

House File 641 - Enrolled

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HOUSE FILE 641

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1 3 AN ACT
1 4 RELATING TO JUDICIAL BRANCH PRACTICES AND PROCEDURES, INCLUDING
1 5 ISSUANCE OF A DRIVER'S LICENSE WHEN DELINQUENT ON COURT
1 6 OBLIGATIONS OR AFTER SUSPENSION OR REVOCATION, AND
1 7 DISTRIBUTION OF COURT REVENUE TO CITIES AND COUNTIES, AND
1 8 THE STATE, AND INCLUDING APPLICABILITY PROVISIONS.
1 9
1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 11
1 12 Section 1. Section 321.210A, Code 2007, is amended by
1 13 adding the following new subsection:
1 14 NEW SUBSECTION. 4. If after suspension, the person enters
1 15 into an installment agreement with the county attorney in
1 16 accordance with section 321.210B to pay the fine, penalty,
1 17 court cost, or surcharge, the person's license shall be
1 18 reinstated by the department upon receipt of a report of an
1 19 executed installment agreement.
1 20 Sec. 2. NEW SECTION. 321.210B INSTALLMENT AGREEMENT.
1 21 1. If a person's fine, penalty, surcharge, or court cost
1 22 is deemed delinquent as provided in section 602.8107,
1 23 subsection 3, and the person's driver's license has been
1 24 suspended pursuant to section 321.210A, the person may execute
1 25 an installment agreement with the county attorney or the
1 26 county attorney's designee to pay the delinquent amount and
1 27 the fee assessed in subsection 7 in installments. Prior to
1 28 execution of the installment agreement, the person shall
1 29 provide the county attorney or the county attorney's designee
1 30 with a financial statement in order for the parties to the
1 31 agreement to determine the amount of the installment payments.
1 32 2. A person shall execute an installment agreement in the
1 33 county where the fine, penalty, surcharge, or court cost was
1 34 imposed. If the county where the fine, penalty, surcharge, or
1 35 court cost was imposed does not have an installment agreement
2 1 program, the person shall execute an installment agreement in
2 2 the person's county of residence. If the county of residence
2 3 does not have an installment agreement program, the person may
2 4 execute an installment agreement with any county attorney or
2 5 county attorney's designee.
2 6 3. The county attorney or the county attorney's designee
2 7 shall file the installment agreement with the clerk of the
2 8 district court in the county where the fine, penalty,
2 9 surcharge, or court cost was imposed, within five days of
2 10 execution of the agreement.
2 11 4. Upon receipt of an executed installment agreement and
2 12 after the first installment payment, the clerk of the district
2 13 court shall report the receipt of the executed installment
2 14 agreement to the department of transportation.
2 15 5. Upon receipt of the report from the clerk of the
2 16 district court and payment of the reinstatement fee as
2 17 provided in section 321.191, the department shall immediately
2 18 reinstate the driver's license of the person unless the
2 19 driver's license of the person is otherwise suspended,
2 20 revoked, denied, or barred under another provision of law.
2 21 6. If a driver's license is reinstated upon receipt of a
2 22 report of an executed installment agreement the driver shall
2 23 provide proof of financial responsibility pursuant to section
2 24 321A.17, if otherwise required by law.
2 25 7. The civil penalty, if assessed pursuant to section
2 26 321.218A, shall be added to the amount owing under the
2 27 installment agreement. The clerk of the district court shall
2 28 transmit to the department, from the first moneys collected,
2 29 an amount equal to the amount of any civil penalty assessed
2 30 and added to the installment agreement. The department shall
2 31 transmit the money received from the clerk of the district
2 32 court pursuant to this subsection to the treasurer of state
2 33 for deposit in the juvenile detention home fund created in
2 34 section 232.142.
2 35 8. Upon determination by the county attorney or the county
3 1 attorney's designee that the person is in default, the county
3 2 attorney or the county attorney's designee shall notify the
3 3 clerk of the district court.

3 4 9. The clerk of the district court, upon receipt of a
3 5 notification of a default from the county attorney or the
3 6 county attorney's designee, shall report the default to the
3 7 department of transportation.

