

FILED MAR 10 2005

SENATE FILE 340
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1238)

Passed Senate, Date 3-29-05 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved 4-27-05

A BILL FOR

1 An Act relating to the local regulation of motor vehicles,
2 including the renewal of motor vehicle registrations by county
3 treasurers and the collection of delinquent parking fines owed
4 to a city or county.

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

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SC 340

1 Section 1. Section 321.40, Code 2005, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The county treasurer shall
4 refuse to renew the registration of a vehicle registered to an
5 applicant if the county treasurer knows that the applicant has
6 one or more uncontested, delinquent parking tickets owing to
7 the county, or owing to a city with which the county has an
8 agreement authorized under section 331.553. However, a county
9 treasurer may renew the registration if the treasurer
10 determines that an error was made by the county or city in
11 identifying the vehicle involved in the parking violation.
12 This paragraph does not apply to the transfer of a
13 registration or the issuance of a new registration.
14 Notwithstanding section 28E.10, a county treasurer may utilize
15 the department's vehicle registration and titling system to
16 facilitate the purposes of this paragraph.

17 Sec. 2. Section 321.236, subsection 1, paragraph a, Code
18 2005, is amended to read as follows:

19 a. May be charged and collected upon a simple notice of a
20 fine payable to the city clerk or clerk of the district court,
21 if authorized by ordinance. The fine for each violation
22 charged under a simple notice of a fine shall be established
23 by ordinance. The fine may be increased by five dollars if
24 the parking violation is not paid within thirty days of the
25 date upon which the violation occurred, if authorized by
26 ordinance. Violations of section 321L.4, subsection 2, may be
27 charged and collected upon a simple notice of a one hundred
28 dollar fine payable to the city clerk or clerk of the district
29 court, if authorized by ordinance. No costs or other charges
30 shall be assessed. All fines collected by a city pursuant to
31 this paragraph shall be retained by the city and all fines
32 collected by a county pursuant to this paragraph shall be
33 retained by the county, except as provided by an agreement
34 between a city and a county treasurer for the collection of
35 fines pursuant to section 331.553, subsection 7.

1 Sec. 3. Section 321.236, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. If the local authority regulating the
4 standing or parking of vehicles under this subsection is a
5 county or is a city which has an agreement with a county
6 treasurer by which the renewal of registration of a vehicle
7 shall be refused for uncontested and unpaid parking fines
8 under section 321.40, the simple notice of a fine under
9 paragraph "a" shall contain the following statement:

10 "FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS
11 FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

12 This paragraph "d" does not invalidate forms for notice of
13 parking violations in existence prior to July 1, 2006.

14 Existing forms may be used until supplies are exhausted.

15 Sec. 4. Section 331.553, Code 2005, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 7. Enter into an agreement under chapter
18 28E for the collection of delinquent parking fines on behalf
19 of a city in conjunction with renewal of motor vehicle
20 registrations. If the agreement provides for a fee to be paid
21 to or retained by the county treasurer from the collection of
22 parking fines, such fees shall be credited to the county
23 general fund. Fines collected pursuant to this subsection
24 shall be remitted biannually to the city. Notwithstanding
25 section 28E.10, a county treasurer may utilize the state
26 department of transportation's vehicle registration and
27 titling system to facilitate the purposes of this subsection.

28 Sec. 5. Section 364.2, Code 2005, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 5. If provided by ordinance, a city may
31 enter into an agreement under chapter 28E with a county
32 treasurer for the collection of delinquent parking fines at
33 the time a person applies for renewal of a motor vehicle
34 registration, for violations that have not been appealed or
35 for which appeal has been denied. The city may pay the

1 treasurer a reasonable fee for the collection of such fines,
2 or may allow the county treasurer to retain a portion of the
3 fines collected, as provided in the agreement.

