

See first copy

SENATE FILE 373
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 305)

Passed Senate, Date 3-31-93 Passed House, Date _____
Vote: Ayes 44 Nays 4 Vote: Ayes _____ Nays _____
Approved April 2, 1993

A BILL FOR

1 An Act relating to the operation of a motor vehicle while under
2 the influence of a drug, and providing for the revocation of
3 motor vehicle licenses for drug offenses.

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

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1 Section 1. Section 124.412, Code 1993, is amended to read
2 as follows:

3 124.412 NOTICE OF CONVICTION.

4 ~~Whenever-any~~ If a person enters a plea of guilty to, or
5 forfeits bail or collateral deposited to secure the person's
6 appearance in court, and such forfeiture is not vacated, or if
7 a person is found guilty upon an indictment or information
8 alleging a violation of this chapter, a copy of the minutes
9 attached to the indictment returned by the grand jury, or to
10 the county attorney's information, a copy of the judgment and
11 sentence, and a copy of the opinion of the judge if one is
12 filed, shall be sent by the clerk of the district court or the
13 judge to the state department of transportation and to any
14 state board or officer by whom the convicted person has been
15 licensed or registered to practice the person's profession or
16 carry on the person's business. On the conviction of ~~any-such~~
17 a person, the court may~~7-in-its-considered-judgment;~~ suspend
18 or revoke the license or registration of the convicted
19 defendant to practice the defendant's profession or carry on
20 the defendant's business. On the application of ~~any~~ a person
21 whose license or registration has been suspended or revoked,
22 and upon proper showing and for good cause, ~~said~~ the board or
23 officer may reinstate ~~such~~ the license or registration.

24 Sec. 2. Section 321.205, Code 1993, is amended to read as
25 follows:

26 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
27 STATE.

28 The department is authorized to suspend or revoke the motor
29 vehicle license of a resident of this state upon receiving
30 notice of the conviction of the resident in another state or
31 for a conviction under federal jurisdiction for an offense
32 which, if committed in this state, would be grounds for the
33 suspension or revocation of the license or upon receiving
34 notice of a final administrative decision in another state
35 that the resident has acted in a manner which would be grounds

1 for suspension or revocation of the license in this state.

2 Sec. 3. Section 321.209, Code 1993, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 8. A controlled substance offense under
5 section 124.401, 124.402, or 124.403; a controlled substance
6 tax offense under chapter 453B; a drug or drug-related offense
7 under section 126.3; or an offense under 21 U.S.C. ch. 13.

8 Sec. 4. Section 321.212, subsection 1, Code 1993, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. d. The department shall revoke a motor
11 vehicle license under section 321.209, subsection 8, for one
12 hundred eighty days. If the person has not been issued a
13 motor vehicle license, the issuance of a motor vehicle license
14 shall be delayed for one hundred eighty days after the person
15 is first eligible. If the person's operating privileges have
16 been suspended or revoked at the time the person is convicted,
17 the one-hundred-eighty-day revocation period shall not begin
18 until all other suspensions or revocations have terminated.

19 Sec. 5. Section 321.215, subsection 1, paragraph e, Code
20 1993, is amended to read as follows:

21 e. The person's court-ordered community service
22 responsibilities.

23 However, a temporary restricted license shall not be issued
24 to a person whose license is revoked under section 321.209,
25 subsections 1 through 5 or subsection 7 or 8. A temporary
26 restricted license may be issued to a person whose license is
27 revoked under section 321.209, subsection 6, only if the
28 person has no previous drag racing convictions. A person
29 holding a temporary restricted license issued by the
30 department under this section shall not operate a motor
31 vehicle for pleasure.

32 Sec. 6. Section 321.215, subsection 2, unnumbered
33 paragraph 1, Code 1993, is amended to read as follows:

34 Upon conviction and the suspension or revocation of a
35 person's motor vehicle license under section 321.209,

1 subsection 5 ~~or~~, 6, or 8; 321.210~~7~~i; 321.210A~~7~~i; 321.513~~7~~i; or
2 321.555, subsection 2, and upon the denial by the director of
3 an application for a temporary restricted license, a person
4 may apply to the district court having jurisdiction for the
5 residence of the person for a temporary restricted permit to
6 operate a motor vehicle for the limited purpose or purposes
7 specified in subsection 1. The application may be granted
8 only if all of the following criteria are satisfied:

9 Sec. 7. Section 321.215, subsection 2, paragraphs a and d,
10 Code 1993, are amended to read as follows:

11 a. The temporary restricted permit is requested only for a
12 case of extreme hardship or compelling circumstances where
13 alternative means of transportation do not exist.

