

# Senate File 2356 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3075)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the judicial branch including contested and  
2 uncontested parking violations, filing civil citations of  
3 municipal infractions with the clerk, and records kept by the  
4 clerk.

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

6 TLSB 5449SV 82

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1 1 Section 1. Section 321.236, subsection 1, unnumbered  
1 2 paragraph 2, Code Supplement 2007, is amended to read as  
1 3 follows:  
1 4 Parking meter, snow route, and overtime parking violations  
1 5 which are ~~denied~~ contested shall be charged and proceed before  
1 6 a court the same as other traffic violations. Filing fees and  
1 7 court costs shall be assessed as provided in section 602.8106,  
1 8 subsection 1 and section 805.6, subsection 1, paragraph "a"  
1 9 for parking violation cases. ~~Parking violations which are~~  
~~1 10 admitted.~~

1 11 Sec. 2. Section 321.236, subsection 1, paragraphs a and b,  
1 12 Code Supplement 2007, are amended to read as follows:

1 13 a. ~~May~~ Parking violations which are uncontested shall be  
1 14 charged and collected upon a simple notice of a fine payable  
1 15 to the city clerk, ~~if authorized by ordinance~~. The fine for  
1 16 each violation charged under a simple notice of a fine shall  
1 17 be established by ordinance. The fine may be increased by  
1 18 five dollars if the parking violation is not paid within  
1 19 thirty days of the date upon which the violation occurred, ~~if~~  
~~1 20 authorized by ordinance~~. Violations of section 321L.4,  
1 21 subsection 2, ~~may~~ shall be charged and collected upon a simple  
1 22 notice of a one hundred dollar fine payable to the city clerk,  
~~1 23 if authorized by ordinance~~. ~~No costs~~ Costs or other charges  
1 24 shall not be assessed. All fines collected by a city pursuant  
1 25 to this paragraph shall be retained by the city and all fines  
1 26 collected by a county pursuant to this paragraph shall be  
1 27 retained by the county, except as provided by an agreement  
1 28 between a city and a county treasurer for the collection of  
1 29 fines pursuant to section 331.553, subsection 8.

1 30 b. ~~Notwithstanding any such ordinance, may be prosecuted~~  
~~1 31 under the provisions of sections 805.7 to 805.13 or as any~~  
~~1 32 other traffic violation.~~

1 33 Sec. 3. Section 364.22, subsection 4, unnumbered paragraph  
1 34 1, Code 2007, is amended to read as follows:

1 35 An officer authorized by a city to enforce a city code or  
2 1 regulation may issue a civil citation to a person who commits  
2 2 a municipal infraction. ~~The~~ A copy of the citation may be  
2 3 served by personal service as provided in rule of civil  
2 4 procedure 1.305, by certified mail addressed to the defendant  
2 5 at the defendant's last known mailing address, return receipt  
2 6 requested, or by publication in the manner as provided in rule  
2 7 of civil procedure 1.310 and subject to the conditions of rule  
2 8 of civil procedure 1.311. A copy of the citation shall be  
2 9 retained by the issuing officer, and ~~one copy the original~~  
~~2 10 citation~~ shall be sent to the clerk of the district court.

2 11 The citation shall serve as notification that a civil offense  
2 12 has been committed and shall contain the following  
2 13 information:

2 14 Sec. 4. Section 602.8104, subsection 2, Code 2007, is  
2 15 amended by adding the following new paragraph:

2 16 NEW PARAGRAPH. k. A record book of certificates of

2 17 deposit, not in the clerk's name, which are being held by the  
2 18 clerk on behalf of a conservatorship, trust, or an estate  
2 19 pursuant to a court order as provided in section 636.37.

2 20 Sec. 5. Section 602.8106, subsection 1, paragraph c, Code  
2 21 Supplement 2007, is amended to read as follows:

2 22 c. For filing and docketing a complaint or information or  
2 23 uniform citation and complaint for parking violations under  
2 24 sections 321.236, 321.239, 321.358, 321.360, and 321.361,  
2 25 eight dollars, effective January 1, 2004. The court costs in  
2 26 cases of parking meter and overtime parking violations which  
2 27 are ~~denied~~ contested, and charged and collected pursuant to  
2 28 section 321.236, subsection 1, or pursuant to a uniform  
2 29 citation and complaint, are eight dollars per information or  
2 30 complaint or per uniform citation and complaint effective  
2 31 January 1, 1991.