4 Sec. 6. EFFECTIVE DATE. This Act takes effect July 1,
5 2006.

6 EXPLANATION

7 This bill authorizes county treasurers to enter into
8 agreements with cities to collect delinquent parking fines at
9 the time a person renews a motor vehicle registration. If
10 allowed by city ordinance, a city may pay the county treasurer
11 a reasonable fee or allow the treasurer to retain a portion of
12 the fines collected on behalf of the city. The bill
13 authorizes a county treasurer to refuse to renew the vehicle
14 registration of a person owing delinquent parking fines to the
15 county or to a city with which the county has an agreement.
16 However, delinquent parking fines could not prevent the
17 issuance of new registrations or transfers of registration.
18 The bill specifies that county treasurers may utilize the
19 state's registration and titling system, which is currently
20 used by county treasurers to perform duties relating to motor
21 vehicle registrations, to facilitate the collection of parking
22 fines. A parking fine which is under appeal would not be
23 collectible by the county treasurer. In addition, a county
24 treasurer could renew a registration if it is apparent that an
25 error was made by the county or city in identifying a vehicle
26 involved in a parking violation.

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SENATE FILE 340

S-3040

1 Amend Senate File 340 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "Sec. ____ . Section 321.218A, Code 2005, is amended
5 to read as follows:

6 321.218A CIVIL PENALTY -- DISPOSITION --
7 REINSTATEMENT.

8 When the department suspends, revokes, or bars a
9 person's driver's license or nonresident operating
10 privilege for a conviction under this chapter, the
11 department shall assess the person a civil penalty of
12 two hundred dollars. However, for persons age
13 nineteen or under, the civil penalty assessed shall be
14 fifty dollars. The civil penalty does not apply to a
15 suspension issued for a violation of section 321.180B.
16 The money collected by the department under this
17 section shall be transmitted to the treasurer of state
18 who shall deposit the money in the juvenile detention
19 home fund created in section 232.142. A temporary
20 restricted license shall not be issued or a driver's
21 license or nonresident operating privilege reinstated
22 until the civil penalty has been paid. A person
23 assessed a penalty under this section may remit the
24 civil penalty along with a processing fee of five
25 dollars to a county treasurer authorized to issue
26 driver's licenses under chapter 321M, or the civil
27 penalty may be paid directly to the department."

28 2. Page 2, by inserting after line 14, the
29 following:

30 "Sec. ____ . Section 321A.32A, Code 2005, is amended
31 to read as follows:

32 321A.32A CIVIL PENALTY -- DISPOSITION --
33 REINSTATEMENT.

34 When the department suspends, revokes, or bars a
35 person's driver's license or nonresident operating
36 privilege under this chapter, the department shall
37 assess the person a civil penalty of two hundred
38 dollars. However, for persons age nineteen or under,
39 the civil penalty assessed shall be fifty dollars.
40 The money collected by the department under this
41 section shall be transmitted to the treasurer of state
42 who shall deposit the money in the juvenile detention
43 home fund created in section 232.142. A temporary
44 restricted license shall not be issued or a driver's
45 license or nonresident operating privilege reinstated
46 until the civil penalty has been paid. A person
47 assessed a penalty under this section may remit the
48 civil penalty along with a processing fee of five
49 dollars to a county treasurer authorized to issue
50 driver's licenses under chapter 321M, or the civil

S-3040

1 penalty may be paid directly to the department.

2 Sec. _____. Section 321M.5, subsection 2, paragraph
3 a, Code 2005, is amended to read as follows:

4 a. Responsibility for collection of, and
5 accounting for, any fees and penalties associated with
6 the licensing process.

7 Sec. _____. Section 321M.9, subsection 1, Code 2005,
8 is amended to read as follows:

9 1. FEES TO COUNTIES. Notwithstanding any other
10 provision in the Code to the contrary, the county
11 treasurer of ~~any~~ a county authorized to issue driver's
12 licenses under this chapter shall retain for deposit
13 in the county general fund seven dollars of fees
14 received for each issuance or renewal of driver's
15 licenses and nonoperator's identification cards, but
16 shall not retain any moneys for the issuance of any
17 persons with disabilities identification devices. The
18 five dollar processing fee charged by a county
19 treasurer for collection of a civil penalty under
20 section 321.218A or 321A.32A shall be retained for
21 deposit in the county general fund. The county
22 treasurer shall remit the balance of fees and all
23 civil penalties to the department."

