

# Senate Study Bill 1001

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIRPERSON  
REDFERN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for a .08 blood alcohol concentration limit for  
2 motor vehicle operating while intoxicated offenses.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1360SC 80  
5 rh/sh/8

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1 1 Section 1. Section 321J.2, subsection 1, paragraph b, Code  
1 2 2003, is amended to read as follows:

1 3 b. While having an alcohol concentration of ~~.10~~ .08 or  
1 4 more.

1 5 Sec. 2. Section 321J.6, subsection 1, paragraph g, Code  
1 6 2003, is amended to read as follows:

1 7 g. The preliminary breath screening test was administered  
1 8 and it indicated an alcohol concentration of .02 or more but  
1 9 less than ~~.10~~ .08 and the person is under the age of twenty=  
1 10 one.

1 11 Sec. 3. Sect 321J.12, subsection 5, Code 2003, is amended  
1 12 to read as follows:

1 13 5. Upon certification, subject to penalty of perjury, by  
1 14 the peace officer that there existed reasonable grounds to  
1 15 believe that the person had been operating a motor vehicle in  
1 16 violation of section 321J.2A, that there existed one or more  
1 17 of the necessary conditions for chemical testing described in  
1 18 section 321J.6, subsection 1, and that the person submitted to  
1 19 chemical testing and the test results indicated an alcohol  
1 20 concentration ~~as defined in section 321J.1~~ of .02 or more but  
1 21 less than ~~.10~~ .08, the department shall revoke the person's  
1 22 driver's license or operating privilege for a period of sixty  
1 23 days if the person has had no previous revocation under this  
1 24 chapter, and for a period of ninety days if the person has had  
1 25 a previous revocation under this chapter.

1 26 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 27 3, shall not apply to this Act.

1 28 EXPLANATION

1 29 This bill lowers the limit for blood alcohol concentration  
1 30 (BAC) while driving a motor vehicle from .10 BAC to .08 BAC.  
1 31 Under the bill, a person who drives with .08 BAC or higher  
1 32 would violate Code section 321J.2, the operating while  
1 33 intoxicated statute.

1 34 The bill may include a state mandate as defined in Code  
1 35 section 25B.3. The bill makes inapplicable Code section  
2 1 25B.2, subsection 3, which would relieve a political  
2 2 subdivision from complying with a state mandate if funding for  
2 3 the cost of the state mandate is not provided or specified.  
2 4 Therefore, political subdivisions are required to comply with  
2 5 any state mandate included in the bill.

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2 7 rh/sh/8