



[HF 652](#) – Driving, Avoiding Traffic Lights (LSB1149HV)
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Fiscal Note Version – New

Description

[House File 652](#) amends Iowa Code section [321.256](#) by adding a new section that prohibits drivers from using private property, or public property that is not a street or highway, to avoid an official traffic-control device. The Bill creates a new scheduled violation punishable by a fine of \$35 under Iowa Code section [805.8A](#)(8). The Bill requires that a peace officer issue a warning in lieu of a citation for violation of Iowa Code section 321.256(2) until January 1, 2022.

Background

Current Iowa law requires that drivers obey official traffic-control devices unless otherwise directed by a peace officer. Violations of this law result in a fine of \$135. An official traffic-control device is a sign, signal, or marking placed by a public body to regulate, warn, or guide traffic. Iowa Code section [321.482A](#) also provides for additional penalties when a violation results in serious injury or death. For a violation causing serious injury, Iowa Code section 321.482A provides for a fine of \$500, suspension of the person's driver's license for no more than 90 days, or both; for a violation causing death, it provides for a fine of \$1,000, suspension of the driver's license for no more than 180 days, or both.

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 general fund in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services 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 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 unknown increase in fine and surcharge revenue as a result of House File 652.

Correctional Impact

House File 652 establishes a new scheduled violation under Iowa Code section 805.8A. The punishment under this Bill does 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

House File 652 establishes a new scheduled violation, but it is unknown how many citations may result from this Bill. As a result, the minority impact of House File 652 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

Since House File 652 creates a new scheduled violation and the fiscal impact cannot be determined. **Table 1** shows the distribution of revenue for a single citation of Iowa Code section 321.256(2) and with enhanced penalties.

Table 1 — Scheduled Fine and Surcharge Revenue Distribution

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	
321.256(2)	\$35	\$5.25	\$31.85	\$3.15	\$1.68	\$1.05	\$0.11	\$2.42	\$55.00
Enhanced Penalties									
\$500	\$100	\$15.00	\$91.00	\$9.00	\$4.80	\$3.00	\$0.30	\$6.90	\$55.00
\$1,000	\$1,000	\$150.00	\$910.00	\$90.00	\$48.00	\$30.00	\$3.00	\$69.00	\$55.00

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

Source

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.