassifies certain simple misdemeanors to
33 scheduled violations, which allows a defendant to pay only a
34 fine and court costs without ever making a formal court
35 appearance. The bill provides for a \$100 scheduled fine for

1 each offense that has been reclassified, except for overweight
2 trucks. Under the bill, a scheduled fine for an overweight
3 truck shall depend upon the weight of the truck. The simple
4 misdemeanors reclassified under the bill include the
5 following: special restrictions on lamps, operating a golf
6 cart on city streets, overtaking on the right, pedestrian's
7 right-of-way, abandonment of motor vehicles, fraudulent use of
8 registration, antique vehicles and registration, overweight
9 trucks, permitting unauthorized minors or persons to drive,
10 transfers by operation of law, acts prohibited on fully
11 controlled access roads, certain operating all-terrain vehicle
12 offenses, certain commercial fishing offenses, and certain
13 offenses related to fishing and hunting licenses, contraband,
14 and guns.

15 A person convicted of a scheduled violation must also pay
16 court costs and surcharge in addition to the fine.

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REPRINTED

FILED FEB 22 2000

SENATE FILE 2245
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3130)

Passed Senate, ^(P. 509) Date 3/2/00 Passed House, ^(P. 1786) Date 4/25/00
Vote: Ayes 46 Nays 0 Vote: Ayes 96 Nays 3
Approved 5/19/00

^(P. 1418) re-Passed 4/26/00
Vote 42-6
A BILL FOR ^(P. 1925) re-Passed 4/26/00
Vote 94-1

SF 2245

1 An Act relating to reclassifying certain simple misdemeanors as
2 scheduled violations.

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

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1 Section 1. Section 321.47, Code Supplement 1999, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A person convicted of a
4 violation of this section is guilty of a simple misdemeanor
5 punishable as a scheduled violation under section 805.8,
6 subsection 2, paragraph "ad".

7 Sec. 2. Section 321.91, subsection 2, Code 1999, is
8 amended to read as follows:

9 2. Any A person who-abandons-a-vehicle-shall-be convicted
10 of a violation of this section is guilty of a simple
11 misdemeanor punishable as a scheduled violation under section
12 805.8, subsection 2, paragraph "m".

13 Sec. 3. Section 321.99, Code 1999, is amended to read as
14 follows:

15 321.99 FRAUDULENT USE OF REGISTRATION.

16 A person shall not knowingly lend to another a registration
17 card, registration plate, special plate, or permit issued to
18 the person if the other person desiring to borrow the card,
19 plate, or permit would not be entitled to the use of it. A
20 person shall not knowingly permit the use of a registration
21 card, registration plate, special plate, or permit issued to
22 the person by one not entitled to it, nor shall a person
23 knowingly display upon a vehicle a registration card,
24 registration plate, special plate, or permit not issued for
25 that vehicle under this chapter. A person convicted of a
26 violation of this section is guilty of a simple misdemeanor
27 punishable as a scheduled violation under section 805.8,
28 subsection 2, paragraph "o".

29 Sec. 4. Section 321.115, Code 1999, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 5. A person convicted of a violation of
32 this section is guilty of a simple misdemeanor punishable as a
33 scheduled violation under section 805.8, subsection 2,
34 paragraph "o".

35 Sec. 5. Section 321.219, Code 1999, is amended to read as

1 follows:

2 321.219 PERMITTING UNAUTHORIZED MINOR TO DRIVE.

3 No A person shall not cause or knowingly permit the
4 person's child or ward under the age of eighteen years to
5 drive a motor vehicle upon any highway when such the minor is
6 not authorized hereunder under this section or in violation of
7 ~~any-of-the-provisions-of~~ this chapter.

8 A person convicted of a violation of this section is guilty
9 of a simple misdemeanor punishable as a scheduled violation
10 under section 805.8, subsection 2, paragraph "w".

11 Sec. 6. Section 321.220, Code 1999, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. A person convicted of a
14 violation of this section is guilty of a simple misdemeanor
15 punishable as a scheduled violation under section 805.8,
16 subsection 2, paragraph "w".

17 Sec. 7. Section 321.234A, Code Supplement 1999, is amended
18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A person convicted of a
20 violation of this section is guilty of a simple misdemeanor
21 punishable as a scheduled violation under section 805.8,
22 subsection 4, paragraph "b".

23 Sec. 8. Section 321.247, Code 1999, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. A person convicted of a
26 violation of this section is guilty of a simple misdemeanor
27 punishable as a scheduled violation under section 805.8,
28 subsection 2, paragraph "e".

29 Sec. 9. Section 321.302, Code 1999, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. A person convicted of a
32 violation of this section is guilty of a simple misdemeanor
33 punishable as a scheduled violation under section 805.8,
34 subsection 2, paragraph "h".

35 Sec. 10. Section 321.327, Code 1999, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. A person convicted of a
3 violation of this section is guilty of a simple misdemeanor
4 punishable as a scheduled violation under section 805.8,
5 subsection 2, paragraph "i".

6 Sec. 11. Section 321.366, unnumbered paragraph 3, Code
7 1999, is amended to read as follows:

8 Violations A person convicted of a violation of subsection
9 6 is guilty of a simple misdemeanor punishable as a scheduled
10 violation under section 805.8, subsection 2, paragraph "a".
11 Other violations of this section are punishable as provided in
12 section 321.482.

13 Sec. 12. Section 321.421, Code 1999, is amended by adding
14 the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. A person convicted of a
16 violation of this section is guilty of a simple misdemeanor
17 punishable as a scheduled violation under section 805.8,
18 subsection 2, paragraph "e".

19 Sec. 13. Section 482.15, Code 1999, is amended to read as
20 follows:

21 482.15 PENALTIES.

22 A person who violates ~~a-provision-of~~ this chapter or a rule
23 issued under this chapter is guilty of a simple misdemeanor
24 punishable as a scheduled violation under section 805.8,
25 subsection 5, paragraph "e".

26 Sec. 14. Section 483A.42, Code 1999, is amended to read as
27 follows:

28 483A.42 PENALTIES.

29 A person who violates ~~a-provision-of~~ this chapter is guilty
30 of a simple misdemeanor and ~~shall-be-fined-not-less-than-ten~~
31 ~~dollars-for-each-cited-offense~~ punishable as a scheduled
32 violation under section 805.8, subsection 5, paragraph "e".

33 Sec. 15. Section 805.8, subsection 2, paragraph e, Code
34 Supplement 1999, is amended to read as follows:

35 e. For improperly used or nonused or defective or improper

1 equipment under sections 321.383, 321.384, 321.385, 321.386,
2 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,
3 321.423, 321.430, and 321.433, the scheduled fine is twenty
4 dollars. For violations of sections 321.247 and 321.421, the
5 scheduled fine is one hundred dollars.

6 Sec. 16. Section 805.8, subsection 2, paragraph h, Code
7 Supplement 1999, is amended to read as follows:

8 h. For operating, passing, turning, and standing
9 violations under section 321.236, subsections 3, 4, 9, and 12,
10 section 321.275, subsections 1 through 7, sections 321.295,
11 321.297, 321.299, 321.303, 321.304, subsections 1 and 2,
12 sections 321.305, 321.306, 321.311, 321.312, 321.314, 321.315,
13 321.316, 321.318, 321.323, 321.340, 321.353, 321.354, 321.363,
14 321.365, 321.366, 321.368, 321.382, and 321.395, the scheduled
15 fine is fifteen dollars. For violations of section 321.302,
16 the scheduled fine is one hundred dollars.

17 Sec. 17. Section 805.8, subsection 2, paragraph i, Code
18 Supplement 1999, is amended to read as follows:

19 i. For violations involving failures to yield or to
20 observe pedestrians and other vehicles under section 321.257,
21 subsection 2, sections 321.288, 321.298, 321.307, 321.308,
22 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and
23 321.367, the scheduled fine is twenty dollars. For violations
24 of section 321.327, the scheduled fine is one hundred dollars.

25 Sec. 18. Section 805.8, subsection 2, paragraph m, Code
26 Supplement 1999, is amended to read as follows:

27 m. For height, weight, length, width, and load violations
28 and towed vehicle violations under sections 321.309, 321.310,
29 321.381, 321.394, 321.437, 321.454, 321.455, 321.456, 321.457,
30 321.458, 321.461, and 321.462, the scheduled fine is twenty-
31 five dollars. For weight violations under sections 321.459 and
32 321.466, the scheduled fine is twenty dollars for each two
33 thousand pounds or fraction thereof of overweight. For
34 abandoned vehicles under section 321.91, the scheduled fine is
35 one hundred dollars.

1 Sec. 19. Section 805.8, subsection 2, paragraph o, Code
2 Supplement 1999, is amended to read as follows:

3 o. For violation of registration provisions under section
4 321.17; violation of intrastate hauling on foreign
5 registration under section 321.54; improper operation or
6 failure to register under section 321.55; and violation of
7 requirement for display of registration or plates under
8 section 321.98, the scheduled fine is twenty dollars. For
9 fraudulent use of registration violations under section 321.99
10 and violations of antique car registration requirements under
11 section 321.115, the scheduled fine is one hundred dollars.

12 Sec. 20. Section 805.8, subsection 2, paragraph v, Code
13 Supplement 1999, is amended to read as follows:

14 v. Violations of the schedule of axle and tandem axle and
15 gross or group of axle weight violations in section 321.463
16 shall be scheduled violations subject to the provisions,
17 procedures and exceptions contained in sections 805.6 to
18 805.11, irrespective of the amount of the fine under that
19 schedule. Violations of the schedule of weight violations
20 shall be chargeable~~7-where-the-fine-charged-does-not-exceed~~
21 ~~one-hundred-dollars7~~ only by uniform citation and complaint.
22 ~~Violations-of-the-schedule-of-weight-violations7-where-the~~
23 ~~fine-charged-exceeds-one-hundred-dollars-shall7-when-the~~
24 ~~violation-is-admitted-and-section-805-9-applies7-be-chargeable~~
25 ~~upon-uniform-citation-and-complaint7-indictment7-or-county~~
26 ~~attorney's-information7-but-otherwise7-shall-be-chargeable~~
27 ~~only-upon-indictment-or-county-attorney's-information7~~

28 In all cases of charges under the schedule of weight
29 violations, the charge shall specify the amount of fine
30 charged under the schedule. ~~Where-a-defendant-is-convicted~~
31 ~~and-the-fine-under-the-foregoing-schedule-of-weight-violations~~
32 ~~exceeds-one-hundred-dollars7-the-conviction-shall-be-of-an~~
33 ~~indictable-offense-although-section-805-9-is-employed-and~~
34 ~~whether-the-violation-is-charged-upon-uniform-citation-and~~
35 ~~complaint7-indictment7-or-county-attorney's-information7~~

1 each offense that has been reclassified, except for overweight
2 trucks. Under the bill, a scheduled fine for an overweight
3 truck shall depend upon the weight of the truck. The simple
4 misdemeanors reclassified under the bill include the
5 following: special restrictions on lamps, operating a golf
6 cart on city streets, overtaking on the right, pedestrian's
7 right-of-way, abandonment of motor vehicles, fraudulent use of
8 registration, antique vehicles and registration, overweight
9 trucks, permitting unauthorized minors or persons to drive,
10 transfers by operation of law, acts prohibited on fully
11 controlled access roads, certain operating all-terrain vehicle
12 offenses, certain commercial fishing offenses, and certain
13 offenses related to fishing and hunting licenses, contraband,
14 and guns.

15 A person convicted of a scheduled violation must also pay
16 court costs and surcharge in addition to the fine.

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SENATE FILE 2245

S-5032

1 Amend Senate File 2245 as follows:

2 1. Page 5, by striking lines 20 through 35 and
3 inserting the following: "shall be chargeable, where
4 the fine charged does not exceed one hundred thousand
5 dollars, only by uniform citation and complaint.
6 Violations of the schedule of weight violations, where
7 the fine charged exceeds one hundred thousand dollars
8 shall, when the violation is admitted and section
9 805.9 applies, be chargeable upon uniform citation and
10 complaint, indictment, or county attorney's
11 information, but otherwise, shall be chargeable only
12 upon indictment or county attorney's information.

13 In all cases of charges under the schedule of
14 weight violations, the charge shall specify the amount
15 of fine charged under the schedule. Where a defendant
16 is convicted and the fine under the foregoing schedule
17 of weight violations exceeds one hundred thousand
18 dollars, the conviction shall be of an indictable
19 offense although section 805.9 is employed and whether
20 the violation is charged upon uniform citation and
21 complaint, indictment, or county attorney's
22 information."

