

(P. 94) 1-19-94 Judiciary
(P. 421) 2/28/94 Amend/Do Pass W/55054
(P. 701) 3-17-94 House - transportation
FILED JAN 19 1994

SENATE FILE 2038
BY SZYMONIAK

(P. 711)
Passed Senate, Date 3-17-94 Passed House, Date 4/5/94
Vote: Ayes 49 Nays 0 Vote: Ayes 70 Nays 29
Approved May 10, 1994

A BILL FOR

1 An Act to provide for the destruction of state department of
2 transportation records regarding arrests or convictions for
3 the offense of operating while intoxicated.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2038

S-5054

1 Amend Senate File 2038 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "occurs." the following: "However, the director shall
4 not destroy operating records of holders of commercial
5 drivers licenses which pertain to arrests or
6 convictions for operating while intoxicated after the
7 expiration of twelve years."

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

adopted 3/17/94 (P. 710)

S-5054 FILED FEBRUARY 28, 1994

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1 Section 1. Section 321.12, Code 1993, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The director shall destroy any
4 operating records pertaining to arrests or convictions for
5 operating while intoxicated, in violation of section 321J.2,
6 which are more than twelve years old. The twelve-year period
7 shall commence with the date of the arrest or conviction for
8 the offense, whichever first occurs.

9 EXPLANATION

10 This bill requires the director of the department of
11 transportation to destroy any records kept by the department
12 pertaining to arrests or convictions for operating while
13 intoxicated that are more than 12 years old.

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(P. 859) 3/23/94 Amend/Do Pass
w/ H. 5637

SENATE FILE **2038**
BY SZYMONIAK

(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 1994)

~~_____~~ - New Language by the Senate

Passed Senate, Date ^(P. 1113) 4-8-94 Passed House, Date ^(P. 1131) 4-5-94
Vote: Ayes 47 Nays 1 Vote: Ayes 70 Nays 29

Approved May 10, 1994
~~Passed 4-14-94~~ ~~Passed 4-15-94~~ ^(P. 1240) ^(P. 1481)
Vote 50-0 Vote 79-17

A BILL FOR

1 An Act to provide for the destruction of state department of
2 transportation records regarding arrests or convictions for
3 the offense of operating while intoxicated.

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

5 ~~House~~ Conf. Comm. 4/13/94 Senate Conf. Comm. 4/13/94
6 *Spencer* *Szymoniak* (P. 1159)
7 *Druss* *Lloyd Jones*
8 *Witter* *Frank*
9 *Muhlenberg* *Drake*
10 *Myers* *Hedge*

S.F. 2038

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1 Section 1. Section 321.12, Code 1993, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The director shall destroy any
4 operating records pertaining to arrests or convictions for
5 operating while intoxicated, in violation of section 321J.2,
6 which are more than twelve years old. The twelve-year period
7 shall commence with the date of the arrest or conviction for
8 the offense, whichever first occurs. However, the director
9 shall not destroy operating records of holders of commercial
10 drivers licenses which pertain to arrests or convictions for
11 operating while intoxicated after the expiration of twelve
12 years.

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SENATE FILE 2038

H-5727

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 321.12, Code 1993, is amended
6 to read as follows:

7 321.12 OBSOLETE RECORDS DESTROYED.

8 The director may destroy any records of the
9 department which have been maintained on file for
10 three years which the director deems obsolete and of
11 no further service in carrying out the powers and
12 duties of the department. However, operating records
13 relating to a person who has been issued a commercial
14 driver's license shall be maintained on file in
15 accordance with rules adopted by the department.
16 Records concerning suspensions authorized under
17 section 321.210, subsection 1, paragraph "g", and
18 section 321.210A may be destroyed six months after the
19 suspension is terminated and the requirements of
20 section 321.191 have been satisfied. Records
21 concerning suspensions and surrender of licenses or
22 registrations required under section 321A.31 for
23 failing to maintain proof of financial responsibility
24 as defined in section 321A.1, may be destroyed six
25 months after the requirements of sections 321.191 and
26 321A.29, have been satisfied."

out of order
27 2. Title page, by striking lines 2 and 3, and
28 inserting the following: "transportation records."

