

House File 116 - Introduced

HOUSE FILE 116

BY JONES

A BILL FOR

1 An Act relating to the issuance of driver's licenses,
2 nonoperator's identification cards, and persons with
3 disabilities identification devices by counties and
4 community colleges.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.218A, Code 2017, is amended to read
2 as follows:

3 **321.218A Civil penalty — disposition — reinstatement.**

4 When the department suspends, revokes, or bars a person's
5 driver's license or nonresident operating privilege for a
6 conviction under [this chapter](#), the department shall assess
7 the person a civil penalty of two hundred dollars. However,
8 for persons age nineteen or under, the civil penalty assessed
9 shall be fifty dollars. The civil penalty does not apply to
10 a suspension issued for a violation of [section 321.180B](#). The
11 money collected by the department under [this section](#) shall be
12 transmitted to the treasurer of state who shall deposit the
13 money in the juvenile detention home fund created in section
14 232.142. Except as provided in [section 321.210B](#), a temporary
15 restricted license shall not be issued or a driver's license
16 or nonresident operating privilege reinstated until the civil
17 penalty has been paid. A person assessed a penalty under this
18 section may remit the civil penalty along with a processing
19 fee of five dollars to a county treasurer or community college
20 authorized to issue driver's licenses under [chapter 321M](#), or
21 the civil penalty may be paid directly to the department.

22 Sec. 2. Section 321A.32A, Code 2017, is amended to read as
23 follows:

24 **321A.32A Civil penalty — disposition — reinstatement.**

25 When the department suspends, revokes, or bars a person's
26 driver's license or nonresident operating privilege under this
27 chapter, the department shall assess the person a civil penalty
28 of two hundred dollars. However, for persons age nineteen or
29 under, the civil penalty assessed shall be fifty dollars. The
30 money collected by the department under [this section](#) shall be
31 transmitted to the treasurer of state who shall deposit the
32 money in the juvenile detention home fund created in section
33 232.142. Except as provided in [section 321.210B](#), a temporary
34 restricted license shall not be issued or a driver's license
35 or nonresident operating privilege reinstated until the civil

1 penalty has been paid. A person assessed a penalty under this
2 section may remit the civil penalty along with a processing
3 fee of five dollars to a county treasurer or community college
4 authorized to issue driver's licenses under [chapter 321M](#), or
5 the civil penalty may be paid directly to the department.

6 Sec. 3. Section 321J.17, subsection 1, Code 2017, is amended
7 to read as follows:

8 1. If the department revokes a person's driver's license
9 or nonresident operating privilege under [this chapter](#), the
10 department shall assess the person a civil penalty of two
11 hundred dollars. The money collected by the department under
12 this section shall be transmitted to the treasurer of state
13 who shall deposit one-half of the money in the separate fund
14 established in [section 915.94](#) and one-half of the money in the
15 general fund of the state. A temporary restricted license
16 shall not be issued unless an ignition interlock device has
17 been installed pursuant to [section 321J.4](#). Except as provided
18 in [section 321.210B](#), a temporary restricted license shall
19 not be issued or a driver's license or nonresident operating
20 privilege reinstated until the civil penalty has been paid.
21 A person assessed a penalty under [this section](#) may remit the
22 civil penalty along with a processing fee of five dollars to
23 a county treasurer or community college authorized to issue
24 driver's licenses under [chapter 321M](#), or the civil penalty may
25 be paid directly to the department.

26 Sec. 4. Section 321M.1, subsection 2, Code 2017, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:

29 2. "*Community college*" means a community college established
30 under chapter 260C.

31 Sec. 5. Section 321M.1, subsection 6, Code 2017, is amended
32 by striking the subsection and inserting in lieu thereof the
33 following:

34 6. "*Issuance*" means the system or process of issuing
35 driver's licenses, nonoperator's identification cards, and

1 persons with disabilities identification devices, including all
2 related testing, to the same extent that such items are issued
3 by the department.

4 Sec. 6. Section 321M.2, Code 2017, is amended to read as
5 follows:

6 **321M.2 Relation to other laws.**

7 Notwithstanding provisions of [chapter 321](#) or [321L](#) that grant
8 sole authority to the department for the issuance of driver's
9 licenses, nonoperator's identification cards, and persons
10 with disabilities identification devices, certain counties
11 and community colleges shall be authorized to issue driver's
12 licenses, nonoperator's identification cards, and persons
13 with disabilities identification devices, according to the
14 requirements of [this chapter](#).

