

## CHAPTER 1194

## DRIVING WHILE INTOXICATED

## H. F. 343

AN ACT relating to the implied consent test for alcohol; making certain acts illegal and providing a penalty for their commission.

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

1 SECTION 1. Section three hundred twenty-one B point three  
2 (321B.3), Code 1973, is amended to read as follows:

3 **321B.3 Implied consent to test.** Any person who operates a motor  
4 vehicle in this state upon a public highway, under such circumstances  
5 as to give reasonable grounds to believe the person to have been operat-  
6 ing a motor vehicle while under the influence of an alcoholic beverage,  
7 shall be deemed to have given consent to the withdrawal from his body  
8 of specimens of his blood, breath, saliva, or urine, and to a chemical  
9 test or tests thereof, for the purpose of determining the alcoholic con-  
10 tent of his blood, subject to the provisions hereinafter set out. The  
11 withdrawal of such body substances, and the test or tests thereof, shall  
12 be administered at the written request of a peace officer having reason-  
13 able grounds to believe the person to have been operating a motor vehi-  
14 cle upon a public highway of this state while under the influence of an  
15 alcoholic beverage, and only after the peace officer has placed such per-  
16 son under arrest for the offense of operating a motor vehicle while  
17 under the influence of an alcoholic beverage. ~~If such person requests~~  
18 ~~that a specimen of his blood not be withdrawn, then a specimen of his~~  
19 ~~breath, saliva, or urine shall be withdrawn at the written request of~~  
20 ~~such peace officer; provided, however, that if such person refuses to~~  
21 ~~submit to any chemical testing, no test shall be given, and the provi-~~  
22 ~~sions of section 321B.7 shall apply. Subject to the right of a person to~~  
23 ~~refuse a blood test or to refuse to submit to any chemical testing, such~~  
24 ~~peace officer may determine which of said substances shall be tested;~~  
25 ~~and if he requires a breath test, he may also require a test of one other~~  
26 ~~of said substances. However, if~~ *The peace officer shall determine*  
27 *which of the four substances, breath, blood, saliva, or urine, shall be*  
28 *tested. Refusal to submit to a chemical test of urine, saliva or breath*  
29 *shall be deemed a refusal to submit, and the provisions of section*  
30 *321B.7 shall apply. A refusal to submit to a chemical test of blood*  
31 *shall not be deemed a refusal to submit, but in that case, the peace*  
32 *officer shall then determine which one of the other three substances*  
33 *shall be tested, and shall offer such test. If such peace officer fails to*  
34 *provide such a test within two hours after such arrest, no test shall be*  
35 *required, and there shall be no revocation under the provisions of sec-*  
36 *tion 321B.7.*

1 SEC. 2. Section three hundred twenty-one B point eight (321B.8),  
2 Code 1973, is amended to read as follows:

3 **321B.8 Hearing.** Upon the written request of a person whose priv-  
4 ilege to drive has been revoked or denied, the commissioner of public  
5 safety shall grant the person an opportunity to be heard within ~~ten~~  
6 *twenty* days after the receipt of the request, but the request must be  
7 made within thirty days ~~after~~ of the effective date of revocation or  
8 denial. The hearing shall be before the commissioner or his authorized

9 agent, in the county wherein the alleged events occurred for which the  
 10 person was arrested, unless the commissioner or his authorized agent  
 11 and the person agree that the hearing may be held in some other county.  
 12 The hearing ~~shall~~ *may* be recorded and its scope shall cover the issues  
 13 of whether a peace officer had reasonable grounds to believe the person  
 14 to have been operating a motor vehicle upon a public highway of this  
 15 state while under the influence of an alcoholic beverage, whether the  
 16 person was placed under arrest and whether he refused to submit to  
 17 the test or tests. The commissioner or his authorized agent shall order  
 18 that the revocation or denial be either rescinded or sustained.

1 SEC. 3. Chapter three hundred twenty-one B (321B), Code 1973,  
 2 is amended by adding the following new section:

3 **NEW SECTION. Driving while license denied or revoked.** Any per-  
 4 son whose license, or driving privilege, has been denied or revoked as  
 5 provided in this chapter, and who drives any motor vehicle upon the  
 6 highways of this state while such license or privilege is denied or re-  
 7 voked, is guilty of a misdemeanor and upon conviction shall be pun-  
 8 ished as provided for misdemeanors in section three hundred twenty-  
 9 one point four hundred eighty-two (321.482) of the Code. The de-  
 10 partment, upon receiving the record of the conviction of any person  
 11 under this section upon a charge of driving a motor vehicle while the  
 12 license of such person was revoked, shall extend the period of revoca-  
 13 tion for an additional like period, and the department shall not issue  
 14 a new license during such additional period.

Approved May 27, 1974

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## CHAPTER 1195

### ESCORT VEHICLES

H. F. 1042

AN ACT relating to escort vehicles.

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

1 SECTION 1. Section three hundred twenty-one E point nine  
 2 (321E.9), subsection three (3), Code 1973, is amended to read as fol-  
 3 lows:

4 3. Vehicles with indivisible loads having an ~~over-all~~ *overall* width  
 5 not to exceed twelve feet, zero inches, an ~~ever-all~~ *overall* length not to  
 6 exceed eighty feet, zero inches, and total gross weight not to exceed  
 7 ninety thousand pounds may be moved for unlimited distances over  
 8 specified routes ~~when and, when the same is required by the issuing~~  
 9 *authority, shall be accompanied by a civilian escort approved by the*  
 10 *issuing authority. The height of such vehicle and load shall be limited*  
 11 *only to the height limitations of underpasses, bridges, power lines, and*  
 12 *other established height restrictions on the specified route. An official*  
 13 *escort may be provided for such movement at the option of the permit*  
 14 *holder.*