# CHAPTER 805

## CITATIONS IN LIEU OF ARREST

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## POLICE CITATIONS

**805.1 Issuance of citation — release.**

1. Except for an offense for which an accused would not be eligible for bail under section 811.1 or a violation of section 708.11, a peace officer having grounds to make an arrest may issue a citation in lieu of making an arrest without a warrant or, if a warrantless arrest has been made, a citation may be issued in lieu of continued custody.

2. The citation procedure for traffic and other violations designated as scheduled violations is governed by sections 805.6 through 805.15.

3. *a.* State and local law enforcement agencies in the state of Iowa may cooperate to formulate uniform guidelines that will provide for the maximum possible use of citations in lieu of arrest and in lieu of continued custody for offenses for which citations are authorized. These guidelines shall be submitted to the Iowa law enforcement academy council for review. The Iowa law enforcement academy council shall then submit recommendations to the general assembly no later than January 1, 1984.

*b.* Factors to be considered by the agencies in formulating the guidelines relating to the issuance of citations for simple misdemeanors not governed by subsection 2, shall include but shall not be limited to all of the following:

(1) Whether a person refuses or fails to produce means for a satisfactory identification.

(2) Whether a person refuses to sign the citation.

(3) Whether detention appears reasonably necessary in order to halt a continuing offense or disturbance or to prevent harm to a person or persons.

(4) Whether a person appears to be under the influence of intoxicants or drugs and no one is available to take custody of the person and be responsible for the person's safety.

(5) Whether a person has insufficient ties to the jurisdiction to assure that the person will appear or it reasonably appears that there is a substantial likelihood that the person will refuse to appear in response to a citation.

(6) Whether a person has previously failed to appear in response to a citation or after release on pretrial release guidelines.

*c.* Additional factors to be considered in the formulation of guidelines relating to the issuance of citations for other offenses for which citations are authorized shall include but shall not be limited to all of the following concerning the person:

(1) Place and length of residence.

(2) Family relationships.

(3) References.

(4) Present and past employment.
(5) Criminal record.
(6) Nature and circumstances of the alleged offense.
(7) Other facts relevant to the likelihood of the person's response to a citation.

4. The issuance of a citation in lieu of arrest or in lieu of continued custody does not affect the officer's authority to conduct an otherwise lawful search. The issuance of a citation in lieu of arrest shall be deemed an arrest for the purpose of the speedy indictment requirements of rule of criminal procedure 2.33(2)(a), Iowa court rules.

5. Even if a citation is issued, the officer may take the cited person to an appropriate medical facility if it reasonably appears that the person needs care.

6. When a citation is not issued for an offense for which a citation is authorized, the arrested person may be released pending initial appearance on bail or on other conditions determined by pretrial release guidelines. When an arrested person furnishes bail, the officer then in charge of the place of detention shall secure it in safekeeping and shall see that it is forwarded to the office of the clerk of court during the clerk's next regular business day.

7. When the offense is one for which a citation is not authorized, the person does not qualify for release under pretrial release guidelines and the person cannot be released under a bond schedule, the person may be released on bail or otherwise only after initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure.

[C73, 75, 77, §753.5; C79, 81, §805.1]

83 Acts, ch 51, §6, 9; 87 Acts, ch 149, §6; 88 Acts, ch 1158, §99; 88 Acts, ch 1167, §6; 94 Acts, ch 1093, §5; 2001 Acts, ch 24, §60; 2002 Acts, ch 1119, §109

Referred to in **§364.17**
See §804.1, 804.7, 805.6
Persons under eighteen years; see §805.16

**805.2 Form.**

The citation shall include the name and address of the person, the nature of the offense, the time and place at which the person is to appear in court, and the penalty for nonappearance.

[C73, 75, 77, §753.6; C79, 81, §805.2]

Referred to in **§364.17**, **§805.6**

**805.3 Procedure.**

Before the cited person is released, the person shall sign the citation, either in a paper or electronic format, under penalty of providing false identification information under section 719.1A, properly identifying the person cited. The person's signature shall also serve as a written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

[C73, 75, 77, §753.7; C79, 81, §805.3]

95 Acts, ch 81, §1; 95 Acts, ch 118, §34; 2010 Acts, ch 1078, §3

Referred to in **§364.17**, **§805.6**

**805.4 Complaint.**

The law enforcement officer issuing the citation shall cause to be filed a complaint in the court in which the cited person is required to appear, as soon as practicable, charging the crime stated in said notice.

[C73, 75, 77, §753.8; C79, 81, §805.4]

Referred to in **§364.17**
See §804.1; R.Cr.P. 2.54 – 2.56

**805.5 Failure to appear.**

Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original or electronically produced citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original or electronically produced citation attached to the law enforcement agency which issued the citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the

original or electronically produced citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously.

[C73, 75, 77, §753.9; C79, 81, §805.5]

95 Acts, ch 118, §35; 96 Acts, ch 1034, §65

Referred to in §364.17, §602.8102(126)

## TRAFFIC AND SCHEDULED VIOLATIONS

Surcharge on penalty, chapter 911

**805.6 Uniform citation and complaint.**

1. *a.* The commissioner of public safety, the director of transportation, and the director of the department of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by sections 805.8A, 805.8B, and 805.8C to be scheduled violations. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1.

*b.* In addition to those violations which are required by paragraph "*a*" to be charged upon a uniform citation and complaint, a violation of chapter 321 which is punishable as a simple, serious, or aggravated misdemeanor may be charged upon a uniform citation and complaint, whether or not the alleged offender is arrested by the officer making the charge.

2. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall electronically sign and date the citation or complaint and shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation. If the uniform citation and complaint is created electronically, the issuing agency shall cause the uniform citation and complaint to be transmitted to the court, and the officer shall deliver a document to the defendant which contains a section for the defendant and a section which may be sent to the court. The court shall forward an abstract of the uniform citation and complaint in accordance with section 321.491 when applicable.

3. *a.* (1) The uniform citation and complaint shall contain spaces for the following:

(a) The parties' names.

(b) The address of the alleged offender.

(c) The registration number of the offender's vehicle.

(d) The information required by section 805.2.

(e) A warning which states:

I hereby swear and affirm that the information provided by me
on this citation is true under penalty of providing false information.

(f) A statement that providing false identification information is a violation of section 719.1A.

(g) A list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded.

(h) A brief explanation of sections 805.9 and 805.10.

(i) A space where the defendant may sign an admission of the violation when permitted by section 805.9.

