

House File 829 - Introduced

HOUSE FILE 829
BY R. JOHNSON

A BILL FOR

- 1 An Act relating to court debt resulting from a violation of a law
- 2 regulating the operation of a motor vehicle.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 321.12, subsection 3, paragraph a, Code
2 2025, is amended to read as follows:

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

8 Sec. 2. Section 321.210B, subsections 1 and 11, Code 2025,
9 are amended to read as follows:

10 1. a. If a person's fine, penalty, surcharge, or court
11 cost, resulting from a violation under this chapter or chapter
12 321J relating to the operation of a motor vehicle, is deemed
13 delinquent as provided in section 602.8107, subsection 2, and ~~the~~
14 ~~person's driver's license has been suspended pursuant to section~~
15 ~~321.210A, or the clerk of the district court has reported the~~
16 ~~delinquency to the department as required by section 321.210A,~~
17 the person may ~~execute~~ do any combination of the following:

18 (1) Execute an installment agreement as defined in section
19 602.8107 with the county attorney, the county attorney's
20 designee, or the department of revenue, to pay the delinquent
21 amount and the civil penalty assessed in subsection 7 in
22 installments based on the person's income and ability to pay.
23 Prior to execution of the installment agreement, the person shall
24 provide the county attorney, the county attorney's designee, or
25 the department of revenue with a financial statement in order
26 for the parties to the agreement to determine the amount of the
27 installment payments.

28 (2) Perform community service work of an equivalent value
29 to the delinquent amount and the civil penalty assessed in
30 subsection 7. The rate at which community service shall be
31 calculated shall be the federal or state minimum wage, whichever
32 is higher.

33 b. Cases involving court debt assigned to a county attorney,
34 a county attorney's designee, or the department of revenue shall
35 remain so assigned.

1 11. If a new fine, penalty, surcharge, or court cost,
2 resulting from a violation under this chapter or chapter 321J
3 relating to the operation of a motor vehicle, is imposed on a
4 person after the person has executed an installment agreement
5 with the county attorney, the county attorney's designee, or
6 the department of revenue, and the new fine, penalty, surcharge,
7 or court cost is deemed delinquent as provided in section
8 602.8107, subsection 2, ~~and the person's driver's license has~~
9 ~~been suspended pursuant to section 321.210A,~~ the person may enter
10 into a second installment agreement with the county attorney,
11 county attorney's designee, or the department of revenue to pay
12 the delinquent amount and the civil penalty, if assessed, in
13 subsection 7 in installments.

14 Sec. 3. Section 321.210B, subsections 4, 5, 6, 9, 10, and 12,
15 Code 2025, are amended by striking the subsections.

16 Sec. 4. Section 321.210B, subsection 8, paragraph b, Code
17 2025, is amended to read as follows:

18 b. ~~(1)~~ If the person is in default and the person provides a
19 new financial statement within fifteen days of the determination
20 made pursuant to paragraph "a" indicating that the person's
21 financial condition has changed to such an extent that lower
22 installment payments would have been required prior to the
23 execution of the initial installment agreement under subsection
24 1, the county attorney, the county attorney's designee, or the
25 department of revenue shall not notify the clerk of the district
26 court, and the person shall not be considered in default. The
27 new installment payments shall be based upon the new financial
28 statement filed in compliance with this ~~subparagraph~~ paragraph.

29 ~~(2) A person making new installment payments after complying~~
30 ~~with the provisions of subparagraph (1) shall not be considered~~
31 ~~executing a new installment agreement for purposes of calculating~~
32 ~~the number of installment agreements a person may execute in a~~
33 ~~person's lifetime under subsection 12.~~

