

House File 2423

H-8269

1 Amend House File 2423 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 321J.4, subsections 2 and 4, Code 2024,  
5 are amended to read as follows:

6 2. If a defendant is convicted of a violation of section  
7 321J.2, and the defendant's driver's license or nonresident  
8 operating privilege has not already been revoked under section  
9 321J.9 or [321J.12](#) for the occurrence from which the arrest  
10 arose, the department shall revoke the defendant's driver's  
11 license or nonresident operating privilege for one year if the  
12 defendant submitted to chemical testing and has had a previous  
13 conviction or revocation under [this chapter](#) and shall revoke  
14 the defendant's driver's license or nonresident operating  
15 privilege for two years if the defendant refused to submit  
16 to chemical testing and has had a previous revocation under  
17 this chapter. The department shall require the defendant to  
18 install an ignition interlock device of a type approved by the  
19 commissioner of public safety on all vehicles ~~owned or~~ operated  
20 by the defendant if the defendant seeks a temporary restricted  
21 license. A temporary restricted license shall not be granted  
22 by the department until the defendant installs the ignition  
23 interlock device.

24 4. Upon a plea or verdict of guilty of a third or subsequent  
25 violation of [section 321J.2](#), the department shall revoke the  
26 defendant's driver's license or nonresident operating privilege  
27 for a period of six years. The department shall require the  
28 defendant to install an ignition interlock device of a type  
29 approved by the commissioner of public safety on all vehicles  
30 ~~owned or~~ operated by the defendant if the defendant seeks a  
31 temporary restricted license. A temporary restricted license  
32 shall not be granted by the department until the defendant  
33 installs the ignition interlock device.

34 Sec. 2. Section 321J.4, subsection 8, paragraphs a, b, c,  
35 and d, Code 2024, are amended to read as follows:

HF 2423.3999 (1) 90

(amending this HF 2423 to CONFORM to SF 2261)

1     a. On a conviction for or as a condition of a deferred  
2 judgment for a violation of [section 321J.2](#), the court may  
3 order the defendant to install ignition interlock devices  
4 of a type approved by the commissioner of public safety on  
5 all motor vehicles ~~owned or~~ operated by the defendant which,  
6 without tampering or the intervention of another person, would  
7 prevent the defendant from operating the motor vehicle with an  
8 alcohol concentration greater than a level set by rule of the  
9 commissioner of public safety. ~~However, if the defendant has~~  
10 ~~had no previous conviction or revocation under [this chapter](#),~~  
11 ~~the court's order shall require the defendant to install~~  
12 ~~approved ignition interlock devices only on all motor vehicles~~  
13 ~~operated by the defendant.~~

14     b. The commissioner of public safety shall adopt rules to  
15 approve certain ignition interlock devices and the means of  
16 installation of the devices, and shall establish the level of  
17 alcohol concentration beyond which an ignition interlock device  
18 will not allow operation of the motor vehicle in which it is  
19 installed, in accordance with section 321J.17A.

20     c. The order to install ignition interlock devices shall  
21 remain in effect for a period of time as determined by the  
22 court which shall not exceed the maximum term of imprisonment  
23 which the court could have imposed according to the nature of  
24 the violation, unless otherwise extended under this chapter.  
25 While the order is in effect, the defendant shall not operate  
26 a motor vehicle which does not have an approved ignition  
27 interlock device installed.

28     d. If the defendant's driver's license or nonresident  
29 operating privilege has been revoked, the department shall not  
30 issue a temporary permit or a driver's license to the person  
31 without certification that approved ignition interlock devices  
32 have been installed on all motor vehicles ~~owned or~~ operated by  
33 the defendant while the order is in effect. ~~However, if the~~  
34 ~~defendant has had no previous conviction or revocation under~~  
35 ~~[this chapter](#), the department shall require certification that~~

1 ~~approved ignition interlock devices have been installed only on~~  
2 ~~all motor vehicles operated by the defendant.~~

3 Sec. 3. Section 321J.4, subsection 8, Code 2024, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. g. An ignition interlock device provider  
6 shall not impose an early termination fee if the defendant is  
7 no longer required to have a device installed and presents an  
8 unrestricted driver's license to the provider prior to the  
9 end of the term for which the provider agreed to provide the  
10 defendant with a device.

