

FEB 10 1998

COMMERCE AND REGULATION

HOUSE FILE 2213

BY WISE

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to the enforcement options for mandatory
 2 financial responsibility for motor vehicles and establishing a
 3 fee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2213

1 Section 1. Section 321.20B, subsection 4, Code Supplement
2 1997, is amended to read as follows:

3 4. a. If a peace officer stops a motor vehicle and the
4 driver is unable to provide proof of financial liability
5 coverage, the peace officer shall do one of the following:

6 a- (1) Issue a warning memorandum to the driver.

7 b- (2) Issue a citation.

8 (3) Issue a citation and remove the motor vehicle's
9 license plates and registration from the motor vehicle which
10 has been operated on the highways of this state without
11 financial liability coverage being in effect for the motor
12 vehicle. Upon removing the license plates and registration
13 the peace officer shall destroy the plates and forward the
14 plates registration to the county treasurer of the county in
15 which the plates were issued. The driver of the motor vehicle
16 shall have forty-eight hours after receiving the citation to
17 continue operating the vehicle. This forty-eight-hour period
18 for continued operation is intended only to allow the driver
19 to drive the vehicle to the place of residence of the driver
20 or owner, as appropriate.

21 (4) Issue a citation and impound the motor vehicle. A
22 vehicle which is impounded may be claimed by a person if the
23 owner provides proof of financial liability coverage and pays
24 any applicable fine and the costs of towing and storage for
25 the motor vehicle. If the motor vehicle is not claimed within
26 thirty days after impoundment, the motor vehicle may be
27 treated as an abandoned vehicle pursuant to section 321.89.

28 b. An owner or driver of a motor vehicle who is charged
29 with a violation of subsection 1 and ~~whose license plates and~~
30 ~~registration have been removed~~ issued a citation under
31 paragraph "a", subparagraph (2) or (3), is subject to the
32 following:

33 (1) An owner or driver who produces to the clerk of the
34 district court, within thirty days of the issuance of a
35 citation under paragraph "a", subparagraph (2), proof that

1 financial liability coverage was in effect for the motor
2 vehicle at the time the person was stopped and cited, shall
3 pay to the clerk of the district court an administrative fee
4 of ten dollars.

5 ~~(1)~~ (2) An owner or driver who produces to the county
6 treasurer clerk of the district court, within thirty days of
7 the time the person's license plates and registration are
8 removed issuance of a citation under paragraph "a",
9 subparagraph (3) or (4), proof that financial liability
10 coverage was in effect for the motor vehicle at the time the
11 person was stopped and cited, shall be given a receipt
12 indicating that such proof was provided and be subject to one
13 of the following:

14 (a) If the person was cited pursuant to paragraph "a",
15 subparagraph (3), the owner or driver shall provide a copy of
16 the receipt to the county treasurer of the county of residence
17 of the owner and the owner shall be assessed a fifteen dollar
18 administrative fee by the county treasurer who shall return
19 the issue new license plates and registration to the person
20 after payment of the fee.

21 (b) If the person was cited pursuant to paragraph "a",
22 subparagraph (4), the owner or driver, after the owner
23 provides proof of financial liability coverage to the clerk of
24 the district court, may claim the vehicle after such person
25 pays any applicable fine and the costs of towing and storage
26 for the motor vehicle.

27 ~~(2)~~ (3) An owner or driver who is unable to show that
28 financial liability coverage was in effect for the motor
29 vehicle at the time the person was stopped and cited, and
30 signs an admission of violation on the citation, may do either
31 of the following:

32 (a) Sign an admission of violation on the citation and
33 remit to the clerk of the district court a scheduled fine of
34 two-hundred-fifty-dollars as provided in section 805.8,
35 subsection 2, for a violation of subsection 1. Upon payment

1 of the fine to the clerk of the district court of the county
2 where the citation was issued, payment of a fifteen dollar
3 administrative fee to the county treasurer of the county of
4 residence of the owner, and providing proof of financial
5 liability coverage to the county treasurer of the county of
6 residence of the owner, the treasurer shall issue new license
7 plates and registration to the person.

8 (b) Request an appearance before the court on the matter.
9 If the matter goes before the court, and the owner or driver
10 is found guilty of a violation of subsection 1, the court may
11 impose a fine of two-hundred-fifty-dollars as provided in
12 section 805.8, subsection 2, for a violation of subsection 1,
13 or the court may order the person to perform unpaid community
14 service instead of the fine. Upon the payment of the fine or
15 the entry of the order for unpaid community service, the
16 person shall provide proof of payment or entry of such order
17 and the county treasurer of the county of residence of the
18 person shall issue new license plates and registration to the
19 person upon the person providing proof of financial liability
20 coverage and paying a fifteen dollar administrative fee to the
21 county treasurer.

22 ~~(3)~~ (4) An owner or driver who fails to provide to the
23 county treasurer, within thirty days of the time the person's
24 registration plates are removed, proof that financial
25 liability coverage was in effect for the motor vehicle at the
26 time the person was stopped and cited, and does not sign an
27 admission of violation on the citation, shall not have the
28 person's license plates or registration returned.

29 ~~c---issue-a-citation-and-impound-the-motor-vehicle---A~~
30 ~~vehicle-which-is-impounded-may-be-claimed-by-a-person-if-the~~
31 ~~owner-provides-proof-of-financial-liability-coverage-and-pays~~
32 ~~any-applicable-fine-and-the-costs-of-towing-and-storage-for~~
33 ~~the-motor-vehicle---if-the-motor-vehicle-is-not-claimed-within~~
34 ~~thirty-days-after-impoundment,-the-motor-vehicle-may-be~~
35 ~~treated-as-an-abandoned-vehicle-pursuant-to-section-321-89-~~

EXPLANATION

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This bill amends the motor vehicle mandatory financial responsibility law and provides an additional option for law enforcement. The bill provides that a peace officer may issue a citation in addition to the current options which include issuing of a warning memorandum, issuing a citation and removing the motor vehicle plates and registration, and issuing a citation and impounding the vehicle. A person issued a citation who provides proof within 30 days of the issuance of the citation that financial liability coverage was in effect for the motor vehicle at the time the person was cited shall pay to the clerk of the district court a \$10 administrative fee. A driver who is cited for a violation and whose license plates and registration are removed is also allowed to drive the motor vehicle to the place of residence of the driver or owner of the motor vehicle.