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SENATE FILE

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2179)

Passed Senate, Date ^(P. 472) 2/29/00 Passed House, Date _____
 Vote: Ayes 44 Nays 5 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to revocations of driver's licenses for an
 2 operating while intoxicated offense.

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

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SF 2275

1 Section 1. Section 321J.13, subsection 6, paragraph c,
2 Code Supplement 1999, is amended to read as follows:

3 c. ~~Such-a~~ Any holding by the court in the criminal action
4 is on the charge of violation of section 321J.2 or 321J.2A
5 resulting from the same circumstances that resulted in the
6 administrative revocation shall be binding on the department,
7 and-the.

8 d. The department shall rescind the revocation in the
9 following circumstances:

10 (1) When the court ruling concludes that the defendant
11 shall prevail as provided in paragraph "b".

12 (2) When the defendant is acquitted on the charge of
13 violation of section 321J.2 or 321J.2A resulting from the same
14 circumstances that resulted in the administrative revocation.

15 (3) When the case is otherwise dismissed by the court.

16 (4) When the rulings by the court in the criminal action
17 on the charge of violation of section 321J.2 or 321J.2A
18 resulting from the same circumstances that resulted in the
19 administrative revocation otherwise support rescision of the
20 revocation.

21 EXPLANATION

22 This bill amends Code section 321J.13, relating to rescision
23 of an administrative revocation of a driver's license for an
24 operating while intoxicated (OWI) offense.

25 The bill specifies that all court decisions in the criminal
26 action arising out of the same circumstances that led to the
27 administrative license revocation shall be binding upon the
28 department. The bill also specifies that the department shall
29 rescind the revocation where the court determines that the
30 stop was unreasonable or the chemical test was invalid or
31 inadmissible, when the defendant is acquitted or the case is
32 otherwise dismissed by the court, or when the court rulings
33 otherwise support rescision of the revocation.

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SENATE FILE 2275

S-5024

1 Amend Senate File 2275 as follows:

2 1. Page 1, by inserting after line 20 the
3 following:

4 "Sec. ____ . RETROACTIVE APPLICABILITY. This Act is
5 retroactively applicable to July 1, 1997, and is
6 applicable on and after that date."

7 2. Title page, line 2, by inserting after the
8 word "offense" the following: ", and providing an
9 effective date".

10 3. By renumbering as necessary.

By KITTY REHBERG

S-5024 FILED FEBRUARY 28, 2000

Adopted
2/29/00 (p. 471)

SENATE FILE 2275

S-5036

1 Amend Senate File 2275 as follows:

2 1. Page 1, by inserting after line 20 the
3 following:

4 "e. Notwithstanding paragraph "d", the department
5 shall not rescind the revocation if the person refused
6 to provide a specimen for chemical testing when
7 requested to do so in accordance with this chapter."

By JEFF LAMBERTI

S-5036 FILED FEBRUARY 29, 2000

ADOPTED

Adopted
2/29/00 (p. 472)

1 Section 1. Section 321J.13, subsection 6, paragraph c,
2 Code Supplement 1999, is amended to read as follows:

3 c. ~~Such-a~~ Any holding by the court in the criminal action
4 is on the charge of violation of section 321J.2 or 321J.2A
5 resulting from the same circumstances that resulted in the
6 administrative revocation shall be binding on the department,
7 and-the.

8 d. The department shall rescind the revocation in the
9 following circumstances:

10 (1) When the court ruling concludes that the defendant
11 shall prevail as provided in paragraph "b".

12 (2) When the defendant is acquitted on the charge of
13 violation of section 321J.2 or 321J.2A resulting from the same
14 circumstances that resulted in the administrative revocation.

15 (3) When the case is otherwise dismissed by the court.

16 (4) When the rulings by the court in the criminal action
17 on the charge of violation of section 321J.2 or 321J.2A
18 resulting from the same circumstances that resulted in the
19 administrative revocation otherwise support rescision of the
20 revocation.

21 e. Notwithstanding paragraph "d", the department shall not
22 rescind the revocation if the person refused to provide a
23 specimen for chemical testing when requested to do so in
24 accordance with this chapter.

25 Sec. 2. RETROACTIVE APPLICABILITY. This Act is
26 retroactively applicable to July 1, 1997, and is applicable on
27 and after that date.

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