

REPRINTED

SENATE FILE 229  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 134)

Passed Senate, Date 3/4/97 (p. 478) Passed House, Date 4/9/97 (p. 1096)  
Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0  
Approved May 1, 1998

A BILL FOR

1 An Act relating to the issuance of motor vehicle licenses for  
2 certain law enforcement officers and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 229

S-3107

1 Amend Senate File 229 as follows:  
2 1. Page 2, by inserting after line 19 the  
3 following:  
4 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
5 of immediate importance, takes effect upon enactment."  
6 2. Title, line 2, by inserting after the word  
7 "penalties" the following: ", and providing an  
8 effective date".

By RICHARD F. DRAKE

S-3107 FILED MARCH 4, 1997  
ADOPTED 3/4/97 (p. 478)

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1 Section 1. Section 22.7, Code 1997, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 37. Records of a law enforcement agency  
4 or the state department of transportation regarding the  
5 issuance of a motor vehicle license under section 321.189A.

6 Sec. 2. NEW SECTION. 321.189A MOTOR VEHICLE LICENSE FOR  
7 UNDERCOVER LAW ENFORCEMENT OFFICERS -- FEE -- PENALTIES.

8 1. The department may issue undercover motor vehicle  
9 licenses to certified peace officers employed by a local  
10 authority or by the state or federal law enforcement officers  
11 for use in the line of duty when a fictitious identity is  
12 necessary. The department, in cooperation with the  
13 commissioner of public safety, shall adopt rules pursuant to  
14 chapter 17A regarding the issuance, use, and cancellation of  
15 licenses issued pursuant to this section.

16 2. A license issued pursuant to this section shall only be  
17 issued to a certified peace officer or federal law enforcement  
18 officer, who is qualified to obtain the class of license  
19 sought, at the request of the law enforcement agency employing  
20 the officer for official use when the officer is involved in  
21 duty in which a fictitious identity is necessary. An officer  
22 issued a license pursuant to this section shall surrender the  
23 license when the license is no longer needed.

24 3. a. A license issued pursuant to this section shall  
25 only be used in the line of duty when it is necessary for the  
26 officer holding the license to assume a fictitious identity.  
27 An officer issued a license pursuant to this section shall  
28 report as soon as practical to the law enforcement agency  
29 employing the officer any traffic citation issued to the  
30 officer while using the officer's fictitious identity.

31 b. An officer using a license issued under this section  
32 shall not be prosecuted for a public offense under this  
33 chapter if the offense was committed in the line of duty and  
34 was necessary to protect the identity of the officer.

35 4. a. An officer who provides the department false

1 information for the purposes of obtaining a license under this  
2 section commits a class "D" felony.

3 b. An officer who displays or uses a license issued  
4 pursuant to this section during the commission or attempted  
5 commission of a public offense other than a public offense  
6 referred to in subsection 3 or who knowingly permits another  
7 person to use the license issued under this section commits a  
8 class "D" felony.

9 c. An officer who displays or uses a license issued  
10 pursuant to this section in any manner which is not a public  
11 offense but which is not authorized under this section or who  
12 knowingly fails or refuses to surrender the license upon  
13 demand by the department commits an aggravated misdemeanor.

14 5. The fee for issuing a license under this section shall  
15 be the same as for licenses issued pursuant to section  
16 321.189.

17 6. The department shall keep as confidential public  
18 records under section 22.7, all records regarding licenses  
19 issued under this section.

20 EXPLANATION

21 This bill authorizes the state department of transportation  
22 to issue a motor vehicle license to a peace officer or federal  
23 law enforcement officer for the purpose of providing the  
24 officer with a fictitious identity for use in the line of  
25 duty. The officer must also be qualified to obtain the type of  
26 license sought. The department of transportation is directed  
27 to adopt administrative rules under chapter 17A in cooperation  
28 with the commissioner of public safety to implement the  
29 provisions of this bill. Motor vehicle licenses include  
30 driver's licenses, chauffeur's licenses, commercial driver's  
31 licenses, and motorcycle licenses.

32 The bill provides that undercover licenses shall only be  
33 issued at the request of the law enforcement agency employing  
34 the officer who needs the license and limits use of the  
35 license to official duty when a fictitious identity is

1 necessary. When the officer no longer needs the license for  
2 undercover duties, the license shall be surrendered.

3 The bill also requires the officer using the fictitious  
4 identity to report traffic citations issued the officer while  
5 using the undercover license. An officer using an undercover  
6 license on official business is not subject to prosecution for  
7 violations of chapter 321 if the violation was necessary to  
8 protect the identity of the officer.

9 An officer who provides false information to the department  
10 to obtain an undercover license, who uses the license during  
11 the commission of a crime other than provided for by the bill,  
12 or who knowingly allows another person to use the license  
13 commits a class "D" felony. A person who uses the license  
14 improperly, without committing a public offense, or who fails  
15 to surrender the license commits an aggravated misdemeanor.