24 3. Page 2, by inserting after line 27, the
25 following:

26 "Sec. _____. Section 331.557A, Code 2005, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 3A. Accept payment of civil
29 penalties pursuant to sections 321.218A and 321A.32A
30 and remit the penalties to the state department of
31 transportation."

32 4. Title page, by striking lines 1 through 4 and
33 inserting the following: "An Act relating to motor
34 vehicle registration and driver licensing services
35 provided by county treasurers and providing for the
36 collection of certain fees, fines, and penalties."

37 5. By renumbering as necessary.

By MARK ZIEMAN

SENATE FILE 340

S-3070

1 Amend Senate File 340 as follows:

- 2 1. Page 1, line 6, by inserting after the word
3 "tickets" the following: "issued pursuant to section
4 321.236, subsection 1, paragraph "a",".
- 5 2. Page 1, line 20, by striking the words "or
6 clerk of the district court" and inserting the
7 following: "~~or clerk of the district court~~".
- 8 3. Page 1, lines 28 and 29, by striking the words
9 "or clerk of the district court" and inserting the
10 following: "~~or clerk of the district court~~".
- 11 4. Page 2, line 2, by striking the word
12 "paragraph" and inserting the following: "paragraphs".
- 13 5. Page 2, line 13, by striking the figure "2006"
14 and inserting the following: "2007".
- 15 6. Page 2, by inserting after line 14, the
16 following:
17 "NEW PARAGRAPH. e. Cities that enter into chapter
18 28E agreements for the collection of delinquent
19 parking fines in conjunction with renewal of motor
20 vehicle registrations pursuant to section 321.40 shall
21 be responsible for computer programming costs incurred
22 by the department to accommodate the collection and
23 dissemination of delinquent parking ticket information
24 to county treasurers, with each such city paying a per
25 capita share of the costs as provided in this
26 paragraph. The department's programming costs shall
27 be paid by the first city to enter into such an
28 agreement. Thereafter, cities that enter into such
29 agreements on or before June 30, 2010, shall pay a pro
30 rata share of the department's programming costs on or
31 before September 30, 2010, to the city which first
32 paid the costs, based on the respective populations of
33 each city as of the last decennial census."
- 34 7. Page 2, line 17, by striking the words "Enter
35 into" and inserting the following: "Pursuant to".
- 36 8. Page 2, line 18, by striking the words "for
37 the collection of" and inserting the following: ",
38 collect".
- 39 9. Page 2, line 20, by inserting after the word
40 "registrations" the following: "pursuant to section
41 321.40".
- 42 10. Page 2, by striking lines 31 and 32 and
43 inserting the following: "enter into a chapter 28E
44 agreement for the collection of delinquent parking
45 fines by a county treasurer pursuant to section 321.40
46 at".
- 47 11. Page 3, line 5, by striking the figure "2006"
48 and inserting the following: "2007".
- 49 12. By renumbering as necessary.

By DICK L. DEARDEN

S-3070 FILED MARCH 29, 2005

ADOPTED

1 Section 1. Section 321.40, Code 2005, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The county treasurer shall
4 refuse to renew the registration of a vehicle registered to an
5 applicant if the county treasurer knows that the applicant has
6 one or more uncontested, delinquent parking tickets issued
7 pursuant to section 321.236, subsection 1, paragraph "a",
8 owing to the county, or owing to a city with which the county
9 has an agreement authorized under section 331.553. However, a
10 county treasurer may renew the registration if the treasurer
11 determines that an error was made by the county or city in
12 identifying the vehicle involved in the parking violation.
13 This paragraph does not apply to the transfer of a
14 registration or the issuance of a new registration.
15 Notwithstanding section 28E.10, a county treasurer may utilize
16 the department's vehicle registration and titling system to
17 facilitate the purposes of this paragraph.