15 Sec. 7. Section 321M.3, Code 2017, is amended to read as
16 follows:

17 **321M.3 Authorization to issue licenses.**

18 1. Adair, Adams, Allamakee, Appanoose, Audubon, Benton,
19 Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun,
20 Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay,
21 Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson,
22 Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy,
23 Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard,
24 Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones,
25 Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska,
26 Marion, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien,
27 Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek,
28 Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren,
29 Warren, Washington, Wayne, Winnebago, Winneshiek, Worth,
30 and Wright counties shall be authorized to issue driver's
31 licenses, nonoperator's identification cards, and persons with
32 disabilities identification devices on a permanent basis,
33 provided that such counties continue to meet the department's
34 standards for issuance.

35 2. Any community college shall be authorized to issue

1 driver's licenses, nonoperator's identification cards, and
2 persons with disabilities identification devices on a permanent
3 basis, provided that such community college continues to meet
4 the department's standards for issuance.

5 Sec. 8. Section 321M.4, Code 2017, is amended to read as
6 follows:

7 **321M.4 Termination of authorization — failure to meet**
8 **standards.**

9 1. If a county or community college is subject to
10 termination of its ~~county~~ issuance authorization for
11 failure to meet the department's standards for issuance,
12 the county or community college shall not issue driver's
13 licenses, nonoperator's identification cards, or persons
14 with disabilities identification devices until the county or
15 community college has been reauthorized by the department.

16 2. The department is not obligated to provide service
17 in a county for issuance of driver's licenses, nonoperator's
18 identification cards, or persons with disabilities
19 identification devices if the county or a community college
20 in the county fails to meet the department's standards for
21 issuance.

22 Sec. 9. Section 321M.5, subsection 1, Code 2017, is amended
23 to read as follows:

24 1. The department and each county or community
25 college participating in ~~county~~ issuance shall execute an
26 agreement pursuant to [chapter 28E](#), detailing the relative
27 responsibilities and liabilities of each party to the
28 agreement.

29 Sec. 10. Section 321M.6, Code 2017, is amended to read as
30 follows:

31 **321M.6 Certification of commercial driver's license issuance.**

32 1. A county or community college shall be authorized to
33 issue commercial driver's licenses if certified to do so by the
34 department.

35 2. The department shall certify the commercial driver's

1 license issuance ~~in~~ by a county or community college authorized
2 to issue licenses pursuant to [section 321M.3](#) if all of the
3 following conditions are met:

4 a. The driving skills test is the same as that which would
5 otherwise be administered by the state.

6 b. The county examiner or responsible community college
7 official contractually agrees to comply with the requirements
8 of [49 C.F.R. §383.75](#), as adopted by rule by the department.

9 c. The department provides supervision over the issuance of
10 commercial driver's licenses, including the administration of
11 written and driving skills tests by the office of the county
12 treasurer or by the community college's issuance office.
13 However, the failure of the department to provide appropriate
14 supervision shall not alone be used as a reason to deny
15 certification.

16 d. The county or community college otherwise complies with
17 the procedures for issuance of commercial driver's licenses as
18 provided in [chapter 321](#).

19 3. If a county or community college fails to meet the
20 standards for certification under [this section](#), and fails to
21 correct deficiencies according to the department's operating
22 standards, the county's or community college's right to
23 issue commercial driver's licenses shall be terminated,
24 and the county or community college shall cease issuing
25 commercial driver's licenses. Procedures and conditions for
26 recertification shall be addressed in the operating standards
27 for the department.

28 4. The department is not obligated to provide service in
29 a county for issuance of commercial driver's licenses if the
30 county or a community college in the county fails to meet
31 certification standards under [this section](#).

32 Sec. 11. Section 321M.7, Code 2017, is amended to read as
33 follows:

34 **321M.7 Training.**

35 1. The department shall provide a minimum of eight weeks

1 of initial training for county and community college personnel
2 participating in ~~county~~ issuance. The maximum class size for
3 this initial training shall be twenty people.

4 2. The department shall also provide individualized
5 additional training for county and community college personnel
6 within each participating ~~county~~ office following initial
7 training.

8 3. The department shall periodically offer continuing
9 education and training opportunities to county and community
10 college personnel.

11 4. The department shall not segregate training sessions
12 for county and community college personnel and department
13 employees.

14 5. New county and community college personnel, including
15 new county treasurers, who will participate in ~~county~~ issuance,
16 shall complete the initial training session prior to engaging
17 in any licensing activities. ~~A county treasurer~~ County
18 treasurers and community college personnel shall use best
19 efforts to complete initial training as soon as possible.
20 ~~A county treasurer~~ County treasurers and community college
21 personnel who ~~does~~ do not make reasonable attempts to begin
22 initial training within three months of taking office or
23 assuming issuance duties may be subject to having the ~~county~~
24 issuance program ~~in that county~~ placed on probation.