14 d. Proof of financial responsibility is established as
15 defined in chapter 321A~~7~~-however. However, such proof is not
16 required if the motor vehicle license was suspended under
17 section 321.210A or 321.513 or revoked under section 321.209,
18 subsection 8.

19 Sec. 8. Section 321.491, Code 1993, is amended by adding
20 the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. All federal courts located in
22 the state are requested to forward to the department a record
23 of conviction of a person for a violation of a federal drug or
24 controlled substance law.

25 Sec. 9. Section 321A.17, subsection 5, Code 1993, is
26 amended to read as follows:

27 5. An individual applying for a motor vehicle license
28 following a period of suspension or revocation under section
29 321.209, subsection 8, section 321.210A, 321.216, or 321.513,
30 or following a period of suspension under section 321.194, is
31 not required to maintain proof of financial responsibility
32 under this section.

33 EXPLANATION

34 Sections 1 through 9 of this bill require the state de-
35 partment of transportation to revoke a person's motor vehicle

1 license for 180 days for conviction of a drug offense under
2 chapters 124, 126, 453B or a federal drug violation under 21
3 U.S.C. ch. 13. A person whose motor vehicle license is
4 revoked for a drug offense is not eligible for a temporary
5 restricted license for work or school or various other
6 purposes unless the district court makes a finding that
7 extreme hardship or compelling circumstances would occur or
8 exist if the temporary permit was not issued. These sections
9 also do not require a person to maintain proof of financial
10 responsibility when applying for a motor vehicle license
11 following the revocation. Finally, federal courts in Iowa are
12 requested to forward to the state department of transportation
13 records of federal drug or controlled substance convictions.

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SENATE FILE 373

S-3258

1 Amend Senate File 373 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "Sec. ____ . NEW SECTION. 126.26 NOTICE OF
5 CONVICTION.

6 If a person enters a plea of guilty, or forfeits
7 bail or collateral deposited to secure the person's
8 appearance in court, and the forfeiture is not
9 vacated, or if a person is found guilty upon an
10 indictment or information alleging a violation of this
11 chapter, a copy of the minutes attached to the
12 indictment returned by the grand jury, or to the
13 county attorney's information, a copy of the judgment
14 and sentence, and a copy of the opinion of the judge
15 if one is filed, shall be sent by the clerk of the
16 district court or the judge to the state department of
17 transportation."

18 2. Page 2, by inserting after line 1 the
19 following:

20 "The department shall suspend or revoke for one
21 hundred eighty days the motor vehicle license of a
22 resident of this state upon receiving notice of
23 conviction in another state or under federal
24 jurisdiction for an offense enumerated under section
25 321.209, subsection 8."

26 3. Page 2, line 5, by inserting after the figure
27 "124.401," the following: "124.401A,".

28 4. Page 2, by inserting after line 18 the follow-
29 ing:

30 "Sec. ____ . Section 321.213, Code 1993, is amended
31 to read as follows:

32 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
33 VIOLATIONS BY JUVENILE DRIVERS.

34 Upon the entering of an order at the conclusion of
35 an adjudicatory hearing under section 232.47 that the
36 child violated a provision of this chapter or chapter
37 124, 126, 321A, or chapter 321J, or 453B for which the
38 penalty is greater than a simple misdemeanor, the
39 clerk of the juvenile court in the adjudicatory
40 hearing shall forward a copy of the adjudication to
41 the department. Notwithstanding section 232.55, a
42 final adjudication in a juvenile court that the child
43 violated a provision of this chapter or section
44 124.401, 124.402, 124.403, a drug offense under
45 section 126.3, or chapter 321A, or chapter 321J, or
46 453B constitutes a final conviction of a violation of
47 a provision of this chapter or section 124.401,
48 124.402, 124.403, a drug offense under section 126.3,
49 or chapter 321A, or chapter 321J, or 453B for purposes
50 of section 321.189, subsection 8, paragraph "b", and

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Page 2

1 sections 321.193, 321.194, 321.200, 321.209, 321.210,
2 321.215, 321A.17, 321J.2, 321J.3, and 321J.4."

