

FILED JAN 19 2000

SENATE FILE

2027

BY ZIEMAN

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

A BILL FOR

1 An Act providing for administrative license revocation for any
 2 driver under twenty-one who drives while having a blood
 3 alcohol concentration above .01.

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

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SF 2027 JUDICIARY

1 Section 1. Section 321J.2A, Code 1999, is amended to read
2 as follows:

3 321J.2A PERSONS UNDER THE AGE OF TWENTY-ONE.

4 1. A person who is under the age of twenty-one shall not
5 operate a motor vehicle while having an alcohol concentration,
6 as defined under section 321J.1, of ~~.02~~ .01 or more.

7 2. The driver's license or nonresident operating privilege
8 of a person who is under the age of twenty-one and who
9 operates a motor vehicle ~~while having an alcohol concentration~~
10 ~~of .02 or more~~ in violation of subsection 1 shall be revoked
11 by the department for the period of time specified under
12 section 321J.12.

13 3. A revocation under this section shall not preclude a
14 prosecution or conviction under any applicable criminal
15 provisions of this chapter. However, if the person is
16 convicted of a criminal offense under section 321J.2, the
17 revocation imposed under this section shall be superseded by
18 any revocation imposed as a result of the conviction.

19 4. In any proceeding regarding a revocation under this
20 section, evidence of the results of analysis of a specimen of
21 the defendant's blood, breath, or urine is admissible upon
22 proof of a proper foundation.

23 5. The alcohol concentration established by the results of
24 an analysis of a specimen of the defendant's blood, breath, or
25 urine withdrawn within two hours after the defendant was
26 driving or in physical control of a motor vehicle is presumed
27 to be the alcohol concentration at the time of driving or
28 being in physical control of the motor vehicle.

29 6. In any proceedings conducted under this section, the
30 results of a chemical test shall not be used to prove a
31 violation of this section if the alcohol level indicated by
32 the chemical test minus the established margin of error
33 inherent in the device or method used to conduct the chemical
34 test does not result in an alcohol concentration equal or
35 greater than the level prohibited by subsection 1.

1 The bill also adds a subsection regarding the margin of
2 error of the testing device, consistent with the provisions of
3 Code section 321J.2, and amends other sections of Code chapter
4 321J that refer to the .02 level in Code section 321J.2A.

5 The bill also increases the license revocation period from
6 60 to 90 days for a first-time revocation for .01 violation,
7 and from 90 to 120 days for a subsequent violation.

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