11 Sec. 4. Section 321J.9, subsection 2, Code 2024, is amended  
12 to read as follows:

13 2. The department shall require the defendant to install  
14 an ignition interlock device of a type approved by the  
15 commissioner of public safety on all vehicles ~~owned or~~  
16 operated by the defendant if the defendant seeks a temporary  
17 restricted license. ~~However, if the defendant has had no~~  
18 ~~previous conviction or revocation under this chapter, the~~  
19 ~~department shall only require the defendant to install an~~  
20 ~~approved ignition interlock device on all vehicles operated by~~  
21 ~~the defendant if the defendant seeks a temporary restricted~~  
22 ~~license.~~ A temporary restricted license shall not be granted  
23 by the department until the defendant installs the ignition  
24 interlock device.

25 Sec. 5. Section 321J.12, subsection 2, Code 2024, is amended  
26 to read as follows:

27 2. The department shall require the defendant to install  
28 an ignition interlock device of a type approved by the  
29 commissioner of public safety on all vehicles ~~owned or~~  
30 operated by the defendant if the defendant seeks a temporary  
31 restricted license. ~~However, if the defendant has had no~~  
32 ~~previous conviction or revocation under this chapter, the~~  
33 ~~department shall only require the defendant to install an~~  
34 ~~approved ignition interlock device on all vehicles operated by~~  
35 ~~the defendant if the defendant seeks a temporary restricted~~

1 ~~license.~~ A temporary restricted license shall not be granted  
2 by the department until the defendant installs the ignition  
3 interlock device.

4 Sec. 6. Section 321J.17, subsection 3, Code 2024, is amended  
5 to read as follows:

6 3. a. The department shall also require certification of  
7 installation of an ignition interlock device of a type approved  
8 by the commissioner of public safety on all motor vehicles  
9 ~~owned or operated by any~~ a person seeking reinstatement  
10 following a second or subsequent revocation under ~~section~~  
11 ~~321J.4, 321J.9, or 321J.12~~ this chapter, or following a  
12 conviction for violating section 321J.21. The

13 b. Unless otherwise extended under this chapter, the  
14 requirement for the installation of an approved ignition  
15 interlock device shall be for one year from the date of  
16 reinstatement unless a longer time period is required by  
17 statute.

18 c. The ~~one-year~~ period of time a person is required to  
19 maintain an ignition interlock device under this subsection  
20 shall be reduced by any period of time the person held a  
21 valid temporary restricted license during the period of the  
22 revocation for the occurrence from which the arrest arose.

23 d. The period of time a person is required to maintain  
24 an ignition interlock device under this subsection shall be  
25 increased if required in accordance with the compliance-based  
26 removal procedures provided in section 321J.17A.

27 e. A person shall not operate any motor vehicle which  
28 is not equipped with an approved ignition interlock device  
29 during the period in which an ignition interlock device must be  
30 maintained, and the department shall not grant reinstatement  
31 unless the person certifies installation of an ignition  
32 interlock device as required in this subsection. In addition  
33 to other penalties provided by law, the department shall revoke  
34 the driver's license of a person who is required to maintain  
35 an ignition interlock device if the person operates a motor

1 vehicle which does not have an approved ignition interlock  
2 device or removes the ignition interlock device without  
3 authorization.

4 f. The department shall adopt rules pursuant to chapter 17A  
5 to implement this subsection.

6 Sec. 7. NEW SECTION. 321J.17A Compliance-based removal.

7 1. The period of time a person is required to maintain an  
8 ignition interlock device under section 321J.17 or 321J.20  
9 shall be extended by an additional sixty days per occurrence  
10 for any of the following occurrences detected by an ignition  
11 interlock device:

12 a. Ten or more violations within a thirty-day period.

13 b. Five or more violations within a twenty-four-hour period.

14 c. Tampering with or attempting to circumvent the ignition  
15 interlock device.

16 d. Removing the ignition interlock device without  
17 authorization.

18 2. Nothing in this section limits the number of subsequent  
19 extensions a person may receive following an occurrence  
20 detected by an ignition interlock device.

21 3. The department shall develop an electronic process in  
22 which an approved ignition interlock device provider is able to  
23 identify the start date of a driver's license revocation and to  
24 provide notice of any violations and a final compliance report  
25 to the department.

26 4. a. For purposes of this section, a violation includes  
27 any of the following:

28 (1) Failing to provide a detectable breath sample to the  
29 ignition interlock device when prompted by the device.

30 (2) Providing a breath sample to an ignition interlock  
31 device with an alcohol concentration of .04 or more.

32 b. Notwithstanding paragraph "a", it is not a violation  
33 under this section if a person provides a detectable breath  
34 sample and successfully passes a test immediately following the  
35 first failed test or in response to a bypass or circumvention

HF 2423.3999 (1) 90

(amending this HF 2423 to CONFORM to SF 2261)

1 attempt as described in paragraph "a", and a violation shall not  
2 be reported.