16 The bill provides that the fee for an undercover license is  
17 the same as for issuance of any of the regular licenses issued  
18 by the department. In addition, records regarding the  
19 issuance of an undercover license are confidential public  
20 records.

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**SENATE FILE 229  
FISCAL NOTE**

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The estimate for Senate File 229 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 229 authorizes the Department of Transportation to issue undercover motor vehicle licenses to peace officers or federal law enforcement officers for use in the line of duty.

**CORRECTIONAL IMPACT**

Senate File 229 is not expected to have a significant correctional impact.

**FISCAL IMPACT**

Senate File 229 will have no significant fiscal impact on the Department of Transportation.

**SOURCE**

Department of Transportation

(LSB 1709SV, DLR)

FILED MARCH 3, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR



1 Section 1. Section 22.7, Code 1997, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 37. Records of a law enforcement agency  
4 or the state department of transportation regarding the  
5 issuance of a motor vehicle license under section 321.189A.

6 Sec. 2. NEW SECTION. 321.189A MOTOR VEHICLE LICENSE FOR  
7 UNDERCOVER LAW ENFORCEMENT OFFICERS -- FEE -- PENALTIES.

8 1. The department may issue undercover motor vehicle  
9 licenses to certified peace officers employed by a local  
10 authority or by the state or federal law enforcement officers  
11 for use in the line of duty when a fictitious identity is  
12 necessary. The department, in cooperation with the  
13 commissioner of public safety, shall adopt rules pursuant to  
14 chapter 17A regarding the issuance, use, and cancellation of  
15 licenses issued pursuant to this section.

16 2. A license issued pursuant to this section shall only be  
17 issued to a certified peace officer or federal law enforcement  
18 officer, who is qualified to obtain the class of license  
19 sought, at the request of the law enforcement agency employing  
20 the officer for official use when the officer is involved in  
21 duty in which a fictitious identity is necessary. An officer  
22 issued a license pursuant to this section shall surrender the  
23 license when the license is no longer needed.

24 3. a. A license issued pursuant to this section shall  
25 only be used in the line of duty when it is necessary for the  
26 officer holding the license to assume a fictitious identity.  
27 An officer issued a license pursuant to this section shall  
28 report as soon as practical to the law enforcement agency  
29 employing the officer any traffic citation issued to the  
30 officer while using the officer's fictitious identity.

31 b. An officer using a license issued under this section  
32 shall not be prosecuted for a public offense under this  
33 chapter if the offense was committed in the line of duty and  
34 was necessary to protect the identity of the officer.

35 4. a. An officer who provides the department false

1 information for the purposes of obtaining a license under this  
2 section commits a class "D" felony.

3 b. An officer who displays or uses a license issued  
4 pursuant to this section during the commission or attempted  
5 commission of a public offense other than a public offense  
6 referred to in subsection 3 or who knowingly permits another  
7 person to use the license issued under this section commits a  
8 class "D" felony.

9 c. An officer who displays or uses a license issued  
10 pursuant to this section in any manner which is not a public  
11 offense but which is not authorized under this section or who  
12 knowingly fails or refuses to surrender the license upon  
13 demand by the department commits an aggravated misdemeanor.

14 5. The fee for issuing a license under this section shall  
15 be the same as for licenses issued pursuant to section  
16 321.189.

17 6. The department shall keep as confidential public  
18 records under section 22.7, all records regarding licenses  
19 issued under this section.

20 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
21 immediate importance, takes effect upon enactment.

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SENATE FILE 229

H-1538

1 Amend Senate File 229, as amended, passed, and  
2 reprinted by the senate, as follows:  
3 1. Page 1, line 34, by inserting after the word  
4 "officer." the following: "However, this paragraph  
5 shall not apply to a violation of subsection 4,  
6 paragraph "a"."

By COMMITTEE ON TRANSPORTATION  
WELTER of Jones, Chairperson

H-1538 FILED APRIL 2, 1997

*Adopted 4/9/97 (p. 1095)*

HOUSE AMENDMENT TO  
SENATE FILE 229

S-3444

1 Amend Senate File 229, as amended, passed, and  
2 reprinted by the senate, as follows:  
3 1. Page 1, line 34, by inserting after the word  
4 "officer." the following: "However, this paragraph  
5 shall not apply to a violation of subsection 4,  
6 paragraph "a"."

