

Senate File 2053 - Introduced

SENATE FILE 2053

BY DAWSON

A BILL FOR

1 An Act regarding penalties imposed on persons who fail to
2 timely pay a fine, penalty, surcharge, or court cost
3 associated with a motor vehicle violation, and including
4 applicability provisions.

5 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 321.210A, Code 2020, is amended by striking
9 the section and inserting in lieu thereof the following:

10 **321.210A Civil penalty — failure to pay fine, penalty,**
11 **surcharge, or court cost.**

12 1. The department shall assess a person who has been
13 convicted of violating a law regulating the operation of a
14 motor vehicle a civil penalty if the person owes an unpaid
15 fine, penalty, surcharge, or court cost associated with the
16 conviction that is delinquent as provided in section 602.8107,
17 subsection 2, and has remained delinquent for six months. The
18 department shall also assess the person the civil penalty
19 again every six months thereafter until the person makes final
20 payment on the delinquent fine, penalty, surcharge, or court
21 cost. A civil penalty assessed pursuant to this section shall
22 be equal to four percent of the total amount of delinquent
23 fines, penalties, surcharges, and court costs associated with
24 the conviction that the person owes at the time the civil
25 penalty is assessed.

26 2. Subsection 1 does not apply to a person who has entered
27 into an installment agreement with the county attorney,
28 the county attorney's designee, or the private collection
29 designee in accordance with section 321.210B to pay the fine,
30 penalty, surcharge, or court cost. However, if there has
31 been a determination that the person is in default of the
32 installment agreement pursuant to section 321.210B, subsection
33 8, the department shall assess the person the civil penalty
34 if the amount remains delinquent six months after the date of
35 default and the person has not entered into a new installment

1 agreement. The department shall assess the person the civil
2 penalty again every six months thereafter until the person
3 makes final payment or until the person enters into a new
4 installment agreement.

5 3. The clerk of the district court shall notify the
6 department of fines, penalties, surcharges, and court costs
7 described in subsection 1 that have been delinquent for six
8 months, and shall also notify the department when a person
9 makes final payment of an applicable fine, penalty, surcharge,
10 or court cost.

11 4. Moneys collected by the department pursuant to this
12 section shall be remitted to the treasurer of state for deposit
13 in the road use tax fund created in section 312.1.

14 Sec. 3. Section 321.210B, subsection 1, paragraph a, Code
15 2020, is amended to read as follows:

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

33 Sec. 4. Section 321.210B, subsection 7, paragraph a, Code
34 2020, is amended to read as follows:

35 a. A civil penalty assessed pursuant to section 321.210A,

1 321.218A, 321A.32A, or 321J.17 shall be added to the amount
2 owing under the installment agreement.

3 Sec. 5. Section 321.210B, subsection 7, Code 2020, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *d.* The clerk of the district court shall
6 transmit to the department, from the first moneys collected,
7 an amount equal to the amount of any civil penalty assessed
8 pursuant to section 321.210A and added to the installment
9 agreement. The department shall transmit the moneys received
10 from the clerk of the district court pursuant to this paragraph
11 to the treasurer of state for deposit in the road use tax fund
12 created in section 312.1.

13 Sec. 6. Section 321.210B, subsection 10, Code 2020, is
14 amended to read as follows:

15 10. Upon receipt of a report of a default from the clerk of
16 the district court, the department shall suspend the driver's
17 license of a person ~~as provided in section 321.210A~~ who has
18 failed to pay the full amount of a civil penalty assessed
19 pursuant to section 321.218A, 321A.32A, or 321J.17, and shall
20 not reinstate the person's driver's license until the full
21 amount of the civil penalty has been paid. ~~For purposes~~
22 ~~of suspension and reinstatement of the driver's license~~
23 ~~of a person in default, the suspension and any subsequent~~
24 ~~reinstatement shall be considered a suspension pursuant to~~
25 ~~section 321.210A.~~

26 Sec. 7. Section 321.210B, subsection 11, Code 2020, is
27 amended to read as follows:

28 11. If a new fine, penalty, surcharge, or court cost
29 is imposed on a person after the person has executed an
30 installment agreement with the county attorney, the county
31 attorney's designee, or the private collection designee, and
32 the new fine, penalty, surcharge, or court cost is deemed
33 delinquent as provided in section 602.8107, subsection
34 2, ~~and the person's driver's license has been suspended~~
35 ~~pursuant to section 321.210A,~~ the person may enter into a

1 second installment agreement with the county attorney, county
2 attorney's designee, or the private collection designee to
3 pay the delinquent amount and the civil ~~penalty~~ penalties, if
4 assessed, in subsection 7 in installments.

