

FILED MAR 10 1997

SENATE FILE 377
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 237)

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

A BILL FOR

1 An Act relating to privileges and prohibitions for certain
2 persons including those relating to motor vehicle licenses and
3 to the regulation of tobacco, tobacco products, or cigarettes,
4 and providing penalties.

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

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S.F. 377

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

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

17 Sec. 2. Section 321.190, subsection 1, paragraph b, Code
18 1997, is amended to read as follows:

19 b. The department shall not issue a card to a person
20 holding a motor vehicle license. However, a card may be
21 issued to a person holding a temporary permit under section
22 321.141. The card shall be identical in form to a driver's
23 license issued under section 321.189 except the word
24 "license" or "card" shall appear prominently on the face of the
25 card. A temporary identification card issued to a person
26 under twenty-one eighteen years of age shall include the word
27 "minor" or "minor" in form to any other motor vehicle
28 identification card except that the words "under eighteen"
29 shall appear prominently on the face of the card. A
30 temporary identification card issued to a person eighteen
31 years of age or older but under twenty-one years of age shall
32 be identical in form to any other appropriate identification
33 card except that the words "under twenty-one" shall appear
34 prominently on the face of the card.

35 Sec. 3. Section 321.218, subsection 1, Code 1997, is

1 amended to read as follows:

2 1. A person whose motor vehicle license or operating
3 privilege has been denied, canceled, suspended, or revoked as
4 provided in this chapter, or as provided in section 252J.8, or
5 as provided in section 453A.3 and who operates a motor vehicle
6 upon the highways of this state while the license or privilege
7 is denied, canceled, suspended, or revoked, commits a serious
8 misdemeanor.

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

11 NEW SUBSECTION. 7. This section does not apply to a
12 person whose license is suspended under section 453A.3.

13 Sec. 5. Section 453A.3, Code 1997, is amended to read as
14 follows:

15 453A.3 PENALTY.

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

18 2. A person who violates section 453A.2, subsection 2, for
19 whom the violation is a first offense, shall pay a civil
20 penalty pursuant to section 805.8, subsection 11. Failure to
21 pay the civil penalty imposed for a violation of section
22 453A.2, subsection 2, is a simple misdemeanor punishable as a
23 scheduled violation under section 805.8, subsection 11.
24 Notwithstanding section 602.8106 or any other provision to the
25 contrary, any civil penalty or fine paid under this subsection
26 shall be retained by the city or county enforcing the
27 violation.

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

31 (1) For a second offense, the motor vehicle license of the
32 person shall be suspended by the state department of
33 transportation for a period of sixty days, or the person shall
34 perform fifty hours of court-ordered, unpaid, community
5 service, or the person shall pay a civil penalty of two

1 hundred dollars.

2 (2) For a third or subsequent offense, the motor vehicle
3 license of the person shall be suspended by the state
4 department of transportation for a period of one year, or the
5 person shall perform one hundred hours of court-ordered,
6 unpaid, community service, or the person shall pay a civil
7 penalty of three hundred dollars.

8 b. The clerk of the district court shall forward a copy of
9 the order suspending the motor vehicle license of the person
10 to the state department of transportation. The state
11 department of transportation shall suspend the license of the
12 person for the period prescribed in the order. The state
13 department of transportation shall establish procedures by
14 rule for suspending the motor vehicle license of the person
15 and for issuing to the person a temporary restricted license
16 under section 321.215, as if the suspension was ordered under
17 chapter 321.

18 c. The state department of transportation shall, on
19 application, issue a temporary restricted license to a person
20 whose motor vehicle license is suspended under this subsection
21 allowing the person to drive to and from the person's home and
22 specified places at specified times which can be verified by
23 the department and which are required by the person's full-
24 time or part-time employment, continuing health care or the
25 continuing health care of another who is dependent upon the
26 person, continuing education while enrolled in an educational
27 institution on a part-time or full-time basis and while
28 pursuing a course of study leading to a diploma, degree, or
29 other certification of successful educational completion,
30 substance abuse treatment, or court-ordered community service
31 responsibilities.