29 3. By renumbering as necessary.

By GRUBBS of Scott
SPENNER of Henry
CORBETT of Linn

H-5727 FILED MARCH 28, 1994

Adopted 4-5-94 (P. 1126)
Lemo 27+28
4-5-94 out of order p. 1131

SENATE FILE 2038

H-5932

1 Amend the amendment, H-5907, to Senate File 2038,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 5 through 43 and
5 inserting the following:

6 ""Section 1. Section 321.11, Code 1993, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. However, the department,
9 prior to releasing any information pursuant to this
10 section, shall obtain and keep on file the requester's
11 name and address and a description of the information
12 requested.""

By NEUHAUSER of Johnson

H-5932 FILED APRIL 4, 1994

Lost 4-5-94 (p. 1130)

SENATE FILE 2038

H-5824

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Personal information
8 contained in state department of transportation
9 records relating to motor vehicle registration, other
10 than commercial motor vehicle records. Personal
11 information includes, but is not limited to the name,
12 address, and telephone number of the owner of the
13 vehicle. However, this subsection does not apply to
14 such personal information which is used by state
15 department of transportation employees, by law
16 enforcement, fire department, or emergency medical
17 services personnel, or by any group certified by a
18 local law enforcement agency for the purpose of
19 reporting possible criminal activity. The state
20 department of transportation shall establish
21 procedures for release of the information and for
22 groups to be certified by a local law enforcement
23 agency as being authorized to request personal
24 information for the purpose of reporting criminal
25 activity.

26 Sec. 2. Section 321.11, Code 1993, is amended by
27 adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. However, personal
29 information contained in records relating to motor
30 vehicle registration, other than commercial motor
31 vehicle records, shall be for the confidential use of
32 the department; law enforcement, fire department, and
33 emergency medical services personnel; and any person
34 designated by a group certified by a local law
35 enforcement agency for the purpose of reporting
36 possible criminal activity. Personal information
37 includes, but is not limited to the name, address, and
38 telephone number of the owner of the vehicle. The
39 department shall establish procedures for release of
40 the information and for groups to be certified by a
41 local law enforcement agency as being authorized to
42 request personal information for the purpose of
43 reporting criminal activity."

44 2. Title page, line 1, by striking the words "the
45 destruction of".

46 3. Title page, line 2, by inserting after the
47 word "records" the following: "by providing for the
48 confidentiality of certain records and for destroying
49 certain records".

50 4. By renumbering as necessary.

By FALLON of Polk

H-5824 FILED MARCH 29, 1994

WITHDRAWN 4, 5-94

SENATE FILE 2038

H-5801

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 12 the
4 following:
5 "Sec. ____ . Section 515D.4, subsection 5, Code
6 1993, is amended to read as follows:
7 5. The named insured or any operator who either
8 resides in the same household or customarily operates
9 an automobile insured under the policy has that
10 person's driver's license suspended or revoked during
11 the policy term or, if the policy is a renewal, during
12 its term or the one hundred eighty days immediately
13 preceding its effective date. Notice of cancellation,
14 for reasons stated in this subsection, shall include a
15 copy of the driving record of the named insured or any
16 operator who either resides in the same household or
17 customarily operates an automobile insured under the
18 policy whose driver's license was suspended or
19 revoked.
20 Sec. ____ . Section 515D.7, Code 1993, is amended by
21 adding the following new unnumbered paragraph after
22 unnumbered paragraph 2:
23 NEW UNNUMBERED PARAGRAPH. When intent not to renew
24 is based upon revocation or suspension of the
25 insured's driver's license, notice under this section
26 shall include a copy of the insured's driving record.
27 Sec. ____ . Section 516B.3, Code 1993, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 3. If an insurer refuses to issue
30 a policy based upon the driving record of the person
31 seeking automobile liability insurance, the insurer
32 shall include in the letter of denial a copy of the
33 person's driving record upon which the denial was
34 based."
35 2. Title page, line 1, by striking the words "to
36 provide for the destruction of" and inserting the
37 following: "relating to".
38 3. Title page, line 2, by inserting after the
39 word "records" the following: "concerning inclusion
40 of driving records in notices relating to denial,
41 cancellation, or renewal of automobile liability
42 insurance, and concerning destruction of certain
43 records".