3 8 10. Upon receipt of a report of a default from the clerk
3 9 of the district court, the department shall suspend the
3 10 driver's license of a person as provided in section 321.210A.
3 11 For purposes of suspension and reinstatement of the driver's
3 12 license of a person in default, the suspension and any
3 13 subsequent reinstatement shall be considered a suspension
3 14 pursuant to section 321.210A.

3 15 11. If a new fine, penalty, surcharge, or court cost is
3 16 imposed on a person after the person has executed an
3 17 installment agreement with the county attorney or the county
3 18 attorney's designee, and the new fine, penalty, surcharge, or
3 19 court cost is deemed delinquent as provided in section
3 20 602.8107, subsection 3, and the person's driver's license has
3 21 been suspended pursuant to section 321.210A, the person may
3 22 enter into a second installment agreement with the county
3 23 attorney or county attorney's designee to pay the delinquent
3 24 amount and the fee, if assessed, in subsection 7 in
3 25 installments.

3 26 12. If an installment agreement is in default, the fine,
3 27 penalty, surcharge, or court cost covered under the agreement
3 28 shall not become part of any new installment agreement.

3 29 13. A person is eligible to enter into five installment
3 30 agreements in the person's lifetime.

3 31 14. Except for the civil penalty if assessed and collected
3 32 pursuant to subsection 7, any amount collected under the
3 33 installment agreement shall be distributed as provided in
3 34 section 602.8107, subsection 4.

3 35 Sec. 3. Section 321.215, subsection 1, Code 2007, is
4 1 amended by adding the following new paragraph:

4 2 NEW PARAGRAPH. f. The person's appointments with the
4 3 person's parole or probation officer.

4 4 Sec. 4. Section 321.210C, Code 2007, is amended to read as
4 5 follows:

4 6 321.210C PROBATION PERIOD.

4 7 1. A person whose driver's license or operating privileges
4 8 have been suspended, revoked, or barred under this chapter for
4 9 a conviction of a moving traffic violation, or suspended,
4 10 revoked, or barred under section 321.205 or section 321.210,
4 11 subsection 1, paragraph "e", ~~or chapter 321J~~, must
4 12 satisfactorily complete a twelve-month probation period
4 13 beginning immediately after the end of the period of
4 14 suspension, revocation, or bar. Upon a second conviction of a
4 15 moving traffic violation which occurred during the probation
4 16 period, the department may suspend the driver's license or
4 17 operating privileges for an additional period equal in
4 18 duration to the original period of suspension, revocation, or
4 19 bar, or for one year, whichever is the shorter period.

4 20 2. A person whose driver's license or operating privileges
4 21 have been revoked under chapter 321J, must satisfactorily
4 22 complete a twelve-month probation period beginning immediately
4 23 after the end of the period of revocation. Upon conviction of
4 24 a moving traffic violation which occurs during the probation
4 25 period, the department may revoke the driver's license or
4 26 operating privileges for an additional period equal in
4 27 duration to the original period of revocation, or for one
4 28 year, whichever is the shorter period.

4 29 3. For purposes of determining a conviction under this
4 30 section, the department shall not consider the first two
4 31 speeding violations within the probation period that are ten
4 32 miles per hour or less over the legal speed limit in speed
4 33 zones having a legal speed limit between thirty-four miles per
4 34 hour and fifty-six miles per hour.

4 35 Sec. 5. Section 321.218A, Code 2007, is amended to read as
5 1 follows:

5 2 321.218A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.

5 3 When the department suspends, revokes, or bars a person's
5 4 driver's license or nonresident operating privilege for a
5 5 conviction under this chapter, the department shall assess the
5 6 person a civil penalty of two hundred dollars. However, for
5 7 persons age nineteen or under, the civil penalty assessed
5 8 shall be fifty dollars. The civil penalty does not apply to a
5 9 suspension issued for a violation of section 321.180B. The
5 10 money collected by the department under this section shall be
5 11 transmitted to the treasurer of state who shall deposit the
5 12 money in the juvenile detention home fund created in section
5 13 232.142. ~~✱~~ Except as provided in section 321.210B, a
5 14 temporary restricted license shall not be issued or a driver's

5 15 license or nonresident operating privilege reinstated until
5 16 the civil penalty has been paid.