(2) The uniform citation and complaint shall require that the defendant appear before a court at a specified time and place.

(3) The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

*b.* The uniform citation and complaint shall also contain the following:

(1) A promise to appear as provided in section 805.3.

(2) The following statement:

> I hereby give my unsecured appearance bond in the amount of ..... dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty plus court costs.

(3) A space immediately below the items in subparagraphs (1) and (2) for the signature of the person being charged which shall serve for each of the items in subparagraphs (1) and (2).

(4) A place for citing a person in violation of section 453A.2, subsection 2.

*c.* The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified before the chief officer of the law enforcement agency, or the chief officer's designee. The chief officer of each law enforcement agency of the state may designate specific individuals to administer oaths and certify verifications.

4. Unless the officer issuing the citation arrests the alleged offender, or permits admission or requires submission of bail as provided in section 805.9, subsection 3, the officer shall enter in the blank contained in the statement required by subsection 3, paragraph *"b"*, one of the following amounts and shall require the person to sign the written appearance:

*a.* If the offense is one to which an assessment of a minimum fine is applicable and the entry is otherwise not prohibited by this section, an amount equal to one and one-half times the minimum fine plus court costs.

*b.* If the offense is one to which a scheduled fine is applicable, an amount equal to one and one-half times the scheduled fine plus court costs.

*c.* If the violation is for any offense for which a court appearance is mandatory, and an assessment of a minimum fine is not applicable, the amount of one hundred dollars plus court costs.

5. The written appearance defined in subsection 3, paragraph *"b"*, shall not be used for any offense other than a simple misdemeanor.

6. The filing fees and court costs in cases of parking meter and overtime parking violations which are denied are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is not required are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is required are as stated in section 602.8106, subsection 1.

7. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the budget of the municipal corporation or county receiving the fine resulting from use of the citation and complaint. Supplies of the uniform citation and complaint form used by other agencies shall be paid for out of the budget of the agency concerned and not out of the budget of the judicial branch.

8. The commissioner of public safety and the director of the department of natural resources, acting jointly, shall design and publish a compendium of scheduled violations and scheduled fines, containing other information which they deem appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the department of public safety and out of the budget of the department of natural resources, each budget being liable for half of those costs. Copies shall be made available to individuals upon request, and a charge may be collected which does not exceed the cost of printing.

9. Supplies of uniform citation and complaint forms existing or on order on July 1, 2010, may be used until exhausted.

[C73, 75, 77, §753.13; C79, 81, §805.6]

83 Acts, ch 123, §201, 209; 83 Acts, ch 204, §8, 9; 85 Acts, ch 197, §40, 41; 86 Acts, ch 1237, §44; 86 Acts, ch 1238, §31; 89 Acts, ch 167, §1; 89 Acts, ch 296, §90; 90 Acts, ch 1170, §5; 90 Acts, ch 1230, §93; 91 Acts, ch 116, §21; 94 Acts, ch 1074, §15, 16; 95 Acts, ch 81, §2 – 5; 95 Acts, ch 118, §36; 98 Acts, ch 1047, §66; 98 Acts, ch 1178, §13; 2000 Acts, ch 1105, §9; 2000 Acts, ch 1131, §1 – 3; 2001 Acts, ch 6, §1; 2001 Acts, ch 137, §5; 2003 Acts, ch 6, §5; 2007 Acts, ch 33, §3; 2007 Acts, ch 215, §259; 2009 Acts, ch 130, §16, 42; 2010 Acts, ch 1069, §63; 2010 Acts, ch 1078, §4, 5; 2010 Acts, ch 1193, §66, 67, 79; 2013 Acts, ch 30, §168

**805.7 Traffic and scheduled violations offices — fine collection boxes.**

1. *Offices.* Each district court clerk's office shall constitute a traffic and scheduled violations office of the district court. Additional offices may be established at other locations, as needed, if authorized by the chief judge of the district.

2. *Collection boxes.* The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations and other locations where vehicles are inspected and weighed with portable scales. The boxes shall be used solely for the deposit of fines, costs, and guaranteed arrest bond certificates received for scheduled violations applicable to commercial carriers. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or the clerk's designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

[C73, 75, 77, §753.14; C79, 81, §805.7]

89 Acts, ch 296, §91

Referred to in **§602.8102(127)**, **§805.1**, **§805.8A(12)(e)**, **§805.15**

**805.8 Scheduled violations.**

1. *Application.* Except as otherwise indicated, violations of sections of the Code specified in sections 805.8A, 805.8B, and 805.8C are scheduled violations, and the scheduled fine for each of those violations is as provided in those sections, whether the violation is of state law or of a county or city ordinance. The criminal penalty surcharge required by section 911.1 and the county enforcement surcharge required by section 911.4, if applicable, shall be added to the scheduled fine.

2. *Description of violations.* The descriptions of offenses used in sections 805.8A, 805.8B, and 805.8C are for convenience only and shall not be construed to define any offense or to include or exclude any offense other than those specifically included or excluded by reference to the Code. A reference to a section or subsection of the Code without further limitation includes every offense defined by that section or subsection.

[C73, 75, 77, §753.15; C79, 81, §805.8; 81 Acts, ch 49, §14, ch 103, §9, ch 109, §2, ch 110, §4; 82 Acts, ch 1028, §37 – 39, ch 1104, §26]

82 Acts, ch 1062, §33, 38; 83 Acts, ch 58, §2; 83 Acts, ch 125, §6 – 8; 84 Acts, ch 1016, §5; 84 Acts, ch 1174, §5; 84 Acts, ch 1219, §37; 85 Acts, ch 40, §5; 85 Acts, ch 195, §62; 86 Acts, ch 1007, §41; 86 Acts, ch 1116, §6; 86 Acts, ch 1221, §3; 87 Acts, ch 120, §9; 87 Acts, ch 170, §19; 87 Acts, ch 219, §6; 88 Acts, ch 1222, §11; 89 Acts, ch 84, §3; 89 Acts, ch 184, §2, 3; 89 Acts, ch 247, §19; 90 Acts, ch 1102, §2; 90 Acts, ch 1151, §9; 90 Acts, ch 1170, §6; 90 Acts, ch 1189, §4; 90 Acts, ch 1216, §1 – 4; 90 Acts, ch 1230, §94; 92 Acts, ch 1122, §3; 92 Acts, ch 1149, §3; 92 Acts, ch 1175, §40, 41; 92 Acts, ch 1216, §12; 92 Acts, ch 1231, §64; 93 Acts, ch 38, §3; 93 Acts, ch 47, §10 – 13; 93 Acts, ch 114, §3; 94 Acts, ch 1023, §121; 94 Acts, ch 1147, §2; 94 Acts, ch 1172, §60, 61; 95 Acts, ch 48, §22; 96 Acts, ch 1042, §2; 96 Acts, ch 1079, §20, 21; 96 Acts, ch 1090, §14 – 18; 97 Acts, ch 74, §4; 97 Acts, ch 104, §58, 59; 97 Acts, ch 108, §47, 48; 97 Acts, ch 126, §48; 97 Acts, ch 139, §15, 17 – 19; 97 Acts, ch 141, §2; 97 Acts, ch 147, §8, 9; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1075, §31; 98 Acts, ch 1100, §82 – 86; 98 Acts, ch 1112, §13, 16; 98 Acts, ch 1121, §7 – 9; 98 Acts, ch 1178, §14; 98 Acts, ch 1204, §4 – 6; 97 Acts, ch 139, §16, 19; 99 Acts, ch 13, §26; 99 Acts, ch 77, §3; 2000 Acts, ch 1016, §28; 2000 Acts, ch 1105, §10, 11;