3 5. Page 3, by inserting after line 32 the
4 following:

5 "Sec. ____ . NEW SECTION. 453B.16 NOTICE OF
6 CONVICTION.

7 If a person enters a plea of guilty, or forfeits
8 bail or collateral deposited to secure the person's
9 appearance in court, and the forfeiture is not
10 vacated, or if a person is found guilty upon an
11 indictment or information alleging a violation of this
12 chapter, a copy of the minutes attached to the
13 indictment returned by the grand jury, or to the
14 county attorney's information, a copy of the judgment
15 and sentence, and a copy of the opinion of the judge
16 if one is filed, shall be sent by the clerk of the
17 district court or the judge to the state department of
18 transportation."

19 6. By renumbering as necessary.

By ANDY MCKEAN
RANDAL J. GIANNETTO

S-3258 FILED MARCH 25, 1993

adopted
3/31/93 (P. 935)

SENATE FILE 373

S-3198

- 1 Amend Senate File 373 as follows:
 - 2 1. Page 3, line 1, by striking the words and
 - 3 figure "or, 6, or 8;" and inserting the following:
 - 4 "or 6⁷;"
 - 5 2. Page 3, by striking lines 9 through 13 and
 - 6 inserting the following:
 - 7 "Sec. ____ . Section 321.215, subsection 2,
 - 8 paragraph d, Code 1993, is amended to read as
 - 9 follows:"
 - 10 3. By renumbering as necessary.
- By ANDY MCKEAN

S-3198 FILED MARCH 23, 1993

LOST

SENATE FILE 373

S-3219

- 1 Amend Senate File 373 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. The general assembly of the state of
- 5 Iowa makes an affirmative proclamation that both
- 6 houses of the general assembly certify their combined
- 7 opposition to the enactment and enforcement in the
- 8 state of Iowa of the law described in 23 U.S.C. § 104
- 9 (a)(3)(A)."
- 10 2. Title page, by striking lines 1 through 3 and
- 11 inserting the following: "An Act relating to
- 12 mandatory driver's license revocations for drug
- 13 offenses.

By MIKE CONNOLLY

S-3219 FILED MARCH 24, 1993

Lost 3/31/93 (P.935)

1 Section 1. Section 124.412, Code 1993, is amended to read
2 as follows:

3 124.412 NOTICE OF CONVICTION.

4 ~~Whenever any~~ If a person enters a plea of guilty to, or
5 forfeits bail or collateral deposited to secure the person's
6 appearance in court, and such forfeiture is not vacated, or if
7 a person is found guilty upon an indictment or information
8 alleging a violation of this chapter, a copy of the minutes
9 attached to the indictment returned by the grand jury, or to
10 the county attorney's information, a copy of the judgment and
11 sentence, and a copy of the opinion of the judge if one is
12 filed, shall be sent by the clerk of the district court or the
13 judge to the state department of transportation and to any
14 state board or officer by whom the convicted person has been
15 licensed or registered to practice the person's profession or
16 carry on the person's business. On the conviction of any-such
17 a person, the court may,--in-its-considered-judgment, suspend
18 or revoke the license or registration of the convicted
19 defendant to practice the defendant's profession or carry on
20 the defendant's business. On the application of any a person
21 whose license or registration has been suspended or revoked,
22 and upon proper showing and for good cause, ~~said~~ the board or
23 officer may reinstate such the license or registration.

24 Sec. 2. NEW SECTION. 126.26 NOTICE OF CONVICTION.

25 If a person enters a plea of guilty, or forfeits bail or
26 collateral deposited to secure the person's appearance in
27 court, and the forfeiture is not vacated, or if a person is
28 found guilty upon an indictment or information alleging a
29 violation of this chapter, a copy of the minutes attached to
30 the indictment returned by the grand jury, or to the county
31 attorney's information, a copy of the judgment and sentence,
32 and a copy of the opinion of the judge if one is filed, shall
33 be sent by the clerk of the district court or the judge to the
34 state department of transportation.

