

Senate Study Bill 3054 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to civil penalties assessed for suspension or
2 revocation of a person's driver's license or nonresident
3 operating privilege.

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

1 Section 1. Section 232.142, subsection 6, Code 2016, is
2 amended to read as follows:

3 6. A juvenile detention home fund is created in the state
4 treasury under the authority of the department. ~~The fund shall~~
5 ~~consist of moneys deposited in the fund pursuant to sections~~
6 ~~321.218A and 321A.32A.~~ The moneys in the fund shall be used
7 for the costs of the establishment, improvement, operation, and
8 maintenance of county or multicounty juvenile detention homes
9 in accordance with annual appropriations made by the general
10 assembly from the fund for these purposes.

11 Sec. 2. Section 321.210B, subsection 1, Code 2016, is
12 amended to read as follows:

13 1. If a person's fine, penalty, surcharge, or court
14 cost is deemed delinquent as provided in section 602.8107,
15 subsection 2, and the person's driver's license has been
16 suspended pursuant to [section 321.210A](#), the person may execute
17 an installment agreement as defined in [section 602.8107](#) with
18 the county attorney, the county attorney's designee, or the
19 private collection designee under contract with the judicial
20 branch pursuant to [section 602.8107, subsection 5](#), to pay the
21 delinquent amount ~~and the civil penalty assessed in subsection~~
22 ~~7~~ in installments. Prior to execution of the installment
23 agreement, the person shall provide the county attorney, the
24 county attorney's designee, or the private collection designee
25 with a financial statement in order for the parties to the
26 agreement to determine the amount of the installment payments.

27 Sec. 3. Section 321.210B, subsection 7, Code 2016, is
28 amended by striking the subsection.

29 Sec. 4. Section 321.210B, subsections 11 and 14, Code 2016,
30 are amended to read as follows:

31 11. If a new fine, penalty, surcharge, or court cost
32 is imposed on a person after the person has executed an
33 installment agreement with the county attorney, the county
34 attorney's designee, or the private collection designee, and
35 the new fine, penalty, surcharge, or court cost is deemed

1 delinquent as provided in section 602.8107, subsection
2 2, and the person's driver's license has been suspended
3 pursuant to [section 321.210A](#), the person may enter into a
4 second installment agreement with the county attorney, county
5 attorney's designee, or the private collection designee to pay
6 the delinquent amount ~~and the civil penalty, if assessed, in~~
7 ~~subsection 7~~ in installments.

8 14. ~~Except for a civil penalty assessed and collected~~
9 ~~pursuant to [subsection 7](#), any~~ Any amount collected under the
10 installment agreement by the county attorney or the county
11 attorney's designee shall be distributed as provided in section
12 602.8107, subsection 4, and any amount collected by the private
13 collection designee shall be deposited with the clerk of the
14 district court for distribution under [section 602.8108](#).

15 Sec. 5. Section 321J.17, subsection 1, Code 2016, is amended
16 by striking the subsection.

17 Sec. 6. Section 321M.9, subsection 1, Code 2016, is amended
18 to read as follows:

19 1. *Fees to counties.* Notwithstanding any other provision
20 in the Code to the contrary, the county treasurer of a county
21 authorized to issue driver's licenses under [this chapter](#) shall
22 retain for deposit in the county general fund seven dollars of
23 fees received for each issuance or renewal of driver's licenses
24 and nonoperator's identification cards, but shall not retain
25 any moneys for the issuance of any persons with disabilities
26 identification devices. ~~The five dollar processing fee charged~~
27 ~~by a county treasurer for collection of a civil penalty under~~
28 ~~[section 321.218A](#), [321A.32A](#), or [321J.17](#) shall be retained for~~
29 ~~deposit in the county general fund.~~ The county treasurer
30 shall remit the balance of fees ~~and all civil penalties~~ to the
31 department.

32 Sec. 7. Section 331.557A, subsection 4, Code 2016, is
33 amended by striking the subsection.

34 Sec. 8. REPEAL. Sections 321.218A and 321A.32A, Code 2016,
35 are repealed.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

3

4 Under current law, a civil penalty is imposed on a person
5 whose driver's license or nonresident operating privilege
6 has been suspended, revoked, or barred by the department of
7 transportation for a violation of Code chapter 321 (motor
8 vehicles and laws of the road), 321A (motor vehicle financial
9 responsibility), or 321J (operating while intoxicated). For
10 a violation of Code chapter 321 or 321A, the civil penalty is
11 \$200, or if the person is age 19 or under, the civil penalty is
12 \$50. The moneys derived from these two penalties are deposited
13 in the juvenile detention home fund created under Code section
14 232.142. For a violation of Code chapter 321J, the civil
15 penalty is \$200. The moneys derived from this penalty are
16 deposited in the victim compensation fund created under Code
17 section 915.94 and the general fund of the state.

18 This bill repeals those civil penalties. The bill also
19 strikes related provisions regarding payment of the civil
20 penalties in installment agreements, collection of the civil
21 penalties by county treasurers, and allocation of the moneys
22 collected from the civil penalties. The bill leaves the
23 juvenile detention home fund intact, but without a source of
24 statutorily required deposits.