



[SF 332](#) – Window Tint (LSB1967SV)

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Fiscal Note Version – New

Description

[Senate File 332](#) requires a vehicle to meet a minimum standard of 70.0% light transmittance for the front windshield and 35.0% light transmittance for the side windows and sidewings in order to operate on the highway. This Bill removes the requirement for the Department of Transportation (DOT) to adopt rules establishing the minimum standard of transparency.

This Bill also requires a person operating a vehicle that is stopped by a peace officer to lower the side window on the side of the officer's approach to its lowest possible position if that window has a light transmittance of 70.0% or less. This must be done before the officer fully approaches the window, and the window must remain in this position for the entirety of the stop unless otherwise directed by the officer. A person in violation of this provision would be guilty of a simple misdemeanor punishable by a scheduled violation under Iowa Code section [805.8A](#)(14)(q); however, if the violation is that person's first violation of this provision, the person is to receive a warning instead of a citation. The scheduled violation created by this Bill would result in a fine of \$20.

Background

Iowa Code section [321.438](#)(2) does not allow a front windshield, side window, or sidewing of a vehicle to be excessively dark or reflective, and requires the DOT to establish rules to set a minimum measurable standard of transparency for this provision. The DOT adopted rules in 761 IAC 450.7 that established 70.0% light transmittance to be the lowest level acceptable for vehicles. In FY 2018 there were 6,756 violations of Iowa Code section [321.438](#)(2), in FY 2019 there were 7,608 violations, and in FY 2020 there were 7,193 violations. The current fine for a violation of Iowa Code section [321.438](#)(2) is \$70.

Under Iowa Code section [602.8106](#)(4)(b), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the county in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services (EMS) Fund and 98.7% is distributed to the State General Fund.

In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The Crime Services Surcharge is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education (DARE) Fund. The fee assessed for court costs is remitted to the State Court Administrator and distributed to the State General Fund.

Assumptions

- There will be an estimated 7,200 convictions of Iowa Code section 321.438(2) in FY 2021, which is the average of the numbers of convictions over the last three years.
- Convictions of Iowa Code section 321.438(2) will decrease under this Bill.
- For estimation purposes it is assumed that the number of convictions under SF 332 will decrease between 500 and 2,000 per year.
- There will be an unknown increase in fine and surcharge revenue resulting from the creation of a scheduled fine of \$20 for failure to lower a tinted side window when the vehicle is approached by a law enforcement officer.
- The collection rate will be 58.0%.

Correctional Impact

Senate File 332 establishes a new scheduled violation under Iowa Code section [805.8A](#). The penalties for simple misdemeanors and scheduled violations under this Bill do not include the possibility of imprisonment, and as a result, this Bill is not estimated to have a correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

Senate File 332 establishes a new scheduled violation, and it is unknown how many citations may result from the Bill. As a result, the minority impact of SF 332 cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 332 is estimated to reduce General Fund revenue between \$34,000 and \$137,000 annually beginning in FY 2022. The decrease in convictions will also reduce annual fine and surcharge revenue allocated by law to other funds. **Table 1** shows the distribution of the estimated annual revenue reduction based on conviction decreases of 500, 1,000, and 2,000.

Table 1 — Estimated Range of Annual Fiscal Impact Under SF 332				
	Current Law	Potential Decrease in Convictions		
	Est. FY 2021	500 Convictions	1,000 Convictions	2,000 Convictions
General Fund				
Penalty Revenue	\$ 262,000	\$ -18,000	\$ -36,000	\$ -73,000
Court Fee	229,000	-16,000	-32,000	-64,000
Subtotal	\$ 491,000	\$ -34,000	\$ -68,000	\$ -137,000
Surcharge Revenue				
Juvenile Detention	\$ 20,200	\$ -1,400	\$ -2,800	\$ -5,600
Victim Comp.	14,000	-1,000	-1,900	-3,900
Crime Lab	8,800	-600	-1,200	-2,400
DARE	900	-60	-100	-200
Subtotal	\$ 43,900	\$ -3,060	\$ -6,000	\$ -12,100
Other				
County General Funds	\$ 26,300	\$ -1,800	\$ -3,700	\$ -7,300
EMS Fund	3,500	-200	-500	-1,000
Grand Total	\$ 564,700	\$ -39,060	\$ -78,200	\$ -157,400

*Figures may not add due to rounding.

Senate File 332 establishes a new citation under Iowa Code section 805.8A. The new citation established by SF 332 may result in an increase in fine and surcharge revenue, but the impact is unknown. **Table 2** shows the distribution of fine revenue for one citation of the scheduled violation established under this Bill.

Iowa Code Section	Scheduled Fine	15.0% Crime Services Surcharge	Fine Distribution		15.0% Crime Services Surcharge Distribution				Court Costs
			91.0% to State General Fund/EMS* Fund	9.0% to County	32.0% to Victim Comp. Fund	20.0% to Criminalistics Lab Fund	2.0% to DARE** Fund	46.0% to Juvenile Home Detention Fund	
805.8A(3)(ah)	\$20	\$3.00	\$18.20	\$1.80	\$0.96	\$0.60	\$0.06	\$1.38	\$55.00

*Emergency Medical Services Fund (EMS) ** Drug Abuse Resistance Education (DARE)

Sources

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

/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.