23 2. By renumbering as necessary.

By O. GENE MADDOX

S-5032 FILED FEBRUARY 29, 2000

Adopted
3/2/00 (P. 508)

SENATE FILE 2245

S-5055

1 Amend Senate File 2245 as follows:

2 1. Page 6, by inserting after line 30 the
3 following:

4 "Sec. ____ . Section 805.10, subsection 1, Code
5 1999, is amended to read as follows:

6 1. When the violation charged involved or resulted
7 in an ~~accident-or-injury-to-property-and-the-total~~
8 ~~damages-are-one-thousand-dollars-or-more,-or-in-an~~
9 injury to person."

10 2. Title Page, line 1, by striking the words
11 "reclassifying certain simple misdemeanors as".

12 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5055 FILED MARCH 2, 2000

ADOPTED (P. 508)

SENATE FILE 2245

S-5033

- 1 Amend Senate File 2245 as follows:
2 1. Page 3, by inserting after line 18 the
3 following:
4 "Sec. _____. Section 331.302, subsection 2, Code
5 Supplement 1999, is amended to read as follows:
6 2. A county shall not provide a penalty in excess
7 of a two five hundred dollar fine or in excess of
8 thirty days imprisonment for the violation of an
9 ordinance. The criminal penalty surcharge required by
10 section 911.2 shall be added to a county fine and is
11 not a part of the county's penalty.
12 Sec. _____. Section 331.302, subsection 4A,
13 paragraph a, subparagraph (2), Code Supplement 1999,
14 is amended to read as follows:
15 (2) A portion of the Code of Iowa may be adopted
16 by reference only if the criminal penalty provided by
17 the law adopted does not exceed thirty days'
18 imprisonment or a two five hundred dollar fine.
19 Sec. _____. Section 364.3, subsection 2, Code
-20 Supplement 1999, is amended to read as follows:
21 2. A city shall not provide a penalty in excess of
22 a two five hundred dollar fine or in excess of thirty
23 days imprisonment for the violation of an ordinance.
24 An amount equal to ten percent of all fines collected
25 by cities shall be deposited in the account
26 established in section 602.8108. However, one hundred
27 percent of all fines collected by a city pursuant to
28 section 321.236, subsection 1, shall be retained by
29 the city. The criminal penalty surcharge required by
30 section 911.2 shall be added to a city fine and is not
31 a part of the city's penalty."
32 2. Title page, line 1, by inserting after the
33 words "relating to" the following: "penalties for
34 city and county ordinances and to".
35 3. By renumbering as necessary.

By O. GENE MADDOX

S-5033 FILED FEBRUARY 29, 2000

*adopted**3/2/00**(p. 508)*

**SENATE FILE 2245
FISCAL NOTE**

A fiscal note for Senate File 2245 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 2245 reclassifies certain simple misdemeanors to scheduled violations, which allows a defendant to pay only a fine, court costs, and surcharge without ever making a formal court appearance. The Bill provides for a \$100 scheduled fine for each offense that has been reclassified, except for overweight trucks; the scheduled fine for an overweight truck depends on the weight of the truck. The simple misdemeanors reclassified as scheduled misdemeanors include: special restrictions on lamps; operating a golf cart on a city street; overtaking on the right; pedestrian's right-of-way; motor vehicle abandonment; fraudulent use of registration; antique vehicles and registration; overweight trucks; permitting unauthorized persons or minors to drive; acts prohibited on fully controlled access roads; certain all-terrain vehicle offenses; certain commercial fishing license offenses; and certain offenses related to fishing and hunting licenses, contraband, and guns.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other corrections' policies and practices will not change over the projection period.
3. The law will become effective July 1, 2000. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, an eight-county prototype which represents approximately 70.0% of statewide caseloads. Conviction and penalty information is based on FY 1998 data.
5. Average jail terms are based on the average jail term imposed for all similar case types.
6. Average fine amount for the affected offenses is based on the average fine amount imposed for all similar case types.
7. Estimated revenues are based on fines imposed in FY 1997, and collected during FY 1997 through December 1998.
8. Average fine imposed will increase from \$43.00 to \$100.00.
9. Of 691 defendants charged under Chapter 483A, Code of Iowa, only two defendants had a judge assigned to their case. No judges were assigned to the 823 cases charged with violating Chapter 321, Code of Iowa.
10. Since judges are rarely involved in these offenses, it is assumed that most of these cases are disposed of as uncontested simple misdemeanors.
11. The median cost for defense of an indigent person charged with a simple misdemeanor is approximately \$200. There will be savings in indigent defense costs under Senate File 2245. That savings is not anticipated to be significant, since few cases involve the assignment of judges.

-2-

12. There will be savings in court costs, but that savings is not anticipated to be significant. Judges are rarely involved in these cases under current law.
13. Approximately ten minutes is required for the Clerk of Court's Office to process an uncontested simple misdemeanor, for an average cost of \$2.21. Staff in the Clerk of Court's Office will still be involved in processing scheduled violations.
14. The marginal cost per day statewide for jail operations is \$14.
15. The average jail term imposed is estimated to be 23 days.

CORRECTIONAL IMPACT

It is estimated that 25 jail admissions will not occur during FY 2001, under Senate File 2245, for a county savings of \$8,000 statewide (25 inmates x 23 days x \$14 per day). During FY 2002, 49 jail admissions will not occur, for a savings of \$16,000 statewide (49 inmates x 23 days x \$14 per day). During FY 2005, 49 jail admissions will not occur, for a statewide savings of \$16,000.

FISCAL IMPACT

During FY 2001, 1,292 cases which would have been simple misdemeanors will be scheduled violations. There will be 52 cases under Chapter 321, Code of Iowa, which will be citations only, rather than indictable offenses. During FY 2002, 2,583 cases which would have been simple misdemeanors will be scheduled violations. There will be 104 citations issued for violations of Chapter 321, Code of Iowa, during FY 2002. Future fiscal years are estimated to be the same as FY 2002.

Any indigent defense cost savings are anticipated to be minimal.

Any savings to the court are not anticipated to be significant.

Statewide, counties will save approximately \$8,000 during FY 2001. In future fiscal years, the estimated savings is approximately \$16,000 annually.

Imposing a \$100 fine for certain scheduled violations is estimated to increase General Fund revenue by approximately \$24,000 during FY 2001, \$58,000 during FY 2002, and \$73,000 during FY 2005.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
State Court Administrator's Office
State Public Defender's Office

(LSB 5671SV, BAL)

H. 3/13/00 Referred to Judiciary
H. 3/15/00 Amend/Do Pass W/H-8363
H. 3/23/00 Unfinished Business
H. 4/25/00 Motions to R/C by Muehle
SENATE FILE **2245**

BY COMMITTEE ON JUDICIARY
H. 4/26/00 motion to R/W withdrawn
(SUCCESSOR TO SSB 3130)

(AS AMENDED AND PASSED BY THE SENATE MARCH 2, 2000)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Passed ^(P. 1418) Senate, Date 4/26/00 Passed House, Date 4/25/00
Vote: Ayes 42 Nays 6 Vote: Ayes 96 Nays 3
Approved 5/19/00
^(P. 1785)
^(P. 1925) Re-Passed 4/26/00
Vote 94-1

A BILL FOR

*1 An Act relating to penalties for city and county ordinances and
2 to scheduled violations.

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

4
5

SENATE FILE 2245

H-8363

- 1 Amend Senate File 2245, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 8 through 12 and
- 4 inserting the following:
- 5 "Violations of this section are punishable as
- 6 provided-in-section-321-482 as a scheduled violation
- 7 under section 805.8, subsection 2, paragraph "ai".
- 8 2. Page 5, line 5, by striking the figure
- 9 "321.366," and inserting the following: "321-3667".
- 10 3. Page 7, by striking lines 23 through 27.
- 11 4. By renumbering as necessary.

W/D 4/25/00
H-8363 FILED MARCH 15, 2000

By COMMITTEE ON JUDICIARY
LARSON of Linn, Chairperson

P. 1778

S.F. 2245

18
19
20

1 Section 1. Section 321.47, Code Supplement 1999, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A person convicted of a
4 violation of this section is guilty of a simple misdemeanor
5 punishable as a scheduled violation under section 805.8,
6 subsection 2, paragraph "ad".

7 Sec. 2. Section 321.91, subsection 2, Code 1999, is
8 amended to read as follows:

9 2. Any A person who-abandons-a-vehicle-shall-be convicted
10 of a violation of this section is guilty of a simple
11 misdemeanor punishable as a scheduled violation under section
12 805.8, subsection 2, paragraph "m".

13 Sec. 3. Section 321.99, Code 1999, is amended to read as
14 follows:

15 321.99 FRAUDULENT USE OF REGISTRATION.

16 A person shall not knowingly lend to another a registration
17 card, registration plate, special plate, or permit issued to
18 the person if the other person desiring to borrow the card,
19 plate, or permit would not be entitled to the use of it. A
20 person shall not knowingly permit the use of a registration
21 card, registration plate, special plate, or permit issued to
22 the person by one not entitled to it, nor shall a person
23 knowingly display upon a vehicle a registration card,
24 registration plate, special plate, or permit not issued for
25 that vehicle under this chapter. A person convicted of a
26 violation of this section is guilty of a simple misdemeanor
27 punishable as a scheduled violation under section 805.8,
28 subsection 2, paragraph "o".

29 Sec. 4. Section 321.115, Code 1999, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 5. A person convicted of a violation of
32 this section is guilty of a simple misdemeanor punishable as a
33 scheduled violation under section 805.8, subsection 2,
34 paragraph "o".

35 Sec. 5. Section 321.219, Code 1999, is amended to read as

1 follows:

2 321.219 PERMITTING UNAUTHORIZED MINOR TO DRIVE.

3 No A person shall not cause or knowingly permit the
4 person's child or ward under the age of eighteen years to
5 drive a motor vehicle upon any highway when such the minor is
6 not authorized hereunder under this section or in violation of
7 ~~any-of-the-provisions-of~~ this chapter.

8 A person convicted of a violation of this section is guilty
9 of a simple misdemeanor punishable as a scheduled violation
10 under section 805.8, subsection 2, paragraph "w".

11 Sec. 6. Section 321.220, Code 1999, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. A person convicted of a
14 violation of this section is guilty of a simple misdemeanor
15 punishable as a scheduled violation under section 805.8,
16 subsection 2, paragraph "w".

17 Sec. 7. Section 321.234A, Code Supplement 1999, is amended
18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A person convicted of a
20 violation of this section is guilty of a simple misdemeanor
21 punishable as a scheduled violation under section 805.8,
22 subsection 4, paragraph "b".

23 Sec. 8. Section 321.247, Code 1999, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. A person convicted of a
26 violation of this section is guilty of a simple misdemeanor
27 punishable as a scheduled violation under section 805.8,
28 subsection 2, paragraph "e".

29 Sec. 9. Section 321.302, Code 1999, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. A person convicted of a
32 violation of this section is guilty of a simple misdemeanor
33 punishable as a scheduled violation under section 805.8,
34 subsection 2, paragraph "h".

35 Sec. 10. Section 321.327, Code 1999, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. A person convicted of a
3 violation of this section is guilty of a simple misdemeanor
4 punishable as a scheduled violation under section 805.8,
5 subsection 2, paragraph "i".

6 Sec. 11. Section 321.366, unnumbered paragraph 3, Code
7 1999, is amended to read as follows:

8 Violations A person convicted of a violation of subsection
9 6 is guilty of a simple misdemeanor punishable as a scheduled
10 violation under section 805.8, subsection 2, paragraph "a".
11 Other violations of this section are punishable as provided in
12 section 321.482.

13 Sec. 12. Section 321.421, Code 1999, is amended by adding
14 the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. A person convicted of a
16 violation of this section is guilty of a simple misdemeanor
17 punishable as a scheduled violation under section 805.8,
18 subsection 2, paragraph "e".

19 Sec. 13. Section 331.302, subsection 2, Code Supplement
20 1999, is amended to read as follows:

21 2. A county shall not provide a penalty in excess of a two
22 five hundred dollar fine or in excess of thirty days
23 imprisonment for the violation of an ordinance. The criminal
24 penalty surcharge required by section 911.2 shall be added to
25 a county fine and is not a part of the county's penalty.