2000 Acts, ch 1134, §6; 2000 Acts, ch 1203, §25 – 35; 2000 Acts, ch 1206, §6; 2001 Acts, ch 24, §61; 2001 Acts, ch 137, §1; 2004 Acts, ch 1111, §4; 2004 Acts, ch 1119, §6
Referred to in §232.8, §805.1, §805.8A(12)(e), §805.9, §805.15, §903.1

**805.8A Motor vehicle and transportation scheduled violations.**

1. *Parking violations.*

*a.* For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars if authorized by ordinance and if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint required by section 321.236, subsection 1, paragraph *"b"*, are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 461A.38, the scheduled fine is ten dollars. For a parking violation under section 321.362, the scheduled fine is twenty dollars.

*b.* For a parking violation under section 321L.2A, subsection 2, the scheduled fine is twenty dollars.

*c.* For violations under section 321L.2A, subsection 3, sections 321L.3, 321L.4, subsection 2, and section 321L.7, the scheduled fine is two hundred dollars.

2. *Title and registration violations.* For title or registration violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.17 ..... $ 50.
*b.* Section 321.25 ..... $100.
*c.* Section 321.32 ..... $ 20.
*d.* Section 321.34 ..... $ 20.
*e.* Section 321.37 ..... $ 20.
*f.* Section 321.38 ..... $ 20.
*g.* Section 321.41 ..... $ 20.
*h.* Section 321.45 ..... $100.
*i.* Section 321.46 ..... $100.
*j.* Section 321.47 ..... $100.
*k.* Section 321.48 ..... $100.
*l.* Section 321.52 ..... $100.
*m.* Section 321.55 ..... $ 50.
*n.* Section 321.57 ..... $100.
*o.* Section 321.62 ..... $100.
*p.* Section 321.67 ..... $100.
*q.* Section 321.98 ..... $ 50.
*r.* Section 321.99 ..... $200.
*s.* Section 321.104 ..... $100.
*t.* Section 321.115 ..... $ 30.
*u.* Section 321.115A ..... $ 30.

3. *Equipment violations.* For equipment violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.234A ..... $ 50.
*b.* Section 321.247 ..... $100.
*c.* Section 321.317 ..... $ 20.
*d.* Section 321.381 ..... $100.
*e.* Section 321.381A ..... $100.
*f.* Section 321.382 ..... $ 25.
*g.* Section 321.383 ..... $ 30.
*h.* Section 321.384 ..... $ 30.

*i.* Section 321.385 ..... $ 30.
*j.* Section 321.386 ..... $ 30.
*k.* Section 321.387 ..... $ 20.
*l.* Section 321.388 ..... $ 20.
*m.* Section 321.389 ..... $ 20.
*n.* Section 321.390 ..... $ 20.
*o.* Section 321.392 ..... $ 20.
*p.* Section 321.393 ..... $ 20.
*q.* Section 321.398 ..... $ 30.
*r.* Section 321.402 ..... $ 30.
*s.* Section 321.403 ..... $ 30.
*t.* Section 321.404 ..... $ 30.
*u.* Section 321.404A ..... $ 25.
*v.* Section 321.409 ..... $ 30.
*w.* Section 321.415 ..... $ 30.
*x.* Section 321.419 ..... $ 30.
*y.* Section 321.420 ..... $ 30.
*z.* Section 321.421 ..... $ 30.
*aa.* Section 321.422 ..... $ 20.
*ab.* Section 321.423 ..... $ 30.
*ac.* Section 321.430 ..... $100.
*ad.* Section 321.432 ..... $ 20.
*ae.* Section 321.433 ..... $ 30.
*af.* Section 321.436 ..... $ 20.
*ag.* Section 321.438 ..... $ 50.
*ah.* Section 321.439 ..... $ 20.
*ai.* Section 321.440 ..... $ 20.
*aj.* Section 321.441 ..... $ 20.
*ak.* Section 321.442 ..... $ 20.
*al.* Section 321.444 ..... $ 20.

4. *Driver's license violations.* For driver's license violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.174 ..... $ 200.
*b.* Section 321.174A ..... $ 50.
*c.* Section 321.178, subsection 2, paragraph "*a*", subparagraph (2) ..... $ 30.
*d.* Section 321.180 ..... $ 50.
*e.* Section 321.180B ..... $ 50.
*f.* Section 321.193 ..... $ 50.
*g.* Section 321.194 ..... $ 50.
*h.* Section 321.216 ..... $ 100.
*i.* Section 321.216B ..... $ 200.
*j.* Section 321.216C ..... $ 200.
*k.* Section 321.219 ..... $ 200.
*l.* Section 321.220 ..... $ 200.

5. *Speed violations.*

*a.* For excessive speed violations in excess of the limit under section 321.236, subsections 5 and 11, sections 321.285, and 461A.36, the scheduled fine shall be the following:

(1) Twenty dollars for speed not more than five miles per hour in excess of the limit.

(2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) Ninety dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

*b.* Notwithstanding paragraph "*a*", for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

(1) Twenty dollars for speed not more than five miles per hour in excess of the limit.

(2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) Ninety dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

*c.* Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in this subsection.

*d.* Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

*e.* For a violation under section 321.295, the scheduled fine is fifty dollars.

