

House File 764 - Introduced

HOUSE FILE 764
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 3)

A BILL FOR

1 An Act relating to the collection of fines issued for excessive
2 speed violations detected by an automated or remote system
3 for traffic law enforcement, and including applicability
4 provisions.

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

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1 Section 1. NEW SECTION. **321P.7A Restrictions on collection**
2 **of fines.**

3 1. A local authority shall not enter into or renew a contract
4 with a third party to collect a fine issued for a violation
5 detected by a system.

6 2. An unpaid fine issued for a violation detected by a system
7 shall not be considered qualifying debt under section 421.65 and
8 is not subject to the setoff procedures provided for in section
9 421.65.

10 Sec. 2. APPLICABILITY.

11 1. Section 321P.7A, subsection 1, as enacted by this Act,
12 applies to contracts entered into or renewed on or after the
13 effective date of this Act.

14 2. Section 321P.7A, subsection 2, as enacted by this Act,
15 applies to fines that are unpaid on or after the effective date
16 of this Act, regardless of the date of issuance.

17 **EXPLANATION**

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

20 Under current law, a local authority that was issued a permit
21 to use an automated or remote system for traffic law enforcement
22 (system) in accordance with Code chapter 321P (automated traffic
23 enforcement) is authorized to issue a citation to the owner of a
24 vehicle if the vehicle exceeds the speed limit by more than 10
25 miles per hour (MPH) and the violation is detected by the system.
26 The maximum fine for violations varies from \$70 (11 to 20 MPH
27 over the limit) to \$1,000 (greater than 30 MPH over the limit
28 in a road work zone). A violation detected by a system is a
29 civil infraction and cannot be considered by the department of
30 transportation for purposes of driver's license sanctions or by
31 an insurer for purposes of a person's automobile insurance rates.
32 The fine must be a civil penalty.

33 This bill prohibits a local authority from contracting with a
34 third party to collect a fine issued for a violation detected by
35 a system. This provision applies to contracts entered into or

1 renewed on or after the effective date of the bill.

2 In addition, the bill excludes such fines from the setoff
3 procedures provided for in Code section 421.65. Under current
4 law, the setoff procedures authorize the department of revenue
5 to establish and maintain a procedure to set off against each
6 public payment, including a tax refund, any qualifying debt a
7 person owes to a public agency, including a local authority.
8 This provision applies to fines that are unpaid on or after the
9 effective date of the bill, regardless of the date of issuance.

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