26 Sec. 14. Section 331.302, subsection 4A, paragraph a,
27 subparagraph (2), Code Supplement 1999, is amended to read as
28 follows:

29 (2) A portion of the Code of Iowa may be adopted by
30 reference only if the criminal penalty provided by the law
31 adopted does not exceed thirty days' imprisonment or a two
32 five hundred dollar fine.

33 Sec. 15. Section 364.3, subsection 2, Code Supplement
34 1999, is amended to read as follows:

35 2. A city shall not provide a penalty in excess of a two

1 five hundred dollar fine or in excess of thirty days
2 imprisonment for the violation of an ordinance. An amount
3 equal to ten percent of all fines collected by cities shall be
4 deposited in the account established in section 602.8108.
5 However, one hundred percent of all fines collected by a city
6 pursuant to section 321.236, subsection 1, shall be retained
7 by the city. The criminal penalty surcharge required by
8 section 911.2 shall be added to a city fine and is not a part
9 of the city's penalty.

10 Sec. 16. Section 482.15, Code 1999, is amended to read as
11 follows:

12 482.15 PENALTIES.

13 A person who violates ~~a provision of~~ this chapter or a rule
14 issued under this chapter is guilty of a simple misdemeanor
15 punishable as a scheduled violation under section 805.8,
16 subsection 5, paragraph "e".

17 Sec. 17. Section 483A.42, Code 1999, is amended to read as
18 follows:

19 483A.42 PENALTIES.

20 A person who violates ~~a provision of~~ this chapter is guilty
21 of a simple misdemeanor ~~and shall be fined not less than ten~~
22 dollars for each cited offense punishable as a scheduled
23 violation under section 805.8, subsection 5, paragraph "e".

24 Sec. 18. Section 805.8, subsection 2, paragraph e, Code
25 Supplement 1999, is amended to read as follows:

26 e. For improperly used or nonused or defective or improper
27 equipment under sections 321.383, 321.384, 321.385, 321.386,
28 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,
29 321.423, 321.430, and 321.433, the scheduled fine is twenty
30 dollars. For violations of sections 321.247 and 321.421, the
31 scheduled fine is one hundred dollars.

32 Sec. 19. Section 805.8, subsection 2, paragraph h, Code
33 Supplement 1999, is amended to read as follows:

34 h. For operating, passing, turning, and standing
35 violations under section 321.236, subsections 3, 4, 9, and 12,

1 section 321.275, subsections 1 through 7, sections 321.295,
2 321.297, 321.299, 321.303, 321.304, subsections 1 and 2,
3 sections 321.305, 321.306, 321.311, 321.312, 321.314, 321.315,
4 321.316, 321.318, 321.323, 321.340, 321.353, 321.354, 321.363,
5 321.365, 321.366, 321.368, 321.382, and 321.395, the scheduled
6 fine is fifteen dollars. For violations of section 321.302,
7 the scheduled fine is one hundred dollars.

8 Sec. 20. Section 805.8, subsection 2, paragraph i, Code
9 Supplement 1999, is amended to read as follows:

10 i. For violations involving failures to yield or to
11 observe pedestrians and other vehicles under section 321.257,
12 subsection 2, sections 321.288, 321.298, 321.307, 321.308,
13 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and
14 321.367, the scheduled fine is twenty dollars. For violations
15 of section 321.327, the scheduled fine is one hundred dollars.

16 Sec. 21. Section 805.8, subsection 2, paragraph m, Code
17 Supplement 1999, is amended to read as follows:

18 m. For height, weight, length, width, and load violations
19 and towed vehicle violations under sections 321.309, 321.310,
20 321.381, 321.394, 321.437, 321.454, 321.455, 321.456, 321.457,
21 321.458, 321.461, and 321.462, the scheduled fine is twenty-
22 five dollars. For weight violations under sections 321.459 and
23 321.466, the scheduled fine is twenty dollars for each two
24 thousand pounds or fraction thereof of overweight. For
25 abandoned vehicles under section 321.91, the scheduled fine is
26 one hundred dollars.

27 Sec. 22. Section 805.8, subsection 2, paragraph o, Code
28 Supplement 1999, is amended to read as follows:

29 o. For violation of registration provisions under section
30 321.17; violation of intrastate hauling on foreign
31 registration under section 321.54; improper operation or
32 failure to register under section 321.55; and violation of
33 requirement for display of registration or plates under
34 section 321.98, the scheduled fine is twenty dollars. For
35 fraudulent use of registration violations under section 321.99

1 and violations of antique car registration requirements under
2 section 321.115, the scheduled fine is one hundred dollars.

3 Sec. 23. Section 805.8, subsection 2, paragraph v, Code
4 Supplement 1999, is amended to read as follows:

5 v. Violations of the schedule of axle and tandem axle and
6 gross or group of axle weight violations in section 321.463
7 shall be scheduled violations subject to the provisions,
8 procedures and exceptions contained in sections 805.6 to
9 805.11, irrespective of the amount of the fine under that
10 schedule. Violations of the schedule of weight violations
11 shall be chargeable, where the fine charged does not exceed
12 one hundred thousand dollars, only by uniform citation and
13 complaint. Violations of the schedule of weight violations,
14 where the fine charged exceeds one hundred thousand dollars
15 shall, when the violation is admitted and section 805.9
16 applies, be chargeable upon uniform citation and complaint,
17 indictment, or county attorney's information, but otherwise,
18 shall be chargeable only upon indictment or county attorney's
19 information.

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

28 Sec. 24. Section 805.8, subsection 2, paragraph w, Code
29 1999, is amended to read as follows:

30 w. For failure to have a valid license or permit for
31 operating a motor vehicle on the highways of this state
32 pursuant to section 321.174, or permitting an unauthorized
33 minor to drive in violation of section 321.219, or permitting
34 an unauthorized person to drive in violation of section
35 321.220, the scheduled fine is one hundred dollars.

1 Sec. 25. Section 805.8, subsection 2, paragraph ad, Code
2 Supplement 1999, is amended to read as follows:

3 ad. For violations of section 321.57, the scheduled fine
4 is fifty dollars. For violations of section 321.62, the
5 scheduled fine is fifty dollars. For violations of section
6 321.47, the scheduled fine is one hundred dollars.

7 Sec. 26. Section 805.8, subsection 2, Code Supplement
8 1999, is amended by adding the following new paragraph:

9 NEW PARAGRAPH. ai. For violations of section 321.366, the
10 scheduled fine is one hundred dollars.

11 Sec. 27. Section 805.8, subsection 4, paragraph b, Code
12 Supplement 1999, is amended to read as follows:

13 b. For operating violations under section 321G.9,
14 subsections 1, 2, 3, 4, 5 and 7, sections 321G.11, and
15 321G.13, subsections 4 and 9, the scheduled fine is twenty
16 dollars. For violations of section 321.234A, the scheduled
17 fine is one hundred dollars.

18 Sec. 28. Section 805.8, subsection 5, paragraph e, Code
19 Supplement 1999, is amended to read as follows:

20 e. For violations of sections 481A.85, 481A.93, 481A.95,
21 481A.120, 481A.137, 481B.5, 482.3, and 482.9, 482.15, and
22 483A.42, the scheduled fine is one hundred dollars.

23 Sec. 29. Section 805.10, subsection 1, Code 1999, is
24 amended to read as follows:

25 1. When the violation charged involved or resulted in an
26 accident-or-injury-to-property-and-the-total-damages-are-one
27 thousand-dollars-or-more, or in an injury to person.

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SENATE FILE 2245

H-8616

1 Amend the amendment, H-8363, to Senate File 2245,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 7 the
5 following:

6 "____. Page 3, by inserting after line 18 the
7 following:

8 "Sec. _____. Section 321.560, Code 1999, is amended
9 to read as follows:

10 321.560 PERIOD OF REVOCATION.

11 1. A license to operate a motor vehicle in this
12 state shall not be issued to any person declared to be
13 a habitual offender under section 321.555, subsection
14 1, for a period of not less than two years nor more
15 than six years from the date of the final decision of
16 the department under section 17A.19 or the date on
17 which the district court upholds the final decision of
18 the department, whichever occurs later.

19 a. ~~However,~~ a temporary restricted permit may be
20 issued to a person declared to be a habitual offender
21 under section 321.555, subsection 1, paragraph "c",
22 pursuant to section 321.215, subsection 2.

23 b. A temporary restricted permit may be issued
24 pursuant to section 321J.4, subsection 9, to a person
25 declared to be a habitual offender in whole or in part
26 due to an offense listed under section 321.555,
27 subsection 1, paragraph "b". However, the person
28 shall not be eligible for any temporary restricted
29 license for one year after the effective date of
30 revocation under this section.

31 2. A license to operate a motor vehicle in this
32 state shall not be issued to any person declared to be
33 a habitual offender under section 321.555, subsection
34 2, for a period of one year from the date of the final
35 decision of the department under section 17A.19 or the
36 date on which the district court upholds the final
37 decision of the department, whichever occurs later.

38 3. The department shall adopt rules under chapter
39 17A which that establish a point system which shall be
40 used to determine the period for which a person who is
41 declared to be a habitual offender under section
42 321.555, subsection 1, shall not be issued a license.

43 4. A person who is determined to be a habitual
44 offender while the person's license is already revoked
45 for being a habitual offender under section 321.555
46 shall not be issued a license to operate a motor
47 vehicle in this state for a period of not less than
48 two years nor more than six years. The revocation
49 period may commence either on the date of the final
50 decision of the department under section 17A.19 or the

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1 date on which the district court upholds the final
2 decision of the department, whichever occurs later, or
3 on the date the previous revocation expires.

4 Sec. ____ Section 321J.4, subsection 9, Code
5 Supplement 1999, is amended to read as follows:

6 9. a. A person whose driver's license has either
7 been revoked under this chapter, or revoked or
8 suspended under chapter 321 solely for violations of
9 this chapter, or who has been determined to be a
10 habitual offender under chapter 321 based solely or
11 partially on violations of this chapter, and who is
12 not eligible for a temporary restricted license under
13 this chapter may petition the court upon the
14 expiration of the minimum period of ineligibility for
15 a temporary restricted license provided for under this
16 section, or section 321J.9, 321J.12, or 321J.20, or
17 321.560, for an order to the department to require the
18 department to issue a temporary restricted license to
19 the person notwithstanding section 321.560.

20 b. The petition shall include a current certified
21 copy of the petitioner's official driving record
22 issued by the department.

23 c. Upon the filing of a petition for a temporary
24 restricted license under this section, the clerk of
25 the district court in the county where the violation
26 that resulted in the revocation occurred shall send
27 notice of the petition to the department and the
28 prosecuting attorney. The department and the
29 prosecuting attorney shall each be given an
30 opportunity to respond to and request a hearing on the
31 petition.

32 d. The court shall determine if the temporary
33 restricted license is necessary for the person to
34 maintain the person's present employment. However, a
35 temporary restricted license shall not be ordered or
36 issued for a violation of section 321J.2A or to a
37 person under the age of twenty-one whose license is
38 revoked under this section or section 321J.9 or
39 321J.12. If the court determines that the temporary
40 restricted license is necessary for the person to
41 maintain the person's present employment, and that the
42 minimum period of ineligibility for receipt of a
43 temporary license has expired, the court shall order
44 the department to issue to the person a temporary
45 restricted license conditioned upon the person's
46 certification to the court of the installation of
47 approved ignition interlock devices in all motor
48 vehicles that it is necessary for the person to
49 operate to maintain the person's present employment.

50 e. Section 321.561 does not apply to a person

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1 operating a motor vehicle in the manner permitted
2 under this subsection.

3 f. If the person operates a motor vehicle which
4 does not have an approved ignition interlock device or
5 if the person tampers with or circumvents an ignition
6 interlock device, in addition to other penalties
7 provided, the person's temporary restricted license
8 shall be revoked.

9 g. A person holding a temporary restricted license
10 issued under this subsection shall not operate a
11 commercial motor vehicle, as defined in section 321.1,
12 on a highway if a commercial driver's license is
13 required for the person to operate the commercial
14 motor vehicle.

15 h. Notwithstanding any provision of this chapter
16 to the contrary, the court may order the department to
17 issue a temporary restricted license to a person
18 otherwise eligible for a temporary restricted license
19 under this subsection, whose period of revocation
20 under this chapter has expired, but who has not met
21 all requirements for reinstatement of the person's
22 driver's license or nonresident operating
23 privileges."

24 2. Page 1, by inserting after line 10 the
25 following:

26 "____. Title page, lines 1 and 2, by striking the
27 words "ordinances and to" and inserting the following:
28 "ordinances,".