18 Sec. 2. Section 321.218A, Code 2005, is amended to read as
19 follows:

20 321.218A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.
21 When the department suspends, revokes, or bars a person's
22 driver's license or nonresident operating privilege for a
23 conviction under this chapter, the department shall assess the
24 person a civil penalty of two hundred dollars. However, for
25 persons age nineteen or under, the civil penalty assessed
26 shall be fifty dollars. The civil penalty does not apply to a
27 suspension issued for a violation of section 321.180B. The
28 money collected by the department under this section shall be
29 transmitted to the treasurer of state who shall deposit the
30 money in the juvenile detention home fund created in section
31 232.142. A temporary restricted license shall not be issued
32 or a driver's license or nonresident operating privilege
33 reinstated until the civil penalty has been paid. A person
34 assessed a penalty under this section may remit the civil
35 penalty along with a processing fee of five dollars to a

1 county treasurer authorized to issue driver's licenses under
2 chapter 321M, or the civil penalty may be paid directly to the
3 department.

4 Sec. 3. Section 321.236, subsection 1, paragraph a, Code
5 2005, is amended to read as follows:

6 a. May be charged and collected upon a simple notice of a
7 fine payable to the city clerk ~~or clerk of the district court,~~
8 if authorized by ordinance. The fine for each violation
9 charged under a simple notice of a fine shall be established
10 by ordinance. The fine may be increased by five dollars if
11 the parking violation is not paid within thirty days of the
12 date upon which the violation occurred, if authorized by
13 ordinance. Violations of section 321L.4, subsection 2, may be
14 charged and collected upon a simple notice of a one hundred
15 dollar fine payable to the city clerk ~~or clerk of the district~~
16 ~~court,~~ if authorized by ordinance. No costs or other charges
17 shall be assessed. All fines collected by a city pursuant to
18 this paragraph shall be retained by the city and all fines
19 collected by a county pursuant to this paragraph shall be
20 retained by the county, except as provided by an agreement
21 between a city and a county treasurer for the collection of
22 finances pursuant to section 331.553, subsection 7.

23 Sec. 4. Section 321.236, subsection 1, Code 2005, is
24 amended by adding the following new paragraphs:

25 NEW PARAGRAPH. d. If the local authority regulating the
26 standing or parking of vehicles under this subsection is a
27 county or is a city which has an agreement with a county
28 treasurer by which the renewal of registration of a vehicle
29 shall be refused for uncontested and unpaid parking fines
30 under section 321.40, the simple notice of a fine under
31 paragraph "a" shall contain the following statement:

32 "FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS
33 FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

34 This paragraph "d" does not invalidate forms for notice of
35 parking violations in existence prior to July 1, 2007.

1 Existing forms may be used until supplies are exhausted.

2 NEW PARAGRAPH. e. Cities that enter into chapter 28E
3 agreements for the collection of delinquent parking fines in
4 conjunction with renewal of motor vehicle registrations
5 pursuant to section 321.40 shall be responsible for computer
6 programming costs incurred by the department to accommodate
7 the collection and dissemination of delinquent parking ticket
8 information to county treasurers, with each such city paying a
9 per capita share of the costs as provided in this paragraph.
10 The department's programming costs shall be paid by the first
11 city to enter into such an agreement. Thereafter, cities that
12 enter into such agreements on or before June 30, 2010, shall
13 pay a pro rata share of the department's programming costs on
14 or before September 30, 2010, to the city which first paid the
15 costs, based on the respective populations of each city as of
16 the last decennial census.