34 Sec. 5. Section 321.212, subsection 1, paragraph a,
35 subparagraph (1), Code 2025, is amended to read as follows:

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

11 Sec. 6. Section 321.215, subsection 2, Code 2025, is amended
12 to read as follows:

13 2. Upon conviction and the suspension or revocation of a
14 person's noncommercial driver's license under section 321.209,
15 subsection 5, 6, or 7, or section 321.210, ~~321.210A~~, or
16 321.513; or upon the denial of issuance of a noncommercial
17 driver's license under section 321.560, based solely on offenses
18 enumerated in section 321.555, subsection 1, paragraph "c", or
19 section 321.555, subsection 2; or upon suspension or revocation
20 of a juvenile's driver's license pursuant to a dispositional
21 order under section 232.52, subsection 2, paragraph "a", for a
22 violation of chapter 124 or 453B, or section 126.3; or upon
23 suspension of a driver's license pursuant to a court order under
24 section 714.7D, the person may apply to the department for a
25 temporary restricted license to operate a motor vehicle for the
26 limited purpose or purposes specified in subsection 1. The
27 application may be granted only if all of the following criteria
28 are satisfied:

29 a. The temporary restricted license is requested only for
30 a case of hardship or circumstances where alternative means of
31 transportation do not exist.

32 b. The temporary restricted license is restricted to the
33 limited purpose or purposes specified in subsection 1 at times
34 specified in the license.

35 c. Proof of financial responsibility is established as

1 defined in chapter 321A. However, such proof is not required
2 if the driver's license was suspended under section ~~321.210A~~ or
3 321.513.

4 Sec. 7. Section 321.218, subsection 3, paragraph a, Code
5 2025, is amended to read as follows:

6 a. The department, upon receiving the record of the
7 conviction of a person under this section upon a charge of
8 operating a motor vehicle while the license of the person is
9 suspended or revoked, shall, except for licenses suspended under
10 section 252J.8, section 321.210, subsection 1, paragraph "a",
11 subparagraph (3), or section ~~321.210A~~ or 321.513, extend the
12 period of suspension or revocation for an additional like period
13 or for one year, whichever period is shorter.

14 Sec. 8. Section 321A.17, subsection 4, Code 2025, is amended
15 to read as follows:

16 4. An individual applying for a driver's license following a
17 period of suspension or revocation pursuant to a dispositional
18 order issued under section 232.52, subsection 2, paragraph
19 "a", or under section 321.180B, section 321.210, subsection 1,
20 paragraph "a", subparagraph (4), or section ~~321.210A~~, 321.213A,
21 321.213B, 321.216B, or 321.513, following a period of suspension
22 or revocation under section 321.178 or 321.194, or following
23 a period of revocation pursuant to a court order issued under
24 section 321J.2A, is not required to maintain proof of financial
25 responsibility under this section.

26 Sec. 9. Section 321J.17, subsection 1, Code 2025, is amended
27 to read as follows:

28 1. If the department revokes a person's driver's license
29 or nonresident operating privilege under this chapter, the
30 department shall assess the person a civil penalty of two hundred
31 dollars. The money collected by the department under this
32 section shall be transmitted to the treasurer of state who shall
33 deposit one-half of the money in the separate fund established in
34 section 915.94 and one-half of the money in the general fund of
35 the state. A temporary restricted license shall not be issued

1 unless an ignition interlock device has been installed pursuant
2 to section 321J.4. ~~Except as provided in section 321.210B, a~~ A
3 temporary restricted license shall not be issued or a driver's
4 license or nonresident operating privilege reinstated until the
5 civil penalty has been paid or until the person enters into an
6 installment agreement under section 321.210B. A person assessed
7 a penalty under this section may remit the civil penalty along
8 with a processing fee of five dollars to a county treasurer
9 authorized to issue driver's licenses under chapter 321M, or the
10 civil penalty may be paid directly to the department.

