

JAN 27 1972

HOUSE FILE

1082

Law Enforcement, Pass 2/7/72
See School 2-14, Pass 3/10/72

By LIPSKY and CHRISTENSEN

Passed House, Date 2-14-72 Passed Senate, Date 3-23-72
Vote: Ayes 83 Nays 7 Vote: Ayes 36 Nays 8
Approved _____

A BILL FOR

1 An Act relating to a course for persons convicted of operating
2 a motor vehicle while under the influence of an alcoholic
3 beverage, providing for the suspension of drivers licenses,
4 providing for fees and providing a penalty.

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

1 Amend the Christensen amendment to House File
2 1082, as found as page 429 of the House Journal of
3 Friday, February 11, 1972, as follows:
4 1. By inserting the following after line 20:
5 5. Page 4, line 19 and 29, by striking the
6 word "suspended" and inserting in lieu thereof the
7 words "revoked indefinitely".
8 6. Page 4, line 24, by striking the word
9 "suspension" and inserting in lieu thereof the word
10 "revocation".
11 7. Page 4, line 26, by striking the word
12 "suspension" and inserting in lieu thereof the word
13 "revocation".
14 8. Page 1, line 3, by amending the title by
15 striking the word "suspension" and inserting in lieu
16 thereof the word "revocation".
17 2. By striking the numeral "5" in line 21 and
18 inserting in lieu thereof the numeral "9".

Offered from the floor and adopted
February 14, 1972

By CHRISTENSEN of Union

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1 Amend the Lipsky amendment to House File 1082, found
2 on page 407 of the House Journal of Thursday, February
3 10, 1972 by inserting after the period in line 13 the
4 following:
5 "A person referred under this section shall be con-
6 sidered a state patient."

Filed - adopted 2/14/72 (441)
February 11, 1972

By DOYLE of Woodbury

1 Section 1. DEFINITIONS. As used in this Act, unless the
2 context otherwise requires:

3 1. "Course for drinking drivers" means an approved course
4 designed to inform the offender about drinking and driving
5 and encourage the offender to assess his own drinking and
6 driving behavior in order to select practical alternatives.

7 2. "Satisfactory completion of a course" means receiving
8 at the completion of a course a grade from the course instruc-
9 tor of "c" or "2.0" or better.

10 3. "Drivers license" means a license to drive a motor
11 vehicle as an operator or chauffeur.

12 Sec. 2. After the conviction of a person for operating
13 a motor vehicle while under the influence of an alcoholic
14 beverage, the court in addition to its power to commit the
15 defendant for treatment of alcoholism under section three
16 hundred twenty-one point two hundred eighty-one (321.281)
17 of the Code, may in lieu of, or prior to or after the impo-
18 sition of punishment for a first offense or prior to or after
19 the imposition of punishment for any subsequent offense, order
20 the defendant, at his own expense, to enroll, attend and
21 successfully complete a course for drinking drivers. A copy
22 of the order shall be forwarded to the department of public
23 safety.

24 Sec. 3. Any person who fails to successfully complete
25 or enroll and regularly attend a course required by this Act
26 shall have his drivers license suspended by the department
27 of public safety until he successfully completes the required
28 course.

29 A drivers license suspension under this section shall be
30 for an indefinite period and until the required course is
31 successfully completed.

32 Sec. 4. No person shall have his drivers license sus-
33 pended under the provisions of this Act unless he has re-
34 ceived at least thirty days written notice by registered mail
35 from the department of public safety informing him that he

1 has failed to successfully complete or enroll and attend a
2 course as required.

3 No person shall have his drivers license suspended under
4 this Act for failure to enroll in a course where the required
5 course is not taught within a radius of one hundred miles
6 from his usual residence.

7 Sec. 5. Any person required to attend a course by the
8 provisions of this Act, who is subject to a drivers license
9 suspension or revocation, may be issued a temporary driving
10 permit by the department of public safety restricted to driving
11 to and from his home, place of employment and the location
12 of the required course. Any person who does not receive a
13 temporary driving permit may after the period of license
14 suspension or revocation have his drivers license reissued
15 subject to suspension for failure to comply with the provisions
16 of this Act. This section shall not permit the issuance of
17 a temporary driving permit or reissuance of a drivers license
18 where the provisions of chapter three hundred twenty-one A
19 (321A) of the Code have not been complied with.

20 Successful completion of a course required by this Act
21 shall not reverse a drivers license suspension or revoca-
22 tion or reduce the length of a suspension or revocation;
23 however, the commissioner of public safety may reduce the
24 length of a suspension or revocation contingent upon successful
25 completion of a course for drinking drivers.

26 Sec. 6. The course provided in this Act shall be offered
27 on a regular basis at each area school as defined in section
28 two hundred eighty A point two (280A.2) of the Code.

29 Enrollment in the courses shall not be limited to persons
30 ordered to enroll, attend and successfully complete the course
31 under the provisions of section two (2) of this Act, and any
32 person convicted of operating a motor vehicle while under
33 the influence of an alcoholic beverage who was not ordered
34 to enroll, shall be allowed to enroll and attend a course
35 for drinking drivers.

1 The course required by this Act shall be taught by the
2 area schools under the department of public instruction and
3 approved by the department of public safety.