35 Sec. 3. Section 321.205, Code 1993, is amended to read as

1 follows:

2 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
3 STATE.

4 The department is authorized to suspend or revoke the motor
5 vehicle license of a resident of this state upon receiving
6 notice of the conviction of the resident in another state or
7 for a conviction under federal jurisdiction for an offense
8 which, if committed in this state, would be grounds for the
9 suspension or revocation of the license or upon receiving
10 notice of a final administrative decision in another state
11 that the resident has acted in a manner which would be grounds
12 for suspension or revocation of the license in this state.

13 The department shall suspend or revoke for one hundred
14 eighty days the motor vehicle license of a resident of this
15 state upon receiving notice of conviction in another state or
16 under federal jurisdiction for an offense enumerated under
17 section 321.209, subsection 8.

18 Sec. 4. Section 321.209, Code 1993, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 8. A controlled substance offense under
21 section 124.401, 124.401A, 124.402, or 124.403; a controlled
22 substance tax offense under chapter 453B; a drug or drug-
23 related offense under section 126.3; or an offense under 21
24 U.S.C. ch. 13.

25 Sec. 5. Section 321.212, subsection 1, Code 1993, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. d. The department shall revoke a motor
28 vehicle license under section 321.209, subsection 8, for one
29 hundred eighty days. If the person has not been issued a
30 motor vehicle license, the issuance of a motor vehicle license
31 shall be delayed for one hundred eighty days after the person
32 is first eligible. If the person's operating privileges have
33 been suspended or revoked at the time the person is convicted,
34 the one-hundred-eighty-day revocation period shall not begin
35 until all other suspensions or revocations have terminated.

1 Sec. 6. Section 321.213, Code 1993, is amended to read as
2 follows:

3 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
4 VIOLATIONS BY JUVENILE DRIVERS.

5 Upon the entering of an order at the conclusion of an
6 adjudicatory hearing under section 232.47 that the child
7 violated a provision of this chapter or chapter 124, 126,
8 321A, or chapter 321J, or 453B for which the penalty is
9 greater than a simple misdemeanor, the clerk of the juvenile
10 court in the adjudicatory hearing shall forward a copy of the
11 adjudication to the department. Notwithstanding section
12 232.55, a final adjudication in a juvenile court that the
13 child violated a provision of this chapter or section 124.401,
14 124.402, 124.403, a drug offense under section 126.3, or
15 chapter 321A, or chapter 321J, or 453B constitutes a final
16 conviction of a violation of a provision of this chapter or
17 section 124.401, 124.402, 124.403, a drug offense under
18 section 126.3, or chapter 321A, or chapter 321J, or 453B for
19 purposes of section 321.189, subsection 8, paragraph "b", and
20 sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215,
21 321A.17, 321J.2, 321J.3, and 321J.4.

22 Sec. 7. Section 321.215, subsection 1, paragraph e, Code
23 1993, is amended to read as follows:

24 e. The person's court-ordered community service
25 responsibilities.

26 However, a temporary restricted license shall not be issued
27 to a person whose license is revoked under section 321.209,
28 subsections 1 through 5 or subsection 7 or 8. A temporary
29 restricted license may be issued to a person whose license is
30 revoked under section 321.209, subsection 6, only if the
31 person has no previous drag racing convictions. A person
32 holding a temporary restricted license issued by the
33 department under this section shall not operate a motor
34 vehicle for pleasure.