44 4. By renumbering as necessary.

By OSTERBERG of Linn

H-5801 FILED MARCH 29, 1994

WITHDRAWN

4-5-94

(p. 1122)

SENATE FILE 2038

H-5829

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section 515D.4, subsection 5,
6 unnumbered paragraph 1, Code 1993, is amended to read
7 as follows:

8 5. The named insured or any operator who either
9 resides in the same household or customarily operates
10 an automobile insured under the policy has that
11 person's driver's license suspended or revoked during
12 the policy term or, if the policy is a renewal, during
13 its term or the one hundred eighty days immediately
14 preceding its effective date. Notice of cancellation,
15 for reasons stated in this subsection, shall include a
16 copy of the driving record of the named insured or any
17 operator who either resides in the same household or
18 customarily operates an automobile insured under the
19 policy whose driver's license was suspended or
20 revoked.

21 Sec. ____ . Section 515D.7, Code 1993, is amended by
22 adding the following new unnumbered paragraphs after
23 unnumbered paragraph 2:

24 NEW UNNUMBERED PARAGRAPH. When intent not to renew
25 is based upon revocation or suspension of the
26 insured's driver's license, notice under this section
27 shall include a copy of the insured's driving record.

28 NEW UNNUMBERED PARAGRAPH. An intent to renew made
29 contingent upon acceptance of a significant change in
30 the insured's insurance coverage or rates based in
31 part on the insured's driving record shall constitute
32 an intent not to renew for purposes of requiring
33 notice as provided in this section and the notice
34 shall include a copy of the insured's driving record.

35 Sec. ____ . Section 516B.3, Code 1993, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 3. If an insurer refuses to issue
38 a policy based upon the driving record of the person
39 seeking automobile liability insurance, the insurer
40 shall include in the letter of denial a copy of the
41 person's driving record upon which the denial was
42 based."

43 2. Title page, line 1, by striking the words "to
44 provide for the destruction of" and inserting the
45 following: "relating to".

46 3. Title page, line 2, by inserting after the
47 word "records" the following: "concerning inclusion
48 of driving records in notices relating to denial,
49 cancellation, or renewal of automobile liability
50 insurance, and concerning destruction of certain

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H-5829

Page 2

1 records".

2 4. By renumbering as necessary.

WITHDRAWN

4-5-94

(p. 1127)

By OSTERBERG of Linn
GRIES of Crawford

H-5829 FILED MARCH 29, 1994

SENATE FILE 2038

H-5889

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section 515D.4, subsection 5, Code
6 1993, is amended to read as follows:

7 5. The named insured or any operator who either
8 resides in the same household or customarily operates
9 an automobile insured under the policy has that
10 person's driver's license suspended or revoked during
11 the policy term or, if the policy is a renewal, during
12 its term or the one hundred eighty days immediately
13 preceding its effective date. Notice of cancellation,
14 for reasons stated in this subsection, shall include a
15 copy of the driving record, as maintained by the state
16 department of transportation, of the named insured or
17 any operator who either resides in the same household
18 or customarily operates an automobile insured under
19 the policy whose driver's license was suspended or
20 revoked.

21 Sec. ____ . Section 515D.7, Code 1993, is amended by
22 adding the following new unnumbered paragraphs after
23 unnumbered paragraph 2:

24 NEW UNNUMBERED PARAGRAPH. When intent not to renew
25 is based upon revocation or suspension of the
26 insured's driver's license, notice under this section
27 shall include a copy of the insured's driving record
28 as maintained by the state department of
29 transportation.

