

SENATE FILE 237
BY IVERSON, KRAMER, MCKEAN,
ANGELO, LUNDBY, JENSEN,
BOETTGER, REDWINE, and BEHN

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

A BILL FOR

1 An Act relating to the possession of tobacco, tobacco products,
2 or cigarettes by a person under eighteen years of age, and
3 providing penalties.

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

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S.F. 237

1 Section 1. Section 453A.3, Code 1997, is amended to read
2 as follows:

3 453A.3 PENALTY.

4 1. A person who violates section 453A.2, subsection 1, or
5 section 453A.39 is guilty of a simple misdemeanor.

6 2. A person who violates section 453A.2, subsection 2, for
7 whom the violation is a first offense, shall pay a civil
8 penalty pursuant to section 805.8, subsection 11. Failure to
9 pay the civil penalty imposed for a violation of section
10 453A.2, subsection 2, is a simple misdemeanor punishable as a
11 scheduled violation under section 805.8, subsection 11.

12 Notwithstanding section 602.8105 or any other provision to the
13 contrary, any civil penalty or fine paid under this subsection
14 shall be retained by the city or county enforcing the
15 violation.

16 3. A person who violates section 453A.2, subsection 2, for
17 whom the violation is a second or subsequent offense is
18 subject to the following:

19 a. For a second offense, the motor vehicle license of the
20 person shall be suspended by the state department of
21 transportation for a period of sixty days or if the person
22 does not possess a motor vehicle license, the person shall
23 perform fifty hours of court-ordered, unpaid, community
24 service.

25 b. For a third or subsequent offense, the motor vehicle
26 license of the person shall be suspended by the state
27 department of transportation for a period of one year or if
28 the person does not possess a motor vehicle license, the
29 person shall perform one hundred hours of court-ordered,
30 unpaid, community service.

31 The clerk of the district court shall forward a copy of the
32 order suspending the motor vehicle license of the person to
33 the state department of transportation. The state department
34 of transportation shall suspend the license of the person for
35 the period prescribed in the order. The state department of

1 transportation shall establish procedures by rule for
2 suspending the motor vehicle license of the person and for
3 issuing to the person a temporary restricted license under
4 section 321.215, as if the suspension was ordered under
5 chapter 321.

6 The state department of transportation shall, on
7 application, issue a temporary restricted license to a person
8 whose motor vehicle license is suspended under this subsection
9 allowing the person to drive to and from the person's home and
10 specified places at specified times which can be verified by
11 the department and which are required by the person's full-
12 time or part-time employment, continuing health care or the
13 continuing health care of another who is dependent upon the
14 person, continuing education while enrolled in an educational
15 institution on a part-time or full-time basis and while
16 pursuing a course of study leading to a diploma, degree, or
17 other certification of successful educational completion,
18 substance abuse treatment, or court-ordered community service
19 responsibilities.

20 A person for whom a motor vehicle license is suspended
21 under this section is not subject to chapter 321A and the
22 suspension shall not be grounds for determination of risk,
23 rates, or premiums in any policy of insurance issued to or for
24 the person.

25 Sec. 2. Section 805.8, subsection 11, Code 1997, is
26 amended to read as follows:

27 11. SMOKING VIOLATIONS.

28 a. For violations of section 142B.6 or ~~453A.27~~-subsection
29 2, the scheduled fine is twenty-five dollars, and is a civil
30 penalty, and the criminal penalty surcharge under section
31 911.2 shall not be added to the penalty, and the court costs
32 pursuant to section 805.9, subsection 6, shall not be imposed.
33 If the civil penalty assessed for a violation of section
34 142B.6 is not paid in a timely manner, a citation shall be
35 issued for the violation in the manner provided in section

1 804.1. However, a person under age eighteen shall not be
2 detained in a secure facility for failure to pay the civil
3 penalty. The complainant shall not be charged a filing fee.

4 b. For violations of section 453A.2, subsection 2, the
5 scheduled fine is one hundred dollars, and is a civil penalty,
6 and the criminal penalty surcharge under section 911.2 shall
7 not be added to the penalty, and the court costs pursuant to
8 section 805.9, subsection 6, shall not be imposed.

9 For failing to pay the civil penalty under section 453A.2,
10 subsection 1, the scheduled fine is twenty-five dollars and
11 under section 453A.2, subsection 2, the scheduled fine is one
12 hundred dollars. Failure to pay the scheduled fine shall not
13 result in the person being detained in a secure facility. The
14 complainant shall not be charged a filing fee.

