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[SF 389](#) – Motor Vehicles, Use of Left Lane (LSB1079XS)

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Fiscal Note Version – New (Same as Fiscal Note for HF 481)

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**Description**

[Senate File 389](#) requires a person operating a vehicle in the left-most lane of the roadway to make a lane change to the immediate right if the person knows or should know that a car will overtake the person's vehicle. Exemptions apply to road construction workers or emergency personnel in the course of duties, when traffic conditions prevent a lane change, when there is a legally established obstruction such as a traffic-control device, and when exiting on the left of the roadway.

**Background**

In FY 2019, there were 37 violations for failing to yield to a passing vehicle under Iowa Code section [321.299](#)(1) and 25 violations for passing on the wrong side under Iowa Code section [321.299](#)(2). The scheduled fine for both of these violations under Iowa Code section [321.299](#) is \$50. 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.

**Assumptions**

- Citations will increase under [SF 389](#) by the creation of a new violation.
- The estimated collection rate for violations is 63.8%.

**Fiscal Impact**

While the number of violations for failing to yield cannot be estimated, **Table 1** provides a range of possible increases. The table includes estimates for increases in fine revenue for 100, 250, and 500 convictions. The estimated revenue increase ranges from approximately \$12,500 for an increase of 100 convictions to \$62,400 for an increase of 500 convictions.

**Table 1**

<b>Range of Estimated Annual Fiscal Impact Under Senate File 389</b>				
	<u>Current Law</u>	<u>Potential Increase in Convictions</u>		
	<u>Est. FY 2019</u>	<u>+100 Convictions</u>	<u>+250 Convictions</u>	<u>+500 Convictions</u>
<b>General Fund</b>				
Penalty Revenue	\$ 4,000	\$ 6,000	\$ 16,000	\$ 32,000
Surcharge Revenue	1,000	2,000	4,000	9,000
Court Costs	2,000	4,000	10,000	19,000
<b>Subtotal</b>	<u>\$ 7,000</u>	<u>\$ 12,000</u>	<u>\$ 30,000</u>	<u>\$ 60,000</u>
<b>Other</b>				
Victim Comp. Fund	\$ 200	\$ 400	\$ 900	\$ 1,800
Local Jurisdiction	100	100	300	600
<b>Subtotal</b>	<u>\$ 300</u>	<u>\$ 500</u>	<u>\$ 1,200</u>	<u>\$ 2,400</u>
<b>Total</b>	<u>\$ 7,300</u>	<u>\$ 12,500</u>	<u>\$ 31,200</u>	<u>\$ 62,400</u>

\*Figures may not add up due to rounding.

**Sources**

Department of Human Rights, Division of Criminal and Juvenile Justice Planning  
LSA analysis and calculations

/s/ Holly M. Lyons

March 13, 2019

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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.

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