

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

A BILL FOR

1 An Act establishing a surcharge for certain speeding violations,
2 creating a speeding violation surcharge fund, and making an
3 appropriation.

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

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SF 2079 JUDICIARY

1 Section 1. NEW SECTION. 80.41 SPEEDING VIOLATION
2 SURCHARGE FUND.

3 1. A speeding violation surcharge fund is created in the
4 state treasury under the control of the department of public
5 safety. The fund shall consist of moneys collected from the
6 speeding violation surcharge under section 911.4 and credited
7 to the fund pursuant to this section. Section 8.33 does not
8 apply to moneys in the fund and, notwithstanding section
9 12C.7, subsection 2, earnings or interest on moneys deposited
10 in the fund shall be credited to the fund. Moneys in the fund
11 are appropriated to the department of public safety to be used
12 for the purposes and programs under the authority of the
13 department.

14 2. For the fiscal year beginning July 1, 2005, and for
15 subsequent fiscal years, the director of transportation shall
16 submit an annual statement to the treasurer of state of the
17 average number of convictions reported annually pursuant to
18 section 321.491 for the previous five calendar years for
19 speeding violations punishable under section 805.8A,
20 subsection 5, paragraph "a", subparagraphs (3) through (5),
21 and section 805.8A, subsection 5, paragraph "b", subparagraphs
22 (3) through (5). All moneys collected from the speeding
23 violation surcharge under section 911.4 and deposited in the
24 general fund shall be credited to the speeding violation
25 surcharge fund, except that the amount credited for a fiscal
26 year shall not exceed the sum of revenues that would derive
27 from the application of the surcharge to the annual average
28 number of convictions for the preceding five calendar years as
29 determined under this subsection. Any revenues collected from
30 the speeding violation surcharge in excess of the amount
31 appropriated for a fiscal year pursuant to this section shall
32 be retained in the general fund of the state.

33 Sec. 2. Section 602.8102, Code Supplement 2003, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 135C. Assess the speeding violation

1 surcharge as provided by section 911.4.

2 Sec. 3. Section 602.8107, subsection 4, unnumbered
3 paragraph 2, Code Supplement 2003, is amended to read as
4 follows:

5 This subsection does not apply to amounts collected for
6 victim restitution, the victim compensation fund, criminal
7 penalty surcharge, law enforcement initiative surcharge,
8 speeding violation surcharge, amounts collected as a result of
9 procedures initiated under subsection 5 or under section
10 8A.504, or sheriff's room and board fees.

11 Sec. 4. Section 602.8108, subsection 4, Code Supplement
12 2003, is amended to read as follow:

13 4. When a court assesses the law enforcement initiative
14 surcharge under section 911.3, or the speeding violation
15 surcharge under section 911.4, the clerk of court shall remit
16 to the treasurer of the state, no later than the fifteenth day
17 of each month, all the moneys collected during the preceding
18 month, for deposit in the general fund of the state.

19 Sec. 5. Section 805.8A, subsection 5, Code Supplement
20 2003, is amended by adding the following new paragraph:

21 NEW PARAGRAPH. bb. In addition to the criminal penalty
22 surcharge assessed pursuant to chapter 911, the speeding
23 violation surcharge specified in section 911.4 shall be added
24 to the scheduled fines in paragraph "a", subparagraphs (3)
25 through (5), and paragraph "b", subparagraphs (3) through (5).

26 Sec. 6. Section 909.8, Code 2003, is amended to read as
27 follows:

28 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
29 SURCHARGE.

30 The provisions of this chapter governing the payment and
31 collection of a fine, except section 909.3A, also apply to the
32 payment and collection of surcharges imposed pursuant to
33 chapter 911. However, section 909.10 shall not apply to
34 surcharges assessed under section sections 911.3 and 911.4.

35 Sec. 7. NEW SECTION. 911.4 SPEEDING VIOLATION SURCHARGE.

1 1. In addition to the criminal penalty surcharge assessed
2 pursuant to this chapter, a speeding violation surcharge shall
3 be assessed by the clerk of the district court as follows when
4 the court imposes a fine for a scheduled violation under any
5 of the following provisions:

6 a. For a violation for speeding more than ten but not more
7 than fifteen miles per hour over the speed limit under section
8 805.8A, subsection 5, paragraph "a", subparagraph (3), or
9 section 805.8A, subsection 5, paragraph "b", subparagraph (3),
10 the surcharge is fifty dollars.

11 b. For a violation for speeding more than fifteen but not
12 more than twenty miles per hour over the speed limit under
13 section 805.8A, subsection 5, paragraph "a", subparagraph (4),
14 or section 805.8A, subsection 5, paragraph "b", subparagraph
15 (4), the surcharge is one hundred dollars.

16 c. For a violation for speeding more than twenty miles per
17 hour over the speed limit under section 805.8A, subsection 5,
18 paragraph "a", subparagraph (5), or section 805.8A, subsection
19 5, paragraph "b", subparagraph (5), the surcharge is two
20 hundred dollars.

21 2. The surcharge shall be deposited in the general fund of
22 the state and credited to the speeding violation surcharge
23 fund pursuant to section 80.41.

24 3. The surcharge is subject to the provisions of chapter
25 909 governing the payment and collection of fines, as provided
26 in section 909.8.

27 EXPLANATION

28 This bill creates a speeding violation surcharge for
29 excessive speed violations committed by speeding 10 miles per
30 hour or more over the speed limit. For speeding violations
31 more than 10 but not more than 15 miles per hour over the
32 speed limit, the surcharge is \$50. For speeding violations
33 more than 15 but not more than 20 miles per hour over the
34 speed limit, the surcharge is \$100. For speeding violations
35 more than 20 miles per hour over the speed limit, the

1 surcharge is \$200. The surcharge is in addition to scheduled
2 fines and the criminal penalty surcharge currently imposed for
3 such violations. Moneys from the surcharge are to be
4 deposited initially in the general fund of the state.

5 The bill creates a speeding violation surcharge fund and
6 appropriates moneys in the fund to the department of public
7 safety. The fund consists of moneys collected from the
8 speeding violation surcharge and deposited in the general
9 fund, then credited annually to the speeding violation
10 surcharge fund, up to the amount that would derive from
11 application of the surcharge to the average number of
12 convictions reported to the state department of transportation
13 for the last five years for the type of violations subject to
14 the surcharge. Revenues collected from the surcharge which
15 are in excess of the amount appropriated to the department of
16 public safety for a fiscal year are to be retained in the
17 general fund of the state.

18 The bill directs that a clerk of court shall remit all
19 moneys collected in the preceding month from the speeding
20 violation surcharge to the treasurer of state for deposit in
21 the general fund. Speeding violation surcharges are exempt
22 from Code provisions allowing a county to retain a portion of
23 delinquent surcharges collected by a county attorney and
24 requiring that delinquent fines collected by the clerk of
25 court be deposited in a judicial revolving fund.

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