32 d. A person for whom a motor vehicle license is suspended
33 under this section is not subject to chapter 321A and the
34 suspension shall not be grounds for determination of risk,
35 rates or premiums in any policy of insurance issued to or for

1 the person.

2 e. The state department of transportation shall develop a
3 civil citation form for the purpose of citing persons under
4 this subsection. Judicial magistrates shall hear and
5 determine violations of this subsection. Notwithstanding
6 section 602.8106 or any other provision to the contrary, any
7 civil penalty paid under this subsection shall be retained by
8 the city or county enforcing the violation.

9 Sec. 6. Section 805.8, subsection 11, Code 1997, is
10 amended to read as follows:

11 11. SMOKING VIOLATIONS.

12 a. For violations of section 142B.6 or ~~453A.2~~, subsection
13 2, the scheduled fine is twenty-five dollars, and is a civil
14 penalty, and the criminal penalty surcharge under section
15 911.2 shall not be added to the penalty, and the court costs
16 pursuant to section 805.9, subsection 6, shall not be imposed.

17 If the civil penalty assessed for a violation of section
18 142B.6 is not paid in a timely manner, a citation shall be
19 issued for the violation in the manner provided in section
20 804.1. However, a person under age eighteen shall not be
21 detained in a secure facility for failure to pay the civil
22 penalty. The complainant shall not be charged a filing fee.

23 b. For violations of section 453A.2, subsection 2, if the
24 violation is a first offense, the scheduled fine is one
25 hundred dollars, and is a civil penalty, and the criminal
26 penalty surcharge under section 911.2 shall not be added to
27 the penalty, and the court costs pursuant to section 805.9,
28 subsection 6, shall not be imposed.

29 For failing to pay the civil penalty under section 453A.2,
30 subsection 1, the scheduled fine is twenty-five dollars and
31 under section 453A.2, subsection 2, if the violation is a
32 first offense, the scheduled fine is one hundred dollars.
33 Failure to pay the scheduled fine shall not result in the
34 person being detained in a secure facility. The complainant
5 shall not be charged a filing fee.

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EXPLANATION

2 This bill makes changes relating to privileges related to
3 motor vehicle licenses and tobacco, tobacco products, and
4 cigarettes based upon the age of the person. The bill
5 requires that licenses or nonoperator's licenses issued to
6 persons under 18 years of age have the words "under eighteen"
7 predominately displayed on the face of the license and a
8 license or nonoperator's license issued to a person under 21
9 years of age but over 18 have the words "under twenty-one"
10 predominately displayed on the face of the license. The bill
11 also changes the penalty for smoking, using, possessing,
12 purchasing, or attempting to purchase tobacco, tobacco
13 products, or cigarettes by a person under 18 years of age from
14 a scheduled fine of \$25 to a three-tiered penalty. For a
15 first offense, the person is subject to a civil penalty of
16 \$100. Any civil penalty or fine paid is to be retained by the
17 city or county enforcing the violation. For a second offense,
18 the person is subject to suspension of the person's motor
19 vehicle license for 60 days, 50 hours of community service, or
20 a civil penalty of \$200. For a third or subsequent offense,
21 the person is subject to suspension of the person's motor
22 vehicle license for one year, 100 hours of community service,
23 or a civil penalty of \$300. Any civil penalty collected is to
24 be retained by the city or county enforcing the violation.
25 The bill also provides for the issuance of a temporary
26 restricted license, for certain activities, to a person for
27 whom a license is suspended, including employment and
28 education-related activities, and provides that suspension of
29 a person's license does not make the person subject to the
30 chapter relating to motor vehicle financial responsibility and
31 is not grounds for the determination of risk, rates, or
32 premiums in any insurance policy issued to or for the person.
33 However, the bill does provide that if a person drives while
34 the person's license is suspended, the person commits a
35 serious misdemeanor.