4 The department of public instruction shall establish
5 reasonable fees to defray the expense of obtaining classroom
6 space, instructor salaries, and class materials. No person
7 shall be denied enrollment in a course by reason of his
8 indigency.

9 Sec. 7. No employer shall discharge a person from his
10 employment solely for the reason of work absence to attend
11 a course required by this Act. Any employer who violates
12 this section shall be liable for triple damages occasioned
13 by the unlawful discharge from employment.

14 Sec. 8. The course required by this Act shall, within
15 the limit of available funds and instructors, be open for
16 enrollment not later than one year after the effective date
17 of this Act.

18 Sec. 9. Upon written request the department of public
19 safety shall afford a person having his drivers license sus-
20 pended under the provisions of this Act an opportunity for
21 a hearing before the commissioner or his duly authorized
22 agent, within twenty days after receipt of the request and
23 in the county where the licensee resides unless another county
24 is mutually agreed upon. Following the hearing the suspension
25 may be rescinded if the commissioner or his agent determines
26 the suspension is not authorized by this Act.

27 Sec. 10. The department of public instruction shall pre-
28 pare a list of the locations of the courses taught under this
29 Act, the dates and times taught, the procedure for enrollment,
30 and the schedule of course fees. The list shall be kept cur-
31 rent and a copy of the list shall be sent to each court having
32 jurisdiction over offenses provided in chapter three hundred
33 twenty-one (321) of the Code.

34 Sec. 11. The department of public instruction shall main-
35 tain enrollment, attendance, successful and nonsuccessful

1 completion data on the persons ordered to enroll, attend and
2 successfully complete a course for drinking drivers. This
3 data shall be regularly forwarded to the department of pub-
4 lic safety.

5 Sec. 12. The fee for a temporary driving permit under
6 section five (5) of this Act shall be three dollars. The
7 temporary driving permit must be in the permittee's immediate
8 possession while operating a motor vehicle and shall be in-
9 valid when the permittee is issued a drivers license. The
10 temporary driving permit shall be cancelled upon conviction
11 for a moving traffic violation.

12 Sec. 13. Any person violating a restriction of a tem-
13 porary driving permit issued under section five (5) of this
14 Act shall be guilty of a misdemeanor.

15 EXPLANATION

16 This bill provides for the establishment of courses for
17 persons convicted of operating a motor vehicle while under
18 the influence of an alcoholic beverage.

19 The court may order a person convicted of OMVI to enroll,
20 attend and successfully complete the course. Failure to do
21 so will result in an indefinite suspension of the drivers
22 license until the order is complied with.

23 Attendance is at the person's own expense unless indi-
24 gent.

25 Courses are taught at the area schools by the department
26 of public instruction. Courses are approved by the depart-
27 ment of public safety.

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1 Amend House File 1082 as follows:
2 1. Page 2, by striking lines 24 through 35, inclu-
3 sive, and inserting in lieu thereof the following:
4 "Sec. 3. When the court orders a person to enroll,
5 attend and successfully complete a course for drinking
6 drivers, the court shall also order that the revocation
7 of the person's drivers license shall be for an indefi-
8 nite period and until the required course is success-
9 fully completed and proof of completion has been filed
10 with the department of public safety and the provisions
11 of chapter three hundred twenty-one A (321A) of the
12 Code have been complied with."
13 2. Page 3, by striking lines 1 and 2.
14 3. Page 3, line 3, by striking the word "suspended"
15 and inserting in lieu thereof the words "revoked in-
16 definitely".
17 4. Page 3, line 14, by inserting after the word
18 "revocation" the words "under section three hundred
19 twenty-one point two hundred eighty-one (321.281) of
20 the Code".
21 5. By renumbering the sections and correcting ref-
22 erences.

Filed - *Adopted as amended 2/14* By CHRISTENSEN of Union
February 11, 1972

1 Amend House File 1082 as follows:
2 1. Page 2, by adding the following new section
3 after line 23:
4 "Sec. ____ . After any conviction for operating a
5 motor vehicle while under the influence of an alco-
6 holic beverage under section three hundred twenty-one
7 point two hundred eighty-one (321.281) of the Code,
8 the court may refer the defendant for treatment at a
9 facility as defined in chapter one hundred twenty-three
10 B (123B) of the Code. The court may prescribe the
11 length of time for treatment or it may be left to the
12 discretion of the facility to which the defendant was
13 referred."
14 2. Page 2, line 26, by inserting after the word
15 "shall" the following: ", in addition to suspension
16 under section three hundred twenty-one point two
17 hundred eighty-one (321.281) of the Code,".
18 3. Page 3, line 22, by inserting after the word
19 "revocation" the words "under section three hundred
20 twenty-one point two hundred eighty-one (321.281) of
21 the Code".
22 4. By renumbering the bill sections to conform
23 with this amendment.

Filed - *Lines 18 thru 23 adopted*
Lines 1 thru 13 adopted as amended By LIPSKY of Linn
February 11, 1972 *Line 14 - 17 w.d.* (441)

1 Amend House File 1082, page 3, line 11, by striking
2 all of line 11 and inserting in lieu thereof the follow-
3 ing:
4 "to and from his home, place of employment, in his
5 employment and the location"

Filed - *Adopted 2/14/72* By SKINNER of Polk
February 11, 1972