

House Study Bill 508 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON CARLSON)

A BILL FOR

1 An Act establishing a text messaging notification and payment
2 system for certain citations and informations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 0105B. Facilitate the establishment of
4 a text messaging notification and payment system pursuant to
5 section 602.8106A.

6 Sec. 2. NEW SECTION. 602.8106A **Text messaging notification**
7 **and payment system.**

8 1. As used in this section, unless the context otherwise
9 requires:

10 *a.* "*Court debt*" means the same as defined in section
11 602.8107.

12 *b.* "*Fine*" includes a fine, penalty, fee, surcharge, court
13 costs, or forfeited bail.

14 *c.* "*Text messaging*" means a text-based message.

15 2. *a.* The judicial branch shall contract with a private
16 vendor for the establishment of a voluntary notification and
17 payment system that utilizes text messaging for the delivery
18 of citation and complaint and information copies, for court
19 appearance reminders, and for the payment of fines for local
20 traffic violations, for simple misdemeanor violations of
21 chapter 321, or for other violations when no court appearance
22 is required prior to an admission of guilt.

23 *b.* The text messaging notification and payment system shall
24 account for the delivery of the citation and complaint or the
25 information when admitting to a violation pursuant to the
26 procedures established under section 805.9.

27 *c.* The vendor contract shall provide for a collection fee of
28 up to six percent of the amount of the fine. The collection fee
29 shall be added to the amount of the fine and shall be used to
30 compensate the private vendor.

31 *d.* The text messaging payment system shall not be utilized
32 for the collection of delinquent court debt.

33 Sec. 3. Section 805.9, subsections 1 and 2, Code 2018, are
34 amended to read as follows:

35 1. In cases of scheduled violations, the defendant, before

1 the time specified in the citation and complaint for appearance
2 before the court, may sign the admission of violation on the
3 citation and complaint and deliver or mail a copy of the
4 citation and complaint, together with the minimum fine for the
5 violation, plus court costs, to a scheduled violations office
6 in the county, or utilize the text messaging notification and
7 payment system established pursuant to section 602.8106A.
8 The office shall, if the offense is a moving violation under
9 chapter 321, forward an abstract of the citation and complaint
10 and admission to the state department of transportation as
11 required by [section 321.491](#). In this case the defendant is not
12 required to appear before the court. The admission constitutes
13 a conviction.

14 2. A defendant charged with a scheduled violation by
15 information may obtain two copies of the information from the
16 court and, before the time the defendant is required to appear
17 before the court, deliver or mail the copies, together with the
18 defendant's admission, fine, and court costs, to the scheduled
19 violations office in the county, or utilize the text messaging
20 notification and payment system established pursuant to section
21 602.8106A. The procedure, fine, and costs are the same as when
22 the charge is by citation and complaint, with the admission and
23 the number of the defendant's driver's license as defined in
24 section 321.1 placed upon the information when the violation
25 involves the use of a motor vehicle.

26 Sec. 4. Section 805.9, subsection 3, paragraph a, Code 2018,
27 is amended to read as follows:

28 a. If the defendant wishes to admit the violation, the
29 officer may release the defendant upon observing the person
30 mail the citation and complaint, admission, and minimum fine,
31 together with court costs, to a traffic violations office in
32 the county, in an envelope furnished by the officer, or upon
33 observing the person utilize the text messaging notification
34 and payment system established pursuant to section 602.8106A.
35 The admission constitutes a conviction and judgment in the

1 amount of the scheduled fine plus court costs. The officer
2 may allow the defendant to use a credit card pursuant to rules
3 adopted under [section 805.14](#) by the department of public safety
4 or to mail a check in the proper amount in lieu of cash. If the
5 check is not paid by the drawee for any reason, the defendant
6 may be held in contempt of court. The officer shall advise the
7 defendant of the penalty for nonpayment of the check.

8 Sec. 5. Section 805.9, subsection 6, Code 2018, is amended
9 to read as follows:

10 6. The court costs imposed by [this section](#) are the total
11 costs collectible from a defendant upon either a hearing
12 pursuant to subsection 4, or upon an admission of a violation
13 without hearing, or upon a hearing pursuant to ~~subsection 4~~ if
14 the text messaging notification and payment system established
15 pursuant to section 602.8106A is not utilized.

16 EXPLANATION

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

19 This bill establishes a text messaging notification and
20 payment system for citations.

21 The bill requires the judicial branch to contract with
22 a private vendor for the establishment of a voluntary
23 notification and payment system that utilizes text messaging
24 for the delivery of a citation and complaint and information
25 copies, for court appearance reminders, and for the payment
26 of fines for local traffic violations, for simple misdemeanor
27 violations of Code chapter 321, or for other violations when no
28 court appearance is required prior to the admission of guilt.

29 When a person admits to a violation any time before a
30 required court appearance, the bill requires the text messaging
31 notification and payment system to account for the delivery
32 of the citation and complaint or information to the scheduled
33 violations office in the county. Current law requires the
34 citation and complaint or information be delivered or mailed to
35 the scheduled violations office in the county.

H.F. _____

1 The bill permits the vendor contract to provide for a
2 collection fee of up to six percent of the amount of the fine.
3 The collection fee shall be added to the amount of the fine and
4 shall be used to compensate the private vendor.

5 The bill prohibits the utilization of the text messaging
6 payment system for the collection of delinquent court debt.