



HF 2416 – Motor Vehicle Enforcement Authority (LSB6166HV)
Analyst: Michael Guanci (515.729.7755) michael.guanci@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2416 amends Iowa Code section [321.477](#) to provide that Department of Transportation (DOT) employees designated as peace officers, or motor vehicle enforcement (MVE) officers, shall only engage in the following enforcement activities:

- Motor carrier safety regulations, including operating authority and the regulation of hazardous materials transport.
- The lawful operation and enforcement of all traffic and safety laws for commercial motor vehicles and operators of commercial motor vehicles (CMVs) as defined in Iowa Code section [321.1](#).
- Investigation and enforcement of the responsibilities, rules, and regulations of the DOT.
- The enforcement of motor vehicle laws relating to operating authority, registration, size, weight, and load of motor vehicles and trailers.
- Speed violations of 15 miles per hour or more over the designated speed limit for all motor vehicles.
- The enforcement of all laws defined as serious violations under [761 IAC 615.17\(2\)](#).

The Bill further provides that the DOT and the Department of Public Safety (DPS) are required to coordinate effective enforcement of all laws of the State. [House File 2416](#) is effective upon enactment.

Background

In 2017, Iowa Acts ch. [149](#) (Motor Vehicle Regulation and Enforcement Act) amended Iowa Code section [321.477](#) to specify the powers, duties, and limitations of the MVE officers. The legislation's provisions are to be repealed on July 1, 2018. Under the Act, MVE officers must spend the preponderance of their time enforcing the State and federal CMV laws and regulations. The DOT is required to submit an annual [report](#) detailing the scope of its CMV and non-CMV enforcement activities.

The costs for MVE officers and enforcement activities are funded by appropriations from the Road Use Tax Fund and the Primary Road Fund to the Motor Vehicle 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. Approximately \$1.5 million of the total federal funds was allocated to the DPS.

Assumptions

- Additional limitations on MVE officers may reduce the number of citations issued for operators of non-CMVs.
- Under the provisions of this Bill and in regard to the provisions of [49 C.F.R. 350.109](#), [HF 2416](#) will not alter Iowa's ability to carry out the MCSAP.
- Court costs are estimated to be \$60 per violation.

- A 35.0% Criminal Penalty Surcharge is applied to the fine, 95.0% of which is remitted to the State. The remaining 5.0% is remitted to the county or city where the violation occurred. Of the amount remitted to the State, 17.0% is deposited into the Victim Compensation Fund and 83.0% is deposited into the State General Fund.
- For fiscal estimate purposes, it is assumed the Bill is effective May 1, 2018.

Fiscal Impact

Table 1 illustrates the estimated decline in revenue by fund from the reduction of citations issued which are scheduled fines.

Table 1

Estimated Revenue Reductions Under HF 2416				
	<u>General Fund</u>	<u>Victim Compensation Fund</u>	<u>Local Authorities</u>	
FY 2018	\$ 173,000	\$ 5,000	\$ 1,700	
FY 2019	1,038,000	32,000	10,000	

Sources

Iowa Department of Transportation
 Department of Human Rights, Division of Criminal and Juvenile Justice Planning
 Iowa Department of Public Safety
 Federal Motor Carrier Safety Administration

/s/ Holly M. Lyons

February 28, 2018

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.
