

Reprinted 4/7

HOUSE FILE 207

February 6, 1969

Law Enforcement

*Pass as amended 2-26*

*Sen. Law Enforcement 3-25*

By HOLDEN, SHAW, CAMPBELL, SANDERS,  
NIELSEN, MILLER of Jones, VAN  
ROEKEL, MENEFEE, FISHER of  
Greene, MILLEN, McINTYRE,  
TIEDEN, WINKELMAN, DEN HERDER,  
ROORDA, STOKES, BERGMAN, VAN  
NOSTRAND, SHEPHERD, NELSON,  
EDGINGTON, LIPSKY, JOHNSON of  
Audubon-Guthrie, KITNER, GRAHAM,  
KRUSE, ANDERSEN and WALTER

Passed House, Date *3-18-69* Passed Senate, Date.....

Vote: Ayes *103* Nays *13* Vote: Ayes ..... Nays .....

Approved .....

## A BILL FOR

1 An Act relating to the operation of a motor vehicle while the  
2 operator of a vehicle is under the influence of alcoholic  
3 beverages or other substances, or a combination of such  
4 substances, which prevent the safe operation of a motor  
5 vehicle.

6 *Be It Enacted by the General Assembly of the State of Iowa:*

7 Section 1. Section three hundred twenty-one point two  
8 hundred eighty-one (321.281), Code 1966, is hereby amended  
9 as follows:

10 1. By striikng lines one (1) through seven (7), inclusive,  
11 and inserting in lieu thereof the following:

12 "Whoever operates a motor vehicle upon the public highways  
13 of this state while under the influence of an alcoholic bever-  
14 age, a narcotic, hypnotic or other drug, a chemical agent,  
15 stimulant, or depressant, or any combination of such substances

1 shall, upon conviction or a plea of guilty, be punished for  
2 the first offense by a fine of not less than three hundred”.

3 2. By striking lines thirty-nine (39) and forty (40) and  
4 inserting in lieu thereof the following:

5 “shall not be less than one hundred twenty days for con-  
6 viction of a first offense of operating a motor vehicle while  
7 under the influence of an alcoholic beverage, a narcotic, hyp-  
8 notic or other drug, a chemical agent, stimulant, depressant,  
9 or any combination of such substances; of not less than two  
10 hundred forty days for conviction of a second offense of such  
11 charge; and not less than one year for conviction of a third  
12 offense of such charge and for each offense thereafter, not-  
13 withstanding the provisions of section three hundred twenty-  
14 one point two hundred twelve (321.212) of the Code; and the”.

15 3. By striking from line fifty-nine (59) the words “nar-  
16 cotic or hypnotic drugs” and inserting in lieu thereof the  
17 words “a narcotic, hypnotic or other drug, a chemical agent,  
18 stimulant, or depressant”.

19 4. By striking from line sixty (60) the word “drugs” and  
20 inserting in lieu thereof the word “substances”.

21 5. By adding at the end of said section the following:

22 “For the purposes of this section, evidence that there was,  
23 at the time, more than ten hundredths of one percentum by  
24 weight of alcohol in his blood shall be admitted as prima  
25 facie evidence that the defendant was under the influence of  
26 an alcoholic beverage.”

#### EXPLANATION OF HOUSE FILE 207

This act provides for a specific standard to prove intoxication and also creates an addition to the number of substances which it is illegal to use while driving a motor vehicle. The act also provides for a change in the period of revocation in the event of conviction while driving in an intoxicated condition while under the influence of certain substances.

- 1 Amend House File 207 as follows:
- 2 Amend page 2, lines 24 and 25, by striking the words
- 3 "prima facia" and inserting in lieu thereof the word
- 4 "presumptive".

Filed - *Withdrawn 3-17*  
February 25, 1969

HOLDEN of Scott

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- 1 Amend House File 207 as follows:
  - 2 Strike from page two (2), line twenty-three (23), the word "ten"
  - 3 and insert in lieu thereof the word "fifteen".

