Fiscal Note

Fiscal Services Division

SF 429 – Motor Vehicle Enforcement Officers (LSB1476SV)
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Fiscal Note Version – New

Description

Senate File 429 extends the authorization of Motor Vehicle Enforcement (MVE) Officers employed by the Department of Transportation (DOT) to perform duties outlined in Iowa Code section 321.477. The current authorization sunsets on July 1, 2019. The Bill eliminates the current sunset and permits the following duties, which the DOT is currently performing, on a permanent basis:

- Employees designated as peace officers by the DOT may "enforce all laws of the state including but not limited to the rules and regulations of the department."
- "Employees designated as peace officers pursuant to section 321.477 shall have the same powers conferred by law on peace officers for the enforcement of all laws of this state and the apprehension of violators."
- MVE officers may operate within the limits of a city under certain circumstances.
- MVE officers must spend the preponderance of their time enforcing the State and federal commercial motor vehicle laws and regulations.
- The Department is required to provide a report to the General Assembly by December 1 each year that describes the nature and scope of enforcement activities during the prior fiscal year.

Background

In 2017, the General Assembly passed the Motor Vehicle Regulation and Enforcement Act that specified the powers, duties, and limitations of the MVE officers and granted authority to the DOT to perform these duties for one year (2017 Iowa Acts, ch. 149). In 2018, the General Assembly extended the authorization to perform these duties until July 1, 2019. The sunset on July 1, 2019, will return law enforcement duties in Iowa Code section 321.477 to those authorized prior to July 1, 2017.

In 2018, the Iowa Supreme Court ruled that prior to July 1, 2017, MVE officers did not have the authority to issue traffic citations "unrelated to operating authority, registration, size, weight, and load" (opinion). This ruling, in conjunction with the sunset, means that the DOT will only be able to conduct enforcement activities related to "operating authority, registration, size, weight, and load" after July 1, 2019. MVE officers would still be able to conduct other enforcement activities if authorized to do so by another statute, such as Iowa Code section 321.380 for school bus violations and Iowa Code section 321J.2 for operating-while-intoxicated violations.

A total of 21,100 convictions for scheduled traffic violations in FY 2018 were due to citations issued by MVE officers. Scheduled traffic convictions issued by the DOT include a wide range of violations. The majority of the citations were issued to vehicles that require commercial driver's licenses. A few examples of convictions include but are not limited to scheduled traffic violations including weight violations, speeding, CMV safety regulations, and operating without insurance and registration. The Legislative Services Agency (LSA) is unable to determine which of these scheduled traffic violations the DOT will be able to enforce after July 1, 2019, if the current language in Iowa Code section 321.477 sunsets.

Additionally, actions of MVE officers resulted in 500 convictions for various crimes in FY 2018. Examples include operating while under the influence, possession of drug paraphernalia, and possession of controlled substances. These arrests may have occurred after a routine traffic stop that MVE officers may not be able to conduct after the current sunset. It is not possible to determine the circumstances of these arrests. The LSA cannot determine what violations the DOT may have authority to enforce after July 1, 2019, and if the loss of this authority will reduce the ability of MVE officers to enforce Iowa Code section 321J.2 or 321.380.

The costs for MVE officers and enforcement activities are funded by appropriations from the Road Use Tax Fund to the Highway Division of the DOT. The Department also receives reimbursements for approved commercial enforcement activities under the Motor Carrier Safety Assistance Program (MCSAP). In FFY 2017, Iowa was eligible to receive a total of $4.3 million in MCSAP reimbursements. Approximately $1.5 million of the total federal funds was allocated to the Department of Public Safety (DPS).

Fines associated with each scheduled traffic citation vary. There is an estimated court cost of $60 per violation. A criminal penalty surcharge is applied to the scheduled fine. Ninety-five percent of the surcharge goes to the State. Of the State's share, 83.0% goes to the General Fund and 17.0% to the Victim Compensation Fund. The remaining 5.0% of the surcharge goes to the local city or county where the infraction occurred.

Fiscal Impact
Senate File 429 will allow the DOT to continue law enforcement activities as conducted in FY 2018 and FY 2019 on a permanent basis. By eliminating the July 1, 2019, sunset, the Bill avoids a potential reduction in General Fund revenue from fines due to the sunset of the authority designated in Iowa Code section 321.477. However, the number of convictions that will be issued in FY 2020 and FY 2021 that would not have been issued if authority sunsets is unknown. Eliminating the July 1, 2019, sunset may avoid a reduction in federal MCSAP funding. The extent that MCSAP funding may be reduced if Iowa Code section 321.477 sunsets is unknown.

Sources
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Iowa Department of Transportation
Legislative Services Agency

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.