5 17 Sec. 6. Section 321J.20, subsection 1, unnumbered
5 18 paragraph 1, Code 2007, is amended to read as follows:

5 19 The department may, on application, issue a temporary
5 20 restricted license to a person whose noncommercial driver's
5 21 license is revoked under this chapter allowing the person to
5 22 drive to and from the person's home and specified places at
5 23 specified times which can be verified by the department and
5 24 which are required by the person's full-time or part-time
5 25 employment, continuing health care or the continuing health
5 26 care of another who is dependent upon the person, continuing
5 27 education while enrolled in an educational institution on a
5 28 part-time or full-time basis and while pursuing a course of
5 29 study leading to a diploma, degree, or other certification of
5 30 successful educational completion, substance abuse treatment,
5 31 ~~and court-ordered community service responsibilities, and~~
5 32 ~~appointments with the person's parole or probation officer if~~
5 33 the person's driver's license has not been revoked previously
5 34 under section 321J.4, 321J.9, or 321J.12 and if any of the
5 35 following apply:

6 1 Sec. 7. Section 331.756, subsection 5, Code 2007, is
6 2 amended to read as follows:

6 3 5. a. Enforce all forfeited bonds and recognizances and
6 4 prosecute all proceedings necessary for the recovery of debts,
6 5 revenues, moneys, fines, penalties, restitution of
6 6 court-appointed attorney fees ordered pursuant to section
6 7 815.9, including the expense of a public defender, and
6 8 forfeitures accruing to the state, the county or a road
6 9 district in the county, and all suits in the county against
6 10 public service corporations which are brought in the name of
6 11 the state. To assist in this duty, the county attorney may
6 12 procure ~~professional collection services provided by persons~~
6 13 ~~or organizations, including private attorneys, which are~~
6 14 ~~generally considered to have knowledge and special abilities~~
6 15 ~~which are not generally available to state or local government~~
6 16 ~~or may designate another county official or agency a designee~~
6 17 to assist with collection efforts.

6 18 b. If the designee is a professional collection services
6 19 ~~are procured~~ agency, the county attorney shall file with the
6 20 clerk of the district court an indication of the satisfaction
6 21 of each obligation to the full extent of all moneys collected
6 22 in satisfaction of that obligation, including all fees and
6 23 compensation retained by the ~~collection service designee~~
6 24 incident to the collection and not paid into the office of the
6 25 clerk.

6 26 c. Before a county attorney designates another county
6 27 official or agency to assist with collection of debts,
6 28 revenues, moneys, fines, penalties, restitution of
6 29 court-appointed attorney fees ordered pursuant to section
6 30 815.9, including the expense of a public defender, and
6 31 forfeitures, the board of supervisors of the county must
6 32 approve the designation.

6 33 d. All fines, penalties, court costs, fees, and
6 34 restitution for court-appointed attorney fees ordered pursuant
6 35 to section 815.9, including the expenses of a public defender
7 1 which are delinquent as defined in section 602.8107 may be
7 2 collected by the county attorney or the ~~person procured or~~
7 3 ~~designated by the county attorney~~ county attorney's designee.
7 4 The county attorney or the county attorney's designee may
7 5 collect delinquent obligations under an installment agreement
7 6 pursuant to section 321.210B.

7 7 e. In order to receive a percentage of the amounts
7 8 collected pursuant to section 602.8107, the county attorney
7 9 must file annually with the clerk of the district court on or
7 10 before July 1 a notice of full commitment to collect
7 11 delinquent obligations and must file on the first day of each
7 12 month a list of the cases in which the county attorney or the
7 13 ~~person procured or designated by the county attorney~~ county
7 14 attorney's designee is pursuing the collection of delinquent
7 15 obligations. The list shall include a list of cases where
7 16 delinquent obligations are being collected under an
7 17 installment agreement pursuant to section 321.210B, and a list
7 18 of cases in default which are no longer being collected under
7 19 an installment agreement but remain delinquent. The annual
7 20 notice shall contain a list of procedures which will be
7 21 initiated by the county attorney. Amounts collected by the
7 22 county attorney or the ~~person procured or designated by the~~
7 23 ~~county attorney~~ county attorney's designee shall be
7 24 distributed in accordance with section 602.8107.