Filed - *Last 3-14* COMMITTEE ON LAW ENFORCEMENT  
February 26, 1969 ALFRED NIELSEN, Chairman  
*Motion to reconsider filed 3-17, Withdrawn 3-18*

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- 1 Amend House File 207 as follows:
  - 2 1. Page 1, delete in lines fourteen (14) and fifteen (15)
  - 3 after the word "drug," the following: "a chemical agent,
  - 4 stimulant, or depressant,".
  - 5 2. Page 2, delete in line eight (8) following the word
  - 6 "drug," the following: "a chemical agent, stimulant,
  - 7 depressant,".
  - 8 3. Page 2, delete in lines seventeen (17) and eighteen (18)
  - 9 following the word "drug," the following: "a chemical agent,
  - 10 stimulant, or depressant,".

Filed - *Adopted 3-18*  
March 14, 1969

KOCH of Woodbury

- 
- 1 Amend House File 207 as follows:
  - 2 1. Page 2, by striking from lines twenty-four (24)
  - 3 and twenty-five (25) the words "prima facie".
  - 4 2. Page 2, line twenty-six (26), by inserting after
  - 5 the period the following:
  - 6 "For the purpose of this section, evidence that
  - 7 there was, at the time, more than fifteen hundredths of
  - 8 one percentum by weight of alcohol in his blood shall
  - 9 be admitted as presumptive evidence that the defendant
  - 10 was under the influence of an alcoholic beverage."

Filed - *Last 3-18*  
March 14, 1969

JOHNSTON of Johnson

- 
- 1 Amend House File 207 by adding thereto the following
  - 2 new section:
  - 3 Sec. 2. Section three hundred twenty-one point two hundred
  - 4 eleven (321.211), Code 1966, is hereby amended by adding
  - 5 thereto the following: "Upon conviction for driving while
  - 6 under the influence of alcoholic beverages and revocation
  - 7 or suspension of an operator's license, the safety
  - 8 commissioner may issue a permit to such person if
  - 9 required to drive for his livelihood and such permit
  - 10 shall designate the hours that such permit will be honored.
  - 11 Provided, however, that such permit may be issued only
  - 12 after the first conviction for such offense."

Filed - *Last 3-18*  
March 17, 1969

VOORHEES of Black Hawk

- 1 Amend House File 207 as follows:
- 2 Page 2, line twenty-six (26), by inserting after the
- 3 period the following: "For the purpose of this section
- 4 no previous conviction for, or plea of guilty to, an offense
- 5 under this section occurring more than six (6) years prior
- 6 to the date of the violation being charged shall be used to
- 7 determine that the violation being charged is a second or
- 8 third offense."

Filed and adopted  
March 18, 1969

**WELDEN of Hardin**

- 1 Amend the Voorhees amendment to House File 207, filed March
- 2 17, 1969, by striking from line eight (8) the word "may" and
- 3 inserting in lieu thereof the word "shall".

Filed and lost  
March 18, 1969

**VOORHEES of Black Hawk**

1 Amend House File 207 by adding thereto the following new  
2 sections:

3 1. "Section twenty-nine B point one hundred six (29B.106),  
4 Code 1966, is hereby amended by striking from line three (3)  
5 the word 'drunk' and inserting in lieu thereof the words  
6 'under the influence of an alcoholic beverage, a narcotic,  
7 hypnotic or other drug, a chemical agent, stimulant, or  
8 depressant, or any combination of such substances'."

9 2. "Section three hundred twenty-one point two hundred  
10 nine (321.209), Code 1966, is hereby amended by striking  
11 from subsection two (2), lines two (2) and three (3), the  
12 words 'intoxicating liquor or a narcotic drug' and inserting  
13 in lieu thereof the words 'an alcoholic beverage, a narcotic,  
14 hypnotic or other drug, a chemical agent, stimulant, or  
15 depressant, or any combination of such substances'."

16 3. "Section three hundred twenty-one point four hundred  
17 ninety-four (321.494), Code 1966, is hereby amended by  
18 striking from line seven (7) the words 'intoxicating liquor'  
19 and inserting in lieu thereof the words 'an alcoholic beverage,  
20 a narcotic, hypnotic or other drug, a chemical agent, stimulant,  
21 or depressant, or any combination of such substances,'."