17 Sec. 5. Section 321A.32A, Code 2005, is amended to read as
18 follows:

19 321A.32A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

20 When the department suspends, revokes, or bars a person's
21 driver's license or nonresident operating privilege under this
22 chapter, the department shall assess the person a civil
23 penalty of two hundred dollars. However, for persons age
24 nineteen or under, the civil penalty assessed shall be fifty
25 dollars. The money collected by the department under this
26 section shall be transmitted to the treasurer of state who
27 shall deposit the money in the juvenile detention home fund
28 created in section 232.142. A temporary restricted license
29 shall not be issued or a driver's license or nonresident
30 operating privilege reinstated until the civil penalty has
31 been paid. A person assessed a penalty under this section may
32 remit the civil penalty along with a processing fee of five
33 dollars to a county treasurer authorized to issue driver's
34 licenses under chapter 321M, or the civil penalty may be paid
35 directly to the department.

1 Sec. 6. Section 321M.5, subsection 2, paragraph a, Code
2 2005, is amended to read as follows:

3 a. Responsibility for collection of, and accounting for,
4 any fees and penalties associated with the licensing process.

5 Sec. 7. Section 321M.9, subsection 1, Code 2005, is
6 amended to read as follows:

7 1. FEES TO COUNTIES. Notwithstanding any other provision
8 in the Code to the contrary, the county treasurer of any a
9 county authorized to issue driver's licenses under this
10 chapter shall retain for deposit in the county general fund
11 seven dollars of fees received for each issuance or renewal of
12 driver's licenses and nonoperator's identification cards, but
13 shall not retain any moneys for the issuance of any persons
14 with disabilities identification devices. The five dollar
15 processing fee charged by a county treasurer for collection of
16 a civil penalty under section 321.218A or 321A.32A shall be
17 retained for deposit in the county general fund. The county
18 treasurer shall remit the balance of fees and all civil
19 penalties to the department.

20 Sec. 8. Section 331.553, Code 2005, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 7. Pursuant to an agreement under chapter
23 28E, collect delinquent parking fines on behalf of a city in
24 conjunction with renewal of motor vehicle registrations
25 pursuant to section 321.40. If the agreement provides for a
26 fee to be paid to or retained by the county treasurer from the
27 collection of parking fines, such fees shall be credited to
28 the county general fund. Fines collected pursuant to this
29 subsection shall be remitted biannually to the city.
30 Notwithstanding section 28E.10, a county treasurer may utilize
31 the state department of transportation's vehicle registration
32 and titling system to facilitate the purposes of this
33 subsection.

34 Sec. 9. Section 331.557A, Code 2005, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 3A. Accept payment of civil penalties
2 pursuant to sections 321.218A and 321A.32A and remit the
3 penalties to the state department of transportation.

4 Sec. 10. Section 364.2, Code 2005, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 5. If provided by ordinance, a city may
7 enter into a chapter 28E agreement for the collection of
8 delinquent parking fines by a county treasurer pursuant to
9 section 321.40 at the time a person applies for renewal of a
10 motor vehicle registration, for violations that have not been
11 appealed or for which appeal has been denied. The city may
12 pay the treasurer a reasonable fee for the collection of such
13 fines, or may allow the county treasurer to retain a portion
14 of the fines collected, as provided in the agreement.

15 Sec. 11. EFFECTIVE DATE. This Act takes effect July 1,
16 2007.

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SENATE FILE 340

H-1357

1 Amend Senate File 340, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "violation" the following: "or if the citation has
5 been dismissed as against the owner of the vehicle
6 pursuant to section 321.484".

