

CHAPTER 196**JUDICIAL BRANCH PRACTICES AND PROCEDURES —
DRIVER'S LICENSES, INSTALLMENT PAYMENT AGREEMENTS,
AND COURT REVENUE DISTRIBUTION***H.F. 641*

AN ACT relating to judicial branch practices and procedures, including issuance of a driver's license when delinquent on court obligations or after suspension or revocation, and distribution of court revenue to cities and counties, and the state, and including applicability provisions.

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

Section 1. Section 321.210A, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If after suspension, the person enters into an installment agreement with the county attorney in accordance with section 321.210B to pay the fine, penalty, court cost, or surcharge, the person's license shall be reinstated by the department upon receipt of a report of an executed installment agreement.

Sec. 2. **NEW SECTION.** 321.210B **INSTALLMENT AGREEMENT.**

1. If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 3, and the person's driver's license has been suspended pursuant to section 321.210A, the person may execute an installment agreement with the county attorney or the county attorney's designee to pay the delinquent amount and the fee assessed in subsection 7 in installments. Prior to execution of the installment agreement, the person shall provide the county attorney or the county attorney's designee with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

2. A person shall execute an installment agreement in the county where the fine, penalty, surcharge, or court cost was imposed. If the county where the fine, penalty, surcharge, or court cost was imposed does not have an installment agreement program, the person shall execute an installment agreement in the person's county of residence. If the county of residence does not have an installment agreement program, the person may execute an installment agreement with any county attorney or county attorney's designee.

3. The county attorney or the county attorney's designee shall file the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement.

4. Upon receipt of an executed installment agreement and after the first installment payment, the clerk of the district court shall report the receipt of the executed installment agreement to the department of transportation.

5. Upon receipt of the report from the clerk of the district court and payment of the reinstatement fee as provided in section 321.191, the department shall immediately reinstate the driver's license of the person unless the driver's license of the person is otherwise suspended, revoked, denied, or barred under another provision of law.

6. If a driver's license is reinstated upon receipt of a report of an executed installment agreement the driver shall provide proof of financial responsibility pursuant to section 321A.17, if otherwise required by law.

7. The civil penalty, if assessed pursuant to section 321.218A, shall be added to the amount owing under the installment agreement. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this subsection to the treasurer of state for deposit in the juvenile detention home fund created in section 232.142.

8. Upon determination by the county attorney or the county attorney's designee that the per-

son is in default, the county attorney or the county attorney's designee shall notify the clerk of the district court.

9. The clerk of the district court, upon receipt of a notification of a default from the county attorney or the county attorney's designee, shall report the default to the department of transportation.

10. Upon receipt of a report of a default from the clerk of the district court, the department shall suspend the driver's license of a person as provided in section 321.210A. For purposes of suspension and reinstatement of the driver's license of a person in default, the suspension and any subsequent reinstatement shall be considered a suspension pursuant to section 321.210A.

11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney or the county attorney's designee, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 3, and the person's driver's license has been suspended pursuant to section 321.210A, the person may enter into a second installment agreement with the county attorney or county attorney's designee to pay the delinquent amount and the fee, if assessed, in subsection 7 in installments.

12. If an installment agreement is in default, the fine, penalty, surcharge, or court cost covered under the agreement shall not become part of any new installment agreement.

13. A person is eligible to enter into five installment agreements in the person's lifetime.

14. Except for the civil penalty if assessed and collected pursuant to subsection 7, any amount collected under the installment agreement shall be distributed as provided in section 602.8107, subsection 4.

Sec. 3. Section 321.215, subsection 1, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The person's appointments with the person's parole or probation officer.

Sec. 4. Section 321.210C, Code 2007, is amended to read as follows:

321.210C PROBATION PERIOD.