RECEIVED FROM THE HOUSE

S-3444 FILED APRIL 9, 1997

*Senate concurred 4/21/97 (p. 1292)*

Drake, Chair  
Tensen  
Mc Coy

SSB-134

Transportation  
Succeeded by

SENATE FILE SF HF 229  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON DRAKE)

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

A BILL FOR

1 An Act relating to the issuance of motor vehicle licenses for  
2 certain law enforcement officers and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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6 Sec. 2. NEW SECTION. 321.189A MOTOR VEHICLE LICENSE FOR  
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8 1. The department may issue undercover motor vehicle  
9 licenses to certified peace officers employed by a local  
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12 necessary. The department, in cooperation with the  
13 commissioner of public safety, shall adopt rules pursuant to  
14 chapter 17A regarding the issuance, use, and cancellation of  
15 licenses issued pursuant to this section.

16 2. A license issued pursuant to this section shall only be  
17 issued to a certified peace officer or federal law enforcement  
18 officer, who is qualified to obtain the class of license  
19 sought, at the request of the law enforcement agency employing  
20 the officer for official use when the officer is involved in  
21 duty in which a fictitious identity is necessary. An officer  
22 issued a license pursuant to this section shall surrender the  
23 license when the license is no longer needed.

24 3. a. A license issued pursuant to this section shall  
25 only be used in the line of duty when it is necessary for the  
26 officer holding the license to assume a fictitious identity.  
27 An officer issued a license pursuant to this section shall  
28 report as soon as practical to the law enforcement agency  
29 employing the officer any traffic citation issued to the  
30 officer while using the officer's fictitious identity.

31 b. An officer using a license issued under this section  
32 shall not be prosecuted for a public offense under this  
33 chapter if the offense was committed in the line of duty and  
34 was necessary to protect the identity of the officer.

35 4. a. An officer who provides the department false

1 information for the purposes of obtaining a license under this  
2 section commits a class "D" felony.

3 b. An officer who displays or uses a license issued  
4 pursuant to this section during the commission or attempted  
5 commission of a public offense other than a public offense  
6 referred to in subsection 3 or who knowingly permits another  
7 person to use the license issued under this section commits a  
8 class "D" felony.

9 c. An officer who displays or uses a license issued  
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11 offense but which is not authorized under this section or who  
12 knowingly fails or refuses to surrender the license upon  
13 demand by the department commits an aggravated misdemeanor.

14 5. The fee for issuing a license under this section shall  
15 be the same as for licenses issued pursuant to section  
16 321.189.

17 6. The department shall keep as confidential public  
18 records under section 22.7, all records regarding licenses  
19 issued under this section.

20 EXPLANATION

21 This bill authorizes the state department of transportation  
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SENATE FILE 229

AN ACT

RELATING TO THE ISSUANCE OF MOTOR VEHICLE LICENSES FOR CERTAIN LAW ENFORCEMENT OFFICERS AND PROVIDING PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 22.7, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 37. Records of a law enforcement agency or the state department of transportation regarding the issuance of a motor vehicle license under section 321.189A.

Sec. 2. NEW SECTION. 321.189A MOTOR VEHICLE LICENSE FOR UNDERCOVER LAW ENFORCEMENT OFFICERS -- FEES -- PENALTIES.

1. The department may issue undercover motor vehicle licenses to certified peace officers employed by a local authority or by the state or federal law enforcement officers for use in the line of duty when a fictitious identity is necessary. The department, in cooperation with the commissioner of public safety, shall adopt rules pursuant to chapter 17A regarding the issuance, use, and cancellation of licenses issued pursuant to this section.

2. A license issued pursuant to this section shall only be issued to a certified peace officer or federal law enforcement officer, who is qualified to obtain the class of license sought, at the request of the law enforcement agency employing the officer for official use when the officer is involved in duty in which a fictitious identity is necessary. An officer

issued a license pursuant to this section shall surrender the license when the license is no longer needed.

3. a. A license issued pursuant to this section shall only be used in the line of duty when it is necessary for the officer holding the license to assume a fictitious identity. An officer issued a license pursuant to this section shall report as soon as practical to the law enforcement agency employing the officer any traffic citation issued to the officer while using the officer's fictitious identity.

b. An officer using a license issued under this section shall not be prosecuted for a public offense under this chapter if the offense was committed in the line of duty and was necessary to protect the identity of the officer. However, this paragraph shall not apply to a violation of subsection 4, paragraph "a".

4. a. An officer who provides the department false information for the purposes of obtaining a license under this section commits a class "D" felony.

b. An officer who displays or uses a license issued pursuant to this section during the commission or attempted commission of a public offense other than a public offense referred to in subsection 3 or who knowingly permits another person to use the license issued under this section commits a class "D" felony.

c. An officer who displays or uses a license issued pursuant to this section in any manner which is not a public offense but which is not authorized under this section or who knowingly fails or refuses to surrender the license upon demand by the department commits an aggravated misdemeanor.

5. The fee for issuing a license under this section shall be the same as for licenses issued pursuant to section 321.189.

6. The department shall keep as confidential public records under section 22.7, all records regarding licenses issued under this section.