6. *Operating violations.* For operating violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.236, subsections 3, 4, 9, and 12 ..... $ 20.
*b.* Section 321.275, subsections 1 through 7 ..... $ 35.
*c.* Section 321.277A ..... $ 35.
*d.* Section 321.288 ..... $100.
*e.* Section 321.297 ..... $100.
*f.* Section 321.299 ..... $100.
*g.* Section 321.302 ..... $100.
*h.* Section 321.303 ..... $100.
*i.* Section 321.304, subsections 1 and 2 ..... $100.
*j.* Section 321.305 ..... $100.
*k.* Section 321.306 ..... $100.
*l.* Section 321.311 ..... $100.
*m.* Section 321.312 ..... $100.
*n.* Section 321.314 ..... $100.
*o.* Section 321.315 ..... $ 35.
*p.* Section 321.316 ..... $ 35.
*q.* Section 321.318 ..... $ 35.
*r.* Section 321.323 ..... $100.
*s.* Section 321.340 ..... $100.
*t.* Section 321.353 ..... $100.
*u.* Section 321.354 ..... $100.
*v.* Section 321.363 ..... $ 35.
*w.* Section 321.365 ..... $ 35.
*x.* Section 321.366 ..... $100.
*y.* Section 321.395 ..... $100.

7. *Failure to yield or obey violations.* For failure to yield or obey violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.257, subsection 2, for a violation by an operator of a motor vehicle ..... $100.
*b.* Section 321.298 ..... $100.
*c.* Section 321.307 ..... $100.
*d.* Section 321.308 ..... $100.
*e.* Section 321.313 ..... $100.

*f.* Section 321.319 .....$100.
*g.* Section 321.320 .....$100.
*h.* Section 321.321 .....$100.
*i.* Section 321.327 .....$100.
*j.* Section 321.329 .....$100.
*k.* Section 321.333 .....$100.

8. *Traffic sign or signal violations.* For traffic sign or signal violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.236, subsections 2 and 6 .....$ 35.
*b.* Section 321.256 .....$100.
*c.* Section 321.294 .....$100.
*d.* Section 321.304, subsection 3 .....$100.
*e.* Section 321.322 .....$100.

9. *Bicycle or pedestrian violations.* For bicycle or pedestrian violations under the following sections, the scheduled fine for a pedestrian or bicyclist is as follows:

*a.* Section 321.234, subsections 3 and 4 .....$ 25.
*b.* Section 321.236, subsection 10 .....$ 15.
*c.* Section 321.257, subsection 2 .....$ 25.
*d.* Section 321.275, subsection 8 .....$ 25.
*e.* Section 321.325 .....$ 25.
*f.* Section 321.326 .....$ 25.
*g.* Section 321.328 .....$ 25.
*h.* Section 321.331 .....$ 25.
*i.* Section 321.332 .....$ 25.
*j.* Section 321.397 .....$ 25.
*k.* Section 321.434 .....$ 25.

9A. *Electric personal assistive mobility device violations.* For violations under section 321.235A, the scheduled fine is fifteen dollars.

10. *School bus violations.* For violations by an operator of a school bus under sections 321.285 and 321.372, subsections 1 and 2, the scheduled fine is one hundred dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

11. *Emergency vehicle violations.* For emergency vehicle violations under the following sections, the scheduled fine is as follows:

*a.* Section 321.231 .....$100.
*b.* Section 321.323A .....$100.
*c.* Section 321.324 .....$100.
*d.* Section 321.367 .....$100.
*e.* Section 321.368 .....$100.

12. *Restrictions on vehicles.*

*a.* For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is thirty-five dollars.

*b.* For violations under section 321.437, the scheduled fine is thirty-five dollars.

*c.* For height, length, width, and load violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is two hundred dollars.

*d.* For violations under section 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

*e.* (1) 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 through 805.11, irrespective of the amount of the fine under that schedule.

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

(b) Violations of the schedule of weight violations, where the fine charged exceeds one 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.

(2) 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 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.

*f.* For a violation under section 321E.16, other than the provisions relating to weight, the scheduled fine is two hundred dollars.

13. *Motor carrier and other operator violations.*

*a.* (1) For a violation under section 321.54, the scheduled fine is thirty dollars.

(2) For violations under sections 326.22 and 326.23, the scheduled fine is fifty dollars.

*b.* For a violation under section 321.449 or 321.449A, the scheduled fine is fifty dollars.

*c.* For violations under sections 321.364, 321.450, 321.460, and 452A.52, the scheduled fine is two hundred dollars.

*d.* For violations of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is one hundred dollars.

*e.* For violations of chapter 325A, other than a violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is two hundred fifty dollars.

*f.* For violations of section 327B.1, subsection 1 or 3, the scheduled fine is two hundred fifty dollars.

14. *Miscellaneous violations.*

*a. Failure to obey a peace officer.* For a violation under section 321.229, the scheduled fine is one hundred dollars.

*b. Abandoning a motor vehicle.* For a violation under section 321.91, the scheduled fine is two hundred dollars.

*c. Seat belt or restraint violations.*

(1) For a violation under section 321.445, the scheduled fine is fifty dollars.

(2) For a violation under section 321.446, the scheduled fine is one hundred dollars.

*d. Litter and debris violations.* For violations under sections 321.369 and 321.370, the scheduled fine is seventy dollars.

*e. Open container violations.* For violations under sections 321.284 and 321.284A, the scheduled fine is two hundred dollars.

*f. Proof of financial responsibility.* If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is five hundred dollars; otherwise, the scheduled fine for a violation of section 321.20B, subsection 1, is two hundred fifty dollars. Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in section 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

*g. Speed detection jamming devices.* For a violation under section 321.232, the scheduled fine is one hundred dollars.

*h. Railroad crossing violations.* For violations under sections 321.341, 321.342, 321.343, and 321.344, and 321.344B, the scheduled fine is two hundred dollars.

*i. Road work zone violations.* The scheduled fine for any moving traffic violation under chapter 321, as provided in this section, shall be doubled if the violation occurs within any road work zone, as defined in section 321.1. However, notwithstanding subsection 5, the scheduled fine for violating the speed limit in a road work zone is as follows:

(1) One hundred fifty dollars for speed not more than ten miles per hour over the posted speed limit.

(2) Three hundred dollars for speed greater than ten but not more than twenty miles per hour over the posted speed limit.

(3) Five hundred dollars for speed greater than twenty but not more than twenty-five miles per hour over the posted speed limit.

(4) One thousand dollars for speed greater than twenty-five miles per hour over the posted speed limit.

*j. Vehicle component parts records violations.* For violations under section 321.95, the scheduled fine is fifty dollars.