30 NEW UNNUMBERED PARAGRAPH. An intent to renew made
31 contingent upon acceptance of a significant change in
32 the insured's insurance coverage or rates based in
33 part on the insured's driving record shall constitute
34 an intent not to renew for purposes of requiring
35 notice as provided in this section and the notice
36 shall include a copy of the insured's driving record
37 as maintained by the state department of
38 transportation.

39 Sec. ____ . Section 516B.3, Code 1993, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 3. If an insurer refuses to issue
42 a policy based upon the driving record of the person
43 seeking automobile liability insurance, the insurer
44 shall include in the letter of denial a copy of the
45 person's driving record as maintained by the state
46 department of transportation upon which the denial was
47 based."

out
Editor 48 2. Title page, line 1, by striking the words "to
49 provide for the destruction of" and inserting the
50 following: "relating to".

H-5889

out of order

1 3. Title page, line 2, by inserting after the
2 word "records" the following: "concerning inclusion
3 of driving records in notices relating to denial,
4 cancellation, or renewal of automobile liability
5 insurance, and concerning destruction of certain
6 records".

7 4. By renumbering as necessary.

By GRIES of Crawford
OSTERBERG of Linn

H-5889 FILED MARCH 30, 1994

*Adopted 4-5-94
(P. 1128)*

*Lines 48-50 Page 1
1-6 Page 2*

*out of order
4-5-94
(P. 1131)*

SENATE FILE 2038

H-5846

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 321.11, Code 1993, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. However, the department,
8 prior to releasing any information pursuant to this
9 section, shall obtain and keep on file the requester's
10 name and address and a description of the information
11 requested."

12 2. Title page, line 1, by striking the words "to
13 provide for the destruction of" and inserting the
14 following: "relating to".

15 3. Title page, line 2, by inserting after the
16 word "records" the following: "by providing for the
17 release of certain records and for destroying certain
18 records".

19 4. By renumbering as necessary.

By NEUHAUSER of Johnson
BEATTY of Warren
HARPER of Black Hawk
OLLIE of Clinton

HENDERSON of Scott
WITT of Black Hawk
NELSON of Pottawattamie
LARKIN of Lee

H-5846 FILED MARCH 30, 1994

WITHDRAWN
4-5-94 (P. 1128)

SENATE FILE 2038

H-5869

1 Amend the amendment, H-5824, as amended, passed,
2 and reprinted by the Senate, as follows:

3 1. Page 1, line 17, by inserting after the word
4 "personnel," the following: "members of the press,".

5 2. Page 1, line 33, by inserting after the word
6 "personnel;" the following: "members of the press;".

By O'BRIEN of Boone

H-5869 FILED MARCH 30, 1994

*out of order
4-5-94
(P. 1126)*

SENATE FILE 2038

H-5907

1 Amend Senate File 2038, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Personal information
8 contained in state department of transportation and
9 county motor vehicle records relating to motor vehicle
10 registration, other than commercial motor vehicle
11 records. Personal information includes, but is not
12 limited to the name, address, and social security
13 number of the owner of the vehicle. However, this
14 subsection does not apply to release of personal in-
15 formation to state department of transportation
16 employees; law enforcement, fire department, or
17 emergency medical services personnel; tow truck and
18 auto storage operators holding operating authority
19 from the state department of transportation; insurers
20 of motor vehicles; and members of neighborhood watch
21 groups who are approved by the chief of police of the
22 city in which the members reside. The state
23 department of transportation shall adopt rules which
24 provide a procedure for release of personal
25 information to persons not subject to this subsection
26 but which otherwise insures that personal information
27 remains confidential.