22 4. "Section three hundred twenty-one B point one (321B.1),  
23 Code 1966, is hereby amended by striking from lines six (6)  
24 and seven (7) the words 'in an intoxicated condition' and in-  
25 serting in lieu thereof the words 'under the influence of  
26 an alcoholic beverage.'"

27 5. "Section three hundred twenty-one B point three  
28 (321B.3), Code 1966, is hereby amended as follows:

29 1. By striking from line six (6) the words "in an in-  
30 toxicated condition' and inserting in lieu thereof the words  
31 'under the influence of an alcoholic beverage'.

32 2. By striking from lines eighteen (18) and nineteen  
33 (19) the words 'in an intoxicated condition' and inserting  
34 in lieu thereof the words 'under the influence of an alcoholic  
35 beverage'.

36 3. By striking from lines twenty-one (21) and twenty-  
37 two (22) the words 'in an intoxicated condition' and in-  
38 serting in lieu thereof the words 'under the influence of an  
39 alcoholic beverage.'"

40 6. "Section three hundred twenty-one B point seven  
41 (321B.7), Code 1966, is hereby amended as follows:

42 1. By striking from lines eight (8) and nine (9) the  
43 words 'in an intoxicated condition' and inserting in lieu  
44 thereof the words 'under the influence of an alcoholic  
45 beverage'.

46 2. By striking from lines eleven (11) and twelve (12)  
47 the words 'in an intoxicated condition' and inserting in lieu  
48 thereof the words 'under the influence of an alcoholic  
49 beverage.'"

50 7. "Section three hundred twenty-one B point eight  
51 (321B.8), Code 1966, is hereby amended by striking from

52 lines nineteen (19) and twenty (20) the words 'in an in-  
53 toxicated condition' and inserting in lieu thereof the words  
54 'under the influence of an alcoholic beverage'."

55 8. "Section three hundred twenty-one B point ten (321B.10),  
56 Code 1966, is hereby amended by striking from line six (6) the  
57 words 'in an intoxicated condition' and inserting in lieu  
58 thereof the words 'under the influence of an alcoholic  
59 beverage'."

60 9. "Section three hundred twenty-one B point eleven  
61 (321B.11), Code 1966, is hereby amended by striking from  
62 line eight (8) the words 'in an intoxicated condition' and  
63 inserting in lieu thereof the words 'under the influence  
64 of an alcoholic beverage'."

65 10. "Section three hundred twenty-one B point twelve  
66 (321B.12), Code 1966, is hereby amended by striking from line  
67 five (5) the words 'in an intoxicated condition' and inserting  
68 in lieu thereof the words 'under the influence of an alcoholic  
69 beverage'."

70 11. "Section seven hundred forty-nine point two (749.2),  
71 Code 1966, is hereby amended by striking from line eleven (11)  
72 the word 'intoxicated' and inserting in lieu thereof the words  
73 'under the influence of an alcoholic beverage'."

Filed - *Adopted 3-18*  
March 14, 1969

HOLDEN of Scott

April 7, 1969

HOUSE FILE 207

*Law. Law Enforcement  
Part as amended*

By HOLDEN, SHAW, CAMPBELL, SANDERS,  
NIELSEN, MILLER of Jones, VAN  
ROEKEL, MENEFFEE, FISHER of  
Greene, MILLEN, McINTYRE,  
TIEDEN, WINKELMAN, DEN HERDER,  
ROORDA, STOKES, BERGMAN, VAN  
NOSTRAND, SHEPHERD, NELSON,  
EDGINGTON, LIPSKY, JOHNSON of  
Audubon-Guthrie, KITNER, GRAHAM,  
KRUSE, ANDERSEN and WALTER  
(AS PASSED BY THE HOUSE)