1. A person whose driver's license or operating privileges have been suspended, revoked, or barred under this chapter for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "e", or ~~chapter 321J~~, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon a second conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

2. ~~A person whose driver's license or operating privileges have been revoked under chapter 321J, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of revocation. Upon conviction of a moving traffic violation which occurs during the probation period, the department may revoke the driver's license or operating privileges for an additional period equal in duration to the original period of revocation, or for one year, whichever is the shorter period.~~

3. ~~For purposes of determining a conviction under this section, the department shall not consider the first two speeding violations within the probation period that are ten miles per hour or less over the legal speed limit in speed zones having a legal speed limit between thirty-four miles per hour and fifty-six miles per hour.~~

Sec. 5. Section 321.218A, Code 2007, is amended to read as follows:

321.218A CIVIL PENALTY — DISPOSITION — REINSTATEMENT.

When the department suspends, revokes, or bars a person's driver's license or nonresident operating privilege for a conviction under this chapter, the department shall assess the person

a civil penalty of two hundred dollars. However, for persons age nineteen or under, the civil penalty assessed shall be fifty dollars. The civil penalty does not apply to a suspension issued for a violation of section 321.180B. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in the juvenile detention home fund created in section 232.142. A Except as provided in section 321.210B, a temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 6. Section 321J.20, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, ~~and court-ordered community service responsibilities, and appointments with the person's parole or probation officer~~ if the person's driver's license has not been revoked previously under section 321J.4, 321J.9, or 321J.12 and if any of the following apply:

Sec. 7. Section 331.756, subsection 5, Code 2007, is amended to read as follows:

5. a. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and forfeitures accruing to the state, the county or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations, including private attorneys, which are generally considered to have knowledge and special abilities which are not generally available to state or local government or may designate another county official or agency a designee to assist with collection efforts.

b. If the designee is a professional collection services are procured agency, the county attorney shall file with the clerk of the district court an indication of the satisfaction of each obligation to the full extent of all moneys collected in satisfaction of that obligation, including all fees and compensation retained by the collection service designee incident to the collection and not paid into the office of the clerk.

c. Before a county attorney designates another county official or agency to assist with collection of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and forfeitures, the board of supervisors of the county must approve the designation.

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

e. In order to receive a percentage of the amounts collected pursuant to section 602.8107, the county attorney must file annually with the clerk of the district court on or before July 1 a notice of full commitment to collect delinquent obligations and must file on the first day of each month a list of the cases in which the county attorney or the person procured or designated by the county attorney county attorney's designee is pursuing the collection of delinquent obligations. The list shall include a list of cases where delinquent obligations are being collected under an installment agreement pursuant to section 321.210B, and a list of cases in default

which are no longer being collected under an installment agreement but remain delinquent. The annual notice shall contain a list of procedures which will be initiated by the county attorney. Amounts collected by the county attorney or the ~~person procured or designated by the county attorney~~ county attorney's designee shall be distributed in accordance with section 602.8107.

f. As used in this subsection, "designee" means a professional collection services agency operated by a person or organization, including a private attorney, that is generally considered to have knowledge and special abilities not generally possessed by the state, a local government, or another county official or agency, or a county attorney or a county attorney's designee in another county where the fine, penalty, surcharge, or court cost was not imposed.

Sec. 8. Section 602.8105, subsection 2, paragraph e, Code 2007, is amended to read as follows:

e. For filing a praecipe to issue execution under chapter 626, twenty-five dollars. The fee shall be recoverable by the creditor against whom the execution is issued. A fee payable by a political subdivision of the state under this paragraph shall be collected by the clerk of the district court as provided in section 602.8109. However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to section 602.8107, subsection 4.

Sec. 9. Section 602.8107, subsection 4, unnumbered paragraph 1, Code 2007, is amended to read as follows:

All fines, penalties, court costs, fees, surcharges, and restitution for court-appointed attorney fees or for expenses of a public defender which are deemed delinquent by the clerk pursuant to subsection 3 may be collected by the county attorney or the county attorney's designee. Thirty-five percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required in section 331.756, subsection 5, unless the county attorney has discontinued collection efforts on a particular delinquent amount. Up to one million two hundred thousand dollars of the remainder shall be paid each fiscal year to the clerks for distribution under section 602.8108. If the threshold amount of one million two hundred thousand dollars has been distributed under section 602.8108, the remainder shall be distributed as provided in subsection 5. ~~The state court administrator shall notify the clerks that the threshold amount has been distributed under section 602.8108, and that the distribution of any additional moneys collected by the county attorney shall be as provided in subsection 5.~~

