

**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.