*k. Actions against a person on a bicycle.* For violations under section 321.281, the scheduled fine is two hundred fifty dollars.

*l. Text-messaging while driving violations.* For violations under section 321.276, the scheduled fine is thirty dollars.

2001 Acts, ch 137, §2; 2002 Acts, ch 1013, §2; 2002 Acts, ch 1063, §53; 2003 Acts, ch 108, §116 – 118; 2003 Acts, ch 178, §15; 2004 Acts, ch 1101, §91; 2005 Acts, ch 165, §8; 2006 Acts, ch 1087, §4; 2008 Acts, ch 1021, §13; 2008 Acts, ch 1044, §7, 8; 2008 Acts, ch 1124, §36; 2009 Acts, ch 21, §14; 2009 Acts, ch 41, §261; 2009 Acts, ch 130, §43; 2009 Acts, ch 133, §226; 2010 Acts, ch 1105, §9, 10; 2010 Acts, ch 1190, §18; 2010 Acts, ch 1193, §144; 2011 Acts, ch 34, §150 – 154; 2011 Acts, ch 38, §28, 29; 2012 Acts, ch 1015, §4; 2012 Acts, ch 1021, §116; 2013 Acts, ch 47, §5; 2013 Acts, ch 140, §159

Referred to in **§321.17**, **§321.20B**, **§321.47**, **§321.91**, **§321.98**, **§321.99**, **§321.104**, **§321.115**, **§321.115A**, **§321.193**, **§321.216**, **§321.216B**, **§321.216C**, **§321.219**, **§321.220**, **§321.234A**, **§321.235A**, **§321.247**, **§321.276**, **§321.281**, **§321.284**, **§321.284A**, **§321.285**, **§321.294**, **§321.302**, **§321.323A**, **§321.327**, **§321.344B**, **§321.366**, **§321.369**, **§321.372**, **§321.381**, **§321.383**, **§321.404A**, **§321.421**, **§321.446**, **§321.449A**, **§321.482A**, **§321.486**, **§321E.16**, **§321L.2A**, **§321L.3**, **§321L.4**, **§321L.7**, **§325A.8**, **§325A.24**, **§327B.5**, **§452A.52**, **§803.3**, **§805.1**, **§805.6**, **§805.8**, **§805.11**, **§805.14**, **§805.15**

For additional penalties applicable to certain motor vehicle violations causing serious injury or death, see §321.482A

**805.8B Navigation, recreation, hunting, and fishing scheduled violations.**

1. *Navigation violations.*

*a.* For violations of registration, inspections, identification, and record provisions under sections 462A.5, 462A.35, and 462A.37, and for unused or improper or defective lights and warning devices under section 462A.9, subsections 3, 4, 5, 9, and 10, the scheduled fine is ten dollars.

*b.* For violations of registration, identification, and record provisions under sections 462A.4 and 462A.10, and for unused or improper or defective equipment under section 462A.9, subsections 2, 6, 7, 8, 13, and 14, and section 462A.11, and for operation violations under sections 462A.26, 462A.31, and 462A.33, the scheduled fine is twenty dollars.

*c.* For operating violations under sections 462A.12, 462A.15, subsection 1, sections 462A.24, and 462A.34, the scheduled fine is twenty-five dollars. However, a violation of section 462A.12, subsection 2, is not a scheduled violation.

*d.* For violations of use, location, and storage of vessels, devices, and structures under sections 462A.27, 462A.28, and 462A.32, the scheduled fine is fifteen dollars.

*e.* For violations of all subdivision ordinances under section 462A.17, subsection 2, except those relating to matters subject to regulation by authority of section 462A.31, subsection 5, the scheduled fine is the same as prescribed for similar violations of state law. For violations of subdivision ordinances for which there is no comparable state law, the scheduled fine is ten dollars.

2. *Snowmobile violations.*

*a.* For registration or user permit violations under section 321G.3, subsection 1, or section 321G.4B, the scheduled fine is fifty dollars.

*b.* (1) For operating violations under section 321G.9, the scheduled fine is fifty dollars.

(2) For operating violations under sections 321G.11 and 321G.13, subsection 1, paragraph "*d*", the scheduled fine is twenty dollars.

(3) For operating violations under section 321G.13, subsection 1, paragraphs "*a*", "*b*", "*e*", "*f*", "*g*", "*h*", and "*i*", and section 321G.13, subsections 2 and 3, the scheduled fine is one hundred dollars.

*c.* For improper or defective equipment under section 321G.12, the scheduled fine is twenty dollars.

*d.* For violations of section 321G.19, the scheduled fine is twenty dollars.

*e.* For decal violations under section 321G.5, the scheduled fine is twenty dollars.

*f.* For stop signal violations under section 321G.17, the scheduled fine is one hundred dollars.

*g.* For violations of section 321G.20 and for education certificate violations under section 321G.24, subsection 1, the scheduled fine is fifty dollars.

*h.* For violations of section 321G.21, the scheduled fine is one hundred dollars.

2A. *All-terrain vehicle violations.*

*a.* For registration or user permit violations under section 321I.3, subsection 1, the scheduled fine is fifty dollars.

*b.* (1) For operating violations under sections 321I.12 and 321I.14, subsection 1, paragraph "*d*", the scheduled fine is twenty dollars.

(2) For operating violations under section 321I.10, subsections 1 and 4, the scheduled fine is fifty dollars.

(3) For operating violations under section 321I.14, subsection 1, paragraphs "*a*", "*e*", "*f*", "*g*", and "*h*", and section 321I.14, subsections 2, 3, 4, and 5, the scheduled fine is one hundred dollars.

*c.* For improper or defective equipment under section 321I.13, the scheduled fine is twenty dollars.

*d.* For violations of section 321I.20, the scheduled fine is twenty dollars.

*e.* For decal violations under section 321I.6, the scheduled fine is twenty dollars.

*f.* For stop signal violations under section 321I.18, the scheduled fine is one hundred dollars.

*g.* For violations of section 321I.21 and for education certificate violations under section 321I.26, subsection 1, the scheduled fine is fifty dollars.

*h.* For violations of section 321I.22, the scheduled fine is one hundred dollars.

3. *Hunting and fishing violations.*

*a.* For violations of section 484A.2, the scheduled fine is ten dollars.

*b.* For violations of sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27, the scheduled fine is twenty dollars.

*c.* For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the scheduled fine is twenty-five dollars.

*d.* For violations of sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2, sections 482.5, 482.7, 482.8, 482.10, and 483A.37, the scheduled fine is fifty dollars.

