

SENATE FILE 516

BY COMMITTEE ON JUDICIARY

SAB 360  
Approved 2/18/85 (p. 1148)

FILED MAR 21 1985

Passed Senate, Date 4-1-85 (p. 1149) Passed House, Date \_\_\_\_\_

Vote: Ayes 48 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

*Motion to rescind (p. 1170) w/d 4k*

# A BILL FOR

- 1 An Act relating to chemical tests for blood alcohol
- 2 concentration.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S-3492

SENATE FILE 516

- 1 Amend Senate File 516 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.49, subsection 1, Code
- 5 1985, is amended to read as follows:
- 6 1. No A person shall not sell, dispense, or give
- 7 to any an intoxicated person, or one simulating
- 8 intoxication, any alcoholic liquor or beer.
- 9 a. A person who sells, dispenses, or gives an
- 10 alcoholic beverage or beer in violation of this
- 11 subsection is not civilly liable to an injured person
- 12 or the estate of a person for injuries inflicted on
- 13 that person as a result of intoxication by the
- 14 consumer of the alconolic beverage or beer.
- 15 b. The general assembly hereby declares that this
- 16 subsection shall be interpreted so that the holding of
- 17 Clark v. Mincks (No. 36/83-343, 83-1164, Supreme Court
- 18 of Iowa, March 20, 1985) is abrogated in favor of
- 19 prior judicial interpretation finding the consumption
- 20 of alcoholic beverages or beer rather than the serving
- 21 of alcoholic beverages or beer as the proximate cause
- 22 of injury inflicted upon another by an intoxicated
- 23 person.
- 24 2. Renumber as necessary.

S-3492 Filed March 26, 1985  
*Revised not germane 4/1/85 (p. 1148)*  
S-3533

By MANN

SENATE FILE 516

- 1 Amend Senate File 516 as follows:
- 2 1. Page 1, by striking lines 5 through 13.

S-3533 Filed March 27, 1985  
*Adopted 7/1 (p. 1149)*

By DIELEMAN

1 Section 1. Section 321.281, subsection 1, paragraph b,  
2 Code 1985, is amended to read as follows:

3 b. While having an alcohol concentration of ~~thirteen~~ ten  
4 hundredths or more.

5 Sec. 2. Section 321B.16, Code 1985, is amended by adding  
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If a chemical test results in  
8 the institution of a criminal proceeding and the administra-  
9 tive revocation of driving privileges and the criminal action  
10 is subsequently dismissed for lack of probable cause,  
11 insufficient evidence, violation of criminal law or procedure,  
12 or for any other reason, the administrative revocation which  
13 resulted from the test shall be rescinded.

14 EXPLANATION

15 This bill reduces, from .13 to .10, the level of blood  
16 alcohol concentration at which a per se violation of section  
17 321.281 occurs and provides that if a chemical test results in  
18 a criminal prosecution and an administrative license revoca-  
19 tion and the criminal prosecution is later dismissed, the  
20 revocation will be rescinded.

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Sen Judiciary 4/9/85

Senate File 516

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Mausby, McIntee and Renaud.

SENATE FILE 516

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE APRIL 1, 1985)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

# A BILL FOR

1 An Act relating to chemical tests for blood alcohol  
2 concentration.

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

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\* = Language Stricken  
by the Senate

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SSB 360  
Judiciary

JUDICIARY: Doyle, Chair: Mann and Hester

*Now  
SF 516*

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to criminal proceedings and administrative  
2 license revocations resulting from a chemical test for  
3 a violation of section 321.281.

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

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