EIGHTY-NINTH GENERAL ASSEMBLY
2022 REGULAR SESSION
DAILY

HOUSE CLIP SHEET

February 3, 2022

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor

No amendments filed on February 3, 2022

Fiscal Notes

HF 2129 — Distracted Driving (LSB1179HZ)

HF 2170 — IPERS Covered Positions, Temporary Return (LSB5452HV)

Fiscal Note

Fiscal Services Division

HF 2129 – Distracted Driving (LSB1179HZ)
Staff Contact: Danielle Beavers (515.725.1286) danielle.beavers@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2129 prohibits any use of an electronic device while driving. The Bill defines an electronic device as being capable of sending or receiving messages and storing or displaying videos. Under the Bill, use of an electronic device would be a moving violation and increases the scheduled fine for this violation from $45 to $100. A moving violation can be considered for purposes of administrative suspension of a driver's license or to establish habitual offender status.

The Bill allows use of an electronic device under the following circumstances:

- Use in voice-activated or hands-free mode.
- Use by members of a public safety agency performing official duties.
- Use by health care professionals in the course of emergency situations.
- Use for the purpose of receiving safety-related information.
- Use for the purpose of reporting an emergency situation, including maintaining communication with emergency personnel during the emergency situation, or public transit personnel responding to a transit-specific situation.
- Use by certain radio operators.
- Use by members of a public transit system performing official duties in a vehicle that is not in motion.
- Use by a utility maintenance employee or contractor using an electronic device while in a utility maintenance vehicle for the purpose of providing utility services.
- Use by a transportation network company driver engaged in a prearranged ride, provided the vehicle is not in motion.

A peace officer is required to issue a warning memorandum in lieu of a citation for violations that occur during the period of time between July 1, 2022, the effective date of the Bill, and January 1, 2023.

Background

Current law prohibits the use of hand-held electronic communication devices to write, send, or view electronic messages while driving a motor vehicle. The fine for this violation is currently $45. The violation is not considered a moving violation. Persons under the age of 18 are currently prohibited from using an electronic communication device while driving a motor vehicle (Iowa Code section 321.178). For FY 2021, convictions under Iowa Code section 321.276 for using an electronic communication device while driving a motor vehicle totaled 1,458.

Table 1 — Cost of Single Citation

	Current Law	HF 2129
Penalty	$45.00	$100.00
Surcharge (15.0%)	6.75	15.00
Court Cost	55.00	55.00
Total	**$106.75**	**$170.00**

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 general fund of 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 deposited into the State General Fund.

Correctional Impact

House File 2129 is estimated to have minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, *Cost Estimates Used for Correctional Impact Statements*, dated January 18, 2022, for information related to the correctional system.

Minority Impact

SF 2141 is estimated to have a minimal impact to minorities in the correctional system. Refer to the LSA memo addressed to the General Assembly, *Minority Impact Statement*, dated January 18, 2022, for information related to minorities in the criminal justice system.

Assumptions

- The state of Utah enacted a similar law beginning in May 2014. From 2016 to 2019, the state averaged 2,667 convictions per year for operating an electronic communication device while driving. Utah has 2.1 million drivers. Utah's citation rate was 133.7 per 100,000 licensed drivers.
- The number of Iowa citations under current law for FY 2022 is estimated to total 1,700, which is similar to the average number of citations over the previous three years.
- For estimation purposes, it is assumed that the number of annual citations issued under HF 2129 will total 3,000, which is similar to the rate of citations issued annually in Utah from 2016 to 2019. However, the estimated number of citations issued during FY 2023 will total 1,500 as a result of the requirement in HF 2129 that warning memoranda be issued in lieu of citations for the first half of FY 2023.
- A delay of six months is expected until fines are collected. Collection rates for scheduled violations is estimated at 58.0%.

Fiscal Impact

House File 2129 is estimated to reduce State General Fund revenue by $47,000 in FY 2023, and increase revenue by $158,000 beginning in FY 2024. The fiscal impact on other funding sources and the counties is shown in **Table 2.**

Table 2 — Estimated Revenue, Current Law vs HF 2129

	Current Law FY 2022	FY 2023	FY 2023 vs FY 2022	FY 2024	FY 2024 vs FY 2022
General Fund					
Penalty Revenue	$ 39,852	$ 19,926	$ -19,926	$ 156,282	$ 116,430
Court Fee	54,230	27,115	-27,115	95,700	41,470
Subtotal	$ 94,082	$ 47,041	$ -47,041	$ 251,982	$ 157,900
Surcharge					
Juvenile Detention	$ 3,062	$ 1,531	$ -1,531	$ 12,006	$ 8,944
Victim Comp.	2,130	1,065	-1,065	8,352	6,222
Crime Lab	1,331	666	-666	5,220	3,889
DARE	133	67	-67	522	389
Subtotal	$ 6,656	$ 3,328	$ -3,328	$ 26,100	$ 19,445
Other					
County Gen. Funds	$ 3,993	$ 1,997	$ -1,997	$ 15,660	$ 11,667
EMS Fund	525	262	-262	2,058	1,534
Total	$ 105,256	$ 52,628	$ -52,628	$ 295,800	$ 190,545

Sources

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

/s/ Holly M. Lyons

February 3, 2022

Doc ID 1286334

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.

Fiscal Note

Fiscal Services Division

HF 2170 – IPERS-Covered Positions, Temporary Return (LSB5452HV)
Staff Contact: Jennifer Acton (515.281.7846) jennifer.acton@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2170 increases the earnings limitation from $30,000 annually to $50,000 annually for retirees under the age of 65 who return to work for an Iowa Public Employees' Retirement System (IPERS)-covered employer. The Bill takes effect upon enactment.

Background

Iowa Code section 97B.48A provides that a retiree who has not reached age 65 and returns to work in an IPERS-covered employer will have the retiree's retirement allowance reduced by $0.50 for every $1 the retiree earns over $30,000 for the reminder of the calendar year. The earnings limit was last increased from $14,000 to $30,000 during the 2002 Legislative Session (2002 Iowa Acts, chapter 1135).

As of June 30, 2021, there were 9,484 retired, reemployed IPERS members. IPERS paid out $2.365 billion in retirement benefits in FY 2021, and the IPERS Trust Fund balance was $42.850 billion.

Assumptions

- For calendar year (CY) 2021, there were 136 IPERS members under the age of 65 who exceeded the annual $30,000 earnings limit.
- The average annual earnings of the 136 members who exceeded the limit totaled $50,000.
- The total average reduction per member was approximately $8,000, resulting in approximately $1.1 million remaining in the IPERS Trust Fund due to the penalty.

Fiscal Impact

Increasing the earnings income limit to $50,000 will result in members receiving approximately $1.1 million in retirement benefits annually that under current law would have been retained in the IPERS Trust Fund. The assumed loss of reduced retirement benefits is a nominal liability to the IPERS Trust Fund of approximately 0.003%.

Sources

Iowa Public Employees' Retirement System (IPERS)
IPERS FY 2021 Annual Comprehensive Financial Report

/s/ Holly M. Lyons

February 3, 2022

Doc ID 1286384

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.