

Referred 3/5/03 to
Ways and Means

FEB 25 2003
Place On Calendar

HOUSE FILE 291
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 70)

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

A BILL FOR

1 An Act relating to motor vehicle parking violations, and
2 providing a penalty.

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

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HF 291

1 Section 1. Section 321.236, subsection 1, paragraph a,
2 Code 2003, is amended to read as follows:

3 a. May be charged and collected upon a simple notice of a
4 fine payable to the city clerk or clerk of the district court,
5 if authorized by ordinance. The fine ~~shall not exceed five~~
6 ~~dollars except for snow route parking violations in which case~~
7 ~~the fine shall not exceed twenty-five dollars~~ for each
8 violation charged under a simple notice of a fine shall be
9 established by ordinance. The fine may be increased ~~up to ten~~
10 by five dollars if the parking violation is not paid within
11 thirty days of the date upon which the violation occurred, if
12 authorized by ordinance. Violations of section 321L.4,
13 subsection 2, may be charged and collected upon a simple
14 notice of a one hundred dollar fine payable to the city clerk
15 or clerk of the district court, if authorized by ordinance.
16 No costs or other charges shall be assessed. All fines
17 collected by a city pursuant to this paragraph shall be
18 retained by the city and all fines collected by a county
19 pursuant to this paragraph shall be retained by the county.

20 Sec. 2. Section 805.8A, subsection 1, paragraph a, Code
21 2003, is amended to read as follows:

22 a. For parking violations under sections 321.236, 321.239,
23 321.358, 321.360, and 321.361, the scheduled fine is five
24 dollars, except if the local authority has established the
25 fine by ordinance pursuant to section 321.236, subsection 1.
26 The scheduled fine for a parking violation ~~of~~ pursuant to
27 section 321.236 increases ~~in an amount up to ten~~ by five
28 dollars, as authorized by ordinance pursuant to section
29 321.236, subsection 1, ~~paragraph "a"~~, if the parking violation
30 is not paid within thirty days of the date upon which the
31 violation occurred. For purposes of calculating the unsecured
32 appearance bond required under section 805.6, the scheduled
33 fine shall be five dollars, or if the amount of the fine is
34 greater than five dollars the unsecured appearance bond shall
35 be the amount of the fine established by the local authority

1 pursuant to section 321.236, subsection 1. However,
2 violations charged by a city or county upon simple notice of a
3 fine instead of a uniform citation and complaint as permitted
4 by section 321.236, subsection 1, paragraph "a", are not
5 scheduled violations, and this section shall not apply to any
6 offense charged in that manner. For a parking violation under
7 section 321.362 or 461A.38, the scheduled fine is ten dollars.

8

EXPLANATION

9 This bill relates to motor vehicle parking violations.

10 The bill provides that a local authority may establish the
11 parking violation fine for each violation that occurs.

12 Current law establishes the maximum parking fine at \$5.

13 The bill provides that if a parking violation is not paid
14 within 30 days, the fine amount increases by \$5. Under
15 current law the fine amount increases by \$10.

16 The bill equalizes the amount of an unsecured appearance
17 bond for a parking violation to the amount of the parking
18 violation fine established by the local authority. An
19 unsecured appearance bond permits the court to enter a
20 conviction and render judgment against the defendant for the
21 amount of the bond in satisfaction of the penalty plus court
22 costs, if the defendant fails to appear in court for trial.

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HF 291 - Parking Fines (LSB 1940 HV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

Representative Bill Schickel

Description

House File 291 provides that local authority may establish the parking violation fines for each violation that occurs.

Assumptions

1. Under current law, the maximum parking fine is \$5. House File 291 allows a local authority to establish the amount of a parking violation fine.
2. Under current law, if a parking violation is not paid in 30 days, the amount of the fine increases by \$10. Under HF 291 the fine increases by \$5.
3. If a parking ticket is paid within the 30 days, no court costs are assessed. If a parking ticket is paid after 30 days, no court costs are assessed unless the City or County takes the person to Court for an overdue parking ticket. The Court assesses a \$9 court cost charge.
4. If a parking ticket is challenged, \$9 court costs are assessed for each ticket.
5. In FY 2002, there were 7,400 parking tickets that had the \$9 court cost assessed. Of the \$69,000 imposed in court costs, \$65,000 (94.0%) was paid.
6. There is insufficient information available to determine how many local jurisdictions would raise parking fines and to what extent the fines would be increased.
7. There is insufficient information available to determine how many additional overdue parking tickets would be taken to Court due to the increased penalty.

Fiscal Impact

The estimated fiscal impact for HF 291 cannot be determined due to insufficient information.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch

/s/ Dennis C Prouty

March 3, 2003

Chair: Schickel
MADDOX
CONNORS

Sponsored By
SF 10291

HSB 70
LOCAL GOVERNMENT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VAN ENGELENHOVEN)

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