*e.* For violations of sections 481A.57, 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42, the scheduled fine is one hundred dollars.

*f.* For violations of section 481A.38 relating to the taking, pursuing, killing, trapping or ensnaring, buying, selling, possessing, or transporting any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For deer or turkey, the scheduled fine is one hundred dollars.

(2) For protected nongame, the scheduled fine is one hundred dollars.

(3) For mussels, frogs, spawn, or fish, the scheduled fine is twenty-five dollars.

(4) For other game, the scheduled fine is fifty dollars.

(5) For fur-bearing animals, the scheduled fine is seventy-five dollars.

*g.* For violations of section 481A.38 relating to an attempt to take, pursue, kill, trap, buy, sell, possess, or transport any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For game or fur-bearing animals, the scheduled fine is fifty dollars.

(2) For protected nongame, the scheduled fine is fifty dollars.

(3) For mussels, frogs, spawn, or fish, the scheduled fine is ten dollars.

*h.* For violations of section 481A.48 relating to restrictions on game birds and animals, the scheduled fines are as follows:

(1) Out-of-season, the scheduled fine is one hundred dollars.

(2) Over limit, the scheduled fine is one hundred dollars.

(3) Attempt to take, the scheduled fine is fifty dollars.
(4) General waterfowl restrictions, the scheduled fine is fifty dollars.
(a) No federal stamp, the scheduled fine is fifty dollars.
(b) Unplugged shotgun, the scheduled fine is ten dollars.
(c) Possession of other than steel shot, the scheduled fine is twenty-five dollars.
(d) Early or late shooting, the scheduled fine is twenty-five dollars.
(5) Possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred dollars.
*i.* For violations of section 481A.67 relating to general violations of fishing laws, the scheduled fine is twenty-five dollars.
(1) For over limit catch, the scheduled fine is thirty dollars.
(2) For under minimum length or weight, the scheduled fine is twenty dollars.
(3) For out-of-season fishing, the scheduled fine is fifty dollars.
*j.* For violations of section 481A.73 relating to trotlines and throwlines:
(1) For trotline or throwline violations in legal waters, the scheduled fine is twenty-five dollars.
(2) For trotline or throwline violations in illegal waters, the scheduled fine is fifty dollars.
*k.* For violations of section 481A.144, subsection 4, or section 481A.145, subsections 4, 5, and 6, relating to minnows:
(1) For general minnow violations, the scheduled fine is twenty-five dollars.
(2) For commercial purposes, the scheduled fine is fifty dollars.
*l.* For violations of section 481A.87 relating to the taking or possessing of fur-bearing animals out of season:
(1) For red fox, gray fox, or mink, the scheduled fine is one hundred dollars.
(2) For all other furbearers, the scheduled fine is fifty dollars.
*m.* For violations of section 482.4 relating to gear tags:
(1) For commercial license violations, the scheduled fine is one hundred dollars.
(2) For no gear tags, the scheduled fine is twenty-five dollars.
*n.* For violations of section 482.11, the scheduled fine is one hundred dollars.
*o.* For violations of section 483A.1 relating to licenses and permits, the scheduled fines are as follows:
(1) For a license or permit costing ten dollars or less, the scheduled fine is twenty dollars.
(2) For a license or permit costing more than ten dollars but not more than twenty dollars, the scheduled fine is thirty dollars.
(3) For a license or permit costing more than twenty dollars but not more than forty dollars, the scheduled fine is fifty dollars.
(4) For a license or permit costing more than forty dollars but not more than fifty dollars, the scheduled fine is seventy dollars.
(5) For a license or permit costing more than fifty dollars but less than one hundred dollars, the scheduled fine is one hundred dollars.
(6) For a license or permit costing one hundred dollars or more, the scheduled fine is two times the cost of the original license or permit.
*p.* For violations of section 483A.26 relating to false claims for licenses:
(1) For making a false claim for a license by a resident, the scheduled fine is fifty dollars.
(2) For making a false claim for a license by a nonresident, the scheduled fine is one hundred dollars.
*q.* For violations of section 483A.36 relating to the conveyance of guns:
(1) For conveying an assembled, unloaded gun, the scheduled fine is twenty-five dollars.
(2) For conveying a loaded gun, the scheduled fine is fifty dollars.
4. *Ginseng violations.* For a violation of section 456A.24, subsection 11, the scheduled fine is one hundred dollars.
5. *Aquatic invasive species violations.* For violations of section 456A.37, subsection 3, the scheduled fine is as follows:
*a.* For violations of section 456A.37, subsection 3, paragraph "*a*", the scheduled fine is five hundred dollars.

*b.* For violations of section 456A.37, subsection 3, paragraph "*b*", the scheduled fine is seventy-five dollars.

*c.* For repeat violations of section 456A.37, subsection 3, paragraph "*a*" or "*b*", within the same twelve-month period, the scheduled fine shall include an additional fine of five hundred dollars for each violation.

6. *Misuse of parks and preserves.*

*a.* For violations under sections 461A.39, 461A.45, and 461A.50, the scheduled fine is ten dollars.

*b.* For violations under sections 461A.40, 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

*c.* For violations of sections 461A.35, 461A.42, and 461A.44, the scheduled fine is fifty dollars.

*d.* For violations of section 461A.48, the scheduled fine is twenty-five dollars.

*e.* For violations under section 461A.43, the scheduled fine is thirty dollars.

2001 Acts, ch 137, §3; 2002 Acts, ch 1001, §3; 2002 Acts, ch 1147, §3; 2004 Acts, ch 1132, §93; 2004 Acts, ch 1137, §2; 2006 Acts, ch 1087, §5, 6; 2007 Acts, ch 28, §22; 2007 Acts, ch 141, §54, 55; 2008 Acts, ch 1161, §22; 2009 Acts, ch 133, §185, 186; 2009 Acts, ch 144, §45 – 47; 2012 Acts, ch 1100, §65 – 68; 2012 Acts, ch 1118, §19; 2013 Acts, ch 30, §169, 170; 2013 Acts, ch 67, §2; 2014 Acts, ch 1058, §5; 2014 Acts, ch 1141, §58

Subsection 2, paragraph a amended
Subsection 3, paragraph c amended

**805.8C Miscellaneous scheduled violations.**

1. *Energy emergency violations.* For violations of an executive order issued by the governor under the provisions of section 473.8, the scheduled fine is fifty dollars.

