

MAR 22 1971

HOUSE FILE 479

*Place US Calendar
See Law Enforcement 5/29
Pass per
amendment 4/21*

BY COMMITTEE ON LAW ENFORCEMENT

Passed House, Date 3-27-71 Passed Senate, Date 5-10-71

Vote: Ayes 85 Nays 0 Vote: Ayes 43 Nays 0

Approved 5-24-71

Passed House as amended by Senate

*5-14-71
aye 80, nays 0*

A BILL FOR

1 An Act relating to the extension of operators' and chauffeurs'
2 licenses for persons separated from military service.

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

4 Section 1. Section three hundred twenty-one point one
5 hundred ninety-eight (321.198), Code 1971, is amended as
6 follows:

7 321.198 MILITARY SERVICE EXCEPTION. The effective date
8 of a valid operator's license and of a valid chauffeur's license
9 to the extent that it permits the operation of a motor vehicle
10 as an operator, issued under the laws of this state, held by
11 any person at the time of entering the military service of
12 the United States or of the state of Iowa notwithstanding
13 the expiration of such license according to its terms, is
14 hereby extended without fee until six months following the
15 discharge initial separation from active duty of such person
16 from the military service, provided such discharge separation
17 is honorable and such person is not suffering from such physical
18 disabilities as to impair his competency as an operator and
19 provided further that such licensee shall upon demand of any
20 peace officer furnish satisfactory evidence of his military
21 service. However, no person entitled to the benefits of this
22 section, charged with operating a motor vehicle without an
23 operator's license, shall be convicted if he produces in court,
24 within a reasonable time, a valid operator's or chauffeur's
25 license theretofore issued to him along with evidence of his

1 military service as above mentioned.

2 The department is hereby authorized to renew any operator's
3 license falling within the provisions and limitations of the
4 preceding paragraph, without examination, upon application
5 and payment of fee made within six months following discharge
6 separation from the military service.

7 The provisions of this section shall also apply to the
8 spouse and children or ward of such military personnel when
9 such spouse, children or ward are living with the above
10 described military personnel outside of the state of Iowa
11 and provided that such extension of license does not exceed
12 five years.

13 EXPLANATION

14 An Attorney General's opinion written December 26, 1969,
15 states that "the term 'discharge' in the context in which
16 it appears must be interpreted as meaning the final separa-
17 tion or termination as evidenced by a document of final dis-
18 charge even though such document might not be obtained until
19 an extended period following release from active duty. You
20 will note that 321.198 provides for military service of the
21 United States or of the state of Iowa." It does not appear
22 that it was the intent of the legislature to validate an
23 operator's or chauffeur's license until discharge, but rather
24 to extend the validity of the license for a period of six
25 months following separation from active duty. The statute
26 as currently written and interpreted caused considerable
27 driver licensing problems and inequities because discharge
28 does not take place for a considerable period of time following
29 separation from active duty.

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SENATE AMENDMENT TO HOUSE FILE 479

1 Amend House File 479, page 1, by striking in lines 16 and
2 17 the words "separation is honorable and such", and insert-
3 ing in lieu thereof the following: "~~is-honorable-and-such~~".

Received from Senate.
May 10, 1971

House concurred 5/14

1 Amend House File 479, page 1, by striking in lines 16 and
2 17 the words "separation is honorable and such", and insert the
3 words "~~is-honorable-and-such~~".

Filed - *Adopted 5/10*
April 21, 1971

By COMMITTEE ON LAW ENFORCEMENT"