29 _____. Title page, line 2, by inserting after the
30 word "violations" the following: ", and to temporary
31 restricted licenses"."

32 3. By renumbering as necessary.

By MAY of Worth

BLODGETT of Cerro Gordo

H-8616 FILED MARCH 28, 2000

W/D
4/25/00
(P. 1778)

SENATE FILE 2245

H-8458

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 321.20B, subsection 6, Code
6 Supplement 1999, is amended to read as follows:

7 6. This section does not apply to a motor vehicle
8 driven upon a highway in conformance with the
9 provisions of this chapter relating to manufacturers,
10 transporters, or dealers, or a motor vehicle
11 identified in section 321.18, subsections 1 through
12 6, and subsection 8."

13 2. Page 1, by inserting after line 34 the
14 following:

15 "Sec. ____ . Section 321.194, subsection 1,
16 paragraph a, subparagraph (1), Code 1999, is amended
17 to read as follows:

18 (1) During the hours of 6 a.m. to 10 p.m. over the
19 most direct and accessible route between the following
20 locations for the purpose of attending duly scheduled
21 courses of instruction and duly scheduled
22 extracurricular activities at the designated
23 locations:

24 (a) The licensee's residence and schools of
25 enrollment and-between-schools.

26 b. Schools of enrollment for-the-purpose-of
27 attending-duly-scheduled-courses-of-instruction-and
28 extracurricular-activities-within-the-school-district.

29 (c) The licensee's residence or schools of
30 enrollment and off-campus locations within the school
31 district of enrollment.

32 Sec. ____ . Section 321.218, subsections 1, 3, and
33 4, Code Supplement 1999, are amended to read as
34 follows:

35 1. A person whose driver's license or operating
36 privilege has been denied, canceled, suspended, or
37 revoked as provided in this chapter or as provided in
38 section 252J.8 or 261.126 or section 901.5, subsection
39 10, and who operates a motor vehicle upon the highways
40 of this state while the license or privilege is
41 denied, canceled, suspended, or revoked, commits a
42 simple misdemeanor. In addition to any other
43 penalties, the punishment imposed for a violation of
44 this subsection shall include assessment of a fine of
45 not less than two hundred fifty dollars nor more than
46 one thousand five hundred dollars.

47 3. The department, upon receiving the record of
48 the conviction of a person under this section upon a
49 charge of operating a motor vehicle while the license
50 of the person is suspended or revoked, shall, except

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1 for licenses suspended under section 252J.8, 261.126,
2 321.210, subsection 1, paragraph "c", section
3 321.210A, 321.210B, or 321.513, extend the period of
4 suspension or revocation for an additional like
5 period, and the department shall not issue a new
6 driver's license to the person during the additional
7 period.

8 If the department receives a record of a conviction
9 of a person under this section but the person's
10 driving record does not indicate what the original
11 grounds of suspension were, the period of suspension
12 under this subsection shall be for a period not to
13 exceed six months.

14 4. A person who operates a commercial motor
15 vehicle upon the highways of this state when
16 disqualified from operating the commercial motor
17 vehicle under section 321.208 commits a serious simple
18 misdemeanor if a commercial driver's license is
19 required for the person to operate the commercial
20 motor vehicle."

21 3. Page 2, by striking lines 29 through 34 and
22 inserting the following:

23 "Sec. ____ . Section 321.302, Code 1999, is amended
24 to read as follows:

25 321.302 OVERTAKING ON THE RIGHT.

26 1. The Unless otherwise prohibited by law the
27 driver of a vehicle may overtake and pass upon the
28 right of another vehicle which is making or about to
29 make a left turn on a roadway with unobstructed
30 pavement of sufficient width for two or more lines of
31 traffic moving in the same direction as the vehicle
32 being passed when such movement can be made in safety.

33 2. The driver of a vehicle may overtake and,
34 allowing sufficient clearance, pass another vehicle
35 proceeding in the same direction either upon the left
36 or upon the right on a roadway with unobstructed
37 pavement of sufficient width for four or more lines of
38 moving traffic when such movement can be made in
39 safety.

40 3. No A person shall not drive off the pavement,
41 or upon the shoulder of the roadway, or upon the apron
42 or roadway of an intersecting highway in overtaking or
43 passing on the right.

44 A person convicted of a violation of this section
45 is guilty of a simple misdemeanor punishable as a
46 scheduled violation under section 805.8, subsection 2,
47 paragraph "h".

48 4. Page 3, by inserting after line 18 the
49 following:

50 "Sec. ____ . Section 321.423, subsection 6, Code

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1 1999, is amended to read as follows:
 2 6. AMBER FLASHING LIGHT. A farm tractor, farm
 3 tractor with towed equipment, self-propelled implement
 4 of husbandry, road construction or maintenance
 5 vehicle, road grader, or other vehicle principally
 6 designed for use off the highway which, when operated
 7 on a primary or secondary road, is operated at a speed
 8 of ~~twenty-five~~ thirty-five miles an hour or less,
 9 shall be equipped with and display an amber flashing
 10 light visible from the rear at any time from sunset to
 11 sunrise. If the amber flashing light is obstructed by
 12 the towed equipment, the towed equipment shall also be
 13 equipped with and display an amber flashing light as
 14 required under this subsection. All vehicles
 15 specified in this subsection which are manufactured
 16 for sale or sold in this state shall be equipped with
 17 an amber flashing light in accordance with the
 18 standards of the American society of agricultural
 19 engineers."

o/o 20 5. Title page, line 1, by inserting after the
 21 word "ordinances" the following: ", motor vehicle
 22 registration and making penalties applicable,".

By BLODGETT of Cerro Gordo

H-8458 FILED MARCH 21, 2000

adopted
4-25-00
(P. 1781)

Series 20-22 out of order
with adoption of H-9087

SENATE FILE 2245

H-8467

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 7, by inserting after line 27 the
4 following:

5 "Sec. 301. NEW SECTION. 909A.1 DEFINITIONS.

6 As used in this chapter, unless the context
7 otherwise requires:

8 1. "Agreement" means a structured fines pilot
9 program agreement which is entered into between the
10 division and a participating entity.

11 2. "Division" means the division of criminal and
12 juvenile justice planning of the department of human
13 rights.

14 3. "General fund" means the general fund of the
15 state.

16 4. "Participating entity" means a county or a
17 judicial district which has entered into a structured
18 fines pilot program agreement with the division.

19 5. "Pilot program" means the structured fines
20 pilot program established under section 909A.2.

21 6. "Structured fine" means a structured criminal
22 fine imposed under chapter 909, a criminal penalty
23 surcharge imposed under chapter 911 for a structured
24 criminal fine, a structured civil penalty imposed
25 pursuant to this chapter, a structured civil penalty
26 surcharge imposed pursuant to this chapter, indigent
27 defense fees assessed as restitution pursuant to
28 chapter 910 for a case in which a structured criminal
29 fine or a structured civil penalty was imposed, and
30 court costs assessed pursuant to chapter 602 for a
31 case in which a structured criminal fine or a
32 structured civil penalty is imposed.

33 Sec. 302. NEW SECTION. 909A.2 STRUCTURED FINES
34 PILOT PROGRAM ESTABLISHED -- DURATION.

35 The division may establish a pilot program to
36 provide for the use of the structured fines concept in
37 counties and judicial districts wishing to participate
38 in the pilot program. This chapter shall apply only
39 to those counties which have previously contracted
40 with the division to operate a structured fines pilot
41 project, and in those counties and judicial districts
42 with whom the division has entered into an agreement
43 regarding participation in the pilot program on or
44 after the effective date of this Act.

45 The division shall enter into agreements with
46 interested entities, to the extent that start-up
47 funding is available, and shall choose participating
48 entities following an open and competitive selection
49 process involving selection criteria adopted by the
50 division. To become a participating entity, the

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1 interested entity must ensure the involvement and
2 cooperation of the entity's county attorney; court
3 officials, including but not limited to the clerk of
4 the district court; the appropriate judicial district
5 department of correctional services; and any other
6 agency or official which is or will be affected by
7 pilot program activities.

8 Sec. 303. NEW SECTION. 909A.3 STRUCTURED FINE --
9 AMOUNT.

10 1. If the district court in a county which is or
11 is part of a participating entity orders a structured
12 fine, to be paid in installments or at a fixed date in
13 the future, the court shall do all of the following:

14 a. Impose a time payment fee in the amount of
15 twenty-five dollars.

16 b. Impose interest charges on the unsatisfied
17 judgment from the date of sentencing or imposition of
18 penalty at the rate provided in section 535.3 for
19 court judgments.

20 2. Notwithstanding any other provision of law to
21 the contrary, when a deferred judgment or deferred
22 sentence is entered by the court pursuant to chapter
23 907, the court may impose a structured civil penalty
24 that is subject to the same maximum dollar amount
25 limitations as the applicable structured criminal
26 fine. The structured civil penalty shall be subject
27 to a structured civil penalty surcharge equal to the
28 applicable criminal penalty surcharge under section
29 911.2. The structured civil penalty and the
30 structured civil penalty surcharge shall be disbursed
31 in the manner provided for in section 909A.5,
32 subsection 2.

33 Sec. 304. NEW SECTION. 909A.4 STRUCTURED FINE --
34 MINIMUM AMOUNT.

35 Notwithstanding any other provision of law, a
36 structured fine imposed pursuant to this chapter shall
37 not be subject to any requirements as to minimum
38 amount.

39 Sec. 305. NEW SECTION. 909A.5 STRUCTURED FINE --
40 ACCOUNTING.

41 1. Upon receipt of a time payment fee, the clerk
42 of the district court shall remit the fee, together
43 with all other time payment fees collected, on the
44 fifteenth day of the month following payment, to the
45 governmental entity designated by the participating
46 entity as having overall responsibility for the
47 operation of the pilot program in the county. Upon
48 receipt of payment of interest charges, the clerk of
49 the district court shall remit all charges collected
50 by the fifteenth day of the month following payment to

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1 the treasurer of state. The treasurer of state shall
2 deposit the funds in the general fund.

3 2. Notwithstanding any other contrary provision of
4 law, the clerk of the district court for a county
5 participating in the pilot program shall remit, by the
6 fifteenth day of the month following payment, fifteen
7 percent of all structured fines, excluding any payment
8 of pecuniary damages for a victim as defined under
9 section 910.1 ordered in a case in which a structured
10 fine was imposed, to the governmental entity
11 designated by the participating entity as having
12 overall responsibility for the operation of a pilot
13 program within the county. The remaining eighty-five
14 percent of the moneys shall be remitted to the
15 treasurer of state for deposit in the general fund.

16 3. The governmental entity designated by the
17 participating entity as having overall responsibility
18 for the operation of the pilot program within the
19 county and receiving moneys from the clerk of the
20 district court under this section shall do all of the
21 following:

22 a. Establish a separate accounting or bank
23 account, which shall be used exclusively for the
24 recording or deposit of moneys received from the clerk
25 of the district court under this section. The
26 accounting or bank account shall include a system
27 which provides adequate accountability to ensure that
28 structured fine moneys received from the clerk of the
29 district court are accounted for separately from other
30 funds. Structured fine moneys shall only be used to
31 pay the costs of the pilot program operations.

32 b. Ensure that the balance in the structured fines
33 separate accounting or bank account does not exceed,
34 at the end of the fiscal year, the total amount of
35 structured fine moneys received from the clerk of the
36 district court within the preceding three calendar
37 months. For purposes of complying with the provisions
38 of this paragraph, moneys expended or obligated by the
39 end of the fiscal year, or moneys budgeted for
40 expenditure during the first quarter of the next
41 fiscal year, shall be considered to have reduced the
42 structured fines separate accounting or bank account
43 whether or not actually charged by the bank or
44 credited to the accounting records. Any excess moneys
45 in the separate accounting or bank account at the end
46 of the fiscal year balance shall be remitted to the
47 treasurer of state for deposit in the general fund.

48 c. Ensure that, upon termination of a pilot
49 program agreement within a county, all unexpended and
50 unobligated moneys contained in the structured fines

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1 separate accounting or bank account are remitted
2 within sixty days of the termination of the pilot
3 program agreement to the treasurer of state for
4 deposit in the general fund.

5 4. A pilot program agreement shall terminate
6 within sixty days of notice from the chief judge of
7 the judicial district which is or contains the
8 participating entity, that it is the intent of the
9 court to cease ordering structured fines. The notice
10 shall be submitted to the governmental entity
11 designated by the participating entity as having
12 overall responsibility for the operation of the pilot
13 program, the division, and the legislative fiscal
14 bureau.