28 Sec. ____ . Section 321.11, Code 1993, is amended by
29 adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. However, personal
31 information contained in records relating to motor
32 vehicle registration, other than commercial motor
33 vehicle records, shall be for the confidential use of
34 the department; law enforcement, fire department, or
35 emergency medical services personnel; tow truck and
36 auto storage operators holding operating authority
37 from the state department of transportation; insurers
38 of motor vehicles; and members of neighborhood watch
39 groups who are approved by the chief of police of the
40 city in which the members reside. Personal
41 information includes, but is not limited to the name,
42 address, and social security number of the owner of
43 the vehicle."

44 2. Title page, by striking lines 1 through 3 and
45 inserting the following: "An Act relating to motor
46 vehicle records."

47 3. By numbering and renumbering as necessary.

By McNEAL of Hardin
SPENNER of Henry
MYERS of Johnson

RENAUD of Polk
FALLON of Polk

H-5907 FILED MARCH 31, 1994

Adopted 4-5-94 (p. 1131)

SENATE FILE 2038

H-5637

1 Amend Senate File 2038, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, lines 9 and 10, by striking the words
4 "of holders of commercial drivers licenses".

5 2. Page 1, line 12, by inserting after the word
6 "years" the following: "when the motor vehicle being
7 operated was a commercial motor vehicle".

By COMMITTEE ON TRANSPORTATION
SPENNER of Henry, Chairperson

H-5637 FILED MARCH 23, 1994

Adopted 4-5-94
(P 1126.)

SENATE FILE 2038

H-5961

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 12.

By HALVORSON of Webster

H-5961 FILED APRIL 5, 1994

Lost 4-5-94
(P 1131)

HOUSE AMENDMENT TO
SENATE FILE 2038

S-5455

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Personal information
8 contained in state department of transportation and
9 county motor vehicle records relating to motor vehicle
10 registration, other than commercial motor vehicle
11 records. Personal information includes, but is not
12 limited to the name, address, and social security
13 number of the owner of the vehicle. However, this
14 subsection does not apply to release of personal in-
15 formation to state department of transportation
16 employees; law enforcement, fire department, or
17 emergency medical services personnel; tow truck and
18 auto storage operators holding operating authority
19 from the state department of transportation; insurers
20 of motor vehicles; and members of neighborhood watch
21 groups who are approved by the chief of police of the
22 city in which the members reside. The state
23 department of transportation shall adopt rules which
24 provide a procedure for release of personal
25 information to persons not subject to this subsection
26 but which otherwise insures that personal information
27 remains confidential.

28 Sec. ____ . Section 321.11, Code 1993, is amended by
29 adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. However, personal
31 information contained in records relating to motor
32 vehicle registration, other than commercial motor
33 vehicle records, shall be for the confidential use of
34 the department; law enforcement, fire department, or
35 emergency medical services personnel; tow truck and
36 auto storage operators holding operating authority
37 from the state department of transportation; insurers
38 of motor vehicles; and members of neighborhood watch
39 groups who are approved by the chief of police of the
40 city in which the members reside. Personal
41 information includes, but is not limited to the name,
42 address, and social security number of the owner of
43 the vehicle."

44 2. Page 1, by inserting before line 1 the
45 following:

46 "Sec. ____ . Section 321.12, Code 1993, is amended
47 to read as follows:

48 321.12 OBSOLETE RECORDS DESTROYED.

49 The director may destroy any records of the
50 department which have been maintained on file for

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1 three years which the director deems obsolete and of
2 no further service in carrying out the powers and
3 duties of the department. However, operating records
4 relating to a person who has been issued a commercial
5 driver's license shall be maintained on file in
6 accordance with rules adopted by the department.
7 Records concerning suspensions authorized under
8 section 321.210, subsection 1, paragraph "g", and
9 section 321.210A may be destroyed six months after the
10 suspension is terminated and the requirements of
11 section 321.191 have been satisfied. Records
12 concerning suspensions and surrender of licenses or
13 registrations required under section 321A.31 for
14 failing to maintain proof of financial responsibility
15 as defined in section 321A.1, may be destroyed six
16 months after the requirements of sections 321.191 and
17 321A.29, have been satisfied."

18 3. Page 1, lines 9 and 10, by striking the words
19 "of holders of commercial drivers licenses".