11 Sec. 10. Section 331.756, subsection 5, paragraph d, Code
12 2025, is amended to read as follows:

13 d. All fines, penalties, court costs, fees, and restitution
14 for court-appointed attorney fees ordered pursuant to section
15 815.9, including the expenses of a public defender which are
16 delinquent as defined in section 602.8107 may be collected by the
17 county attorney or the county attorney's designee. ~~The county~~
18 ~~attorney or the county attorney's designee may collect delinquent~~
19 ~~obligations under an installment agreement pursuant to section~~
20 ~~321.210B.~~

21 Sec. 11. Section 602.8102, subsection 50A, Code 2025, is
22 amended by striking the subsection.

23 Sec. 12. REPEAL. Section 321.210A, Code 2025, is repealed.

24 Sec. 13. SUSPENDED DRIVER'S LICENSES REINSTATED. On the
25 effective date of this Act, the department of transportation
26 shall reinstate all driver's licenses that have been suspended
27 by the department pursuant to section 321.210A, Code 2025. On
28 and after the effective date of this Act, a person whose license
29 has been reinstated pursuant to this section may apply for a
30 replacement driver's license pursuant to section 321.189.

31 Sec. 14. ONE-TIME CHARGE OFF.

32 1. Notwithstanding section 602.8107, subsection 5, paragraph
33 "b" or "c", or any other provision of law to the contrary, the
34 clerk of the district court shall, on the effective date of this
35 Act, charge off the remaining balance of any delinquent criminal

1 fine or penalty, surcharge, or court costs owed by a person
2 resulting from a violation of a law regulating the operation
3 of a motor vehicle. The state shall not seek any contempt or
4 civil action related to the delinquent amount charged off. Upon
5 charging off the delinquent amount, the criminal fine or penalty,
6 surcharge, and court costs shall be considered paid in full.

7 2. This section applies to any delinquent criminal fine or
8 penalty, surcharge, or court costs resulting from a violation
9 of a law regulating the operation of a motor vehicle and deemed
10 delinquent on or before the effective date of this Act.

11 EXPLANATION

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

14 Under current law, the department of transportation (DOT) is
15 required to suspend the driver's license of a person who, upon
16 conviction of violating a law regulating the operation of a motor
17 vehicle, has failed to timely pay the criminal fine, penalty,
18 surcharge, or court costs. The clerk of the district court
19 must mail notice to a person who has failed to pay the required
20 court debts and provide 60 days for the person to make the
21 payment. If payment is not received, the clerk of the district
22 court must notify the DOT to initiate the suspension. If after
23 suspension, the person enters into an installment agreement to
24 pay the court debts, the person's license must be reinstated by
25 the DOT. However, the person's license may be suspended again
26 if the person is convicted of an additional violation of a law
27 regulating the operation of a motor vehicle, or if the person
28 defaults on the installment agreement.

29 This bill repeals Code section 321.210A which provides for
30 the suspension of a driver's license for failure to pay a fine,
31 penalty, surcharge, or court costs.

32 The bill narrows Code section 321.210B (installment
33 agreements) to only court debt resulting from a violation under
34 Code chapter 321 or 321J relating to the operation of a motor
35 vehicle and requires an installment agreement to be based on

1 the person's income and ability to pay. In addition, the bill
2 authorizes a person to perform community service work of an
3 equivalent value to the delinquent amount in lieu of paying the
4 delinquent amount.

5 The bill requires the DOT to reinstate all driver's licenses
6 that have been suspended by the DOT pursuant to Code section
7 321.210A, and a person whose license has been reinstated pursuant
8 to the bill may apply for a replacement driver's license pursuant
9 to Code section 321.189.

10 The bill requires the clerk of the district court to charge
11 off the remaining balance of any delinquent criminal fine or
12 penalty, surcharge, or court costs owed by a person resulting
13 from a violation of a law regulating the operation of a motor
14 vehicle. Upon charging off the delinquent amount, the criminal
15 fine or penalty, surcharge, and court costs will be considered
16 paid in full. The charge-off provision applies only to such
17 a criminal fine or penalty, surcharge, or court costs deemed
18 delinquent on or before the effective date of the bill.

19 The bill does not affect the DOT's ability to act against a
20 person's driver's license for reasons other than nonpayment of
21 court debt.