3 5. The department shall adopt rules pursuant to chapter 17A  
4 prescribing the form and manner of communication pursuant to  
5 this section, and may otherwise adopt rules as necessary to  
6 administer this section.

7 Sec. 8. Section 321J.20, subsections 1, 2, 3, and 7, Code  
8 2024, are amended to read as follows:

9 1. The department may, on application, issue a temporary  
10 restricted license to a person whose noncommercial driver's  
11 license is revoked under [this chapter](#), or revoked or suspended  
12 under [chapter 321](#) solely for violations of this chapter, or who  
13 has been determined to be a habitual offender under [chapter 321](#)  
14 based solely on violations of [this chapter](#) or on violations  
15 listed in [section 321.560, subsection 1](#), paragraph "b",  
16 allowing the person to operate a motor vehicle in any manner  
17 allowed for a person issued a valid class C driver's license,  
18 unless otherwise prohibited by [this chapter](#). [This subsection](#)  
19 does not apply to a person under the age of eighteen whose  
20 license was revoked under [section 321J.2A](#), to a person whose  
21 license was revoked under [section 321J.4, subsection 6](#), for the  
22 period during which the person is ineligible for a temporary  
23 restricted license, or to a person whose license is suspended  
24 or revoked for another reason.

25 2. A temporary restricted license issued under [this section](#)  
26 shall not be issued until the applicant installs an approved  
27 ignition interlock device on all motor vehicles ~~owned or~~  
28 operated by the applicant. ~~However, if the applicant has~~  
29 ~~had no previous conviction or revocation under [this chapter](#),~~  
30 ~~a temporary restricted license issued under this section~~  
31 ~~shall not be issued until the applicant installs an approved~~  
32 ~~ignition interlock device on all motor vehicles operated by~~  
33 ~~the applicant.~~ Installation of an ignition interlock device  
34 under [this section](#) shall be required for the period of time  
35 for which the temporary restricted license is issued, and for

HF 2423.3999 (1) 90

(amending this HF 2423 to CONFORM to SF 2261)

1 such additional period of time following reinstatement as  
2 is required under [section 321J.17, subsection 3](#). However,  
3 a person whose driver's license or nonresident operating  
4 privilege has been revoked under [section 321J.21](#) may apply to  
5 the department for a temporary restricted license without the  
6 requirement of an ignition interlock device if at least twelve  
7 years have elapsed since the end of the underlying revocation  
8 period for a violation of [section 321J.2](#).

9 3. In addition to other penalties provided by law, a  
10 person's temporary restricted license shall be revoked if the  
11 person is required to install an ignition interlock device and  
12 the person ~~does any of the following:~~

13 ~~a. Operates~~ operates a motor vehicle which does not have  
14 an approved ignition interlock device or removes the ignition  
15 interlock device without authorization.

16 ~~b. Tampers with or circumvents an ignition interlock device.~~

17 7. A person who tampers with, removes without  
18 authorization, or circumvents an ignition interlock device  
19 installed as required in [this chapter](#) ~~and~~ while the requirement  
20 for the ignition interlock device is in effect commits a  
21 serious misdemeanor.

22 Sec. 9. NEW SECTION. 321J.20A Ignition interlock device —  
23 medical waiver.

24 1. The department shall adopt rules pursuant to chapter 17A  
25 establishing criteria to waive the requirement to install an  
26 ignition interlock device under this chapter if a person has  
27 a verifiable medical condition, as determined in accordance  
28 with the rules, that makes the person incapable of properly  
29 operating an ignition interlock device. The rules must  
30 align with the special exception provisions under 23 U.S.C.  
31 §164(a)(6).

32 2. Notwithstanding any other provision of this chapter  
33 to the contrary, if the department waives the requirement  
34 to install an ignition interlock device, the person is not  
35 required to install an ignition interlock device to receive a

1 temporary restricted license.

2     3. A temporary restricted license issued to a person who  
3 received a medical waiver pursuant to this section shall only  
4 authorize the person to operate a motor vehicle as described in  
5 section 321.215, subsection 1, paragraph "a".

6     Sec. 10. EFFECTIVE DATE. This Act takes effect January 1,  
7 2025.

8     Sec. 11. APPLICABILITY. This Act applies to driver's  
9 license revocations under chapter 321J, as amended in this  
10 Act, for which the underlying offense occurred on or after the  
11 effective date of this Act.>

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MEGGERS of Grundy