7 2. Page 3, by inserting after line 16, the
8 following:

9 "Sec. _____. Section 321.484, unnumbered paragraph
10 2, Code 2005, is amended to read as follows:

11 The owner of a vehicle shall not be held
12 responsible for a violation of a provision regulating
13 the stopping, standing, or parking of a vehicle,
14 whether the provision is contained in this chapter, or
15 chapter 321L, or an ordinance or other regulation or
16 rule, if the owner establishes that at the time of the
17 violation the vehicle was in the custody of an
18 identified person other than the owner pursuant to a
19 lease as defined in chapter 321F or pursuant to a
20 rental agreement as defined in section 516D.3. The
21 furnishing to the county attorney where the charge is
22 pending of a copy of the lease prescribed by section
23 321F.6 or rental agreement that was in effect for the
24 vehicle at the time of the alleged violation shall be
25 prima facie evidence that the vehicle was in the
26 custody of an identified person other than the owner
27 within the meaning of this paragraph. Upon receipt of
28 such evidence, the appropriate authority shall dismiss
29 as against the owner of the vehicle any citation
30 issued for a violation within the meaning of this
31 paragraph that occurred while the vehicle was in the
32 custody of the identified person."

33 3. Title page, line 3, by inserting after the
34 word "penalties" the following: ", and providing an
35 effective date".

36 4. By renumbering as necessary.

By HUSER of Polk

H-1357 FILED APRIL 12, 2005

HOUSE AMENDMENT TO
SENATE FILE 340

S-3115

1 Amend Senate File 340, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "violation" the following: "or if the citation has
5 been dismissed as against the owner of the vehicle
6 pursuant to section 321.484".

7 2. Page 3, by inserting after line 16, the
8 following:

9 "Sec. ____ . Section 321.484, unnumbered paragraph
10 2, Code 2005, is amended to read as follows:

11 The owner of a vehicle shall not be held
12 responsible for a violation of a provision regulating
13 the stopping, standing, or parking of a vehicle,
14 whether the provision is contained in this chapter, or
15 chapter 321L, or an ordinance or other regulation or
16 rule, if the owner establishes that at the time of the
17 violation the vehicle was in the custody of an
18 identified person other than the owner pursuant to a
19 lease as defined in chapter 321F or pursuant to a
20 rental agreement as defined in section 516D.3. The
21 furnishing to the county attorney where the charge is
22 pending of a copy of the lease prescribed by section
23 321F.6 or rental agreement that was in effect for the
24 vehicle at the time of the alleged violation shall be
25 prima facie evidence that the vehicle was in the
26 custody of an identified person other than the owner
27 within the meaning of this paragraph. Upon receipt of
28 such evidence, the appropriate authority shall dismiss
29 as against the owner of the vehicle any citation
30 issued for a violation within the meaning of this
31 paragraph that occurred while the vehicle was in the
32 custody of the identified person."

33 3. Title page, line 3, by inserting after the
34 word "penalties" the following: ", and providing an
35 effective date".

36 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3115 FILED APRIL 13, 2005

Dearden Chair
McCoy
Ward
Shull

SSB# 1238

Succeeded By
SF/HF 340

Transportation

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CO-CHAIRPERSONS MCCOY AND
PUTNEY)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the local regulation of motor vehicles,
2 including the renewal of motor vehicle registrations by county
3 treasurers and the collection of delinquent parking fines owed
4 to a city or county.

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

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1 Section 1. Section 321.40, Code 2005, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The county treasurer shall
4 refuse to renew the registration of a vehicle registered to an
5 applicant if the county treasurer knows that the applicant has
6 one or more uncontested, delinquent parking tickets owing to
7 the county, or owing to a city with which the county has an
8 agreement authorized under section 331.553. However, a county
9 treasurer may renew the registration if the treasurer
10 determines that an error was made by the county or city in
11 identifying the vehicle involved in the parking violation.
12 This paragraph does not apply to the transfer of a
13 registration or the issuance of a new registration.
14 Notwithstanding section 28E.10, a county treasurer may utilize
15 the department's vehicle registration and titling system to
16 facilitate the purposes of this paragraph.