20 4. Page 1, line 12, by inserting after the word
21 "years" the following: "when the motor vehicle being
22 operated was a commercial motor vehicle".

23 5. Page 1, by inserting after line 12 the
24 following:

25 "Sec. ____ . Section 515D.4, subsection 5, Code
26 1993, is amended to read as follows:

27 5. The named insured or any operator who either
28 resides in the same household or customarily operates
29 an automobile insured under the policy has that
30 person's driver's license suspended or revoked during
31 the policy term or, if the policy is a renewal, during
32 its term or the one hundred eighty days immediately
33 preceding its effective date. Notice of cancellation,
34 for reasons stated in this subsection, shall include a
35 copy of the driving record, as maintained by the state
36 department of transportation, of the named insured or
37 any operator who either resides in the same household
38 or customarily operates an automobile insured under
39 the policy whose driver's license was suspended or
40 revoked.

41 Sec. ____ . Section 515D.7, Code 1993, is amended by
42 adding the following new unnumbered paragraphs after
43 unnumbered paragraph 2:

44 NEW UNNUMBERED PARAGRAPH. When intent not to renew
45 is based upon revocation or suspension of the
46 insured's driver's license, notice under this section
47 shall include a copy of the insured's driving record
48 as maintained by the state department of
49 transportation.

50 NEW UNNUMBERED PARAGRAPH. An intent to renew made

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Page 3

1 contingent upon acceptance of a significant change in
2 the insured's insurance coverage or rates based in
3 part on the insured's driving record shall constitute
4 an intent not to renew for purposes of requiring
5 notice as provided in this section and the notice
6 shall include a copy of the insured's driving record
7 as maintained by the state department of
8 transportation.

9 Sec. ____ . Section 516B.3, Code 1993, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 3. If an insurer refuses to issue
12 a policy based upon the driving record of the person
13 seeking automobile liability insurance, the insurer
14 shall include in the letter of denial a copy of the
15 person's driving record as maintained by the state
16 department of transportation upon which the denial was
17 based."

18 6. Title page, by striking lines 1 through 3 and
19 inserting the following: "An Act relating to motor
20 vehicle records."

21 7. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5455 FILED APRIL 5, 1994

*Adopted 4-8-94
out of order (P. 1112)*

SENATE FILE 2038

S-5507

1 Amend the House amendment, S-5455, to Senate File
2 2038, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 20, by inserting after the word
5 "vehicles;" the following: "private investigators
6 licensed under chapter 80A;"

7 2. Page 1, line 38, by inserting after the word
8 "vehicles;" the following: "private investigators
9 licensed under chapter 80A;"

By RICHARD DRAKE

S-5507 FILED APRIL 6, 1994

*out of order 4-8-94
(P. 1112)*

SENATE FILE 2038

S-5499

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 43.
- 5 2. By renumbering as necessary.

By LARRY MURPHY

S-5499 FILED APRIL 6, 1994

Out of order 4-8-94 (P. 1112)

SENATE FILE 2038

S-5500

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 5 through 43 and
- 5 inserting the following:
- 6 "Section 1. Section 321.11, Code 1993, is amended
- 7 by adding the following new unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. However, the department,
- 9 prior to releasing any information pursuant to this
- 10 section which is contained in records pertaining to
- 11 motor vehicle registration, other than commercial
- 12 motor vehicle records, shall obtain and keep on file a
- 13 record of the name and address of the person
- 14 requesting the information and a description of the
- 15 information released."
- 16 2. By renumbering as necessary.

By LARRY MURPHY

S-5500 FILED APRIL 6, 1994

Out of order 4-8-94 (P. 1112)

SENATE FILE 2038

S-5506

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 43.
- 5 2. By renumbering as necessary.

By MERLIN E. BARTZ
MARY LOU FREEMANRANDAL J. GIANNETTO
WILLIAM D. PALMER

S-5506 FILED APRIL 6, 1994

Out of order 4-8-94

SENATE FILE 2038

S-5491

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 2, by striking line 23 through page 3,
- 5 line 17.