Passed House, Date 3-18-69 Passed Senate, Date 4-25-69

Vote: Ayes 103 Nays 13 Vote: Ayes 45 Nays 0

Approved 5-12-69

*Passed House as  
amended by Senate  
5-1-69*

## A BILL FOR

- 1 An Act relating to the operation of a motor vehicle while the
- 2 operator of a vehicle is under the influence of alcoholic
- 3 beverages or other substances, or a combination of such
- 4 substances, which prevent the safe operation of a motor
- 5 vehicle.
- 6 *Be It Enacted by the General Assembly of the State of Iowa:*
- 7 Section 1. Section three hundred twenty-one point two
- 8 hundred eighty-one (321.281), Code 1966, is hereby amended
- 9 as follows:
- 10 1. By striking lines one (1) through seven (7), inclusive,
- 11 and inserting in lieu thereof the following:
- 12 "Whoever operates a motor vehicle upon the public highways
- 13 of this state while under the influence of an alcoholic bever-
- 14 age, a narcotic, hypnotic or other drug,
- 15 or any combination of such substances

1 shall, upon conviction or a plea of guilty, be punished for  
2 the first offense by a fine of not less than three hundred”.

3 2. By striking lines thirty-nine (39) and forty (40) and  
4 inserting in lieu thereof the following:

5 “Shall not be less than one hundred twenty days for con-  
6 viction of a first offense of operating a motor vehicle while  
7 under the influence of an alcoholic beverage, a narcotic, hyp-  
8 notic or other drug,

9 or any combination of such substances; of not less than two  
10 hundred forty days for conviction of a second offense of such  
11 charge; and not less than one year for conviction of a third  
12 offense of such charge and for each offense thereafter, not-  
13 withstanding the provisions of section three hundred twenty-  
14 one point two hundred twelve (321.212) of the Code; and the”.

15 3. By striking from line fifty-nine (59) the words “nar-  
16 cotic or hypnotic drugs” and inserting in lieu thereof the  
17 words “a narcotic, hypnotic or other drug”.

18

19 4. By striking from line sixty (60) the word “drugs” and  
20 inserting in lieu thereof the word “substances”.

21 5. By adding at the end of said section the following:

22 “For the purposes of this section, evidence that there was,  
23 at the time, more than ten hundredths of one percentum by  
24 weight of alcohol in his blood shall be admitted as prima  
25 facie evidence that the defendant was under the influence of  
26 an alcoholic beverage. For the purposes of this section no  
27 previous conviction for, or plea of guilty to, an offense  
28 under this section occurring more than six (6) years prior  
29 to the date of the violation being charged shall be used to  
30 determine that the violation being charged is a second or  
31 third offense.”

32 Sec. 2. Section twenty-nine B point one hundred six  
33 (29B.106), Code 1966, is hereby amended by striking from  
34 line three (3) the word “drunk” and inserting in lieu thereof  
35 the words “under the influence of an alcoholic beverage, a

1 narcotic, hypnotic or other drug, or any combination of such  
2 substances”.

3 Sec. 3. Section three hundred twenty-one point two  
4 hundred nine (321.209), Code 1966, is hereby amended by  
5 striking from subsection two (2), lines two (2) and three (3),  
6 the words “intoxicating liquor or a narcotic drug” and  
7 inserting in lieu thereof the words “an alcoholic beverage,  
8 a narcotic, hypnotic or other drug, or any combination of  
9 such substances”.

10 Sec. 4. Section three hundred twenty-one point four  
11 hundred ninety-four (321.494), Code 1966, is hereby amended  
12 by striking from line seven (7) the words “intoxicating  
13 liquor” and inserting in lieu thereof the words “an alcoholic  
14 beverage, a narcotic, hypnotic or other drug, or any  
15 combination of such substances,”.

16 Sec. 5. Section three hundred twenty-one B point one  
17 (321B.1), Code 1966, is hereby amended by striking from lines  
18 six (6) and seven (7) the words “in an intoxicated condition”  
19 and inserting in lieu thereof the words “under the influence  
20 of an alcoholic beverage”.  
21 lines nineteen (19) and twenty (20) the words “in an  
22 intoxicated condition” and inserting in lieu thereof the  
23 words “under the influence of an alcoholic beverage”.

24 Sec. 9. Section three hundred twenty-one B point ten  
25 (321B.10), Code 1966, is hereby amended by striking from  
26 line six (6) the words “in an intoxicated condition” and  
27 inserting in lieu thereof the words “under the influence  
28 of an alcoholic beverage”.