17 Sec. 2. Section 321.236, subsection 1, paragraph a, Code
18 2005, is amended to read as follows:

19 a. May be charged and collected upon a simple notice of a
20 fine payable to the city clerk or clerk of the district court,
21 if authorized by ordinance. The fine for each violation
22 charged under a simple notice of a fine shall be established
23 by ordinance. The fine may be increased by five dollars if
24 the parking violation is not paid within thirty days of the
25 date upon which the violation occurred, if authorized by
26 ordinance. Violations of section 321L.4, subsection 2, may be
27 charged and collected upon a simple notice of a one hundred
28 dollar fine payable to the city clerk or clerk of the district
29 court, if authorized by ordinance. No costs or other charges
30 shall be assessed. All fines collected by a city pursuant to
31 this paragraph shall be retained by the city and all fines
32 collected by a county pursuant to this paragraph shall be
33 retained by the county, except as provided by an agreement
34 between a city and a county treasurer for the collection of
35 fines pursuant to section 331.553, subsection 7.

1 Sec. 3. Section 321.236, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. If the local authority regulating the
4 standing or parking of vehicles under this subsection is a
5 county or is a city which has an agreement with a county
6 treasurer by which the renewal of registration of a vehicle
7 shall be refused for uncontested and unpaid parking fines
8 under section 321.40, the simple notice of a fine under
9 paragraph "a" shall contain the following statement:

10 "FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS
11 FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

12 This paragraph "d" does not invalidate forms for notice of
13 parking violations in existence prior to July 1, 2006.

14 Existing forms may be used until supplies are exhausted.

15 Sec. 4. Section 331.553, Code 2005, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 7. Enter into an agreement under chapter
18 28E for the collection of delinquent parking fines on behalf
19 of a city in conjunction with renewal of motor vehicle
20 registrations. If the agreement provides for a fee to be paid
21 to or retained by the county treasurer from the collection of
22 parking fines, such fees shall be credited to the county
23 general fund. Fines collected pursuant to this subsection
24 shall be remitted biannually to the city. Notwithstanding
25 section 28E.10, a county treasurer may utilize the state
26 department of transportation's vehicle registration and
27 titling system to facilitate the purposes of this subsection.

28 Sec. 5. Section 364.2, Code 2005, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 5. If provided by ordinance, a city may
31 enter into an agreement under chapter 28E with a county
32 treasurer for the collection of delinquent parking fines at
33 the time a person applies for renewal of a motor vehicle
34 registration, for violations that have not been appealed or
35 for which appeal has been denied. The city may pay the

1 treasurer a reasonable fee for the collection of such fines,
2 or may allow the county treasurer to retain a portion of the
3 fines collected, as provided in the agreement.

4 Sec. 6. EFFECTIVE DATE. This Act takes effect July 1,
5 2006.

6 EXPLANATION

7 This bill authorizes county treasurers to enter into
8 agreements with cities to collect delinquent parking fines at
9 the time a person renews a motor vehicle registration. If
10 allowed by city ordinance, a city may pay the county treasurer
11 a reasonable fee or allow the treasurer to retain a portion of
12 the fines collected on behalf of the city. The bill
13 authorizes a county treasurer to refuse to renew the vehicle
14 registration of a person owing delinquent parking fines to the
15 county or to a city with which the county has an agreement.
16 However, delinquent parking fines could not prevent the
17 issuance of new registrations or transfers of registration.
18 The bill specifies that county treasurers may utilize the
19 state's registration and titling system, which is currently
20 used by county treasurers to perform duties relating to motor
21 vehicle registrations, to facilitate the collection of parking
22 fines. A parking fine which is under appeal would not be
23 collectible by the county treasurer. In addition, a county
24 treasurer could renew a registration if it is apparent that an
25 error was made by the county or city in identifying a vehicle
26 involved in a parking violation.