35 Sec. 8. Section 321.215, subsection 2, unnumbered

1 paragraph 1, Code 1993, is amended to read as follows:

2 Upon conviction and the suspension or revocation of a
3 person's motor vehicle license under section 321.209,
4 subsection 5 ~~or~~, 6, or 8; 321.210~~7~~; 321.210A~~7~~; 321.513~~7~~; or
5 321.555, subsection 2, and upon the denial by the director of
6 an application for a temporary restricted license, a person
7 may apply to the district court having jurisdiction for the
8 residence of the person for a temporary restricted permit to
9 operate a motor vehicle for the limited purpose or purposes
10 specified in subsection 1. The application may be granted
11 only if all of the following criteria are satisfied:

12 Sec. 9. Section 321.215, subsection 2, paragraphs a and d,
13 Code 1993, are amended to read as follows:

14 a. The temporary restricted permit is requested only for a
15 case of extreme hardship or compelling circumstances where
16 alternative means of transportation do not exist.

17 d. Proof of financial responsibility is established as
18 defined in chapter 321A~~7~~-however. However, such proof is not
19 required if the motor vehicle license was suspended under
20 section 321.210A or 321.513 or revoked under section 321.209,
21 subsection 8.

22 Sec. 10. Section 321.491, Code 1993, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. All federal courts located in
25 the state are requested to forward to the department a record
26 of conviction of a person for a violation of a federal drug or
27 controlled substance law.

28 Sec. 11. Section 321A.17, subsection 5, Code 1993, is
29 amended to read as follows:

30 5. An individual applying for a motor vehicle license
31 following a period of suspension or revocation under section
32 321.209, subsection 8, section 321.210A, 321.216, or 321.513,
33 or following a period of suspension under section 321.194, is
34 not required to maintain proof of financial responsibility
35 under this section.

1 Sec. 12. NEW SECTION. 453B.16 NOTICE OF CONVICTION.
2 If a person enters a plea of guilty, or forfeits bail or
3 collateral deposited to secure the person's appearance in
4 court, and the forfeiture is not vacated, or if a person is
5 found guilty upon an indictment or information alleging a
6 violation of this chapter, a copy of the minutes attached to
7 the indictment returned by the grand jury, or to the county
8 attorney's information, a copy of the judgment and sentence,
9 and a copy of the opinion of the judge if one is filed, shall
10 be sent by the clerk of the district court or the judge to the
11 state department of transportation.

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SENATE FILE 373

H-3621

1 Amend Senate File 373, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. The general assembly of the state of
6 Iowa makes an affirmative proclamation that both
7 houses of the general assembly certify their combined
8 opposition to the enactment and enforcement in the
9 state of Iowa of the law described in 23 U.S.C. § 104
10 (a)(3)(A)."
11 2. Title page, by striking lines 1 through 3 and
12 inserting the following: "An Act relating to
13 mandatory driver's license revocations for drug
14 offenses."

By BRAMMER of Linn

H-3621 FILED APRIL 1, 1993
LOST

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GIANNETTO, CH.
STURGEON
TAYLOR

SSB 305
JUDICIARY

SENATE FILE 373
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON STURGEON)

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

A BILL FOR

1 An Act relating to the operation of a motor vehicle while under
2 the influence of a drug, and providing for the revocation of
3 motor vehicle licenses for drug offenses.

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

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1 Section 1. Section 124.412, Code 1993, is amended to read
2 as follows:

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5 forfeits bail or collateral deposited to secure the person's
6 appearance in court, and such forfeiture is not vacated, or if
7 a person is found guilty upon an indictment or information
8 alleging a violation of this chapter, a copy of the minutes
9 attached to the indictment returned by the grand jury, or to
10 the county attorney's information, a copy of the judgment and
11 sentence, and a copy of the opinion of the judge if one is
12 filed, shall be sent by the clerk of the district court or the
13 judge to the state department of transportation and to any
14 state board or officer by whom the convicted person has been
15 licensed or registered to practice the person's profession or
16 carry on the person's business. On the conviction of any-such
17 a person, the court may~~7-in-its-considered-judgment7~~ suspend
18 or revoke the license or registration of the convicted
19 defendant to practice the defendant's profession or carry on
20 the defendant's business. On the application of any a person
21 whose license or registration has been suspended or revoked,
22 and upon proper showing and for good cause, said the board or
23 officer may reinstate such the license or registration.

24 Sec. 2. Section 321.205, Code 1993, is amended to read as
25 follows:

26 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
27 STATE.