2. *Alcoholic beverage violations.* For violations of section 123.49, subsection 2, paragraph "*h*", the scheduled fine for a licensee or permittee is one thousand five hundred dollars, and the scheduled fine for a person who is employed by a licensee or permittee is five hundred dollars.

3. *Violations related to smoking, tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes.*

*a.* For violations described in section 142D.9, subsection 1, the scheduled fine is fifty dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation described in section 142D.9, subsection 1, is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

*b.* For violations of section 453A.2, subsection 1, by an employee of a retailer, the scheduled fine is as follows:

(1) If the violation is a first offense, the scheduled fine is one hundred dollars.

(2) If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

*c.* For violations of section 453A.2, subsection 2, the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed:

(1) If the violation is a first offense, the scheduled fine is fifty dollars.

(2) If the violation is a second offense, the scheduled fine is one hundred dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is two hundred fifty dollars.

4. *Electrical and mechanical amusement device violations.*

*a.* For violations of legal age for operating an electrical and mechanical amusement device required to be registered as provided in section 99B.10, subsection 1, paragraph "*f*", pursuant to section 99B.10C, subsection 1, the scheduled fine is two hundred fifty dollars. Failure to

pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

*b.* For first offense violations concerning electrical and mechanical amusement devices as provided in section 99B.10, subsection 3, the scheduled fine is two hundred fifty dollars.

5. *Gambling violations.*

*a.* For violations of legal age for gambling wagering under section 99D.11, subsection 7, section 99F.9, subsection 4, and section 725.19, subsection 1, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

*b.* For legal age violations for entering or attempting to enter a facility under section 99F.9, subsection 5, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

6. *Pseudoephedrine sales violations.* For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, paragraph "*a*", by a purchaser, the scheduled fine is as follows:

*a.* If the violation is a first offense, the scheduled fine is two hundred dollars.

*b.* If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

*c.* If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

7. *Alcoholic beverage violations by persons eighteen, nineteen, or twenty years of age.* For first offense violations of section 123.47, subsection 4, the scheduled fine is two hundred dollars.

8. *Unlicensed premises owner — under eighteen years of age consumption or possession.* For first offense violations of section 123.47, subsection 2, the scheduled fine is two hundred dollars.

9. *Notification violations.* For violations of section 229.22, subsection 6, the scheduled fine is one thousand dollars for a first violation and two thousand dollars for a second or subsequent violation. The scheduled fine under this subsection is a civil penalty, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty.

10. *Scrap metal transaction violations.* For violations of section 714.27, the scheduled fine is one hundred dollars for a first violation, five hundred dollars for a second violation within two years, and one thousand dollars for a third or subsequent violation within two years. The scheduled fine under this subsection is a civil penalty which shall be deposited into the general fund of the county or city if imposed by a designated officer or employee of a county or city, or deposited in the general fund of the state if imposed by a state agency, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty.

2001 Acts, ch 137, §4; 2004 Acts, ch 1111, §5, 6; 2004 Acts, ch 1118, §7, 11; 2004 Acts, ch 1127, §4; 2004 Acts, ch 1136, §58; 2005 Acts, ch 15, §9, 14; 2005 Acts, ch 105, §2; 2005 Acts, ch 179, §140; 2007 Acts, ch 173, §9; 2008 Acts, ch 1084, §15; 2009 Acts, ch 88, §5; 2010 Acts, ch 1103, §3; 2010 Acts, ch 1128, §7; 2010 Acts, ch 1190, §19; 2012 Acts, ch 1099, §2; 2014 Acts, ch 1026, §142; 2014 Acts, ch 1096, §7; 2014 Acts, ch 1109, §13

Subsection 3 amended
Subsection 5 amended
NEW subsection 8 and former subsections 8 and 9 renumbered as 9 and 10

**805.9 Admission of scheduled violations.**

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail a copy of the citation and complaint, together with the minimum fine for the violation, plus court costs, to a scheduled violations office in the county. The office shall, if the offense is a moving violation under chapter 321, forward an abstract of the citation and complaint and admission to the state department of transportation as required by section 321.491. In this case the defendant is not required to appear before the court. The admission constitutes a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time the defendant is required to appear before the court, deliver or mail the copies, together with the defendant's admission, fine,

and court costs, to the scheduled violations office in the county. The procedure, fine, and costs are the same as when the charge is by citation and complaint, with the admission and the number of the defendant's driver's license as defined in section 321.1 placed upon the information when the violation involves the use of a motor vehicle.

3. When section 805.8 and this section are applicable but the officer does not deem it advisable to release the defendant and no court in the county is in session:

*a.* If the defendant wishes to admit the violation, the officer may release the defendant upon observing the person mail the citation and complaint, admission, and minimum fine, together with court costs, to a traffic violations office in the county, in an envelope furnished by the officer. The admission constitutes a conviction and judgment in the amount of the scheduled fine plus court costs. The officer may allow the defendant to use a credit card pursuant to rules adopted under section 805.14 by the department of public safety or to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

*b.* If the defendant does not comply with paragraph *"a"*, the officer may release the defendant upon observing the defendant mail to a court in the county the citation and complaint and one and one-half times the minimum fine together with court costs, or in lieu of one and one-half times the fine and the court costs, a guaranteed arrest bond certificate as provided in section 321.1, subsection 30, as bail together with the following statement signed by the defendant:

> I agree that either (1) I will appear pursuant to this citation or (2) if I do not appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of one and one-half times the scheduled fine plus court costs.

*c.* If the defendant does not comply with paragraph *"a"* or *"b"*, or when section 804.7 is applicable, the officer may arrest and confine the defendant if authorized by the latter section, and proceed according to chapter 804.

4. A defendant who admits a scheduled violation may appear before court. The procedure, costs, and fine, without suspension of the fine, after the hearing are the same as in the traffic violations office.

5. A defendant charged with a scheduled violation who does not fully comply with subsection 1, 2, 3, or 4 of this section before the time required to appear before the court must, at that time, appear before the court. If the defendant admits the violation, the procedure, costs, and fine, without suspension of the fine, after the hearing are the same before the court as before the traffic violations office, and are without prejudice, when applicable, to proceedings under section 321.487.

6. The court costs imposed by this section are the total costs collectible from a defendant upon either an admission of a violation without hearing, or upon a hearing pursuant to subsection 4.

