

# Senate Study Bill 271

## Conference Committee Text

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1 1 Section 1. Section 321.40, unnumbered paragraph 4, Code  
1 2 1995, is amended to read as follows:  
1 3 The county treasurer shall refuse to renew the registration  
1 4 of a vehicle registered to a person when notified that  
.  
~~there~~  
-  
1 5  
.  
~~is a warrant outstanding for that person's arrest out of a~~  
~~the~~  
- 1 6 person has not paid restitution as defined under section  
1 7 910.1, subsection 3, to the clerk of the court located within  
1 8 that county  
.  
~~and the warrant arises out of the alleged~~  
-  
1 9  
.  
~~violation of a provision of this chapter or of an ordinance~~  
-  
1 10  
.  
~~adopted by a local authority relating to the stopping, parking~~  
-  
1 11  
.  
~~or operation of a vehicle or the regulation of traffic~~  
- Each  
1 12 clerk of court  
.  
~~in this state~~  
- subject to this section shall, by  
1 13 the last day of each month, notify the county treasurer of  
1 14 that county of all persons  
.  
~~against whom such an arrest warrant~~  
-  
1 15  
.  
~~has been issued and is outstanding~~  
- who owe delinquent  
1 16 restitution. Immediately upon the cancellation or  
1 17 satisfaction of  
.  
~~such an arrest warrant~~  
- the restitution the  
1 18 clerk of court shall notify  
.  
~~the person against whom the arrest~~  
-  
1 19  
.  
~~warrant was issued and~~  
- the county treasurer if that person's  
1 20 name appeared on the last list furnished to the county

1 21 treasurer. This paragraph does not apply to the transfer of a  
1 22 registration or the issuance of a new registration. The  
1 23 provisions of this paragraph are applicable to counties with a  
1 24 population of

~~two hundred~~

- twenty-five thousand or more. The  
1 25 provisions of this paragraph shall be applicable to any county  
1 26 with a population of less than

~~two hundred~~

- twenty-five  
1 27 thousand upon the adoption of a resolution by the county board  
1 28 of supervisors so providing.  
1 29 Sec. 2. Section 321.236, subsection 1, paragraph c, Code  
1 30 1995, is amended to read as follows:  
1 31 c. If the local authority regulating the standing or  
1 32 parking of vehicles under this subsection is located in a  
1 33 county where the renewal of registration of a vehicle shall be  
1 34

~~denied~~

- refused for

~~outstanding arrest warrants~~

- unpaid

1 35 restitution under section 321.40, the simple notice of fine  
2 1 under paragraph "a"

~~of this subsection~~

- shall contain the  
2 2 following statement:  
2 3 "FAILURE TO PAY

~~A JUDGMENT FOR A PARKING VIOLATION~~

-  
2 4 RESTITUTION OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW  
2 5 YOUR MOTOR VEHICLE'S REGISTRATION."  
2 6

~~This paragraph does not invalidate forms for notice of~~

-  
2 7

~~parking violations in existence prior to July 1, 1980.~~

-  
2 8

~~Existing forms may be used until supplies are exhausted.~~

-  
2 9 Sec. 3. Section 602.8107, subsection 1, Code 1995, is  
2 10 amended to read as follows:  
2 11 1. Restitution as defined in section 910.1 shall be paid  
2 12 to the clerk of the district court. All amounts collected  
2 13 shall be distributed pursuant to sections 602.8106 and  
2 14 602.8108 or as otherwise provided by this Code. The clerk may  
2 15 accept payment of an obligation or a portion thereof by credit  
2 16 card.

