

House File 2039 - Introduced

HOUSE FILE 2039

BY WOLFE

A BILL FOR

1 An Act regarding the suspension of a person's driver's license
2 for failure to pay a fine, penalty, surcharge, or court
3 costs associated with a motor vehicle violation.

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

1 Section 1. Section 321.12, subsection 3, paragraph a, Code
2 2020, is amended to read as follows:

3 a. Records concerning suspensions authorized under section
4 321.210, subsection 1, paragraph "a", subparagraph (7),
5 ~~and section 321.210A~~ may be destroyed six months after the
6 suspension is terminated and the requirements of section
7 321.191 have been satisfied.

8 Sec. 2. Section 321.210B, subsection 1, paragraph a, Code
9 2020, is amended to read as follows:

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

26 Sec. 3. Section 321.210B, subsection 10, Code 2020, is
27 amended to read as follows:

28 10. Upon receipt of a report of a default from the clerk of
29 the district court, the department shall suspend the driver's
30 license of a person ~~as provided in section 321.210A~~ who has
31 failed to pay the full amount of a civil penalty assessed in
32 subsection 7 and shall not reinstate the person's driver's
33 license until the full amount of the civil penalty has been
34 paid. ~~For purposes of suspension and reinstatement of the~~
35 ~~driver's license of a person in default, the suspension and~~

1 ~~any subsequent reinstatement shall be considered a suspension~~
2 ~~pursuant to [section 321.210A](#).~~

3 Sec. 4. Section 321.210B, subsection 11, Code 2020, is
4 amended to read as follows:

5 11. If a new fine, penalty, surcharge, or court cost
6 is imposed on a person after the person has executed an
7 installment agreement with the county attorney, the county
8 attorney's designee, or the private collection designee, and
9 the new fine, penalty, surcharge, or court cost is deemed
10 delinquent as provided in section 602.8107, subsection
11 2, ~~and the person's driver's license has been suspended~~
12 ~~pursuant to [section 321.210A](#)~~, the person may enter into a
13 second installment agreement with the county attorney, county
14 attorney's designee, or the private collection designee to pay
15 the delinquent amount and the civil penalty, if assessed, in
16 subsection 7 in installments.

17 Sec. 5. Section 321.212, subsection 1, paragraph a,
18 subparagraph (1), Code 2020, is amended to read as follows:

19 (1) Except as provided in section ~~321.210A~~ or [321.513](#),
20 the department shall not suspend a license for a period of
21 more than one year, except that a license suspended because of
22 incompetency to drive a motor vehicle shall be suspended until
23 the department receives satisfactory evidence that the former
24 holder is competent to operate a motor vehicle and a refusal
25 to reinstate constitutes a denial of license within section
26 321.215; ~~upon~~. Upon revoking a license the department shall
27 not grant an application for a new license until the expiration
28 of one year after the revocation, unless another period is
29 specified by law.

30 Sec. 6. Section 321.215, subsection 2, Code 2020, is amended
31 to read as follows:

32 2. Upon conviction and the suspension or revocation of a
33 person's noncommercial driver's license under section 321.209,
34 subsection 5 or 6, or [section 321.210](#), ~~321.210A~~, or [321.513](#); or
35 upon the denial of issuance of a noncommercial driver's license

1 under [section 321.560](#), based solely on offenses enumerated
2 in [section 321.555, subsection 1](#), paragraph "c", or section
3 321.555, subsection 2; or upon suspension or revocation of
4 a juvenile's driver's license pursuant to a dispositional
5 order under [section 232.52, subsection 2](#), paragraph "a", for
6 a violation of [chapter 124](#) or [453B](#), or [section 126.3](#); or upon
7 suspension of a driver's license pursuant to a court order
8 under [section 714.7D](#), the person may apply to the department
9 for a temporary restricted license to operate a motor vehicle
10 for the limited purpose or purposes specified in [subsection 1](#).
11 The application may be granted only if all of the following
12 criteria are satisfied:

13 a. The temporary restricted license is requested only for a
14 case of hardship or circumstances where alternative means of
15 transportation do not exist.

16 b. The temporary restricted license is restricted to the
17 limited purpose or purposes specified in [subsection 1](#) at times
18 specified in the license.

19 c. Proof of financial responsibility is established as
20 defined in [chapter 321A](#). However, such proof is not required
21 if the driver's license was suspended under ~~section 321.210A~~
22 ~~or~~ [321.513](#).

23 Sec. 7. Section 321.218, subsection 3, paragraph a, Code
24 2020, is amended to read as follows:

25 a. The department, upon receiving the record of the
26 conviction of a person under [this section](#) upon a charge of
27 operating a motor vehicle while the license of the person is
28 suspended or revoked, shall, except for licenses suspended
29 under [section 252J.8](#), [section 321.210, subsection 1](#), paragraph
30 "a", subparagraph (3), or ~~section 321.210A or 321.513~~, extend
31 the period of suspension or revocation for an additional like
32 period or for one year, whichever period is shorter, and the
33 department shall not issue a new driver's license to the person
34 during the extended period.

35 Sec. 8. Section 321A.17, subsection 4, Code 2020, is amended

1 to read as follows:

2 4. An individual applying for a driver's license following a
3 period of suspension or revocation pursuant to a dispositional
4 order issued under [section 232.52, subsection 2](#), paragraph
5 "a", or under [section 321.180B](#), section 321.210, subsection
6 1, paragraph "a", subparagraph (4), or section ~~321.210A~~,
7 [321.213A](#), [321.213B](#), [321.216B](#), or [321.513](#), following a period
8 of suspension or revocation under [section 321.178](#) or [321.194](#),
9 or following a period of revocation pursuant to a court order
10 issued under [section 321J.2A](#), is not required to maintain proof
11 of financial responsibility under [this section](#).

12 Sec. 9. Section 602.8102, subsection 50A, Code 2020, is
13 amended by striking the subsection.

14 Sec. 10. REPEAL. Section 321.210A, Code 2020, is repealed.

15

EXPLANATION

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

18 Under current law, Code section 321.210A requires the
19 department of transportation to suspend the driver's license
20 of a person who, after being convicted of violating a law
21 regulating the operation of a motor vehicle, has failed to
22 pay the criminal fine, penalty, surcharge, or court costs
23 associated with the violation.

24 This bill repeals Code section 321.210A and makes conforming
25 changes to Code sections 321.12, 321.210B, 321.212, 321.215,
26 321.218, 321A.17, and 602.8102. The bill does not amend Code
27 section 321.191, which requires the payment of a \$20 fee for
28 license reinstatement, or Code sections 321.218A, 321A.32A, or
29 321J.17, which require the payment of a \$200 civil penalty (or
30 a \$50 civil penalty under Code sections 321.218A and 321A.32A
31 for persons age 19 or under) for license reinstatement or the
32 issuance of a temporary restricted license.