28 The department is authorized to suspend or revoke the motor
29 vehicle license of a resident of this state upon receiving
30 notice of the conviction of the resident in another state or
31 for a conviction under federal jurisdiction for an offense
32 which, if committed in this state, would be grounds for the
33 suspension or revocation of the license or upon receiving
34 notice of a final administrative decision in another state
35 that the resident has acted in a manner which would be grounds

1 for suspension or revocation of the license in this state.

2 Sec. 3. Section 321.209, Code 1993, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 8. A controlled substance offense under
5 section 124.401, 124.402, or 124.403; a controlled substance
6 tax offense under chapter 453B; a drug or drug-related offense
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8 Sec. 4. Section 321.212, subsection 1, Code 1993, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. d. The department shall revoke a motor
11 vehicle license under section 321.209, subsection 8, for one
12 hundred eighty days. If the person has not been issued a
13 motor vehicle license, the issuance of a motor vehicle license
14 shall be delayed for one hundred eighty days after the person
15 is first eligible. If the person's operating privileges have
16 been suspended or revoked at the time the person is convicted,
17 the one-hundred-eighty-day revocation period shall not begin
18 until all other suspensions or revocations have terminated.

19 Sec. 5. Section 321.215, subsection 1, paragraph e, Code
20 1993, is amended to read as follows:

21 e. The person's court-ordered community service
22 responsibilities.

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24 to a person whose license is revoked under section 321.209,
25 subsections 1 through 5 or subsection 7 or 8. A temporary
26 restricted license may be issued to a person whose license is
27 revoked under section 321.209, subsection 6, only if the
28 person has no previous drag racing convictions. A person
29 holding a temporary restricted license issued by the
30 department under this section shall not operate a motor
31 vehicle for pleasure.

32 Sec. 6. Section 321.215, subsection 2, unnumbered
33 paragraph 1, Code 1993, is amended to read as follows:

34 Upon conviction and the suspension or revocation of a
35 person's motor vehicle license under section 321.209,

1 subsection 5 ~~or~~, 6, or 8; 321.210~~7~~; 321.210A~~7~~; 321.513~~7~~; or
2 321.555, subsection 2, and upon the denial by the director of
3 an application for a temporary restricted license, a person
4 may apply to the district court having jurisdiction for the
5 residence of the person for a temporary restricted permit to
6 operate a motor vehicle for the limited purpose or purposes
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8 only if all of the following criteria are satisfied:

9 Sec. 7. Section 321.215, subsection 2, paragraphs a and d,
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11 a. The temporary restricted permit is requested only for a
12 case of extreme hardship or compelling circumstances where
13 alternative means of transportation do not exist.

14 d. Proof of financial responsibility is established as
15 defined in chapter 321A~~7~~-however. However, such proof is not
16 required if the motor vehicle license was suspended under
17 section 321.210A or 321.513 or revoked under section 321.209,
18 subsection 8.

19 Sec. 8. Section 321.491, Code 1993, is amended by adding
20 the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. All federal courts located in
22 the state are requested to forward to the department a record
23 of conviction of a person for a violation of a federal drug or
24 controlled substance law.

25 Sec. 9. Section 321A.17, subsection 5, Code 1993, is
26 amended to read as follows:

27 5. An individual applying for a motor vehicle license
28 following a period of suspension or revocation under section
29 321.209, subsection 8, section 321.210A, 321.216, or 321.513,
30 or following a period of suspension under section 321.194, is
31 not required to maintain proof of financial responsibility
32 under this section.

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EXPLANATION

34 Sections 1 through 9 of this bill require the state de-
35 partment of transportation to revoke a person's motor vehicle

1 license for 180 days for conviction of a drug offense under
2 chapters 124, 126, 453B or a federal drug violation under 21
3 U.S.C. ch. 13. A person whose motor vehicle license is
4 revoked for a drug offense is not eligible for a temporary
5 restricted license for work or school or various other
6 purposes unless the district court makes a finding that
7 extreme hardship or compelling circumstances would occur or
8 exist if the temporary permit was not issued. These sections
9 also do not require a person to maintain proof of financial
10 responsibility when applying for a motor vehicle license
11 following the revocation. Finally, federal courts in Iowa are
12 requested to forward to the state department of transportation
13 records of federal drug or controlling substance convictions.