5 Sec. 8. Section 321.212, subsection 1, paragraph a,
6 subparagraph (1), Code 2020, is amended to read as follows:

7 (1) Except as provided in section ~~321.210A~~ or 321.513,
8 the department shall not suspend a license for a period of
9 more than one year, except that a license suspended because of
10 incompetency to drive a motor vehicle shall be suspended until
11 the department receives satisfactory evidence that the former
12 holder is competent to operate a motor vehicle and a refusal
13 to reinstate constitutes a denial of license within section
14 ~~321.215~~; upon. Upon revoking a license the department shall
15 not grant an application for a new license until the expiration
16 of one year after the revocation, unless another period is
17 specified by law.

18 Sec. 9. Section 321.215, subsection 2, Code 2020, is amended
19 to read as follows:

20 2. Upon conviction and the suspension or revocation of a
21 person's noncommercial driver's license under section 321.209,
22 subsection 5 or 6, or section 321.210, ~~321.210A~~, or 321.513; or
23 upon the denial of issuance of a noncommercial driver's license
24 under section 321.560, based solely on offenses enumerated
25 in section 321.555, subsection 1, paragraph "c", or section
26 321.555, subsection 2; or upon suspension or revocation of
27 a juvenile's driver's license pursuant to a dispositional
28 order under section 232.52, subsection 2, paragraph "a", for
29 a violation of chapter 124 or 453B, or section 126.3; or upon
30 suspension of a driver's license pursuant to a court order
31 under section 714.7D, the person may apply to the department
32 for a temporary restricted license to operate a motor vehicle
33 for the limited purpose or purposes specified in subsection 1.
34 The application may be granted only if all of the following
35 criteria are satisfied:

1 a. The temporary restricted license is requested only for a
2 case of hardship or circumstances where alternative means of
3 transportation do not exist.

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

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

11 Sec. 10. Section 321.218, subsection 3, paragraph a, Code
12 2020, is amended to read as follows:

13 a. The department, upon receiving the record of the
14 conviction of a person under [this section](#) upon a charge of
15 operating a motor vehicle while the license of the person is
16 suspended or revoked, shall, except for licenses suspended
17 under [section 252J.8](#), [section 321.210](#), [subsection 1](#), paragraph
18 "a", subparagraph (3), or ~~section 321.210A or 321.513~~, extend
19 the period of suspension or revocation for an additional like
20 period or for one year, whichever period is shorter, and the
21 department shall not issue a new driver's license to the person
22 during the extended period.

23 Sec. 11. Section 321A.17, subsection 4, Code 2020, is
24 amended to read as follows:

25 4. An individual applying for a driver's license following a
26 period of suspension or revocation pursuant to a dispositional
27 order issued under [section 232.52](#), [subsection 2](#), paragraph
28 "a", or under [section 321.180B](#), [section 321.210](#), [subsection](#)
29 [1](#), paragraph "a", subparagraph (4), or ~~section 321.210A,~~
30 [321.213A](#), [321.213B](#), [321.216B](#), or [321.513](#), following a period
31 of suspension or revocation under [section 321.178](#) or [321.194](#),
32 or following a period of revocation pursuant to a court order
33 issued under [section 321J.2A](#), is not required to maintain proof
34 of financial responsibility under [this section](#).

35 Sec. 12. Section 602.8102, subsection 50A, Code 2020, is

1 amended to read as follows:

2 50A. ~~Assist~~ Notify the state department of transportation
3 ~~in suspending, pursuant to section 321.210A, the driver's~~
4 ~~licenses~~ of persons who fail to timely pay criminal fines or
5 penalties, surcharges, or court costs related to the violation
6 of a law regulating the operation of a motor vehicle as
7 described in section 321.210A.

8 Sec. 13. REINSTATEMENT OF DRIVER'S LICENSES. Upon
9 application of a person whose driver's license has been
10 suspended pursuant to section 321.210A, Code 2020, the
11 department of transportation shall reinstate the person's
12 license if the person is otherwise eligible for issuance of
13 a driver's license, and if all fees and penalties applicable
14 under sections 321.191, 321.218A, 321A.32A, and 321J.17
15 are paid in full or the person has executed an installment
16 agreement pursuant to section 321.210B and is not in default.