[C73, 75, 77, §753.16; C79, 81, §805.9; 82 Acts, ch 1104, §27]

83 Acts, ch 186, §10131, 10201; 83 Acts, ch 204, §10; 85 Acts, ch 195, §63; 85 Acts, ch 197, §42; 90 Acts, ch 1230, §95; 98 Acts, ch 1073, §9

Referred to in **§805.1**, **§805.6**, **§805.8A(12)(e)**, **§805.8C(3)(a)**, **§805.8C(3)(c)**, **§805.10**, **§805.15**

**805.10 Required court appearance.**

1. Section 805.9 shall not apply to a scheduled violation in any of the following circumstances:

*a.* When the violation charged involved or resulted in a death or caused serious injury to person as defined under section 702.18.

*b.* When the violation charged involved or resulted in an accident or injury to property and based upon the violator's driving record, or failure to pay any fine, surcharge, or court costs, or any other circumstances involving the accident, the officer determines a court appearance is necessary.

*c.* When the violation created an immediate threat to the safety of other persons or property because of highway conditions, visibility, traffic, repetition, or other circumstances.

*d.* When the violation charged involves the taking of an animal for which there is a civil damage assessment in addition to a criminal penalty.

2. In such cases, the defendant shall appear before the court and regular procedure shall apply. If an information is used, the officer shall endorse thereon, "Court appearance required". If a citation and complaint is used, the officer shall strike out the space in which the defendant may admit the violation before a scheduled violations office and shall endorse thereon "Court appearance required" and the defendant shall appear before the court either in person or by attorney.

[C73, 75, 77, §753.17; C79, 81, §805.10]

83 Acts, ch 125, §9; 84 Acts, ch 1067, §50; 89 Acts, ch 296, §92; 90 Acts, ch 1216, §5; 98 Acts, ch 1178, §15; 2000 Acts, ch 1131, §4, 5; 2000 Acts, ch 1154, §42

Referred to in **§805.1**, **§805.6**, **§805.8A(12)(e)**, **§805.11**, **§805.13**, **§805.15**

**805.11 Other penalties.**

If the defendant is convicted of a scheduled violation, the penalty is the scheduled fine, without suspension of the fine prescribed in section 805.8A, 805.8B, or 805.8C together with costs assessed and distributed as prescribed by section 602.8106, unless it appears from the evidence that the violation was of the type set forth in section 805.10, subsection 1, paragraph "*a*" or "*c*", in which event the scheduled fine does not apply and the penalty shall be increased within the limits provided by law for the offense.

[C73, 75, 77, §753.18; C79, 81, §805.11; 82 Acts, ch 1104, §28]

83 Acts, ch 186, §10132, 10201; 85 Acts, ch 195, §64; 2000 Acts, ch 1154, §43; 2001 Acts, ch 137, §5

Referred to in **§805.1**, **§805.8A(12)(e)**, **§805.15**

**805.12 Disposition of traffic fines and costs.**

Fines, forfeiture of bail, fees, and costs collected for all traffic violations, whether or not scheduled, and for all other scheduled violations shall be distributed in accordance with section 602.8106.

[C73, 75, 77, §753.19; C79, 81, §805.12]

83 Acts, ch 186, §10133, 10201

Referred to in **§805.1**, **§805.8A(14)(f)**, **§805.15**

**805.13 Venue.**

1. Traffic violations, whether or not scheduled, and all other scheduled violations may be tried before the nearest magistrate in the judicial district in which the offense is committed, or if the offense occurred in a city which is located in two counties, the violation shall be tried as provided in section 803.3, subsection 5.

2. Upon written consent of the defendant and the officer issuing the citation, traffic violations, whether or not scheduled, and any other scheduled violations, other than those for which a court appearance is required under section 805.10 may be prosecuted in any county in the state irrespective of where committed, and in such event the documents in the case shall be sent to the court or traffic and scheduled violations office designated by the defendant and the officer.

[C73, 75, 77, §753.20; C79, 81, §805.13]

2003 Acts, ch 113, §3; 2004 Acts, ch 1041, §2

Referred to in **§803.3**, **§805.1**, **§805.15**

**805.14 Credit cards.**

Fines for scheduled traffic violations enumerated in section 805.8A may be paid by credit cards, as defined in section 537.1301, subsection 17, approved for that purpose by the commissioner of public safety. The commissioner shall enter agreements with financial institutions extending credit through the use of credit cards to insure reimbursement of the amount of the fine plus appropriate costs to the proper traffic violations office in the state.

The commissioner shall adopt rules pursuant to chapter 17A to implement the provisions of this section.

[C77, §753.21; C79, 81, §805.14]

2001 Acts, ch 137, §5

Referred to in §805.1, §805.9, §805.15, §811.9

**805.15 Other citation forms.**

The provisions of sections 321.485 to 321.487 shall govern with respect to offenses charged in the manner provided in section 321.485. The provisions of sections 805.6 to 805.14 shall govern with respect to offenses chargeable upon a uniform citation and complaint.

[C79, 81, §805.15]

Referred to in §805.1

**805.16 Citations to persons under eighteen years of age — arrest — nonsecure custody.**

1. Except as provided in subsection 2 of this section, a peace officer shall issue a police citation or uniform citation and complaint, in lieu of making a warrantless arrest, to a person under eighteen years of age accused of committing a simple misdemeanor under chapter 321, 321G, 321I, 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local ordinance not subject to the jurisdiction of the juvenile court, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A.

2. A person under the age of eighteen who refuses to sign the citation without qualification, who persists in engaging in the conduct for which the citation was issued, who refuses to provide proper identification or to identify the person's self, or who constitutes an immediate threat to the person's own safety or the safety of the public may be arrested in the manner provided in subsection 3. In addition, or alternatively, the peace officer may require that person to surrender the person's driver's license as defined in section 321.1 until the time of the person's initial court appearance. The peace officer shall immediately send the person's driver's license along with a copy of the unsigned citation indicating the juvenile's refusal to sign to the clerk of the district court for the district in which the peace officer issued the citation.

3. *a.* A person arrested pursuant to subsection 2 shall only be arrested for the limited purpose of holding the person in nonsecure custody in an area not intended for secure detention while awaiting transfer to an appropriate juvenile facility or to court, for booking, for implied consent testing, for contacting and release to the person's parents, or for other administrative purposes.

*b.* For purposes of this subsection, "*nonsecure custody*" means custody in an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area, the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held, and the use of the area is limited to providing nonsecure custody only long enough for the purposes stated in paragraph "*a*" and not for a period of time in excess of six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

4. This section does not prohibit the execution of an arrest warrant by a peace officer.

88 Acts, ch 1167, §7; 90 Acts, ch 1230, §96; 92 Acts, ch 1160, §24; 97 Acts, ch 126, §49; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §94; 2013 Acts, ch 30, §220