15 5. Structured fine moneys shall only be used to
16 pay the costs of the pilot program operations.

17 Sec. 306. NEW SECTION. 909A.6 STRUCTURED FINE --
18 NOTICE AND JUDGMENT.

19 If a court has imposed a structured fine on a
20 defendant, the order shall include a statement
21 specifying the amount of any structured criminal fine
22 or structured civil penalty assessed, the amount of
23 the criminal penalty surcharge or structured civil
24 penalty surcharge assessed, the amount of indigent
25 defense fees assessed as restitution, and the type and
26 amount of any other applicable fees assessed in the
27 case. At the time of imposing sentence or a penalty,
28 the court shall inform the defendant of the nature of
29 the judgment against the defendant and the total
30 amount of the assessments imposed. The court shall
31 also inform the defendant of the duty to pay the
32 judgment in a timely manner.

33 The law relating to judgment liens, executions, and
34 other process, available to creditors for the
35 collection of debts shall be applicable to such
36 judgments.

37 Sec. 307. NEW SECTION. 909A.7 REPEAL.

38 This chapter is repealed July 1, 2005.

39 Sec. _____. EFFECTIVE DATE. Sections 301 through
40 307 of this Act, being deemed of immediate importance,
41 take effect upon enactment, for offenses committed on
42 or after the effective date of sections 301 through
43 307 of this Act."

44 2. Title page, line 1, by inserting after the
45 word "ordinances", the following: ", structured
46 fines,".

47 3. Title page, line 2, by inserting after the
48 word "violations" the following: "and providing an
49 effective date".

50 4. By renumbering as necessary.

By HOLVECK of Polk

H-8467 FILED MARCH 21, 2000

W/Q
4/25/00
(p. 1785)

SENATE FILE 2245

H-8538

1 Amend the amendment, H-8363, to Senate File 2245,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 3 the
5 following:

6 "____. Page 1, by inserting after line 28 the
7 following:

8 "Sec. _____. Section 321.104, unnumbered paragraph
9 1, Code Supplement 1999, is amended to read as
10 follows:

11 It is a simple misdemeanor, punishable as provided
12 ~~in-section-321-482~~ a scheduled violation under section
13 805.8, subsection 12, for any person to commit any of
14 the following acts:"

15 _____. Page 2, by inserting after line 28 the
16 following:

17 "Sec. _____. Section 321.294, Code 1999, is amended
18 to read as follows:

19. 321.294 MINIMUM SPEED REGULATION.

20 ~~No~~ A person shall not drive a motor vehicle at such
21 a slow speed as to impede or block the normal and
22 reasonable movement of traffic except when reduced
23 speed is necessary for safe operation or in compliance
24 with law. Peace officers are hereby authorized to
25 enforce this provision by directions to drivers, and
26 in the event of apparent willful disobedience to this
27 provision and refusal to comply with direction of an
28 officer in accordance herewith the continued slow
29 operation by a driver shall be a simple misdemeanor,
30 ~~and be punished as provided in section 321-482~~
31 punishable as a scheduled violation under section
32 805.8, subsection 2, paragraph "1"."

33 2. Page 1, by inserting after line 7 the
34 following:

35 "____. Page 3, by inserting before line 13 the
36 following:

37 "Sec. _____. Section 321.381, Code 1999, is amended
38 to read as follows:

39 321.381 MOVEMENT OF UNSAFE OR IMPROPERLY EQUIPPED
40 VEHICLES.

41 It is a simple misdemeanor, punishable ~~as provided~~
42 ~~in-section-321-482~~ as a scheduled violation under
43 section 805.8, subsection 2, paragraph "m", for any
44 person to drive or move or for the owner to cause or
45 knowingly permit to be driven or moved on any highway
46 any vehicle or combination of vehicles which is in
47 such unsafe condition as to endanger any person, or
48 which does not contain those parts or is not at all
49 times equipped with such lamps and other equipment in
50 proper condition and adjustment as required in this

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1 chapter, or which is equipped with one or more unsafe
2 tires or which is equipped in any manner in violation
3 of this chapter."

4 _____. Page 3, line 31, by striking the word "or"
5 and inserting the following: "or and".

6 _____. Page 4, by inserting after line 9 the
7 following:

8 "Sec. _____. Section 380.10, subsection 2, Code
9 1999, is amended to read as follows:

10 2. A portion of the Code of Iowa may be adopted by
11 reference only if the criminal penalty provided by the
12 law adopted does not exceed thirty days' imprisonment
13 or and a one five hundred dollar fine."

14 3. By renumbering as necessary.

By RAECKER of Polk

H-8538 FILED MARCH 23, 2000

Adopted

4/25/00

p. 1778

SENATE FILE 2245

H-8664

1 Amend the amendment, H-8363, to Senate File 2245,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 10, by striking the figure "27."
5 and inserting the following: "27, and inserting the
6 following:

7 "Sec. ____ . Section 903.1, subsection 3, Code
8 Supplement 1999, is amended to read as follows:

9 3. A person under eighteen years of age convicted
10 of a simple misdemeanor under chapter 321, 321G, 453A,
11 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or
12 a violation of a county or municipal curfew or traffic
13 ordinance, except for an offense subject to section
14 805.8, may be required to pay a fine, not to exceed
15 one five hundred dollars, as fixed by the court, or
16 may be required to perform community service as
17 ordered by the court."

By RAECKER of Polk
KREIMAN of Davis

H-8664 FILED MARCH 30, 2000

w/d
p. 1778

SENATE FILE 2245

H-8675

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 18 the
4 following:

5 "Sec _____. Section 321.560, Code 1999, is amended
6 to read as follows:

7 321.560 PERIOD OF REVOCATION.

8 1. A license to operate a motor vehicle in this
9 state shall not be issued to any person declared to be
10 a habitual offender under section 321.555, subsection
11 1, for a period of not less than two years nor more
12 than six years from the date of the final decision of
13 the department under section 17A.19 or the date on
14 which the district court upholds the final decision of
15 the department, whichever occurs later.

16 a. ~~However,~~ A temporary restricted permit may be
17 issued pursuant to section 321.215, subsection 2, to a
18 person declared to be a habitual offender under
19 section 321.555, subsection 1, paragraph "c", ~~pursuant~~
20 ~~to section 321.215, subsection 2.~~

21 b. A temporary restricted permit may be issued
22 pursuant to section 321J.4, subsection 9, to a person
23 declared to be a habitual offender due to a
24 combination of the offenses listed under section
25 321.555, subsection 1, paragraph "b" or "c".

26 2. A license to operate a motor vehicle in this
27 state shall not be issued to any person declared to be
28 a habitual offender under section 321.555, subsection
29 2, for a period of one year from the date of the final
30 decision of the department under section 17A.19 or the
31 date on which the district court upholds the final
32 decision of the department, whichever occurs later.

33 3. The department shall adopt rules under chapter
34 17A ~~which that~~ establish a point system which shall be
35 used to determine the period for which a person who is
36 declared to be a habitual offender under section
37 321.555, subsection 1, shall not be issued a license.

38 4. A person who is determined to be a habitual
39 offender while the person's license is already revoked
40 for being a habitual offender under section 321.555
41 shall not be issued a license to operate a motor
42 vehicle in this state for a period of not less than
43 two years nor more than six years. The revocation
44 period may commence either on the date of the final
45 decision of the department under section 17A.19 or the
46 date on which the district court upholds the final
47 decision of the department, whichever occurs later, or
48 on the date the previous revocation expires.

49 Sec. _____. Section 321J.4, subsection 9, Code
50 Supplement 1999, is amended to read as follows:

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1 9. a. A person whose driver's license has either
2 been revoked under this chapter, or revoked or
3 suspended under chapter 321 solely for violations of
4 this chapter, or who has been determined to be a
5 habitual offender under chapter 321 based solely on
6 violations of this chapter or on violations listed in
7 section 321.560, subsection 1, paragraph "b", and who
8 is not eligible for a temporary restricted license
9 under this chapter may petition the court upon the
10 expiration of the minimum period of ineligibility for
11 a temporary restricted license provided for under this
12 section, or section 321J.9, 321J.12, or 321J.20, or
13 321.560, for an order to the department to require the
14 department to issue a temporary restricted license to
15 the person notwithstanding section 321.560.

16 b. The petition shall include a current certified
17 copy of the petitioner's official driving record
18 issued by the department.

19 c. Upon the filing of a petition for a temporary
20 restricted license under this section, the clerk of
21 the district court in the county where the violation
22 that resulted in the revocation occurred shall send
23 notice of the petition to the department and the
24 prosecuting attorney. The department and the
25 prosecuting attorney shall each be given an
26 opportunity to respond to and request a hearing on the
27 petition.

28 d. The court shall determine if the temporary
29 restricted license is necessary for the person to
30 maintain the person's present employment. However, a
31 temporary restricted license shall not be ordered or
32 issued for a violation of section 321J.2A or to a
33 person under the age of twenty-one whose license is
34 revoked under this section or section 321J.9 or
35 321J.12. If the court determines that the temporary
36 restricted license is necessary for the person to
37 maintain the person's present employment, and that the
38 minimum period of ineligibility for receipt of a
39 temporary license has expired, the court shall order
40 the department to issue to the person a temporary
41 restricted license conditioned upon the person's
42 certification to the court of the installation of
43 approved ignition interlock devices in all motor
44 vehicles that it is necessary for the person to
45 operate to maintain the person's present employment.

46 e. Section 321.561 does not apply to a person
47 operating a motor vehicle in the manner permitted
48 under this subsection.

49 f. If the person operates a motor vehicle which
50 does not have an approved ignition interlock device or

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1 if the person tampers with or circumvents an ignition
2 interlock device, in addition to other penalties
3 provided, the person's temporary restricted license
4 shall be revoked.

5 g. A person holding a temporary restricted license
6 issued under this subsection shall not operate a
7 commercial motor vehicle, as defined in section 321.1,
8 on a highway if a commercial driver's license is
9 required for the person to operate the commercial
10 motor vehicle.

11 h. Notwithstanding any provision of this chapter
12 to the contrary, the court may order the department to
13 issue a temporary restricted license to a person
14 otherwise eligible for a temporary restricted license
15 under this subsection, whose period of revocation
16 under this chapter has expired, but who has not met
17 all requirements for reinstatement of the person's
18 driver's license or nonresident operating privileges."

19 2. Title page, by striking line 1 and inserting
20 the following: "An Act relating to penalties for
21 habitual offenders, city and county ordinances, and".

22 3. By renumbering as necessary.

By MAY of Worth
BLODGETT of Cerro Gordo

H-8675 FILED MARCH 30, 2000

w/d
4/25/00
(p. 1783)

SENATE FILE 2245

H-8687

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 25, by inserting after the figure
4 "321.91," the following: "subsection 2,".

5 2. Page 7, by inserting after line 22 the
6 following:

7 "Sec. ____ . Section 903.1, subsection 3, Code
8 Supplement 1999, is amended to read as follows:

9 3. A person under eighteen years of age convicted
10 of a simple misdemeanor under chapter 321, 321G, 453A,
11 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or
12 a violation of a county or municipal curfew or traffic
13 ordinance, except for an offense subject to section
14 805.8, may be required to pay a fine, not to exceed
15 one five hundred dollars, as fixed by the court, or
16 may be required to perform community service as
17 ordered by the court."

18 3. Title page, line 1, by inserting after the
19 words "penalties for" the following: "simple
20 misdemeanors,".

By RAECKER of Polk
KREIMAN of Davis

H-8687 FILED APRIL 3, 2000

lost *4/25/00* *(p. 1784)*

SENATE FILE 2245

H-8871

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 80.39, Code 1999, is amended
6 to read as follows:

7 80.39 DISPOSITION OF PERSONAL PROPERTY.

8 1. Personal property, except for motor vehicles
9 subject to sale pursuant to section 321.89, and
10 seizable property subject to disposition pursuant to
11 chapter 809 or 809A, which personal property is found
12 or seized by, turned in to, or otherwise lawfully
13 comes into the possession of the department of public
14 safety or a local law enforcement agency and which the
15 department or agency does not own, shall be disposed
16 of pursuant to this section. If by examining the
17 property the owner or lawful custodian of the property
18 is known or can be readily ascertained, the department
19 or agency shall notify the owner or custodian by
20 certified mail directed to the owner's or custodian's
21 last known address, as to the location of the
22 property. If the identity or address of the owner
23 cannot be determined, notice by one publication in a
24 newspaper of general circulation in the area where the
25 property was found is sufficient notice. A published
26 notice may contain multiple items.