7 25 f. As used in this subsection, "designee" means a

~~7 26 professional collection services agency operated by a person
7 27 or organization, including a private attorney, that is
7 28 generally considered to have knowledge and special abilities
7 29 not generally possessed by the state, a local government, or
7 30 another county official or agency, or a county attorney or a
7 31 county attorney's designee in another county where the fine,
7 32 penalty, surcharge, or court cost was not imposed.~~

7 33 Sec. 8. Section 602.8105, subsection 2, paragraph e, Code
7 34 2007, is amended to read as follows:

7 35 e. For filing a praecipe to issue execution under chapter
8 1 626, twenty-five dollars. The fee shall be recoverable by the
8 2 creditor against whom the execution is issued. A fee payable
8 3 by a political subdivision of the state under this paragraph
8 4 shall be collected by the clerk of the district court as
8 5 provided in section 602.8109. However, the fee shall be
8 6 waived and shall not be collected from a political subdivision
8 7 of the state if a county attorney or county attorney's
8 8 designee is collecting a delinquent judgment pursuant to
8 9 section 602.8107, subsection 4.

8 10 Sec. 9. Section 602.8107, subsection 4, unnumbered
8 11 paragraph 1, Code 2007, is amended to read as follows:

8 12 All fines, penalties, court costs, fees, surcharges, and
8 13 restitution for court-appointed attorney fees or for expenses
8 14 of a public defender which are deemed delinquent by the clerk
8 15 pursuant to subsection 3 may be collected by the county
8 16 attorney or the county attorney's designee. Thirty-five
8 17 percent of the amounts collected by the county attorney or the
8 18 person procured or designated by the county attorney shall be
8 19 deposited in the general fund of the county if the county
8 20 attorney has filed the notice required in section 331.756,
8 21 subsection 5, unless the county attorney has discontinued
8 22 collection efforts on a particular delinquent amount. Up to
8 23 one million two hundred thousand dollars of the remainder
8 24 shall be paid each fiscal year to the clerks for distribution
8 25 under section 602.8108. If the threshold amount of one
8 26 million two hundred thousand dollars has been distributed
8 27 under section 602.8108, the remainder shall be distributed as
8 28 provided in subsection 5. ~~The state court administrator shall~~
~~8 29 notify the clerks that the threshold amount has been~~
~~8 30 distributed under section 602.8108, and that the distribution~~
~~8 31 of any additional moneys collected by the county attorney~~
~~8 32 shall be as provided in subsection 5.~~

8 33 Sec. 10. Section 602.8107, subsection 5, Code 2007, is
8 34 amended by striking the subsection and inserting in lieu
8 35 thereof the following:

9 1 5. Any additional moneys collected in excess of the
9 2 threshold amount under subsection 4 shall be distributed by
9 3 the state court administrator as follows: thirty-five percent
9 4 of any additional moneys collected by the county attorney or
9 5 the person procured or designated by the county attorney shall
9 6 be deposited in the general fund of the county where the
9 7 moneys were collected; thirty-three percent of any additional
9 8 moneys collected by the county attorney or the person procured
9 9 or designated by the county attorney shall be deposited with
9 10 the office of the county attorney that collected the moneys;
9 11 and the remainder shall be paid to the clerk of the district
9 12 court for distribution under section 602.8108 or the state
9 13 court administrator may distribute the remainder under section
9 14 602.8108 if the additional moneys have already been received
9 15 by the state court administrator.

9 16 Sec. 11. Section 602.8107, subsection 6, unnumbered
9 17 paragraph 1, Code 2007, is amended to read as follows:

9 18 If a county attorney does not file the notice and list of
9 19 cases required in section 331.756, subsection 5, including the
9 20 list of installment agreements under section 321.210B, the
9 21 judicial branch may assign cases to the centralized collection
9 22 unit of the department of revenue or its designee to collect
9 23 debts owed to the clerk of the district court. In addition,
9 24 an installment agreement in default that remains delinquent
9 25 may also be assigned to the centralized collection unit of the
9 26 department of revenue or its designee.