15 EXPLANATION

16 This bill changes the penalty for smoking, using,
17 possessing, purchasing, or attempting to purchase tobacco,
18 tobacco products, or cigarettes by a person under eighteen
19 years of age from a scheduled fine of \$25 to a three-tiered
20 penalty. For a first offense the person is subject to a civil
21 penalty of \$100. Any civil penalty or fine paid is to be
22 retained by the city or county enforcing the violation. For a
23 second offense the person is subject to suspension of the
24 person's motor vehicle license for 60 days or, if the person
25 does not possess a motor vehicle license, to 60 hours of
26 community service. For a third or subsequent offense, the
27 person is subject to suspension of the person's motor vehicle
28 license for one year or, if the person does not possess a
29 motor vehicle license, to 100 hours of community service. The
30 bill also provides for the issuance of a temporary restricted
31 license to a person for whom a license is suspended for
32 certain activities, including employment and education-related
33 activities and provides that suspension of a person's license
34 does not make the person subject to the chapter relating to
35 motor vehicle financial responsibility and is not grounds for

1 the determination of risk, rates, or premiums in any insurance
2 policy issued to or for the person.

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SENATE FILE 237

S-3108

1 Amend Senate File 237 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 321.189, subsection 6, Code
5 1997, is amended to read as follows:

6 6. LICENSES ISSUED TO MINORS. A motor vehicle
7 license issued to a person under twenty-one eighteen
8 years of age shall be identical in form to any other
9 motor vehicle license except that the words "under
10 twenty-one eighteen" shall appear prominently on the
11 face of the license. A motor vehicle license issued
12 to a person eighteen years of age or older but less
13 than twenty-one years of age shall be identical in
14 form to any other motor vehicle license except that
15 the words "under twenty-one" shall appear prominently
16 on the face of the license. Upon attaining the age of
17 eighteen or upon attaining the age of twenty-one, and
18 upon payment of a one dollar fee, the person shall be
19 entitled to a new motor vehicle license or
20 nonoperator's identification card for the unexpired
21 months of the motor vehicle license or card.

22 Sec. 2. Section 321.190, subsection 1, paragraph
23 b, Code 1997, is amended to read as follows:

24 b. The department shall not issue a card to a
25 person holding a motor vehicle license. However, a
26 card may be issued to a person holding a temporary
27 permit under section 321.181. The card shall be
28 identical in form to a driver's license issued under
29 section 321.189 except the word "nonoperator" shall
30 appear prominently on the face of the card. A
31 nonoperator's identification card issued to a person
32 under twenty-one eighteen years of age shall ~~include~~
33 the word "minor" be identical in form to any other
34 nonoperator's identification card except that the
35 words "under eighteen" shall appear prominently on the
36 face of the card. A nonoperator's identification card
37 issued to a person eighteen years of age or older but
38 under twenty-one years of age shall be identical in
39 form to any other nonoperator's identification card
40 except that the words "under twenty-one" shall appear
41 prominently on the face of the card.

42 Sec. 3. Section 321.218, subsection 1, Code 1997,
43 is amended to read as follows:

44 1. A person whose motor vehicle license or
45 operating privilege has been denied, canceled,
46 suspended, or revoked as provided in this chapter, or
47 as provided in section 252J.8, or as provided in
48 section 453A.3 and who operates a motor vehicle upon
49 the highways of this state while the license or
50 privilege is denied, canceled, suspended, or revoked,

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1 commits a serious misdemeanor.

2 Sec. 4. Section 321A.17, Code 1997, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 7. This section does not apply to
5 a person whose license is suspended under section
6 453A.3."

7 2. Title page, line 1, by inserting after the
8 word "to" the following: "privileges and prohibitions
9 for minors including those relating to motor vehicle
10 licenses and to".

11 3. Title page, line 2, by striking the words "by
12 a person under eighteen years of age".

13 4. By renumbering as necessary.

By RICHARD F. DRAKE
STEWART IVERSON, JR.
DON GETTINGS

EUGENE FRAISE
JACK RIFE
ELAINE SZYMONIAK

S-3108 FILED MARCH 4, 1997

AN ACT

REPEALING THE PROCEDURES FOR DISPOSITION OF THE CONTENTS OF
A DECEDENT'S SAFE DEPOSIT BOX AND PROVIDING AN EFFECTIVE
DATE.

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

Section 1. Sections 450.86, 524.810, and 533.49A, Code
1997, are repealed.

Sec. 2. EFFECTIVE DATE. This Act takes effect July 1,
1998.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 238, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 22, 1997

TERRY E. BRANSTAD
Governor

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