27 2. The department or agency may return the
28 property to a person if that person or the person's
29 representative does all of the following:

30 a. Appears at the location where the property is
31 located.

32 b. Provides proper identification.

33 c. Demonstrates ownership or lawful possession of
34 the property to the satisfaction of the department or
35 agency.

36 3. After ninety days following the mailing or
37 publication of the notice required by this section, or
38 if the owner or lawful custodian of the property is
39 unknown or cannot be readily determined, or the
40 department or agency has not turned the property over
41 to the owner, the lawful custodian, or the owner's or
42 custodian's representative, the department or agency
43 may dispose of the property in any lawful way,
44 including but not limited to the following:

45 a. Selling the property at public auction with the
46 proceeds, less department or agency expenses, going to
47 the general fund of the state if sold by the
48 department, the rural services fund if sold by a
49 county agency, and the general fund of a city if sold
50 by a city agency, however, the department or agency

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1 shall be reimbursed from the proceeds for the
2 reasonable expenses incurred in selling the property
3 at the auction.

4 b. Retaining the property for the department's or
5 agency's own use.

6 c. Giving the property to another agency of
7 government.

8 d. Giving the property to an appropriate
9 charitable organization.

10 e. Destroying the property.

11 4. Except when a person appears in person or
12 through a representative within the time periods set
13 by this section, and satisfies the department or
14 agency that the person is the owner or lawful
15 custodian of the property, disposition of the property
16 shall be at the discretion of the department or
17 agency. The department or agency shall maintain the
18 receipt and disposition records for all property
19 processed under this section. Good faith compliance
20 with this section is a defense to any claim or action
21 at law or in equity regarding the disposition of the
22 property."

23 2. Page 3, by inserting after line 32 the
24 following:

25 "Sec. ____ . Section 331.652, Code 1999, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 8. The sheriff may dispose of
28 personal property under section 80.39."

29 3. Page 4, by inserting after line 9 the
30 following:

31 "Sec. ____ . Section 364.22, Code 1999, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 14. A police department may
34 dispose of personal property under section 80.39."

35 4. Title page, line 1, by inserting after the
36 words "relating to" the following: "disposition of
37 personal property by a law enforcement agency, and
38 to".

By JAGER of Black Hawk
MASCHER of Johnson

H-8871 FILED APRIL 12, 2000

adopted
4/25/00
(P. 1783)

Since 35-38 out of order
with adoption of H 9087

Motion to R/c by Mascher 4/25/00 (P1831)
Motion to R/c by withdrawn

0/0

SENATE FILE 2245

H-8880

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 80.39, Code 1999, is amended
6 to read as follows:
7 80.39 DISPOSITION OF PERSONAL PROPERTY.
8 1. Personal property, except for motor vehicles
9 subject to sale pursuant to section 321.89, and
10 seizable property subject to disposition pursuant to
11 chapter 809 or 809A, which personal property is found
12 or seized by, turned in to, or otherwise lawfully
13 comes into the possession of the department of public
14 safety or a local law enforcement agency and which the
15 department or agency does not own, shall be disposed
16 of pursuant to this section. If by examining the
17 property the owner or lawful custodian of the property
18 is known or can be readily ascertained, the department
19 or agency shall notify the owner or custodian by
20 certified mail directed to the owner's or custodian's
21 last known address, as to the location of the
22 property. If the identity or address of the owner
23 cannot be determined, notice by one publication in a
24 newspaper of general circulation in the area where the
25 property was found is sufficient notice. A published
26 notice may contain multiple items.
27 2. The department or agency may return the
28 property to a person if that person or the person's
29 representative does all of the following:
30 a. Appears at the location where the property is
31 located.
32 b. Provides proper identification.
33 c. Demonstrates ownership or lawful possession of
34 the property to the satisfaction of the department or
35 agency.
36 3. After ninety days following the mailing or
37 publication of the notice required by this section, or
38 if the owner or lawful custodian of the property is
39 unknown or cannot be readily determined, or the
40 department or agency has not turned the property over
41 to the owner, the lawful custodian, or the owner's or
42 custodian's representative, the department or agency
43 may dispose of the property in any lawful way,
44 including but not limited to the following:
45 a. Selling the property at public auction with the
46 proceeds, less department or agency expenses, going to
47 the general fund of the state if sold by the
48 department, the general fund of the county if sold by
49 a county agency, and the general fund of a city if
50 sold by a city agency, however, the department or

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1 agency shall be reimbursed from the proceeds for the
2 reasonable expenses incurred in selling the property
3 at the auction.

4 b. Retaining the property for the department's or
5 agency's own use.

6 c. Giving the property to another agency of
7 government.

8 d. Giving the property to an appropriate
9 charitable organization.

10 e. Destroying the property.

11 4. Except when a person appears in person or
12 through a representative within the time periods set
13 by this section, and satisfies the department or
14 agency that the person is the owner or lawful
15 custodian of the property, disposition of the property
16 shall be at the discretion of the department or
17 agency. The department or agency shall maintain the
18 receipt and disposition records for all property
19 processed under this section. Good faith compliance
20 with this section is a defense to any claim or action
21 at law or in equity regarding the disposition of the
22 property."

23 2. Page 3, by inserting after line 32 the
24 following:

25 "Sec. ____ . Section 331.652, Code 1999, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 8. The sheriff may dispose of
28 personal property under section 80.39."

29 3. Page 4, by inserting after line 9 the
30 following:

31 "Sec. ____ . Section 364.22, Code 1999, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 14. A police department may
34 dispose of personal property under section 80.39."

35 4. Title page, line 1, by inserting after the
36 words "relating to" the following: "disposition of
37 personal property by a law enforcement agency, and
38 to".

By JAGER of Black Hawk
MASCHER of Johnson

H-8880 FILED APRIL 13, 2000

0/0
4/25/00
(P. 1783)

SENATE FILE 2245

H-8912

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 18 the
4 following:

5 "Sec. ____ . Section 322A.11, Code 1999, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 5. The fact that the dealership
8 does not meet an index or standard established by the
9 franchiser, unless the franchiser proves that the
10 failure of the dealership to meet the index or
11 standard will be substantially detrimental to the
12 distribution of the franchiser's motor vehicles in the
13 community."

14 2. Title page, by striking lines 1 and 2, and
15 inserting the following: "An Act relating to the
16 enforcement and applicable penalties of local
17 ordinances, and motor vehicle-related offenses and
18 franchises."

By BLODGETT of Cerro Gordo

H-8912 FILED APRIL 17, 2000

adopted

4/25/00

(P. 1784)

*Since 14-18 out of order with
adoption 749087*

SENATE FILE 2245

H-8913

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 22 the
4 following:

5 "Sec. _____. Section 321.236, subsection 1,
6 paragraph a, Code 1999, is amended to read as follows:

7 a. May be charged and collected upon a simple
8 notice of a fine payable to the city clerk or clerk of
9 the district court, if authorized by ordinance. The
10 fine shall not exceed ~~five~~ ten dollars except for snow
11 route parking violations in which case the fine shall
12 not exceed twenty-five dollars. The fine may be
13 increased up to ~~ten~~ twenty dollars if the parking
14 violation is not paid within thirty days of the date
15 upon which the violation occurred, if authorized by
16 ordinance. Violations of section 321L.4, subsection
17 2, may be charged and collected upon a simple notice
18 of a one hundred dollar fine payable to the city clerk
19 or clerk of the district court, if authorized by
20 ordinance. No costs or other charges shall be
21 assessed. All fines collected by a city pursuant to
22 this paragraph shall be retained by the city and all
23 fines collected by a county pursuant to this paragraph
24 shall be retained by the county."

25 2. Page 4, by inserting after line 23 the
26 following:

27 "Sec. _____. Section 805.8, subsection 2, paragraph
28 a, Code Supplement 1999, is amended to read as
29 follows:

30 a. For parking violations under sections 321.236,
31 321.239, 321.358, 321.360, and 321.361, the scheduled
32 fine ~~is five~~ shall not exceed ten dollars. The
33 scheduled fine for a parking violation of section
34 321.236 increases in an amount up to ~~ten~~ twenty
35 dollars, as authorized by ordinance pursuant to
36 section 321.236, subsection 1, paragraph "a", if the
37 parking violation is not paid within thirty days of
38 the date upon which the violation occurred. For
39 purposes of calculating the unsecured appearance bond
40 required under section 805.6, the scheduled fine shall
41 be ~~five~~ ten dollars. However, violations charged by a
42 city or county upon simple notice of a fine instead of
43 a uniform citation and complaint as permitted by
44 section 321.236, subsection 1, paragraph "a", are not
45 scheduled violations, and this section shall not apply
46 to any offense charged in that manner. For a parking
47 violation under section 321.362 or 461A.38 the
48 scheduled fine is ten dollars. For a parking
49 violation under section 321L.4, subsection 2, the
50 scheduled fine is one hundred dollars."

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1 3. By renumbering as necessary.

By HUSER of Polk

H-8913 FILED APRIL 17, 2000

WID
4/25/00
(P. 1783)

SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2245

H-9113

1 Amend the House amendment, S-5658, to Senate File
2 2245, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 23 through 32.

5 2. By striking page 2, line 42, through page 3,
6 line 49.

7 3. Page 4, by striking lines 18 through 44.

8 4. By striking page 5, line 19, through page 6,
9 line 1.

10 5. Page 6, line 30, by striking the words "
11 local ordinances, and franchises" and inserting the
12 following: "and local ordinances".

13 6. By renumbering as necessary.

(p. 1925)
House Concurred 4/26/00 RECEIVED FROM THE SENATE
H-9113 FILED APRIL 26, 2000

SENATE FILE 2245

H-9087

1 Amend Senate File 2245, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Title page, by striking lines 1 and 2, and
4 inserting the following: "An Act relating to law
5 enforcement agencies, and to the enforcement of
6 criminal offenses, local ordinances, and franchises,
7 and making penalties applicable."

By RAECKER of Polk

H-9087 FILED APRIL 25, 2000
ADOPTED BY UNANIMOUS CONSENT

(p. 1785)

HOUSE AMENDMENT TO
SENATE FILE 2245

S-5658

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 80.39, Code 1999, is amended
6 to read as follows:

7 80.39 DISPOSITION OF PERSONAL PROPERTY.

8 1. Personal property, except for motor vehicles
9 subject to sale pursuant to section 321.89, and
10 seizable property subject to disposition pursuant to
11 chapter 809 or 809A, which personal property is found
12 or seized by, turned in to, or otherwise lawfully
13 comes into the possession of the department of public
14 safety or a local law enforcement agency and which the
15 department or agency does not own, shall be disposed
16 of pursuant to this section. If by examining the
17 property the owner or lawful custodian of the property
18 is known or can be readily ascertained, the department
19 or agency shall notify the owner or custodian by
20 certified mail directed to the owner's or custodian's
21 last known address, as to the location of the
22 property. If the identity or address of the owner
23 cannot be determined, notice by one publication in a
24 newspaper of general circulation in the area where the
25 property was found is sufficient notice. A published
26 notice may contain multiple items.

27 2. The department or agency may return the
28 property to a person if that person or the person's
29 representative does all of the following:

30 a. Appears at the location where the property is
31 located.

32 b. Provides proper identification.

33 c. Demonstrates ownership or lawful possession of
34 the property to the satisfaction of the department or
35 agency.

36 3. After ninety days following the mailing or
37 publication of the notice required by this section, or
38 if the owner or lawful custodian of the property is
39 unknown or cannot be readily determined, or the
40 department or agency has not turned the property over
41 to the owner, the lawful custodian, or the owner's or
42 custodian's representative, the department or agency
43 may dispose of the property in any lawful way,
44 including but not limited to the following:

45 a. Selling the property at public auction with the
46 proceeds, less department or agency expenses, going to
47 the general fund of the state if sold by the
48 department, the rural services fund if sold by a
49 county agency, and the general fund of a city if sold
50 by a city agency, however, the department or agency

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1 shall be reimbursed from the proceeds for the
2 reasonable expenses incurred in selling the property
3 at the auction.

4 b. Retaining the property for the department's or
5 agency's own use.

6 c. Giving the property to another agency of
7 government.

8 d. Giving the property to an appropriate
9 charitable organization.

10 e. Destroying the property.

