

321J.20 Temporary restricted license — ignition interlock devices.

1. *a.* The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under [this chapter](#) allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, court-ordered community service responsibilities, appointments with the person's parole or probation officer, and participation in a program established pursuant to [chapter 901D](#), if the person's driver's license has not been revoked previously under [section 321J.4](#), [321J.9](#), or [321J.12](#) and if any of the following apply:

(1) The person's noncommercial driver's license is revoked under [section 321J.4](#) and the minimum period of ineligibility for issuance of a temporary restricted license has expired. [This subsection](#) shall not apply to a revocation ordered under [section 321J.4](#) resulting from a plea or verdict of guilty of a violation of [section 321J.2](#) that involved a death.

(2) The person's noncommercial driver's license is revoked under [section 321J.9](#) and the person has entered a plea of guilty on a charge of a violation of [section 321J.2](#) which arose from the same set of circumstances which resulted in the person's driver's license revocation under [section 321J.9](#) and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

(3) The person's noncommercial driver's license is revoked under [section 321J.12](#), and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

b. A temporary restricted license may be issued under [this subsection](#) if the person's noncommercial driver's license is revoked for two years under [section 321J.4](#), [subsection 2](#), or [section 321J.9](#), [subsection 1](#), paragraph "b", and the first three hundred sixty-five days of the revocation have expired.

c. [This subsection](#) does not apply to a person whose license was revoked under [section 321J.2A](#) or [section 321J.4](#), [subsection 4 or 6](#), or to a person whose license is suspended or revoked for another reason.

d. Following the applicable minimum period of ineligibility, a temporary restricted license under [this subsection](#) shall not be issued until the applicant installs an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the applicant in accordance with [section 321J.2](#), [321J.4](#), [321J.9](#), or [321J.12](#). Installation of an ignition interlock device under [this subsection](#) shall be required for the period of time for which the temporary restricted license is issued and for such additional period of time following reinstatement as is required under [section 321J.17](#), [subsection 3](#).

2. *a.* Notwithstanding [section 321.560](#), the department may, on application, and upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under [section 321.560](#), [321J.4](#), [321J.9](#), or [321J.12](#), issue a temporary restricted license to a person whose noncommercial driver's license has either been revoked under [this chapter](#), or revoked or suspended under [chapter 321](#) solely for violations of [this chapter](#), or who has been determined to be a habitual offender under [chapter 321](#) based solely on violations of [this chapter](#) or on violations listed in [section 321.560](#), [subsection 1](#), paragraph "b", and who is not eligible for a temporary restricted license under [subsection 1](#). However, the department may not issue a temporary restricted license under [this subsection](#) for a violation of [section 321J.2A](#) or to a person under the age of twenty-one whose license is revoked under [section 321J.4](#), [321J.9](#), or [321J.12](#). A temporary restricted license issued under [this subsection](#) may allow the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment; continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion; substance abuse treatment; or participation in a program established pursuant to [chapter 901D](#).

b. A temporary restricted license issued under [this subsection](#) shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the applicant. Installation of an ignition interlock device under [this subsection](#) shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under [section 321J.17, subsection 3](#). However, a person whose driver's license or nonresident operating privilege has been revoked under [section 321J.21](#) may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of [section 321J.2](#).

3. If a person required to install an ignition interlock device or participate in a program established pursuant to [chapter 901D](#) operates a motor vehicle which does not have an approved ignition interlock device or while not in compliance with the program, or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked.

4. A person holding a temporary restricted license issued by the department under [this section](#) shall not operate a motor vehicle for pleasure.

5. A person holding a temporary restricted license issued by the department under [this section](#) shall not operate a commercial motor vehicle on a highway if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle.

6. A person holding a temporary license issued by the department under [this chapter](#) shall be prohibited from operating a school bus.

7. Notwithstanding any provision of [this chapter](#) to the contrary, the department may issue a temporary restricted license to a person otherwise eligible for a temporary restricted license under [this section](#), whose period of revocation under [this chapter](#) has expired, but who has not met all requirements for reinstatement of the person's driver's license or nonresident operating privileges.

8. A person who tampers with or circumvents an ignition interlock device installed as required in [this chapter](#) and while the requirement for the ignition interlock device is in effect commits a serious misdemeanor.

9. Notwithstanding any provision of [this chapter](#) to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under [this section](#) if the person is also eligible for a temporary restricted license under [section 321.215](#), provided the requirements of [this section](#) and [section 321.215](#) are satisfied.

10. Notwithstanding any other provision of law to the contrary, in any circumstance in which [this chapter](#) requires the installation of an ignition interlock device in all vehicles owned or operated by a person as a condition of the person's license or privilege to operate noncommercial motor vehicles, the department shall require the person to be a participant in and in compliance with a sobriety and drug monitoring program established pursuant to [chapter 901D](#) if the person's offense under [this chapter](#) qualifies as an eligible offense as defined in [section 901D.2](#), and the person's offense occurred in a participating jurisdiction, as defined in [section 901D.2](#). [This subsection](#) shall not apply if the court enters an order finding the person is not required to participate in a sobriety and drug monitoring program. The department, in consultation with the department of public safety, may adopt rules for issuing and accepting a certification of participation in and compliance with a program established pursuant to [chapter 901D](#). [This subsection](#) shall be construed and implemented to comply with 23 U.S.C. §164(a), as amended by the federal Fixing America's Surface Transportation Act, Pub. L. No. 114-94, §1414, and shall not apply if such application results in a finding of noncompliance with 23 U.S.C. §164 that results or will result in a reservation or transfer of funds pursuant to 23 U.S.C. §164(b). [This subsection](#) shall not authorize the operation of a motor vehicle for any purpose not otherwise authorized by [this chapter](#).

86 Acts, ch 1220, §20; 90 Acts, ch 1230, §87, 88; 95 Acts, ch 48, §21; 95 Acts, ch 143, §7; 97 Acts, ch 177, §18 – 20; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1138, §5, 36, 37; 2000 Acts, ch 1133, §17; 2003 Acts, ch 60, §7; 2007 Acts, ch 196, §6; 2010 Acts, ch 1061, §180; 2010 Acts,

ch 1097, §11; 2013 Acts, ch 103, §16, 17; 2015 Acts, ch 123, §36, 73; 2016 Acts, ch 1011, §54; 2017 Acts, ch 76, §13 – 16

Referred to in §321.215, §321.560, §321J.2, §321J.4, §321J.9, §321J.12

For future repeal, effective July 1, 2022, of 2017 amendments to this section, see 2017 Acts, ch 76, §17

Subsection 1, paragraph a, unnumbered paragraph 1 amended

Subsection 2, paragraph a amended

Subsection 3 amended

NEW subsection 10