



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 3, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 440, an Act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

House File 674, an Act relating to distribution of secondary and farm-to-market road funds.

House File 682, an Act relating to the assessment of a civil penalty and criminal penalty surcharge, and creating a criminalistics laboratory fund.

House File 739, an Act relating to education technology, including the creation of an Iowa Learning Technology Commission and pilot programs, and the establishment of a research triangle and clearinghouse, and providing for contingent effectiveness.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 440

AN ACT

RELATING TO SANCTIONING THE MOTOR VEHICLE OPERATING PRIVILEGES
OF A PERSON UPON A SECOND OR SUBSEQUENT CONVICTION FOR MOTOR
FUEL THEFT FROM A RETAIL DEALER.

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

Section 1. Section 321.215, subsection 1, unnumbered
paragraph 2, Code 2005, is amended to read as follows:

However, a temporary restricted license shall not be issued
to a person whose license is revoked pursuant to a court order

issued under section 901.5, subsection 10, or under section 321.209, subsections 1 through 5 or subsection 7, or to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3, or to a person whose license has been suspended pursuant to a court order under section 714.7D. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

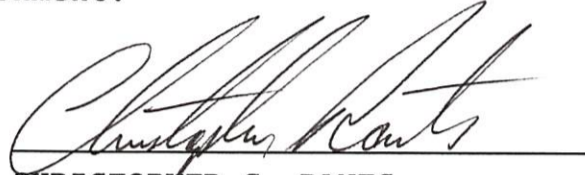
Sec. 2. Section 321.215, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.37; or upon suspension of a driver's license pursuant to a court order under section 714.7D, a person may petition the district court having jurisdiction over the residence of the person for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. 3. NEW SECTION. 714.7D RETAIL MOTOR FUEL.

Upon a second or subsequent conviction of a person under section 714.2, subsection 5, for theft of motor fuel from a retail dealer as defined in section 214A.1, the court may order the state department of transportation to suspend the

driver's license or nonresident operating privilege of the convicted person for up to thirty days in lieu of, or in addition to, a fine or imprisonment.



CHRISTOPHER C. RANTS

Speaker of the House



JOHN P. KIBBIE

President of the Senate

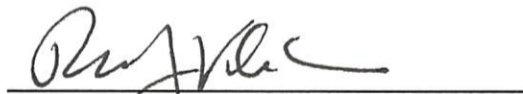
I hereby certify that this bill originated in the House and is known as House File 440, Eighty-first General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved June 3, 2005



THOMAS J. VILSACK

Governor