11 4. Except when a person appears in person or
12 through a representative within the time periods set
13 by this section, and satisfies the department or
14 agency that the person is the owner or lawful
15 custodian of the property, disposition of the property
16 shall be at the discretion of the department or
17 agency. The department or agency shall maintain the
18 receipt and disposition records for all property
19 processed under this section. Good faith compliance
20 with this section is a defense to any claim or action
21 at law or in equity regarding the disposition of the
22 property."

23 2. Page 1, by inserting before line 1 the
24 following:

25 "Section 1. Section 321.20B, subsection 6, Code
26 Supplement 1999, is amended to read as follows:

27 6. This section does not apply to a motor vehicle
28 driven upon a highway in conformance with the
29 provisions of this chapter relating to manufacturers,
30 transporters, or dealers, or a motor vehicle
31 identified in section 321.18, subsections 1 through
32 6, and subsection 8."

33 3. Page 1, by inserting after line 28 the
34 following:

35 "Sec. _____. Section 321.104, unnumbered paragraph
36 1, Code Supplement 1999, is amended to read as
37 follows:

38 It is a simple misdemeanor, punishable as provided
39 in-section-321-482 a scheduled violation under section
40 805.8, subsection 12, for any person to commit any of
41 the following acts:"

42 4. Page 1, by inserting after line 34 the
43 following:

44 "Sec. _____. Section 321.194, subsection 1,
45 paragraph a, subparagraph (1), Code 1999, is amended
46 to read as follows:

47 (1) During the hours of 6 a.m. to 10 p.m. over the
48 most direct and accessible route between the following
49 locations for the purpose of attending duly scheduled
50 courses of instruction and duly scheduled

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1 extracurricular activities at the designated
2 locations:

3 (a) The licensee's residence and schools of
4 enrollment and-between-schools.

5 b. Schools of enrollment for-the-purpose-of
6 attending-duly-scheduled-courses-of-instruction-and
7 extracurricular-activities-within-the-school-district.

8 (c) The licensee's residence or schools of
9 enrollment and off-campus locations within the school
10 district of enrollment.

11 Sec. ____ . Section 321.218, subsections 1, 3, and
12 4, Code Supplement 1999, are amended to read as
13 follows:

14 1. A person whose driver's license or operating
15 privilege has been denied, canceled, suspended, or
16 revoked as provided in this chapter or as provided in
17 section 252J.8 or 261.126 or section 901.5, subsection
18 10, and who operates a motor vehicle upon the highways
19 of this state while the license or privilege is
20 denied, canceled, suspended, or revoked, commits a
21 simple misdemeanor. In addition to any other
22 penalties, the punishment imposed for a violation of
23 this subsection shall include assessment of a fine of
24 not less than two hundred fifty dollars nor more than
25 one thousand five hundred dollars.

26 3. The department, upon receiving the record of
27 the conviction of a person under this section upon a
28 charge of operating a motor vehicle while the license
29 of the person is suspended or revoked, shall, except
30 for licenses suspended under section 252J.8, 261.126,
31 321.210, subsection 1, paragraph "c", section
32 321.210A, 321.210B, or 321.513, extend the period of
33 suspension or revocation for an additional like
34 period, and the department shall not issue a new
35 driver's license to the person during the additional
36 period.

37 If the department receives a record of a conviction
38 of a person under this section but the person's
39 driving record does not indicate what the original
40 grounds of suspension were, the period of suspension
41 under this subsection shall be for a period not to
42 exceed six months.

43 4. A person who operates a commercial motor
44 vehicle upon the highways of this state when
45 disqualified from operating the commercial motor
46 vehicle under section 321.208 commits a serious simple
47 misdemeanor if a commercial driver's license is
48 required for the person to operate the commercial
49 motor vehicle."

50 5. Page 2, by inserting after line 28 the

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1 following:

2 "Sec. _____. Section 321.294, Code 1999, is amended
3 to read as follows:

4 321.294 MINIMUM SPEED REGULATION.

5 ~~No~~ A person shall not drive a motor vehicle at such
6 a slow speed as to impede or block the normal and
7 reasonable movement of traffic except when reduced
8 speed is necessary for safe operation or in compliance
9 with law. Peace officers are hereby authorized to
10 enforce this provision by directions to drivers, and
11 in the event of apparent willful disobedience to this
12 provision and refusal to comply with direction of an
13 officer in accordance herewith the continued slow
14 operation by a driver shall be a simple misdemeanor,
15 ~~and be punished as provided in section 321.482~~
16 punishable as a scheduled violation under section
17 805.8, subsection 2, paragraph "l"."

18 6. Page 2, by striking lines 29 through 34 and
19 inserting the following:

20 "Sec. _____. Section 321.302, Code 1999, is amended
21 to read as follows:

22 321.302 OVERTAKING ON THE RIGHT.

23 1. The Unless otherwise prohibited by law the
24 driver of a vehicle may overtake and pass upon the
25 right of another vehicle which is making or about to
26 make a left turn on a roadway with unobstructed
27 pavement of sufficient width for two or more lines of
28 traffic moving in the same direction as the vehicle
29 being passed when such movement can be made in safety.

30 2. The driver of a vehicle may overtake and,
31 allowing sufficient clearance, pass another vehicle
32 proceeding in the same direction either upon the left
33 or upon the right on a roadway with unobstructed
34 pavement of sufficient width for four or more lines of
35 moving traffic when such movement can be made in
36 safety.

37 3. No A person shall not drive off the pavement,
38 or upon the shoulder of the roadway, or upon the apron
39 or roadway of an intersecting highway in overtaking or
40 passing on the right.

41 A person convicted of a violation of this section
42 is guilty of a simple misdemeanor punishable as a
43 scheduled violation under section 805.8, subsection 2,
44 paragraph "h"."

45 7. Page 3, by striking lines 8 through 12 and
46 inserting the following:

47 "Violations of this section are punishable as
48 ~~provided in section 321.482~~ as a scheduled violation
49 under section 805.8, subsection 2, paragraph "ai"."

50 8. Page 3, by inserting before line 13 the

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1 following:

2 "Sec. _____. Section 321.381, Code 1999, is amended
3 to read as follows:

4 321.381 MOVEMENT OF UNSAFE OR IMPROPERLY EQUIPPED
5 VEHICLES.

6 It is a simple misdemeanor, punishable ~~as provided~~
7 ~~in section 321.482~~ as a scheduled violation under
8 section 805.8, subsection 2, paragraph "m", for any
9 person to drive or move or for the owner to cause or
10 knowingly permit to be driven or moved on any highway
11 any vehicle or combination of vehicles which is in
12 such unsafe condition as to endanger any person, or
13 which does not contain those parts or is not at all
14 times equipped with such lamps and other equipment in
15 proper condition and adjustment as required in this
16 chapter, or which is equipped with one or more unsafe
17 tires or which is equipped in any manner in violation
18 of this chapter."

19 9. Page 3, by inserting after line 18 the
20 following:

21 "Sec. _____. Section 321.423, subsection 6, Code
22 1999, is amended to read as follows:

23 6. AMBER FLASHING LIGHT. A farm tractor, farm
24 tractor with towed equipment, self-propelled implement
25 of husbandry, road construction or maintenance
26 vehicle, road grader, or other vehicle principally
27 designed for use off the highway which, when operated
28 on a primary or secondary road, is operated at a speed
29 of ~~twenty-five~~ thirty-five miles an hour or less,
30 shall be equipped with and display an amber flashing
31 light visible from the rear at any time from sunset to
32 sunrise. If the amber flashing light is obstructed by
33 the towed equipment, the towed equipment shall also be
34 equipped with and display an amber flashing light as
35 required under this subsection. All vehicles
36 specified in this subsection which are manufactured
37 for sale or sold in this state shall be equipped with
38 an amber flashing light in accordance with the
39 standards of the American society of agricultural
40 engineers."

41 10. Page 3, by inserting after line 18 the
42 following:

43 "Sec. _____. Section 322A.11, Code 1999, is amended
44 by adding the following new subsection:

45 NEW SUBSECTION. 5. The fact that the dealership
46 does not meet an index or standard established by the
47 franchiser, unless the franchiser proves that the
48 failure of the dealership to meet the index or
49 standard will be substantially detrimental to the
50 distribution of the franchiser's motor vehicles in the

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1 community."

2 11. Page 3, line 31, by striking the word "or"
3 and inserting the following: "or and".

4 12. Page 3, by inserting after line 32 the
5 following:

6 "Sec. _____. Section 331.652, Code 1999, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 8. The sheriff may dispose of
9 personal property under section 80.39."

10 13. Page 4, by inserting after line 9 the
11 following:

12 "Sec. _____. Section 364.22, Code 1999, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 14. A police department may
15 dispose of personal property under section 80.39."

16 14. Page 4, by inserting after line 9 the
17 following:

18 "Sec. _____. Section 380.10, subsection 2, Code
19 1999, is amended to read as follows:

20 2. A portion of the Code of Iowa may be adopted by
21 reference only if the criminal penalty provided by the
22 law adopted does not exceed thirty days' imprisonment
23 or and a one five hundred dollar fine."

24 15. Page 5, line 5, by striking the figure
25 "321.366," and inserting the following: "~~321~~-3667".

26 16. Page 7, by striking lines 23 through 27.

27 17. Title page, by striking lines 1 and 2, and
28 inserting the following: "An Act relating to law
29 enforcement agencies, and to the enforcement of
30 criminal offenses, local ordinances, and franchises,
31 and making penalties applicable."

32 18. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5658 FILED APRIL 26, 2000

CONCURRED

SENATE FILE 2245

S-5665

- 1 Amend the House amendment, S-5658, to Senate File
2 2245, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, by striking lines 23 through 32.
 - 5 2. By striking page 2, line 42, through page 3,
6 line 49.
 - 7 3. Page 4, by striking lines 18 through 44.
 - 8 4. By striking page 5, line 19, through page 6,
9 line 1.
 - 10 5. Page 6, line 30, by striking the words "
11 local ordinances, and franchises" and inserting the
12 following: "and local ordinances".
 - 13 6. By renumbering as necessary.

By ANDY McKEAN

S-5665 FILED APRIL 26, 2000
ADOPTED

**SENATE FILE 2245
FISCAL NOTE**

A fiscal note for Senate File 2245 as passed by the Senate 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 2245 reclassifies certain simple misdemeanors to scheduled violations, which allows a defendant to pay only a fine, court costs, and surcharge without ever making a formal court appearance. The Bill provides for a \$100 scheduled fine for each offense that has been reclassified, except for overweight trucks. The threshold for an overweight truck to be considered a misdemeanor is raised from \$100 to \$1,000. The simple misdemeanors reclassified as scheduled misdemeanors include: special restrictions on lamps; operating a golf cart on a city street; overtaking on the right; pedestrian's right-of-way; motor vehicle abandonment; fraudulent use of registration; antique vehicles and registration; overweight trucks where the fine is less than \$1,000; permitting unauthorized persons or minors to drive; acts prohibited on fully controlled access roads; certain all-terrain vehicle offenses; certain commercial fishing license offenses; and certain offenses related to fishing and hunting licenses, contraband, and guns. The Bill also raises the limit from \$200 to \$500 for ordinances. Senate File 2245 requires a court appearance if the accident involved injury to a person.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other corrections' policies and practices will not change over the projection period.
3. The law will become effective July 1, 2000. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, an eight-county prototype which represents approximately 70.0% of statewide caseloads. Conviction and penalty information is based on FY 1998 data.
5. Average jail terms are based on the average jail term imposed for all similar case types.
6. Average fine amount for the affected offenses is based on the average fine amount imposed for all similar case types.
7. Estimated revenues are based on fines imposed in FY 1997, and collected during FY 1997 through December 1998.
8. Average fine imposed will increase from \$43.00 to \$100.00.
9. Of 691 defendants charged under Chapter 483A, Code of Iowa, only two defendants had a judge assigned to their case. No judges were assigned to the 823 cases charged with violating Chapter 321, Code of Iowa.
10. Since judges are rarely involved in these offenses, most of these cases are disposed of as uncontested simple misdemeanors.
11. The median cost for defense of an indigent person charged with a simple

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- misdemeanor is approximately \$200. There will be savings in indigent defense costs under Senate File 2245. That savings is not anticipated to be significant, since few cases involve the assignment of judges.
12. There will be savings in court costs, but that savings is not anticipated to be significant. Judges are rarely involved in these cases under current law.
 13. Approximately ten minutes is required for the Clerk of Court's Office to process an uncontested simple misdemeanor, for an average cost of \$2.21. Staff in the Clerk of Court's Office will still be involved in processing scheduled violations.
 14. The marginal cost per day statewide for jail operations is \$14.
 15. The average jail term imposed is estimated to be 23 days.
 16. The provision requiring a court appearance in accidents involving injury will result in fewer court appearances. Existing law requires a court appearance if the accident caused \$1,000 or more in property damage or an injury to a person. In calendar year 1998, there were 64,000 vehicle accidents with property damage. There were 24,471 injury accidents.
 - Under current law, potentially all 64,000 accidents could have required court appearances. Under Senate File 2146, 24,471 accidents could have required court appearances.
 17. All city and county ordinance data are entered into the Iowa Court Information System (ICIS).
 18. The provisions raising the monetary penalty for violations of ordinances from \$200 to \$500 may increase revenue collected from the criminal surcharge. It is estimated that 209,700 fines were imposed statewide for violation of city/county ordinances. Approximately 300 of those cases involved fines in excess of \$200. A portion of those cases may result in fines in excess of \$500, with an increase in state revenue. However, there is no readily available information with which to estimate these revenues, which depends on how local governments react to these provisions.

