

House File 737 - Introduced

HOUSE FILE _____
BY R. OLSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to license revocations and temporary restricted
2 licenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2362HH 82
5 rh/es/88

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1 1 Section 1. Section 321.215, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. The person's appointments with the
1 4 person's parole or probation officer.
1 5 Sec. 2. Section 321J.4, subsection 2, Code 2007, is
1 6 amended to read as follows:
1 7 2. If a defendant is convicted of a violation of section
1 8 321J.2, and the defendant's driver's license or nonresident
1 9 operating privilege has not already been revoked under section
1 10 321J.9 or 321J.12 for the occurrence from which the arrest
1 11 arose, the department shall revoke the defendant's driver's
1 12 license or nonresident operating privilege for two years if
1 13 the defendant has had a previous conviction or revocation
1 14 under this chapter. The defendant shall not be eligible for
1 15 any temporary restricted license for one year after the
1 16 effective date of revocation if the defendant's driver's
1 17 license or nonresident operating privilege has not already
1 18 been revoked under section 321J.9 and for ninety days after
1 19 the effective date of revocation if the defendant's driver's
1 20 license or nonresident operating privilege has not already
1 21 been revoked under section 321J.12. The defendant shall be
1 22 ordered to install an ignition interlock device of a type
1 23 approved by the commissioner of public safety on all vehicles
1 24 owned by the defendant if the defendant seeks a temporary
1 25 restricted license at the end of the minimum period of
1 26 ineligibility. A temporary restricted license shall not be
1 27 granted by the department until the defendant installs the
1 28 ignition interlock device.
1 29 Sec. 3. Section 321J.4, subsection 3, unnumbered paragraph
1 30 1, Code 2007, is amended to read as follows:
1 31 If the court defers judgment pursuant to section 907.3 for
1 32 a violation of section 321J.2, and if the defendant's driver's
1 33 license or nonresident operating privilege has not been
1 34 revoked under section 321J.9 or 321J.12, or has not otherwise
1 35 been revoked for the occurrence from which the arrest arose,
2 1 the department shall revoke the defendant's driver's license
2 2 or nonresident operating privilege for a period of not less
2 3 than thirty days ~~nor more than ninety days~~. The defendant
2 4 shall not be eligible for any temporary restricted license for
2 5 at least ninety days if a test was refused.
2 6 Sec. 4. Section 321J.4, subsection 9, paragraph a, Code
2 7 2007, is amended to read as follows:
2 8 a. A person whose noncommercial driver's license has
2 9 either been revoked under this chapter, or revoked or
2 10 suspended under chapter 321 solely for violations of this
2 11 chapter, or who has been determined to be a habitual offender
2 12 under chapter 321 based ~~solely on violations of this chapter~~
2 13 ~~or on violations listed in section 321.560, subsection 1,~~
2 14 paragraph "b", and who is not eligible for a temporary
2 15 restricted license under this chapter may petition the court
2 16 upon the expiration of the minimum period of ineligibility for
2 17 a temporary restricted license provided for under this
2 18 section, section 321J.9, 321J.12, 321J.20, or 321.560, for an
2 19 order to the department to require the department to issue a
2 20 temporary restricted license to the person notwithstanding

2 21 section 321.560.

2 22 Sec. 5. Section 321J.12, subsection 2, paragraph d, Code
2 23 2007, is amended to read as follows:

2 24 d. A person whose license or privileges have been revoked
2 25 under subsection 1, paragraph "b", for one year shall not be
2 26 eligible for any temporary restricted license for ~~one year~~
2 27 ninety days after the effective date of the revocation, and
2 28 the person shall be ordered to install an ignition interlock
2 29 device of a type approved by the commissioner of public safety
2 30 on all vehicles owned or operated by the defendant if the
2 31 defendant seeks a temporary restricted license at the end of
2 32 the minimum period of ineligibility. A temporary restricted
2 33 license shall not be granted by the department until the
2 34 defendant installs the ignition interlock device.