By WILLIAM D. PALMER
MARY LOU FREEMAN*out of order 4-8-94*

S-5491 FILED APRIL 6, 1994

SENATE FILE 2038

S-5528

1 Amend the House amendment, S-5455, to Senate File
2 2038, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 1, line 20, by inserting after the word
5 "vehicles;" the following: "persons licensed to
6 provide private investigation or private security
7 services under chapter 80A;".
8 2. Page 1, line 38, by inserting after the word
9 "vehicles;" the following: "persons licensed to
10 provide private investigation or private security
11 services under chapter 80A;".

By RICHARD F. DRAKE
BERL E. PRIEBE

Out of Order 4-8-94 (P 1112)

S-5528 FILED APRIL 7, 1994

SENATE FILE 2038

S-5544

1 Amend the House amendment, S-5455, to Senate File
2 2038, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 1 through 43.
5 2. By striking page 2, line 23 through page 3,
6 line 20, and inserting the following:
7 "____. Title page, by striking lines 2 and 3 and
8 inserting the following: "transportation records.""

By ELAINE SZYMONIAK

S-5544 FILED APRIL 8, 1994
ADOPTED *4-8-94*

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2038

H-6062

1 Amend the House amendment, S-5455, to Senate File
2 2038, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 1 through 43.
5 2. By striking page 2, line 23 through page 3,
6 line 20, and inserting the following:
7 "____. Title page, by striking lines 2 and 3 and
8 inserting the following: "transportation records.""

RECEIVED FROM THE SENATE

H-6062 FILED APRIL 8, 1994

(P.1366)

House Refused 4-11-94

Senate Inserts 4/13/94 (P 1182)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2038

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2038, a bill for an Act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6062.
2. That the House amendment S-5455, to Senate File 2038, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, by striking lines 3 through 43.
 2. By striking page 2, line 23 through page 3, line 20, and inserting the following:

CCS-2038

Page 2

"___. Title page, by striking lines 2 and 3 and inserting the following: "transportation records.""

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

ELAINE SZYMONIAK, Chairperson
RICHARD F. DRAKE
WILLIAM FINK
H. KAY HEDGE
JEAN LLOYD-JONES

GREGORY A. SPENNER, Chairperso
STEVEN E. GRUBBS
RICHARD MYERS
MARY NEUHAUSER
JERRY J. WELTER

CCS-2038 FILED APRIL 14, 1994

ADOPTED

4/14/94

*Adopted
4/15/94
P. F. 1680*

SENATE FILE 2038

AN ACT

TO PROVIDE FOR THE DESTRUCTION OF STATE DEPARTMENT OF TRANSPORTATION RECORDS.

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

Section 1. Section 321.12, Code 1993, is amended to read as follows:

321.12 OBSOLETE RECORDS DESTROYED.

The director may destroy any records of the department which have been maintained on file for three years which the director deems obsolete and of no further service in carrying out the powers and duties of the department. However, operating records relating to a person who has been issued a commercial driver's license shall be maintained on file in accordance with rules adopted by the department. Records concerning suspensions authorized under section 321.210, subsection 1, paragraph "g", and section 321.210A may be destroyed six months after the suspension is terminated and the requirements of section 321.191 have been satisfied. Records concerning suspensions and surrender of licenses or registrations required under section 321A.31 for failing to maintain proof of financial responsibility as defined in section 321A.1, may be destroyed six months after the requirements of sections 321.191 and 321A.29, have been satisfied.

Sec. 2. Section 321.12, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2, which are more than twelve years old. The twelve-year period shall commence with the date of the arrest or conviction for

the offense, whichever first occurs. However, the director shall not destroy operating records which pertain to arrests or convictions for operating while intoxicated after the expiration of twelve years when the motor vehicle being operated was a commercial motor vehicle.

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 2038, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 10, 1994

TERRY E. BRANSTAD
Governor