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SENATE FILE 340

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION AND DRIVER LICENSING SERVICES PROVIDED BY COUNTY TREASURERS AND PROVIDING FOR THE COLLECTION OF CERTAIN FEES, FINES, AND PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 321.40, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the county treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued pursuant to section 321.236, subsection 1, paragraph "a", owing to the county, or owing to a city with which the county has an agreement authorized under section 331.553. However, a county treasurer may renew the registration if the treasurer determines that an error was made by the county or city in identifying the vehicle involved in the parking violation or if the citation has been dismissed as against the owner of the vehicle pursuant to section 321.484. This paragraph does not apply to the transfer of a registration or the issuance of a new registration. Notwithstanding section 28E.10, a county treasurer may utilize the department's vehicle registration and titling system to facilitate the purposes of this paragraph.

Sec. 2. Section 321.218A, Code 2005, 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 temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

Sec. 3. Section 321.236, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine payable to the city clerk ~~or clerk of the district court~~, if authorized by ordinance. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred, if authorized by ordinance. Violations of section 321L.4, subsection 2, may be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk ~~or clerk of the district court~~, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 7.

Sec. 4. Section 321.236, subsection 1, Code 2005, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph "a" shall contain the following statement:

"FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

This paragraph "d" does not invalidate forms for notice of parking violations in existence prior to July 1, 2007. Existing forms may be used until supplies are exhausted.

NEW PARAGRAPH. e. Cities that enter into chapter 28E agreements for the collection of delinquent parking fines in conjunction with renewal of motor vehicle registrations pursuant to section 321.40 shall be responsible for computer programming costs incurred by the department to accommodate the collection and dissemination of delinquent parking ticket information to county treasurers, with each such city paying a per capita share of the costs as provided in this paragraph. The department's programming costs shall be paid by the first city to enter into such an agreement. Thereafter, cities that enter into such agreements on or before June 30, 2010, shall pay a pro rata share of the department's programming costs on or before September 30, 2010, to the city which first paid the costs, based on the respective populations of each city as of the last decennial census.

Sec. 5. Section 321.484, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an

identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph. Upon receipt of such evidence, the appropriate authority shall dismiss as against the owner of the vehicle any citation issued for a violation within the meaning of this paragraph that occurred while the vehicle was in the custody of the identified person.

Sec. 6. Section 321A.32A, Code 2005, is amended to read as follows:

321A.32A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

When the department suspends, revokes, or bars a person's driver's license or nonresident operating privilege 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 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 temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

Sec. 7. Section 321M.5, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. Responsibility for collection of, and accounting for, any fees and penalties associated with the licensing process.

Sec. 8. Section 321M.9, subsection 1, Code 2005, is amended to read as follows:

1. FEES TO COUNTIES. Notwithstanding any other provision in the Code to the contrary, the county treasurer of any a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321.218A or 321A.32A shall be retained for deposit in the county general fund. The county treasurer shall remit the balance of fees and all civil penalties to the department.

Sec. 9. Section 331.553, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Pursuant to an agreement under chapter 28E, collect delinquent parking fines on behalf of a city in conjunction with renewal of motor vehicle registrations pursuant to section 321.40. If the agreement provides for a fee to be paid to or retained by the county treasurer from the collection of parking fines, such fees shall be credited to the county general fund. Fines collected pursuant to this subsection shall be remitted biannually to the city. Notwithstanding section 28E.10, a county treasurer may utilize the state department of transportation's vehicle registration and titling system to facilitate the purposes of this subsection.

Sec. 10. Section 331.557A, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Accept payment of civil penalties pursuant to sections 321.218A and 321A.32A and remit the penalties to the state department of transportation.

Sec. 11. Section 364.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If provided by ordinance, a city may enter into a chapter 28E agreement for the collection of delinquent parking fines by a county treasurer pursuant to section 321.40 at the time a person applies for renewal of a motor vehicle registration, for violations that have not been appealed or for which appeal has been denied. The city may pay the treasurer a reasonable fee for the collection of such fines, or may allow the county treasurer to retain a portion of the fines collected, as provided in the agreement.

Sec. 12. EFFECTIVE DATE. This Act takes effect July 1, 2007.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 340, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/27, 2005

THOMAS J. VILSACK
Governor