2 35 Sec. 6. Section 321J.20, subsection 1, unnumbered
3 1 paragraph 1, Code 2007, is amended to read as follows:

3 2 The department may, on application, issue a temporary
3 3 restricted license to a person whose noncommercial driver's
3 4 license is revoked under this chapter allowing the person to
3 5 drive to and from the person's home and specified places at
3 6 specified times which can be verified by the department and
3 7 which are required by the person's full-time or part-time
3 8 employment, continuing health care or the continuing health
3 9 care of another who is dependent upon the person, continuing
3 10 education while enrolled in an educational institution on a
3 11 part-time or full-time basis and while pursuing a course of
3 12 study leading to a diploma, degree, or other certification of
3 13 successful educational completion, substance abuse treatment,
3 14 ~~and court-ordered community service responsibilities, and~~
3 15 appointments with the person's parole or probation officer if
3 16 the person's driver's license has not been revoked previously
3 17 under section 321J.4, 321J.9, or 321J.12 and if any of the
3 18 following apply:

3 19 EXPLANATION

3 20 This bill relates to license revocations and temporary
3 21 restricted licenses in operating-while-intoxicated cases.

3 22 The bill provides that if a defendant is convicted of a
3 23 violation of section 321J.2 (Iowa's
3 24 operating-while-intoxicated law), and the defendant's driver's
3 25 license or nonresident operating privilege has not already
3 26 been revoked for the occurrence from which the arrest arose,
3 27 the defendant shall not be eligible for a temporary restricted
3 28 license for 90 days after the effective date of the
3 29 defendant's license revocation in cases where the defendant
3 30 submitted to chemical testing and the test results indicated
3 31 the presence of a controlled substance or other drug or an
3 32 alcohol concentration equal to or in excess of the blood
3 33 alcohol levels prohibited in Code section 321J.2. Current law
3 34 provides that in such a case a defendant is not eligible for a
3 35 work permit for one year after the effective date of

4 1 revocation.
4 2 The bill provides that if the court defers judgment for a
4 3 violation of Code section 321J.2, and if the defendant's
4 4 driver's license or nonresident operating privilege has not
4 5 been revoked, the department of transportation shall revoke
4 6 the defendant's driver's license or nonresident operating
4 7 privilege for a period of not less than 30 days. Current law
4 8 provides that the department of transportation shall revoke
4 9 the defendant's driver's license or nonresident operating
4 10 privilege for a period of not less than 30 days nor more than
4 11 90 days.

4 12 The bill makes conforming changes to chapter 321J
4 13 concerning a person declared to be a habitual offender and the
4 14 issuance of a temporary restricted license due to a
4 15 combination of offenses under both chapter 321 and 321J
4 16 consistent with current law contained in section 321.560.

4 17 The bill provides that the department of transportation
4 18 may, on application, issue a temporary restricted license to a
4 19 person whose noncommercial driver's license is revoked under
4 20 Code chapter 321 (motor vehicles and law of the road) or Code
4 21 chapter 321J allowing the person to drive to and from the
4 22 person's appointments with the person's parole or probation
4 23 officer if the person's driver's license has not been revoked
4 24 previously under Code chapter 321J and certain conditions
4 25 apply. Current law also allows the department of
4 26 transportation to issue a temporary restricted license in such
4 27 cases allowing the person to drive to and from the person's
4 28 home and specified places at specified times which can be
4 29 verified by the department and which are required by the
4 30 person's full-time or part-time employment, continuing health
4 31 care or the continuing health care of another who is dependent

4 32 upon the person, continuing education while enrolled in an
4 33 educational institution on a part-time or full-time basis and
4 34 while pursuing a course of study leading to a diploma, degree,
4 35 or other certification of successful educational completion,
5 1 substance abuse treatment, and court-ordered community service
5 2 responsibilities.
5 3 LSB 2362HH 82
5 4 rh:rj/es/88