

**House File 220 - Introduced**

HOUSE FILE 220

BY R. OLSON

**A BILL FOR**

1 An Act relating to the assessment of court costs and  
2 administrative fees upon dismissal of a citation for driving  
3 without proof of financial liability coverage.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.20B, subsection 4, paragraph b,  
2 subparagraph (1), subparagraph divisions (a) and (b), Code  
3 2013, are amended to read as follows:

4 (a) If the person was cited pursuant to paragraph "a",  
5 subparagraph (3), the owner or driver shall provide a copy of  
6 the receipt to the county treasurer of the county in which the  
7 motor vehicle is registered, and the ~~owner shall be assessed a~~  
8 ~~fifteen dollar administrative fee by the county treasurer who~~  
9 shall issue new license plates and registration to the person  
10 ~~after payment of the fee.~~

11 (b) If the person was cited pursuant to paragraph "a",  
12 subparagraph (4), the owner or driver, after the owner  
13 provides proof of financial liability coverage to the clerk  
14 of court, may claim the motor vehicle after such person pays  
15 any applicable fine and the costs of towing and storage for  
16 the motor vehicle, ~~and the.~~ The owner or driver provides  
17 shall provide a copy of the receipt ~~and the owner pays~~ to the  
18 county treasurer of the county in which the motor vehicle is  
19 registered ~~a fifteen dollar administrative fee, and the county~~  
20 treasurer shall issue new license plates and registration to  
21 the person.

22 Sec. 2. Section 321.20B, subsection 4, paragraph c, Code  
23 2013, is amended to read as follows:

24 c. An owner or driver cited for a violation of subsection  
25 1, who produces to the clerk of court prior to the date of the  
26 person's court appearance as indicated on the citation proof  
27 that financial liability coverage was in effect for the motor  
28 vehicle at the time the person was stopped and cited, shall  
29 not be convicted of such violation and the citation issued  
30 shall be dismissed by the court. ~~Upon dismissal, the court or~~  
31 ~~clerk of court shall assess the costs of the action against the~~  
32 ~~defendant named on the citation.~~

33 Sec. 3. Section 321.20B, subsection 5, paragraph b, Code  
34 2013, is amended to read as follows:

35 b. Issue a citation. An owner or driver who produces

1 to the clerk of court prior to the date of the person's  
2 court appearance as indicated on the citation proof that the  
3 financial liability coverage was in effect for the motor  
4 vehicle at the time the person was stopped and cited, or if  
5 the driver is not the owner of the motor vehicle, proof that  
6 liability coverage was in effect for the driver with respect  
7 to the motor vehicle being driven at the time the driver was  
8 stopped and cited in the same manner as if the motor vehicle  
9 were owned by the driver, shall be given a receipt indicating  
10 that proof was provided, and the citation issued shall be  
11 dismissed by the court. ~~Upon dismissal, the court or clerk  
12 of court shall assess the costs of the action against the  
13 defendant named on the citation.~~

## EXPLANATION

14  
15 Under current law, when a peace officer stops a motor  
16 vehicle and the driver is unable to provide proof of financial  
17 liability coverage for the vehicle, the peace officer  
18 may issue a warning or a citation to the driver; issue a  
19 citation and remove the motor vehicle's license plates and  
20 registration receipt; or issue a citation, remove the plates  
21 and registration receipt, and impound the motor vehicle. If  
22 the person receives a citation and then produces to the clerk  
23 of court prior to the date of the person's court appearance  
24 proof that financial liability coverage was in effect for the  
25 motor vehicle at the time the person was stopped and cited, the  
26 court is required to dismiss the citation, but the costs of the  
27 action are assessed against the defendant. In addition, if the  
28 peace officer who issued the citation removed the vehicle's  
29 license plates and registration receipt or ordered the vehicle  
30 impounded, the owner of the vehicle is required to pay a  
31 \$15 administrative fee to the county treasurer to obtain new  
32 license plates and registration. If the vehicle was impounded,  
33 the cost of towing and storage must also be paid. This bill  
34 strikes the requirement that court costs be assessed against a  
35 defendant whose citation is dismissed and the requirement that

H.F. 220

1 the owner pay an administrative fee for the issuance of new  
2 license plates and registration if the citation is dismissed.