

CHAPTER 165**VEHICULAR TRAFFIC SPEED LIMITS AND ALLOCATION
OF FINES, FEES, PENALTIES, AND OTHER REVENUE***H.F. 826*

AN ACT relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.285, subsection 6, Code 2005, is amended to read as follows:

6. a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways ~~including the national system of interstate highways~~ is sixty-five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

b. ~~However, the department or cities with the approval of the~~ The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit upon such highways located within the corporate limits of a city on a highway described in this subsection.

c. For the purposes of this subsection, ~~a fully "fully controlled-access highway is highway"~~ means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations.

e. ~~It is further provided that any~~ Any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system.

Sec. 2. Section 602.1302, subsection 1, Code 2005, is amended to read as follows:

1. Except as otherwise provided by sections 602.1303, ~~and 602.1304, and 602.8108~~ or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in section 602.11101.

Sec. 3. Section 602.1304, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, the court technology and modernization fund pursuant to section 602.8108, and subsection 7, the judicial branch pursuant to section 602.8108, subsection 7A, the road use tax fund pursuant to section 602.8108, subsection 8, and amounts allocated to the department of public safety's vehicle depreciation account pursuant to section 602.8108, subsection 9, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly

amount are deposited into the general fund of the state, and after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A and into the court technology and modernization fund pursuant to section 602.8108, subsection 7, and after the required amount is allocated to the judicial branch pursuant to section 602.8108, subsection 7A, and to the department of public safety's vehicle depreciation account pursuant to section 602.8108, subsection 9, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.¹

Sec. 4. Section 602.8106, subsection 1, paragraphs b, d, and e, Code 2005, are amended to read as follows:

b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, ~~seventeen~~ thirty dollars.

d. The court costs in scheduled violation cases where a court appearance is required, ~~seventeen~~ thirty dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, ~~seventeen~~ thirty dollars.

Sec. 5. Section 602.8108, subsection 2, Code 2005, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, and 7A, 8, and 9,² the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 6. Section 602.8108, Code 2005, is amended by adding the following new subsection: **NEW SUBSECTION.** 7A. The state court administrator shall allocate to the judicial branch for the fiscal year beginning July 1, 2005, and for each fiscal year thereafter, seven million dollars of the moneys received annually under subsection 2, to be used for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year, and maintenance, equipment, and miscellaneous purposes.

Sec. 7. Section 602.8108, Code 2005, is amended by adding the following new subsection: **NEW SUBSECTION. 9. a. The state court administrator shall allocate to the vehicle de-*

¹ See chapter 179, §137 herein

² See chapter 179, §138 herein

* Item veto; see message at end of the Act

preciation account maintained by the department of public safety for vehicles utilized by the Iowa state patrol the following amounts from fines attributable to speeding violations:

(1) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, five hundred ninety-six thousand dollars.

(2) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, seven hundred nine thousand dollars.

(3) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, eight hundred forty-one thousand dollars.

(4) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, eight hundred forty-one thousand dollars.

b. All moneys allocated under this subsection are appropriated to the department of public safety and shall be used for the purchase of state patrol vehicles. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys allocated to the vehicle depreciation account under this subsection shall be credited to the account. Notwithstanding section 8.33, moneys allocated to the vehicle depreciation account under this subsection shall not revert at the end of the fiscal year but shall remain available for the purpose intended.

c. This subsection is repealed July 1, 2009.*

Sec. 8. Section 805.8A, subsection 5, paragraph b, Code 2005, is amended to read as follows:

b. Notwithstanding paragraph "a", for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

(1) ~~Ten~~ Twenty dollars for speed not more than five miles per hour in excess of the limit.

(2) ~~Twenty~~ Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) ~~Forty~~ Sixty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) ~~Sixty~~ Eighty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) ~~Sixty~~ Ninety dollars plus ~~two~~ five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Sec. 9. CANINE VEHICLE REPLACEMENT. The department of public safety shall use a portion of the funds allocated to the department of public safety's vehicle depreciation account pursuant to section 602.8108, subsection 9, as enacted in this Act, to replace existing Iowa state patrol vehicles used by canine handlers, when those vehicles are due for replacement, with multipurpose vehicles properly equipped for canine transport.

Approved April 19, 2005, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Speaker Rants:

I hereby transmit House File 826, an Act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

I approve, in part, House File 826 to increase the speed limit to 70 mph on Iowa's interstate highways and to increase fines for violations and court costs. However, I remain concerned about the impacts of higher speeds on our roads; so I am taking the additional step today to

* Item veto; see message at end of the Act

direct the Department of Public Safety to strictly enforce the 70 mph limit once it becomes effective. Current Department of Transportation data indicates a vast majority of interstate drivers travel at 69.8 mph on average. Through my action today, the speed limit will increase but actual speeds on Iowa's highways will not. I expect Iowa drivers to respect the law and the posted speed limit.

The higher speed limit will become effective on July 1, 2005. In the meantime, I direct the Department of Transportation to work in cooperation with the Department of Public Safety to conduct a study of the interstate system to determine areas that 70 mph may not be safe. Under this law, the Department of Transportation is authorized to establish a lower speed limit if warranted. Based on the study's findings, a determination will be made on the appropriate speed limit for individual areas of Iowa's interstate system.

House File 826 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 7 and Section 9 in their entirety. These sections deal with the allocation of funds to the Department of Public Safety for vehicles utilized by the Iowa State Patrol from fines attributable to speeding fines. Although I agree with the need to increase funding for the Iowa State Patrol vehicle fleet, I do not believe the proper way is to directly tie the increase in speeding fines with the allocation for vehicles. This could leave the impression by some of tickets being written solely for improving the Iowa State Patrol fleet as opposed to the need for safety on our roads. I would encourage the Legislature to appropriate through the normal process for the Department of Public Safety and fund directly from the general fund additional resources for the Iowa State Patrol vehicle fleet.

For the above reasons, I respectfully disapprove these items in accordance with Article 3, Section 16, of the Constitution of the State of Iowa. All other items in House File 826 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, *Governor*

CHAPTER 166

MEDICAL ASSISTANCE — LONG-TERM CARE ASSET DISREGARD PROGRAM

H.F. 819

AN ACT relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 249A.35 PURCHASE OF CERTIFIED LONG-TERM CARE INSURANCE POLICY — COMPUTATION UNDER MEDICAL ASSISTANCE PROGRAM.

A computation for the purposes of determining eligibility under this chapter concerning an