



HF 2446 – Bicycle Death, Enhanced Penalties (LSB5022HV)
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 Fiscal Note Version – New

Description

House File 2446 adds violations of Iowa Code section [321.281\(1\)](#) to the list of violations subject to additional penalties under Iowa Code section [321.482A](#). For a violation causing serious injury, the additional penalties include a fine of \$500 or suspension of the violator’s driver’s license or operating privileges for not more than 90 days, or both. For a violation causing death, additional penalties include a fine of \$1,000 or suspension of the violator’s driver’s license or operating privileges for not more than 180 days, or both.

Background

Under current law, Iowa Code section [321.281\(1\)](#) prohibits a person operating a motor vehicle from steering the vehicle unreasonably close to or toward a person riding a bicycle on a highway, including the roadway or the shoulder adjacent to the roadway. The scheduled fine for a violation of Iowa Code section [321.281\(1\)](#) is \$250.

Fine revenue is distributed to the State General Fund. A 35.0% criminal penalty surcharge is assessed on all fines. Of the Criminal Penalty Surcharge revenue, 95.0% is remitted to the State, and the remaining 5.0% is remitted to the county treasurer of the county or the city clerk of the city that was the plaintiff in the action. Of the amount remitted to the State, 83.0% is deposited in the State General Fund and 17.0% is deposited in the Victim Compensation Fund. In addition, a \$60 court cost fee is assessed and the revenue is distributed to the State General Fund.

Assumptions

In FY 2019, the collection rate for a scheduled violation or fine was 61.0%. It is assumed the collection rate will be similar in future fiscal years.

Fiscal Impact

House File 2446 is estimated to have a minimal fiscal impact. In FY 2019, there were only six citations given for a violation of Iowa Code section [321.482A](#). It is unknown how many of these citations would be subject to the additional penalties under this Bill. The following table shows the amount assessed and collected under current law and the enhanced penalties.

Current Law and [HF 2446](#) Fine Assessments and Collections

<u>Assessment</u>	Current Law	HF 2446	
	<u>321.281(1)</u>	Serious Injury Enhancement	HF 2446 Death Enhancement
Fine	\$ 250.00	\$ 500.00	\$ 1,000.00
911.1 Surcharge	87.50	175.00	350.00
Court Costs	60.00	60.00	60.00
Total Assessed	<u>\$ 397.50</u>	<u>\$ 735.00</u>	<u>\$ 1,410.00</u>
Estimated Collection	<u>\$ 242.48</u>	<u>\$ 448.35</u>	<u>\$ 860.10</u>

In addition to the fine, if the violator's driver's license is suspended, a \$200 civil penalty is assessed and must be paid before the license can be reinstated. Revenue from the civil penalty is deposited in the Juvenile Home Detention Fund. At the time of reinstatement, a \$20 reinstatement is also assessed and paid to the Department of Transportation.

Sources

Judicial Branch
LSA analysis

/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.

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