

House File 757 - Enrolled

House File 757

AN ACT

RELATING TO DRIVER'S LICENSE RESTRICTIONS, INCLUDING
IGNITION INTERLOCK DEVICE REQUIREMENTS FOR A FIRST
OPERATING-WHILE-INTOXICATED OFFENSE.

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

Section 1. Section 321.218, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. The department, upon receiving the record of the conviction of a person under [this section](#) upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under [section 252J.8, 321.210, subsection 1, paragraph "a"](#),

subparagraph (3), or [section 321.210A](#) or [321.513](#), extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter, ~~and the department shall not issue a new driver's license to the person during the extended period.~~

Sec. 2. Section 321J.2, subsection 3, paragraph d, Code 2021, is amended to read as follows:

d. Revocation of the person's driver's license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, [section 321J.9](#), or [section 321J.12](#). The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license.

Sec. 3. Section 321J.4, subsections 1 and 3, Code 2021, are amended to read as follows:

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under [section 321J.9](#) or [321J.12](#) for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under [this chapter](#) and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under [this chapter](#). The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license.

3. If the court defers judgment pursuant to [section 907.3](#) for a violation of [section 321J.2](#), and if the defendant's driver's license or nonresident operating privilege has not been revoked under [section 321J.9](#) or [321J.12](#), or has not otherwise been revoked for the occurrence from which the arrest

arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license.

Sec. 4. Section 321J.4, subsection 8, paragraphs a and d, Code 2021, are amended to read as follows:

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

d. If the defendant's driver's license or nonresident operating privilege has been revoked, the department shall not issue a temporary permit or a driver's license to the person without certification that approved ignition interlock devices have been installed in on all motor vehicles owned or operated by the defendant while the order is in effect. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall require certification that approved ignition interlock devices have been installed only on all motor vehicles operated by the defendant.

Sec. 5. Section 321J.9, subsection 2, Code 2021, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary

restricted license. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 6. Section 321J.12, subsection 2, Code 2021, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary license. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 7. Section 321J.20, subsection 2, Code 2021, is amended to read as follows:

2. A temporary restricted license issued under [this section](#) shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the applicant. However, if the applicant has had no previous conviction or revocation under this chapter, a temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles operated by the applicant. Installation of an ignition interlock device under [this section](#) 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](#).

Sec. 8. Section 321J.21, subsection 2, Code 2021, is amended to read as follows:

2. In addition to the fine, the department, upon receiving the record of the conviction of a person under [this section](#) upon a charge of driving a motor vehicle while the license of the person was suspended, denied, revoked, or barred shall extend the period of suspension, denial, revocation, or bar for an additional like period, ~~and the department shall not issue a new license during the additional period.~~

Sec. 9. Section 901D.7, subsection 2, paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) A requirement that the participant submit to the law enforcement agency of the participating jurisdiction proof that the participant has installed an approved ignition interlock device on all motor vehicles owned or operated by the participant, or only motor vehicles operated by the participant if authorized under chapter 321J, as applicable, prior to the end of participation in the program, unless the court enters an order pursuant to paragraph "c" finding the participant is not required to provide proof of installation of an approved ignition interlock device as a condition of the participant's completion of the program.

Sec. 10. Section 901D.7, subsection 2, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2021, is amended to read as follows:

A court shall only enter an order finding the participant is not required to provide proof of installation of an approved ignition interlock device on all motor vehicles owned or operated by the participant, or only motor vehicles operated by the participant if authorized under chapter 321J, as applicable, if any of the following apply:

Sec. 11. Section 901D.7, subsection 2, paragraph c, subparagraph (1), subparagraph division (b), Code 2021, is amended to read as follows:

(b) The participant will not own or operate a motor vehicle or have a motor vehicle registered in the participant's name

at the time the participant completes the program, and the participant has submitted an affidavit stating such.

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 757, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2021

KIM REYNOLDS
Governor