2 32 Sec. 6. Section 636.37, Code 2007, is amended to read as  
2 33 follows:

2 34 636.37 DUTY OF CLERK.

2 35 1. The clerk of the district court with whom any deposit  
3 1 of funds, moneys, or securities shall be made, as provided by  
3 2 any law or an order of court, shall enter in a book, to be  
3 3 provided and kept for that purpose, the amount of such  
3 4 deposit, the character thereof, the date of its deposit, from  
3 5 whom received, from what source derived, to whom due or to  
3 6 become due, if known.

3 7 2. A separate book shall be maintained for all  
3 8 certificates of deposit not in the name of the clerk of the  
3 9 district court that are being held by the clerk on behalf of a  
3 10 conservatorship, trust, or estate. The book shall list the  
3 11 relevant details of the transaction, including but not limited  
3 12 to the name of the conservator, trustee, or executor, and  
3 13 cross references to the court orders opening and closing the  
3 14 conservatorship, trust, or estate.

3 15 Sec. 7. Section 805.8A, subsection 1, paragraph a, Code  
3 16 2007, is amended to read as follows:

3 17 a. For parking violations under sections 321.236, 321.239,  
3 18 321.358, 321.360, and 321.361, the scheduled fine is five  
3 19 dollars, except if the local authority has established the  
3 20 fine by ordinance ~~pursuant to section 321.236, subsection 1.~~  
3 21 The scheduled fine for a parking violation pursuant to section  
3 22 321.236 increases by five dollars, ~~as if authorized by~~  
3 23 ~~ordinance pursuant to section 321.236, subsection 1, and if~~  
3 24 the parking violation is not paid within thirty days of the  
3 25 date upon which the violation occurred. For purposes of  
3 26 calculating the unsecured appearance bond required under  
3 27 section 805.6, the scheduled fine shall be five dollars, or if  
3 28 the amount of the fine is greater than five dollars, the  
3 29 unsecured appearance bond shall be the amount of the fine  
3 30 established by the local authority ~~pursuant to section~~  
3 31 ~~321.236, subsection 1.~~ However, violations charged by a city  
3 32 or county upon simple notice of a fine instead of a uniform  
3 33 citation and complaint ~~as permitted~~ required by section  
3 34 321.236, subsection 1, paragraph "a", are not scheduled  
3 35 violations, and this section shall not apply to any offense  
4 1 charged in that manner. For a parking violation under section  
4 2 321.362 or 461A.38, the scheduled fine is ten dollars.

#### 4 3 EXPLANATION

4 4 This bill relates to the judicial branch including  
4 5 contested and uncontested parking violations, filing civil  
4 6 citations of municipal infractions, and records kept by the  
4 7 clerks.

4 8 The bill removes the clerk of the district court from  
4 9 collecting uncontested parking violation fines of a city or  
4 10 county.

4 11 Under the bill, when a violation of a municipal infraction  
4 12 occurs and a civil penalty is assessed, a copy of the citation  
4 13 shall be served on the defendant, and the original citation  
4 14 shall be sent to the clerk of the district court. Current law  
4 15 provides that a copy of the citation be sent to the clerk of  
4 16 the district court.

4 17 The bill provides that the clerk of the district court  
4 18 shall keep a record book of certificates of deposit that have  
4 19 not been issued in the name of the clerk but are being held by  
4 20 the clerk on behalf of a conservatorship, trust, or an estate.  
4 21 The bill also provides that the record book shall list the  
4 22 relevant details of the transaction, including but not limited  
4 23 to the name of the conservator, trustee, or executor, and  
4 24 cross references to the court orders opening and closing the  
4 25 conservatorship, trust, or estate. Current law provides the  
4 26 clerk to provide a detailed accounting of all funds deposited  
4 27 with the clerk pursuant to Code section 636.37.

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