

FEB 1 2008
TRANSPORTATION

HOUSE FILE 2109
BY NELSON-FORBES

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

A BILL FOR

1 An Act relating to court appearances for certain scheduled
2 violations and modifying penalties for other scheduled
3 violations.

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

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HF 2109

1 Section 1. Section 805.10, Code 1999, is amended to read
2 as follows:

3 805.10 REQUIRED COURT APPEARANCE.

4 Section 805.9 shall not apply to a scheduled violation in
5 ~~any-of-the-following-circumstances:~~ when the violation charged
6 resulted in a fatality or serious injury, as defined in
7 section 702.18.

8 ~~1.--When-the-violation-charged-involved-or-resulted-in-an~~
9 ~~accident-or-injury-to-property-and-the-total-damages-are-one~~
10 ~~thousand-dollars-or-more,-or-in-an-injury-to-person-~~

11 ~~2.--When-the-violation-created-an-immediate-threat-to-the~~
12 ~~safety-of-other-persons-or-property-because-of-highway~~
13 ~~conditions,-visibility,-traffic,-repetition,-or-other~~
14 ~~circumstances-~~

15 In such ~~cases~~ case, the defendant shall appear before the
16 court and regular procedure shall apply. If an information is
17 used the officer shall endorse thereon on the information,
18 "Court appearance required." If a citation and complaint is
19 used, the officer shall strike out the space in which the
20 defendant may admit the violation before a scheduled
21 violations office and shall endorse thereon on the citation
22 and complaint, "Court appearance required" and the defendant
23 shall appear before the court either in person or by attorney.

24 ~~3.--When-the-violation-charged-involves-the-taking-of-an~~
25 ~~animal-for-which-there-is-a-civil-damage-assessment-in~~
26 ~~addition-to-a-criminal-penalty-~~

27 Sec. 2. Section 805.11, Code 1999, is amended to read as
28 follows:

29 805.11 OTHER PENALTIES.

30 ~~If~~ Except as otherwise provided in this section, if the
31 defendant is convicted of a scheduled violation, the penalty
32 is the scheduled fine, without suspension of the fine
33 prescribed in section 805.8 together with costs assessed and
34 distributed as prescribed by section 602.8106~~7-unless.~~ If it
35 appears from the evidence that the violation ~~was-of-the-type~~

1 ~~set forth in section 805.10, subsection 1 or 2, in which event~~
2 ~~was one of the following types, the scheduled fine does not~~
3 ~~apply and the penalty shall be increased within the limits~~
4 ~~provided by law for the offense. shall be doubled:~~

5 1. The violation charged is a moving violation and caused
6 an accident or injury to property and the total damages are
7 one thousand dollars or more, or in an injury to a person.

8 2. The violation created an immediate threat to the safety
9 of other persons or property because of highway conditions,
10 visibility, traffic, repetition, or other circumstances.

11 3. The violation charged involved the taking of an animal
12 for which there is a civil damage assessment in addition to a
13 criminal penalty.

14 EXPLANATION

15 This bill amends Code sections 805.10 and 805.11, relating
16 to when a court appearance is required for a scheduled
17 violation and to penalties for scheduled violations,
18 respectively. Currently, Code section 805.10 requires a court
19 appearance for a scheduled violation when the violation
20 involved or resulted in an accident or injury to property and
21 the damages total \$1,000 or more, or in an injury to a person;
22 when the violation created an immediate threat to the safety
23 of other persons or property because of the circumstances; and
24 when the violation involved the taking of an animal for which
25 there is a civil damage assessment in addition to a criminal
26 penalty. The bill changes the reference to a violation which
27 involved or resulted in an accident or injury to require that
28 the violation charged is a moving violation and caused an
29 accident or injury and provides instead that the scheduled
30 fine for such violations shall be doubled. The bill
31 eliminates the required court appearance for all such
32 violations except when the violation charged resulted in a
33 fatality or serious injury. This is a change from the current
34 penalty provision in Code section 805.11 that states that
35 scheduled violations involving or resulting in an accident or

1 injury to property when damages total \$1,000 or more, or in an
2 injury to a person, or violations which created an immediate
3 threat to the safety of other persons or property because of
4 the circumstances are subject to a penalty greater than the
5 scheduled fine for the offense, within the limits of the law.

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