17 Sec. 14. APPLICABILITY.

18 1. This Act applies to fines, penalties, surcharges, and
19 court costs associated with a conviction for violating a law
20 regulating the operation of a motor vehicle that are delinquent
21 as provided in section 602.8107, subsection 2, on or after the
22 effective date of this Act.

23 2. If a fine, penalty, surcharge, or court cost associated
24 with a conviction for violating a law regulating the operation
25 of a motor vehicle has been deemed delinquent as provided in
26 section 602.8107, subsection 2, prior to the effective date
27 of this Act, the first day of delinquency for purposes of
28 determining whether to assess a civil penalty as provided
29 in section 321.210A, as amended in this Act, shall be the
30 effective date of this Act.

31 EXPLANATION

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

34 Under current law, Code section 321.210A requires the
35 department of transportation (DOT) to suspend the driver's

1 license of a person who, after being convicted of violating a
2 law regulating the operation of a motor vehicle, has failed to
3 timely pay a criminal fine, penalty, surcharge, or court cost.

4 This bill strikes Code section 321.210A and replaces it with
5 a provision that requires the DOT to assess a civil penalty to
6 a person who, upon conviction for violating a law regulating
7 the operation of a motor vehicle, has failed to timely pay a
8 fine, penalty, surcharge, or court cost associated with the
9 conviction. The person is assessed the civil penalty by the
10 DOT if the amount remains delinquent for six months. The
11 DOT is required to assess the civil penalty again every six
12 months thereafter until the person makes final payment on
13 the delinquent fine, penalty, surcharge, or court cost. The
14 civil penalty is equal to 4 percent of the total amount of the
15 person's delinquent fines, penalties, surcharges, and court
16 costs associated with the conviction that the person owes at
17 the time the civil penalty is assessed.

18 The civil penalty is not assessed to a person who has entered
19 into an installment agreement with the county attorney, the
20 county attorney's designee, or the private collection designee
21 in accordance with Code section 321.210B unless the person is
22 in default of the installment agreement, in which case the
23 DOT is required to assess the person the civil penalty if the
24 amount remains delinquent six months after the date of default,
25 and every six months thereafter until the person makes final
26 payment or until the person enters into a new installment
27 agreement.

28 The clerk of the district court is required to notify the DOT
29 of six-month delinquencies and if final payment of a person's
30 delinquent fine, penalty, surcharge, or court cost is received.
31 Under current law, the clerk of the district court is also
32 required to report the receipt of an executed installment
33 agreement entered into pursuant to Code section 321.210B and
34 any default on such agreement to the DOT.

35 Moneys collected by the DOT pursuant to the bill are required

1 to be remitted to the treasurer of state for deposit in the
2 road use tax fund.

3 The bill makes conforming changes to Code sections 321.12,
4 321.210B, 321.212, 321.215, 321.218, 321A.17, and 602.8102.
5 The bill does not amend Code section 321.191, which requires
6 the payment of a \$20 fee for license reinstatement, or Code
7 sections 321.218A, 321A.32A, or 321J.17, which require the
8 payment of a \$200 civil penalty (or a \$50 civil penalty under
9 Code sections 321.218A and 321A.32A for persons age 19 or
10 under) for license reinstatement or the issuance of a temporary
11 restricted license.

12 Upon application, the bill requires the DOT to reinstate a
13 person's driver's license that has been suspended pursuant to
14 Code section 321.210A, Code 2020, if the person is otherwise
15 eligible for the issuance of a driver's license, and if all
16 fees and penalties applicable under Code sections 321.191,
17 321.218A, 321A.32A, and 321J.17 are paid in full or the person
18 has executed an installment agreement and is not in default.

19 The bill applies to fines, penalties, surcharges, and
20 court costs associated with a conviction for violating a law
21 regulating the operation of a motor vehicle that are delinquent
22 on or after the bill's effective date. If a fine, penalty,
23 surcharge, or court cost has been deemed delinquent prior to
24 the bill's effective date, the first day of delinquency for
25 purposes of determining whether to assess the civil penalty is
26 the bill's effective date.