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SENATE FILE 373

AN ACT

RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF A DRUG, AND PROVIDING FOR THE REVOCATION OF MOTOR VEHICLE LICENSES FOR DRUG OFFENSES.

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

Section 1. Section 124.412, Code 1993, is amended to read as follows:

124.412 NOTICE OF CONVICTION.

Whenever any if a person enters a plea of guilty to, or forfeits bail or collateral deposited to secure the person's appearance in court, and such forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation and to any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or carry on the person's business. On the conviction of any such a person, the court may ~~in its considered judgment,~~ suspend or revoke the license or registration of the convicted defendant to practice the defendant's profession or carry on the defendant's business. On the application of any a person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, ~~said the~~ board or officer may reinstate such the license or registration.

Sec. 2. NEW SECTION. 126.26 NOTICE OF CONVICTION.

If a person enters a plea of guilty, or forfeits bail or collateral deposited to secure the person's appearance in court, and the forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a

violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation.

Sec. 3. Section 321.205, Code 1993, is amended to read as follows:

321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER STATE.

The department is authorized to suspend or revoke the motor vehicle license of a resident of this state upon receiving notice of the conviction of the resident in another state or for a conviction under federal jurisdiction for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license in this state.

The department shall suspend or revoke for one hundred eighty days the motor vehicle license of a resident of this state upon receiving notice of conviction in another state or under federal jurisdiction for an offense enumerated under section 321.209, subsection 8.

Sec. 4. Section 321.209, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A controlled substance offense under section 124.401, 124.401A, 124.402, or 124.403; a controlled substance tax offense under chapter 453B; a drug or drug-related offense under section 126.3; or an offense under 21 U.S.C. ch. 13.

Sec. 5. Section 321.212, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The department shall revoke a motor vehicle license under section 321.209, subsection 8, for one hundred eighty days. If the person has not been issued a motor vehicle license, the issuance of a motor vehicle license

shall be delayed for one hundred eighty days after the person is first eligible. If the person's operating privileges have been suspended or revoked at the time the person is convicted, the one-hundred-eighty-day revocation period shall not begin until all other suspensions or revocations have terminated.

Sec. 6. Section 321.213, Code 1993, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 124, 126, 321A, or chapter 321J, or 453B for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or section 124.401, 124.402, 124.403, a drug offense under section 126.3, or chapter 321A, or chapter 321J, or 453B constitutes a final conviction of a violation of a provision of this chapter or section 124.401, 124.402, 124.403, a drug offense under section 126.3, or chapter 321A, or chapter 321J, or 453B for purposes of section 321.189, subsection 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 7. Section 321.215, subsection 1, paragraph e, Code 1993, is amended to read as follows:

e. The person's court-ordered community service responsibilities.

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.209, subsections 1 through 5 or subsection 7 or 8. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the

department under this section shall not operate a motor vehicle for pleasure.

Sec. 8. Section 321.215, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.209, subsection 5 or 6, or 8; 321.210; 321.210A; 321.513; or 321.555, subsection 2, and upon the denial by the director of an application for a temporary restricted license, a person may apply to the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

Sec. 9. Section 321.215, subsection 2, paragraphs a and d, Code 1993, are amended to read as follows:

a. The temporary restricted permit is requested only for a case of extreme hardship or compelling circumstances where alternative means of transportation do not exist.

d. Proof of financial responsibility is established as defined in chapter 321A; however, however, such proof is not required if the motor vehicle license was suspended under section 321.210A or 321.513 or revoked under section 321.209, subsection 8.

Sec. 10. Section 321.491, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All federal courts located in the state are requested to forward to the department a record of conviction of a person for a violation of a federal drug or controlled substance law.

Sec. 11. Section 321A.17, subsection 5, Code 1993, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.209, subsection 8, section 321.210A, 321.216, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 12. NEW SECTION. 453B.16 NOTICE OF CONVICTION.

If a person enters a plea of guilty, or forfeits bail or collateral deposited to secure the person's appearance in court, and the forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 373, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 2, 1993

TERRY E. BRANSTAD
Governor

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