CORRECTIONAL IMPACT

It is estimated that 25 jail admissions will not occur during FY 2001, under Senate File 2245, for a county savings of \$8,000 statewide (25 inmates x 23 days x \$14 per day). During FY 2002, 49 jail admissions will not occur, for a savings of \$16,000 statewide (49 inmates x 23 days x \$14 per day). During FY 2005, 49 jail admissions will not occur, for a statewide savings of \$16,000.

FISCAL IMPACT

During FY 2001, 1,292 cases which would have been simple misdemeanors will be scheduled violations. There will be 1,642 cases under Chapter 321, Code of Iowa, which will be citations only, rather than indictable offenses. During FY 2002, 2,583 cases which would have been simple misdemeanors will be scheduled violations. There will be 3,283 citations issued for violations of Chapter 321, Code of Iowa, during FY 2002. Future fiscal years are estimated to be the same as FY 2002.

The General Fund cost of Senate File 2245 to the Judicial Department and the Public Defender's Office is not expected to be significant.

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The Judicial Department is expected to realize some cost savings due to fewer court appearances relating to accidents causing injury compared to accidents involving property damage or injury. The actual savings associated with fewer court appearances cannot be determined due to insufficient information.

Under Senate File 2245, county jail operations would realize a cost savings of approximately \$8,000 in FY 2001 and \$16,000 each year thereafter.

Fines associated with certain scheduled violations are estimated to increase General Fund revenue by approximately \$24,000 for FY 2001, \$58,000 for FY 2002, and \$73,000 for FY 2005.

Increasing the fine for a violation of a city or county ordinance from \$200 to \$500 may increase State and local government revenues. However, the impact cannot be determined due to insufficient information.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
State Court Administrator's Office
State Public Defender's Office
Department of Transportation

(LSB 5671sv.2, BAL)

FILED MARCH 15, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2245

AN ACT

RELATING TO LAW ENFORCEMENT AGENCIES, AND TO THE ENFORCEMENT OF CRIMINAL OFFENSES AND LOCAL ORDINANCES, AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 80.39, Code 1999, is amended to read as follows:

80.39 DISPOSITION OF PERSONAL PROPERTY.

1. Personal property, except for motor vehicles subject to sale pursuant to section 321.89, and seizable property subject to disposition pursuant to chapter 809 or 809A, which personal property is found or seized by, turned in to, or otherwise lawfully comes into the possession of the department of public safety or a local law enforcement agency and which the department or agency does not own, shall be disposed of pursuant to this section. If by examining the property the owner or lawful custodian of the property is known or can be readily ascertained, the department or agency shall notify the owner or custodian by certified mail directed to the owner's or custodian's last known address, as to the location of the property. If the identity or address of the owner cannot be determined, notice by one publication in a newspaper of general circulation in the area where the property was found is sufficient notice. A published notice may contain multiple items.

2. The department or agency may return the property to a person if that person or the person's representative does all of the following:
 - a. Appears at the location where the property is located.
 - b. Provides proper identification.
 - c. Demonstrates ownership or lawful possession of the property to the satisfaction of the department or agency.
3. After ninety days following the mailing or publication of the notice required by this section, or if the owner or lawful custodian of the property is unknown or cannot be readily determined, or the department or agency has not turned the property over to the owner, the lawful custodian, or the owner's or custodian's representative, the department or agency may dispose of the property in any lawful way, including but not limited to the following:
 - a. Selling the property at public auction with the proceeds, less department or agency expenses, going to the general fund of the state if sold by the department, the rural services fund if sold by a county agency, and the general fund of a city if sold by a city agency, however, the department or agency shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.
 - b. Retaining the property for the department's or agency's own use.
 - c. Giving the property to another agency of government.
 - d. Giving the property to an appropriate charitable organization.
 - e. Destroying the property.
4. Except when a person appears in person or through a representative within the time periods set by this section, and satisfies the department or agency that the person is the owner or lawful custodian of the property, disposition of the property shall be at the discretion of the department or agency. The department or agency shall maintain the receipt

and disposition records for all property processed under this section. Good faith compliance with this section is a defense to any claim or action at law or in equity regarding the disposition of the property.

Sec. 2. Section 321.47, Code Supplement 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "ad".

Sec. 3. Section 321.91, subsection 2, Code 1999, is amended to read as follows:

2. Any A person who abandons a vehicle shall be convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "m".

Sec. 4. Section 321.99, Code 1999, is amended to read as follows:

321.99 FRAUDULENT USE OF REGISTRATION.

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "o".

Sec. 5. Section 321.104, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is a simple misdemeanor, punishable as provided in section 805.8, subsection 2, paragraph "o" a scheduled violation under section 805.8, subsection 2, for any person to commit any of the following acts:

Sec. 6. Section 321.115, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "o".

Sec. 7. Section 321.219, Code 1999, is amended to read as follows:

321.219 PERMITTING UNAUTHORIZED MINOR TO DRIVE.

No A person shall not cause or knowingly permit the person's child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such the minor is not authorized hereunder under this section or in violation of any of the provisions of this chapter.

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "w".

Sec. 8. Section 321.220, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "w".

Sec. 9. Section 321.234A, Code Supplement 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 4, paragraph "b".

Sec. 10. Section 321.247, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "e".

Sec. 11. Section 321.294, Code 1999, is amended to read as follows:

321.294 MINIMUM SPEED REGULATION.

No a person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a simple misdemeanor; and be punished as provided in section 321.402 punishable as a scheduled violation under section 805.8, subsection 2, paragraph "1".

Sec. 12. Section 321.302, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "h".

Sec. 13. Section 321.327, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "i".

Sec. 14. Section 321.366, unnumbered paragraph 3, Code 1999, is amended to read as follows:

Violations of this section are punishable as provided in section 321.402 as a scheduled violation under section 805.8, subsection 2, paragraph "ai".

Sec. 15. Section 321.381, Code 1999, is amended to read as follows:

321.381 MOVEMENT OF UNSAFE OR IMPROPERLY EQUIPPED VEHICLES.

It is a simple misdemeanor, punishable as provided in section 321.402 as a scheduled violation under section 805.8, subsection 2, paragraph "m", for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter.

Sec. 16. Section 321.421, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "e".

Sec. 17. Section 331.302, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A county shall not provide a penalty in excess of a two five hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. The criminal penalty surcharge required by section 911.2 shall be added to a county fine and is not a part of the county's penalty.

Sec. 18. Section 331.302, subsection 4A, paragraph a, subparagraph (2), Code Supplement 1999, is amended to read as follows:

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed thirty days' imprisonment or and a two five hundred dollar fine.

Sec. 19. Section 331.652, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The sheriff may dispose of personal property under section 80.39.

Sec. 20. Section 364.3, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A city shall not provide a penalty in excess of a two five hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty.

Sec. 21. Section 364.22, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 14. A police department may dispose of personal property under section 80.39.

Sec. 22. Section 380.10, subsection 2, Code 1999, is amended to read as follows:

2. A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed thirty days' imprisonment or and a one five hundred dollar fine.

Sec. 23. Section 482.15, Code 1999, is amended to read as follows:

482.15 PENALTIES.

A person who violates ~~a provision of~~ this chapter or a rule issued under this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 5, paragraph "e".

Sec. 24. Section 483A.42, Code 1999, is amended to read as follows:

483A.42 PENALTIES.

A person who violates ~~a provision of~~ this chapter is guilty of a simple misdemeanor ~~and shall be fined not less than ten dollars for each cited offense~~ punishable as a scheduled violation under section 805.8, subsection 5, paragraph "e".

Sec. 25. Section 805.8, subsection 2, paragraph e, Code Supplement 1999, is amended to read as follows:

e. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384, 321.385, 321.386, 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, and 321.433, the scheduled fine is twenty dollars. For violations of sections 321.247 and 321.421, the scheduled fine is one hundred dollars.

Sec. 26. Section 805.8, subsection 2, paragraph h, Code Supplement 1999, is amended to read as follows:

h. For operating, passing, turning, and standing violations under section 321.236, subsections 3, 4, 9, and 12, section 321.275, subsections 1 through 7, sections 321.295, 321.297, 321.299, 321.303, 321.304, subsections 1 and 2, sections 321.305, 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318, 321.323, 321.340, 321.353, 321.354, 321.363, 321.365, ~~321.366~~, 321.368, 321.382, and 321.395, the scheduled fine is fifteen dollars. For violations of section 321.302, the scheduled fine is one hundred dollars.

Sec. 27. Section 805.8, subsection 2, paragraph i, Code Supplement 1999, is amended to read as follows:

i. For violations involving failures to yield or to observe pedestrians and other vehicles under section 321.257, subsection 2, sections 321.288, 321.298, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and 321.367, the scheduled fine is twenty dollars. For violations of section 321.327, the scheduled fine is one hundred dollars.

Sec. 28. Section 805.8, subsection 2, paragraph m, Code Supplement 1999, is amended to read as follows:

m. For height, weight, length, width, and load violations and towed vehicle violations under sections 321.309, 321.310,

321.381, 321.394, 321.437, 321.454, 321.455, 321.456, 321.457, 321.458, 321.461, and 321.462, the scheduled fine is twenty-five dollars. For weight violations under sections 321.459 and 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight. For abandoned vehicles under section 321.91, the scheduled fine is one hundred dollars.

Sec. 29. Section 805.8, subsection 2, paragraph o, Code Supplement 1999, is amended to read as follows:

o. For violation of registration provisions under section 321.17; violation of intrastate hauling on foreign registration under section 321.54; improper operation or failure to register under section 321.55; and violation of requirement for display of registration or plates under section 321.98, the scheduled fine is twenty dollars. For fraudulent use of registration violations under section 321.99 and violations of antique car registration requirements under section 321.115, the scheduled fine is one hundred dollars.

Sec. 30. Section 805.8, subsection 2, paragraph v, Code Supplement 1999, is amended to read as follows:

v. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures and exceptions contained in sections 805.6 to 805.11, irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred thousand dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise, shall be chargeable only upon indictment or county attorney's information.

In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one hundred thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

Sec. 31. Section 805.8, subsection 2, paragraph w, Code Supplement 1999, is amended to read as follows:

w. For failure to have a valid license or permit for operating a motor vehicle on the highways of this state pursuant to section 321.174, or permitting an unauthorized minor to drive in violation of section 321.219, or permitting an unauthorized person to drive in violation of section 321.220, the scheduled fine is one hundred dollars.

Sec. 32. Section 805.8, subsection 2, paragraph ad, Code Supplement 1999, is amended to read as follows:

ad. For violations of section 321.57, the scheduled fine is fifty dollars. For violations of section 321.62, the scheduled fine is fifty dollars. For violations of section 321.47, the scheduled fine is one hundred dollars.

Sec. 33. Section 805.8, subsection 2, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. ai. For violations of section 321.366, the scheduled fine is one hundred dollars.

Sec. 34. Section 805.8, subsection 4, paragraph b, Code Supplement 1999, is amended to read as follows:

b. For operating violations under section 321G.9, subsections 1, 2, 3, 4, 5 and 7, sections 321G.11, and 321G.13, subsections 4 and 9, the scheduled fine is twenty dollars. For violations of section 321.234A, the scheduled fine is one hundred dollars.

Sec. 35. Section 805.8, subsection 5, paragraph e, Code Supplement 1999, is amended to read as follows:

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e. For violations of sections 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, and 482.9, 482.15, and 483A.42, the scheduled fine is one hundred dollars.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2245, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/19, 2000

THOMAS J. VILSACK
Governor