

## **Motor Vehicle Division Informational Memo # 21-28**

### ***2021 Legislation – Combined memo on bills addressing criminal offenses, safe at home program, court debt, and revenue collections***

**DATE:** June 22, 2021

**FROM:** Sara Siedsma, Compliance Officer, MVD

**TO:** All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurer's staff

#### **SUBJECT**

This combined informational memo explains three separate pieces of legislation enacted during the 2021 legislative session that have minimal impact on MVD functions but may be of interest from an awareness standpoint. The bills address safe at home program eligibility, enhancement of certain criminal offenses, how the department of revenue collects unpaid debts, and how court debt is defined. This memo is applicable to staff who may receive questions about these subject matter areas.

#### **SUMMARY**

**Senate File 342** – Criminal offenses and safe at home program eligibility does the following:

- Safe at home: The bill expands the Secretary of State's Safe at Home program eligibility to include assault victims, judicial officers, prosecuting attorneys, peace officers, civilian employees of law enforcement, immediate family members of judicial officers, prosecuting attorneys, and peace officers, and also requires county assessors to redact certain program participants' information upon request. We issue driver's licenses and identification cards for participants in the Safe at Home program administered by the SOS under chapter 9E, by allowing the person to use the designated Safe at Home address for both their residential and mailing address to preserve confidentiality. By expanding program eligibility, we may issue more DLs/IDs to program participants, but an increase will not impact us since we already have a procedure for issuing credentials to Safe at Home participants. The Safe at Home program also has vehicle title and registration provisions, but we do not see an impact from increasing eligibility for this program as those processes are already in place.
- Eluding offenses under section 321.279: The bill amends Iowa Code section 321.279 to add unmarked law enforcement vehicles and ununiformed law enforcement officers to the section, meaning that a person can be convicted of eluding law enforcement if the visual/audible signal to stop comes from a law enforcement officer who is in an unmarked vehicle and/or who is not in uniform. We do not foresee any impact to our sanctions processes as a result of these changes, except perhaps a minor increase in the number of convictions we receive under 321.279 and take sanctioning action upon. Specifically, under 321.209 we mandatorily revoke upon receipt of a final conviction under 321.279 for eluding offenses, and under 321.555, convictions under 321.279 are considered for habitual offender status.

- Window tinting: The bill exempts persons operating motor vehicles owned or leased by federal, state, or local law enforcement agencies from Iowa's window tinting laws. We do not foresee an impact to our vehicle registration revocation process because of this new exemption.
- Violations under section 321.366: The bill adds a violation under 321.366 (acts prohibited on fully controlled-access facilities) to prohibit operating a bicycle, skateboard, or other pedestrian conveyance or be a pedestrian anywhere on a fully controlled-access facility. Violation of section 321.366 is considered a moving violation countable towards administrative suspensions and habitual offender status, but the section currently only addresses violations committed by motor vehicles. For this reason, we are planning to re-map the conviction under 321.366 so that violations under the new paragraph (g) aren't considered moving violations added to a driver's record (if the courts even send such convictions to us at all).
- Civil immunity for drivers – unlawful protest: The bill creates new section 321.366A which provides that a driver is immune from civil liability for injury to another, if the driver injures a person participating in an unlawful protest that is blocking traffic. This new code section has no impact on a person's driving record and will not cause us to issue a driver's license sanction.

**Senate File 366** – Department of Revenue debt collection does the following:

- The bill amends Iowa Code section 321.40 and will allow a county treasurer to collect unpaid tax liabilities owed to the department of revenue at the time the person is renewing their vehicle registration. Overall, this bill appears to provide customers with a more convenient option to settle their unpaid debts with the Department of Revenue.

**Senate File 367** – Definition of court debt does the following:

- The bill expands the definition of "court debt" in Iowa Code section 602.8106 to include "other debt paid to or collected by the clerk of the district court" Existing law includes only "restitution, fees, and forfeited bail."
  - This may have a slight impact on vehicle registration transactions as Iowa Code section 321.40(10) requires the county treasurer to refuse to renew the vehicle registration based on notification of delinquent court debt and installment agreements involving the Department of Revenue. Expanding the definition of court debt may increase customers being denied their registration renewals.
  - This bill may have a minor impact on driver's license sanctions. Iowa Code section 321.210A requires the DOT to suspend a person's driver's license upon receiving notice from a clerk of court that the person has failed to pay a criminal fine, penalty, surcharge, or court costs related to a conviction for violating a motor vehicle law. By expanding the definition of court debt to include all debt paid to or collected by the clerk of court, this could potentially increase license suspensions under 321.210A if we receive more notices of unpaid court debt from clerks of court requiring us to initiate a license suspension.

**Senate File 342 became effective upon enactment (i.e., June 17, 2021); Senate File 366 is effective July 1, 2021 and Senate File 367 is effective January 1, 2022.**

**LINKS TO LEGISLATION**

<https://www.legis.iowa.gov/docs/publications/LGE/89/SF342.pdf>

<https://www.legis.iowa.gov/docs/publications/LGE/89/SF366.pdf>

<https://www.legis.iowa.gov/docs/publications/LGE/89/SF367.pdf>

**BUSINESS IMPACT**

We do not anticipate a significant impact to MVD processes because of any of these bills. However, because there are provisions in each of the bills that relate to MVD functions, we wanted you to be aware of the provisions in case you receive questions.