9 27 Sec. 12. Section 602.8109, subsection 2, unnumbered
9 28 paragraph 1, Code 2007, is amended to read as follows:

9 29 ~~No later than the fifteenth day of each calendar month the~~
9 30 ~~The clerk of the district court shall deliver a statement to~~
9 31 ~~the county auditor a statement no later than the fifteenth day~~
9 32 ~~of each month~~ disclosing all of the following:

9 33 Sec. 13. Section 602.8109, subsections 5 and 6, Code 2007,
9 34 are amended by striking the subsections and inserting in lieu
9 35 thereof the following:

10 1 5. The clerk of the district court shall deliver a

10 2 statement to the city clerk no later than the fifteenth day of
10 3 each month disclosing all of the following:
10 4 a. The specific amounts of statutory fees and costs that
10 5 are payable by the city to the clerk of the district court for
10 6 services rendered by the clerk or other state officers or
10 7 employees during the preceding month in connection with each
10 8 civil or criminal action, and the total of all such fees and
10 9 costs.

10 10 b. Any amounts collected by the clerk of the district
10 11 court during the preceding month as costs in an action when
10 12 such amounts are payable by law to the city as reimbursement
10 13 for costs incurred by the city in connection with a civil or
10 14 criminal action, and the total of all such amounts.

10 15 6. If the amount owed by the city under subsection 5,
10 16 paragraph "a", for a calendar month is greater than the amount
10 17 due to the city under subsection 5, paragraph "b", for that
10 18 month, the city shall remit the difference to the clerk of the
10 19 district court no later than the last of the month in which
10 20 the statement under subsection 5 is received.

10 21 Sec. 14. Section 602.8109, subsection 7, Code 2007, is
10 22 amended to read as follows:

10 23 7. If the amount due the city under subsection 5,
10 24 paragraph "b", for a calendar month is greater than the amount
10 25 owed by the city under subsection 5, paragraph "a", for that
10 26 month, the clerk of the district court shall remit the
10 27 difference to the city clerk no later than the last day of the
10 28 month in which the statement under subsection 5 is delivered.

10 29 8. Amounts not paid as required under subsection 3, 4, 5,
10 30 ~~or 6, or 7~~ shall bear interest for each day of delinquency at
10 31 the rate in effect as of the day of delinquency for time
10 32 deposits of public funds for eighty-nine days, as established
10 33 under section 12C.6.

10 34 Sec. 15. PROCESSING OF INSTALLMENT AGREEMENTS.

10 35 Notwithstanding section 602.8107, subsection 4, and section
11 1 602.8108, for the fiscal year beginning July 1, 2007, and
11 2 ending June 30, 2008, up to the first three hundred thousand
11 3 dollars of the remainder to be paid to the clerk pursuant to
11 4 section 602.8107, subsection 4, shall be allocated to the
11 5 judicial branch to enhance the ability of the judicial branch
11 6 to efficiently process installment agreements filed with the
11 7 clerk pursuant to section 321.210B.

11 8 Sec. 16. INSTALLMENT AGREEMENT == COOPERATION. It is the
11 9 intent of the general assembly that the judicial branch, the
11 10 department of transportation, the department of workforce
11 11 development, county attorneys, and other state and local
11 12 agencies cooperate in the collection of delinquent court
11 13 fines, penalties, surcharges, and court costs by coordinating
11 14 efforts in the collection of installment agreement payments
11 15 under section 321.210B.

11 16 Sec. 17. APPLICABILITY. An installment agreement shall
11 17 not be executed in any county until January 1, 2008, except an
11 18 installment agreement may be executed and, if executed, a
11 19 driver's license shall be reinstated as provided in section
11 20 321.210B for a fine, penalty, court cost, or surcharge imposed
11 21 in Polk or Linn county.

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11 25 _____
11 26 PATRICK J. MURPHY
11 27 Speaker of the House

11 28

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11 30 _____
11 31 JOHN P. KIBBIE
11 32 President of the Senate

11 33 I hereby certify that this bill originated in the House and
11 34 is known as House File 641, Eighty-second General Assembly.

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12 4 _____
12 5 MARK BRANDSGARD
12 6 Chief Clerk of the House

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12 9 _____
12 10 CHESTER J. CULVER

12 10 Governor