

House Amendment 1010

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1 1 Amend House File 65 as follows:
1 2 #1. Page 1, by inserting after line 4 the
1 3 following:
1 4 <Sec. _____. Section 321J.2, subsection 2, paragraph
1 5 a, subparagraph (3), Code 2003, is amended to read as
1 6 follows:
1 7 (3) Revocation of the person's driver's license
1 8 pursuant to section 321J.4, subsection 1, section
1 9 321J.9, or section 321J.12, subsection 2, which
1 10 includes a minimum revocation period of one hundred
1 11 eighty days, ~~including a minimum period of~~
~~1 12 ineligibility for a temporary restricted license of~~
~~1 13 thirty days~~, and may involve a revocation period of
1 14 one year. ~~The defendant shall not be eligible for any~~
~~1 15 temporary restricted license for at least thirty days~~
~~1 16 if a test was obtained, and an accident resulting in~~
~~1 17 personal injury or property damage occurred or the~~
~~1 18 defendant's alcohol concentration exceeded .15. There~~
~~1 19 shall be no such period of ineligibility if no such~~
~~1 20 accident occurred and the defendant's alcohol~~
~~1 21 concentration did not exceed .15. A revocation under~~
~~1 22 section 321J.9 includes a minimum period of~~
~~1 23 ineligibility for a temporary restricted license of~~
~~1 24 ninety days. The defendant shall be ordered to~~
~~1 25 install an ignition interlock device of a type~~
~~1 26 approved by the commissioner of public safety on all~~
~~1 27 vehicles owned by the defendant if the defendant seeks~~
~~1 28 a temporary license.~~
1 29 Sec. _____. Section 321J.4, subsections 1 and 3,
1 30 Code 2003, are amended to read as follows:
1 31 1. If a defendant is convicted of a violation of
1 32 section 321J.2 and the defendant's driver's license or
1 33 nonresident operating privilege has not been revoked
1 34 under section 321J.9 or 321J.12 for the occurrence
1 35 from which the arrest arose, the department shall
1 36 revoke the defendant's driver's license or nonresident
1 37 operating privilege for one hundred eighty days if the
1 38 defendant has had no previous conviction or revocation
1 39 under this chapter. The defendant shall not be
1 40 eligible for any temporary restricted license ~~for at~~
~~1 41 least thirty days after the effective date of the~~
~~1 42 revocation if a test was obtained and for at least~~
1 43 ninety days if a test was refused under section
1 44 321J.9. The defendant shall be not eligible for any
1 45 temporary restricted license for at least thirty days
1 46 if a test was obtained, and an accident resulting in
1 47 personal injury or property damage occurred or the
1 48 defendant's alcohol concentration exceeded .15. There
1 49 shall be no such period of ineligibility if no such
1 50 accident occurred and the defendant's alcohol
2 1 concentration did not exceed .15. The defendant shall
2 2 be ordered to install an ignition interlock device of
2 3 a type approved by the commissioner of public safety
2 4 on all vehicles owned by the defendant if the
2 5 defendant seeks a temporary restricted license. If
2 6 the defendant is under the age of twenty-one, the
2 7 defendant shall not be eligible for a temporary
2 8 restricted license for at least sixty days after the
2 9 effective date of revocation.
2 10 3. If the court defers judgment pursuant to
2 11 section 907.3 for a violation of section 321J.2, and
2 12 if the defendant's driver's license or nonresident
2 13 operating privilege has not been revoked under section
2 14 321J.9 or 321J.12, or has not otherwise been revoked
2 15 for the occurrence from which the arrest arose, the
2 16 department shall revoke the defendant's driver's
2 17 license or nonresident operating privilege for a
2 18 period of not less than thirty days nor more than
2 19 ninety days. The defendant shall not be eligible for
2 20 any temporary restricted license for at least ~~thirty~~
~~2 21 days after the effective date of the revocation if a~~

2 22 test was obtained and for at least ninety days if a
2 23 test was refused. The defendant shall not be eligible
2 24 for any temporary restricted license for a least
2 25 thirty days if a test was obtained, and an accident
2 26 resulting in personal injury or property damage
2 27 occurred or the defendant's alcohol concentration
2 28 exceeded .15. There shall be no such period of
2 29 ineligibility if no such accident occurred and the
2 30 defendant's alcohol concentration did not exceed .15.
2 31 The defendant shall be ordered to install an ignition
2 32 interlock device of a type approved by the
2 33 commissioner of public safety on all vehicles owned by
2 34 the defendant if the defendant seeks a temporary
2 35 restricted license. If the defendant is under the age
2 36 of twenty-one, the defendant shall not be eligible for
2 37 a temporary restricted license for at least sixty days
2 38 after the effective date of the revocation.>

2 39 #2. Page 1, by inserting after line 10 the
2 40 following:

2 41 <Sec. _____. Section 321J.12, subsection 2, Code
2 42 2003, is amended to read as follows:

2 43 2. a. A person whose driver's license or
2 44 nonresident operating privileges have been revoked
2 45 under subsection 1, paragraph "a", shall not be
2 46 eligible for any temporary restricted license for at
2 47 least thirty days after the effective date of the
2 48 revocation if an accident resulting in personal injury
2 49 or property damage occurred or the defendant's alcohol
2 50 concentration exceeded .15. There shall be no such

3 1 period of ineligibility if no such accident occurred
3 2 and the defendant's alcohol concentration did not
3 3 exceed .15. If the person is under the age of twenty=
3 4 one, the person shall not be eligible for a temporary
3 5 restricted license for at least sixty days after the
3 6 effective date of the revocation. A person whose
3 7 license or privileges have been revoked under
3 8 subsection 1, paragraph "b", for one year shall not be
3 9 eligible for any temporary restricted license for one
3 10 year after the effective date of the revocation.

3 11 b. The defendant shall be ordered to install an
3 12 ignition interlock device of a type approved by the
3 13 commissioner of public safety on all vehicles owned or
3 14 operated by the defendant if the defendant seeks a
3 15 temporary restricted license at the end of the minimum
3 16 period of ineligibility. A temporary restricted
3 17 license shall not be granted by the department until
3 18 the defendant installs the ignition interlock device.>

3 19 #3. Page 1, by inserting after line 25 the
3 20 following:

3 21 <Sec. _____. Section 321J.20, subsection 6, Code
3 22 2003, is amended to read as follows:

3 23 6. Following certain minimum periods of
3 24 ineligibility, a temporary restricted license under
3 25 this section shall not be issued until such time as
3 26 the applicant installs an ignition interlock device of
3 27 a type approved by the commissioner of public safety
3 28 on all motor vehicles owned or operated by the
3 29 applicant, in accordance with section 321J.2, 321J.4,
3 30 321J.9, or 321J.12. Installation of an ignition
3 31 interlock device under this section shall be required
3 32 for the period of time for which the temporary
3 33 restricted license is issued.>

3 34 #4. Title page, line 1, by striking the words and
3 35 figure <providing for a .08 blood alcohol
3 36 concentration limit for> and inserting the following:
3 37 <relating to>.

3 38 #5. By renumbering as necessary.

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