25 Sec. 12. Section 321M.9, Code 2017, is amended to read as
26 follows:

27 **321M.9 Financial responsibility.**

28 1. *Fees to counties and community colleges.* Notwithstanding
29 any other provision in the Code to the contrary, the county
30 treasurer of a county authorized to issue driver's licenses
31 under this chapter, or a community college authorized to
32 issue driver's licenses under this chapter, shall retain for
33 deposit in the county or community college general fund seven
34 dollars of fees received for each issuance or renewal of
35 driver's licenses and nonoperator's identification cards, but

1 shall not retain any moneys for the issuance of any persons
2 with disabilities identification devices. The five dollar
3 processing fee charged by a county treasurer or a community
4 college for collection of a civil penalty under section
5 321.218A, 321A.32A, or 321J.17 shall be retained for deposit
6 in the county or community college general fund. The county
7 treasurer or community college shall remit the balance of fees
8 and all civil penalties to the department.

9 2. *Digitized photolicensing equipment.*

10 a. The department shall pay for all digitized photolicensing
11 equipment, including that used by the department and authorized
12 for use by issuing counties or community colleges under this
13 subsection. Moneys from the road use tax fund shall be used,
14 subject to appropriation by the general assembly, for payment
15 of costs associated with the purchase or lease of digitized
16 photolicensing equipment.

17 b. An issuing county shall be entitled to one set of
18 digitized photolicensing equipment, unless the county
19 was served at multiple sites by the department, in which
20 case the county shall be entitled to two sets of digitized
21 photolicensing equipment. An issuing community college shall
22 be entitled to one set of digitized photolicensing equipment.

23 3. *Other equipment.* The department shall pay for all
24 other equipment needed by a county or community college to
25 participate in ~~county~~ issuance, comparable to the equipment
26 provided for issuance activities by a department itinerant
27 team, with the exception of the following:

28 a. Office furniture.

29 b. Computer hardware needed to access department computer
30 databases, facsimile machines used to transmit documents
31 between the department and the county or community college,
32 and similar office equipment of a general nature that is not
33 dedicated solely or primarily to the issuance process.

34 Sec. 13. Section 321M.10, Code 2017, is amended to read as
35 follows:

1 **321M.10 Supervisory authority of department.**

2 1. The department shall retain all supervisory authority
3 over the county or community college driver's license issuance
4 program. The county treasurers, community colleges, and their
5 employees shall be considered agents of the department when
6 performing driver's licensing functions.

7 2. Approximately one supervisor shall be assigned from the
8 department to every six issuance sites ~~participating in county~~
9 ~~issuance~~.

10 3. Approximately one technical computer support employee
11 shall be assigned from the department to every twenty-four
12 counties and community colleges participating in ~~county~~
13 issuance.

14 4. The department shall provide issuing counties and
15 community colleges access to computer databases at a level
16 equal to that provided to comparable department employees.

17 5. The department may adopt rules pursuant to [chapter 17A](#) as
18 necessary to administer [this chapter](#). The department may also
19 develop operating standards as necessary to administer this
20 chapter. The department shall consult with the Iowa county
21 treasurers association and the Iowa association of community
22 college trustees in developing operating standards and proposed
23 rules.

24 Sec. 14. Section 321M.11, Code 2017, is amended to read as
25 follows:

26 **321M.11 Good faith efforts required.**

27 The department and issuing counties and community colleges
28 shall use their best good faith efforts to work in cooperation
29 in implementing and maintaining an effective system of ~~county~~
30 issuance.

31 The department and all persons involved with administration
32 of [this chapter](#), department procedures, and related
33 administrative rules shall use their best good faith efforts to
34 ensure that the application of the laws, rules, and procedures
35 related to county and community college issuance shall not be

1 used to impede ~~county~~ such issuance.

2 EXPLANATION

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

5 This bill authorizes Carroll county, Clay county, and
6 community colleges established under Code chapter 260C to
7 issue driver's licenses, nonoperator's identification cards,
8 and persons with disabilities identification devices on a
9 permanent basis, provided that the counties and community
10 colleges meet the department of transportation's standards for
11 issuance. The bill applies the rights and duties of counties
12 under Code chapter 321M (county issuance of driver's licenses)
13 to community colleges. In addition, the bill permits community
14 colleges to collect civil penalties related to driver's
15 license suspension and revocation under Code sections 321.218A,
16 321A.32A, and 321J.17.

17 Under current law, counties authorized to issue driver's
18 licenses under Code chapter 321M are also authorized to
19 register persons to vote under Code chapter 48A and to
20 administer oaths and acknowledge signatures under Code section
21 321.9. The bill does not authorize community colleges to
22 perform these activities.