~~The clerk may charge a fee to reflect the additional~~

-  
2 17

~~cost of processing the payment by credit card.~~

- Any fees

2 18 charged to the clerk with respect to payment by credit card  
2 19 may be paid from receipts collected by credit card. For the

2 20 purpose of fee collection, all payments made to the clerk by a  
2 21 means other than a credit card shall be considered cash  
2 22 discount payments.  
2 23 Sec. 4. Section 602.8107, subsection 5, Code 1995, is  
2 24 amended to read as follows:  
2 25 5. If a county attorney

~~has not filed~~

~~does not file a~~

2 26 notice of commitment to collect delinquent obligations  
2 27 pursuant to section 331.756, subsection 5

~~, or has transferred~~

2 28

~~collection responsibility for a particular delinquent amount~~

2 29

~~to the department, the department of revenue and finance or~~

2 30

~~its designee may collect delinquent fines, penalties, court~~

2 31

~~costs, surcharges, restitution for court appointed attorney~~

2 32

~~fees, or expenses of a public defender. From the amounts~~

2 33

~~collected, the department shall pay for the services of its~~

2 34

~~designee and the remainder shall be deposited in the general~~

2 35

~~fund of the state~~

~~with the clerk of the district court on or~~

3 1 before July 1 of each year, the judicial department may assign  
3 2 obligations to the centralized collection unit of the  
3 3 department of revenue and finance or its designee to collect  
3 4 debts owed to the clerk of the district court.

3 5 The department of revenue and finance may impose a fee  
3 6 established by rule to reflect the cost of processing which  
3 7 shall be added to the debt owed to the clerk of the district  
3 8 court. Any amounts collected by the unit will first be  
3 9 applied to the processing fee. The remaining amounts shall be  
3 10 remitted to the clerk of the district court for the county in  
3 11 which the debt is owed. The judicial department may prescribe  
3 12 rules to implement this section. These rules may provide for  
3 13 remittance of processing fees to the department of revenue and  
3 14 finance or its designee.

3 15

~~This subsection does not apply to amounts collected for~~

3 16

~~victim restitution, the victim compensation fund, criminal~~

3 17

~~penalty surcharge, or amounts collected as a result of~~

3 18

~~procedures initiated under section 421.17, subsection 25.~~

3 19 Satisfaction of the outstanding obligation occurs only when  
3 20 all fees or charges and the outstanding obligation are paid in  
3 21 full. Payment of the outstanding obligation only shall not be  
3 22 considered payment in full for satisfaction purposes.

3 23 The department of revenue and finance or its collection  
3 24 designee shall file with the clerk of the district court a  
3 25 notice of the satisfaction of each obligation to the full  
3 26 extent of the moneys collected in satisfaction of the  
3 27 obligation. The clerk of the district court shall record the  
3 28 notice and enter a satisfaction for the amounts collected.

3 29 EXPLANATION

3 30 This bill provides that county treasurers are to refuse to  
3 31 renew a motor vehicle registration if the person seeking to  
3 32 renew the registration has not paid victim restitution.  
3 33 Currently, the grounds for refusing registration are where a  
3 34 person has an outstanding arrest warrant for violations of  
3 35 chapter 321 regarding the operation of a motor vehicle or a  
4 1 local traffic ordinance. The bill also makes this change  
4 2 applicable to counties with a population of 25,000 or more,  
4 3 instead of 200,000, and provides that counties of less than  
4 4 25,000 may adopt the provision by resolution of the board of  
4 5 supervisors.

4 6 The bill also eliminates the provision that clerks of the  
4 7 district court may charge a fee for accepting payments by  
4 8 credit card and provides that all payments not made to the  
4 9 clerk by credit card will be considered cash discount  
4 10 payments.

4 11 The bill further provides that if a county attorney has not  
4 12 filed a notice of commitment to collect delinquent amounts by  
4 13 July 1 of each year, the judicial department may assign  
4 14 collection of the amounts to the centralized collection unit  
4 15 of the department of revenue and finance or its designee. The  
4 16 department of revenue and finance is authorized to impose a  
4 17 fee to cover the costs of collection which is to be added to  
4 18 the debt collected and to adopt administrative rules to  
4 19 provide for the payment of fees to the department or outside  
4 20 collection entities. Under the bill, an outstanding  
4 21 obligation to the clerk of the district court is not  
4 22 considered satisfied in full until the entire amount and any  
4 23 applicable fees and charges are paid in full.

4 24 LSB 2274SC 76

4 25 mk/jj/8