29 Sec. 10. Section three hundred twenty-one B point eleven  
30 (321B.11), Code 1966, is hereby amended by striking from  
31 line eight (8) the words “in an intoxicated condition” and  
32 inserting in lieu thereof the words “under the influence  
33 of an alcoholic beverage”.

34 Sec. 11. Section three hundred twenty-one B point twelve  
35 (321B.12), Code 1966, is hereby amended by striking from line

- 1 five (5) the words "in an intoxicated condition" and inserting
- 2 in lieu thereof the words "under the influence of an alcoholic
- 3 "beverage".
- 4 Sec. 12. Section seven hundred forty-nine point two
- 5 (749.2), Code 1966, is hereby amended by striking from line
- 6 eleven (11) the word "intoxicated" and inserting in lieu
- 7 thereof the words "under the influence of an alcoholic
- 8 beverage".

## EXPLANATION OF HOUSE FILE 207

This Act provides for a specific standard to prove intoxication and also creates an addition to the number of substances which it is illegal to use while driving a motor vehicle. The Act also provides for a change in the period of revocation in the event of conviction while driving in an intoxicated condition while under the influence of certain substances.

- 
- 1 Amend House File 207, page two (2), line twenty-
  - 2 three (23), by striking the word "ten" and inserting
  - 3 in lieu thereof the word "fifteen".

Filed - *Last 4-25*  
April 4, 1969

By THORSEN and POTTER

- 
- 1 Amend House File 207 as follows:
  - 2 1. By striking on page 2, line 26, all after the period
  - 3 (.) and by inserting in lieu thereof the word, "No".
  - 4 2. By striking on page 2, in line 30 the word, "or" and
  - 5 all of line 31 and by inserting in lieu thereof the following:
  - 6 " , third or subsequent offense."

Filed and adopted *Senate concurred*  
April 25, 1969 *5-1*

By DeKOSTER and GAUDINEER

- 
- 1 Amend House File 207 as follows:
  - 2 By striking on page 2 in line 24 the word "prima"
  - 3 and by striking on page 2 in lieu 25 the word "facie" and
  - 4 inserting in lieu thereof the word "presumptive".

Filed and adopted *Senate concurred*  
April 25, 1969 *5-1*

By GLENN

1 Amend House File 207 by adding the following new  
2 sections:  
3 1. "Sec. 1. Section three hundred twenty-one B  
4 point three (321B.3), Code 1966, is hereby amended by inserting  
5 the following after the period in line 29: "Subject to the  
6 right of a person to refuse a blood test or to refuse to  
7 submit to any chemical testing, such peace officer may  
8 determine which of said substances shall be tested; and if he  
9 requires a breath test, he may also require a test of one  
10 other of said substances."  
11 2. "Sec. 1. Section three hundred twenty-one B  
12 point four (321B.4), Code 1966, is hereby amended by inserting  
13 the following after the period in line 8: "However, any  
14 peace officer, using devices and methods approved by the  
15 commissioner of public safety, may take a specimen of a person's  
16 breath or urine for the purpose of determining the alcoholic  
17 content of the person's blood."

Filed, amended and adopted  
April 25, 1969

By STANLEY, DeKOSTER, BALLOUN,  
POTTER, HILL, THORSEN,  
VAN GILST and LODWICK

*Senate  
Concurred 5-1*

1 Amend the Stanley, et al., amendment to House File 207  
2 as follows:  
3 By striking in section 1, the quote ("") at the end of the section and  
4 adding the following "Provided, however, that the accused  
5 person first be advised by such peace officer of his right  
6 to consult an attorney before proceeding with any test."

Filed and lost  
April 25, 1969

By GLENN

1 Amend House File 207 by adding the following new  
2 section:  
3 "Sec. 1. Section three hundred twenty-one B point  
4 seven (321B.7), Code 1966, is hereby amended by striking in  
5 lines 15 and 16 the words 'not less than one hundred twenty  
6 days nor more than'."

Filed and lost  
April 25, 1969

By STANLEY, BALLOUN, POTTER,  
CONKLIN, HILL, THORSEN,  
VAN GILST and LODWICK