Sec. 10. Section 602.8107, subsection 5, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

5. Any additional moneys collected in excess of the threshold amount under subsection 4 shall be distributed by the state court administrator as follows: thirty-five percent of any additional moneys collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county where the moneys were collected; thirty-three percent of any additional moneys collected by the county attorney or the person procured or designated by the county attorney shall be deposited with the office of the county attorney that collected the moneys; and the remainder shall be paid to the clerk of the district court for distribution under section 602.8108 or the state court administrator may distribute the remainder under section 602.8108 if the additional moneys have already been received by the state court administrator.

Sec. 11. Section 602.8107, subsection 6, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If a county attorney does not file the notice and list of cases required in section 331.756, subsection 5, including the list of installment agreements under section 321.210B, the judicial branch may assign cases to the centralized collection unit of the department of revenue or its designee to collect debts owed to the clerk of the district court. In addition, an installment

agreement in default that remains delinquent may also be assigned to the centralized collection unit of the department of revenue or its designee.

Sec. 12. Section 602.8109, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~No later than the fifteenth day of each calendar month the~~ The clerk of the district court shall deliver a statement to the county auditor ~~a statement no later than the fifteenth day of each month~~ disclosing all of the following:

Sec. 13. Section 602.8109, subsections 5 and 6, Code 2007, are amended by striking the subsections and inserting in lieu thereof the following:

5. The clerk of the district court shall deliver a statement to the city clerk no later than the fifteenth day of each month disclosing all of the following:

a. The specific amounts of statutory fees and costs that are payable by the city to the clerk of the district court for services rendered by the clerk or other state officers or employees during the preceding month in connection with each civil or criminal action, and the total of all such fees and costs.

b. Any amounts collected by the clerk of the district court during the preceding month as costs in an action when such amounts are payable by law to the city as reimbursement for costs incurred by the city in connection with a civil or criminal action, and the total of all such amounts.

6. If the amount owed by the city under subsection 5, paragraph "a", for a calendar month is greater than the amount due to the city under subsection 5, paragraph "b", for that month, the city shall remit the difference to the clerk of the district court no later than the last of the month in which the statement under subsection 5 is received.

Sec. 14. Section 602.8109, subsection 7, Code 2007, is amended to read as follows:

~~7. If the amount due the city under subsection 5, paragraph "b", for a calendar month is greater than the amount owed by the city under subsection 5, paragraph "a", for that month, the clerk of the district court shall remit the difference to the city clerk no later than the last day of the month in which the statement under subsection 5 is delivered.~~

~~8.~~ Amounts not paid as required under subsection 3, 4, ~~5, or 6, or 7~~ shall bear interest for each day of delinquency at the rate in effect as of the day of delinquency for time deposits of public funds for eighty-nine days, as established under section 12C.6.

Sec. 15. PROCESSING OF INSTALLMENT AGREEMENTS. Notwithstanding section 602.8107, subsection 4, and section 602.8108, for the fiscal year beginning July 1, 2007, and ending June 30, 2008, up to the first three hundred thousand dollars of the remainder to be paid to the clerk pursuant to section 602.8107, subsection 4, shall be allocated to the judicial branch to enhance the ability of the judicial branch to efficiently process installment agreements filed with the clerk pursuant to section 321.210B.¹

Sec. 16. INSTALLMENT AGREEMENT — COOPERATION. It is the intent of the general assembly that the judicial branch, the department of transportation, the department of workforce development, county attorneys, and other state and local agencies cooperate in the collection of delinquent court fines, penalties, surcharges, and court costs by coordinating efforts in the collection of installment agreement payments under section 321.210B.

Sec. 17. APPLICABILITY. An installment agreement shall not be executed in any county until January 1, 2008, except an installment agreement may be executed and, if executed, a driver's license shall be reinstated as provided in section 321.210B for a fine, penalty, court cost, or surcharge imposed in Polk or Linn county.

Approved May 25, 2007

¹ See chapter 215, §47 herein