

Reprinted 3/87

MAR 12 1987

HOUSE FILE 488

Place On Calendar

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House Study Bill 106)

Passed House, Date 3-19-87 (p. 695) Passed Senate, Date 4/20/87 (P. 1375)

Vote: Ayes 93 Nays 0 Vote: Ayes 47 Nays 1

Approved May 27, 1987

A BILL FOR

1 An Act relating to the time period for a hearing on the  
2 revocation of a person's license for operating a motor vehicle  
3 while under the influence of alcohol or a drug.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
HOUSE FILE 488

H-3216

1 Amend House File 488 as follows:

2 1. Page 1, by inserting after line 16 the  
3 following:

4 "Sec. 2. Section 321J.13 subsection 4, shall apply  
5 to persons whose motor vehicle license or nonresident  
6 operating privilege has been revoked under section  
7 321J.9 or 321J.12 prior to July 1, 1986 to the extent  
8 that a person may reopen a hearing on the revocation  
9 if the person submits a petition stating that a  
10 criminal action on a charge of a violation of section  
11 321J.2 filed at a result of the same circumstances  
12 which resulted in the revocation has resulted in a  
13 decision in which the court has held that the peace  
14 officer did not have reasonable grounds to believe  
15 that a violation of section 321J.2 had occurred to  
16 support a request for or to administer a chemical test  
17 or which has held the chemical test to be otherwise  
18 inadmissible or invalid. Such a decision by the court  
19 is binding on the department and shall require the  
20 department to rescind the revocation and destroy any  
21 record of the revocation."

BY HALVORSON of Clayton  
JAY of Appanoose

H-3216 FILED MARCH 18, 1987

*Adopted 3/19/87 (p. 644)*

1 Section 1. Section 321J.13, subsection 2, unnumbered  
2 paragraph 1, Code 1987, is amended to read as follows:

3 The department shall grant the person an opportunity to be  
4 heard within ~~thirty~~ forty-five days of receipt of a request  
5 for a hearing if the request is made not later than twenty  
6 days after receipt of notice of revocation served pursuant to  
7 section 321J.9 or 321J.12. The hearing shall be before the  
8 department in the county where the alleged events occurred,  
9 unless the director and the person agree that the hearing may  
10 be held in some other county, or the hearing may be held by  
11 telephone conference at the discretion of the agency  
12 conducting the hearing. The hearing may be recorded and its  
13 scope shall be limited to the issues of whether a peace  
14 officer had reasonable grounds to believe that the person was  
15 operating a motor vehicle in violation of section 321J.2 and  
16 either of the following:

17 EXPLANATION

18 This bill allows the department of transportation forty-  
19 five days in which to grant a hearing to a person whose  
20 license has been revoked for operating a motor vehicle under  
21 the influence of alcohol or a drug.

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23 SENATE AMENDMENT TO HOUSE FILE 488

24 H-3891

25 1 Amend House File 488, as amended, passed, and re-  
26 2 printed by the House, as follows:

27 3 1. Page 1, line 5, by striking the word "twenty"  
28 4 and inserting the following: "twenty thirty".

29 5 2. Page 1, by striking line 19 and inserting the  
30 6 following: "privilege has been revoked prior to July  
31 7 1, 1986 under section 321B.7, 321B.13, or 321B.16 as  
32 8 they existed".

33 9 3. Page 1, line 23, by striking the words and  
34 10 figure "section 321J.2 filed at" and inserting the  
35 11 following: "section 321.281 as it existed prior to  
12 July 1, 1986 filed as".

13 14 4. Page 1, line 27, by striking the figure  
14 "321J.2" and inserting the following: "321.281".

15 15 5. By renumbering, relettering, or redesignating  
16 and correcting internal references as necessary.

17 H-3891 FILED APRIL 22, 1987 RECEIVED FROM THE SENATE

18 *Have commenced 4/28/87 (p 1498)*

JUDICIARY: Mann, Chair; Doyle and Holt

*Amend (346) to Pass 4/8/87 (p. 1039)*

HOUSE FILE **488**

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House March 19, 1987)

Re Passed House, Date 4/28/87 (p. 1499) Passed Senate, Date 4/20/87 (p. 1375)

Vote: Ayes 89 Nays 0 Vote: Ayes 47 Nays 1

Approved May 27, 1987

*Motion to reconsider (p. 1407)  
" w/d 4/21 (p. 1422)*

**A BILL FOR**

- 1 An Act relating to the time period for a hearing on the
- 2 revocation of a person's license for operating a motor vehicle
- 3 while under the influence of alcohol or a drug.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 488

S-3461

- 1 Amend House File 488 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 5, by striking the word "twenty"
- 4 and inserting the following: "twenty thirty".

S-3461

Filed April 8, 1987  
*Adopted 4/14/87 (p. 1286)*

BY COMMITTEE ON JUDICIARY  
DONALD B. DOYLE, Chairperson

HOUSE FILE 488

S-3553

- 1 Amend House File 488, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking line 19 and inserting the
- 4 following: "privilege has been revoked prior to July
- 5 1, 1986 under section 321B.7, 321B.13, or 321B.16 as
- 6 they existed".
- 7 2. Page 1, line 23, by striking the words and
- 8 figure "section 321J.2 filed at" and inserting the
- 9 following: "section 321.281 as it existed prior to
- 10 July 1, 1986 filed as".
- 11 3. Page 1, line 27, by striking the figure
- 12 "321J.2" and inserting the following: "321.281".

S-3553

Filed April 14, 1987  
*Adopted 4/20/87 (p. 1395)*

BY TOM MANN, JR.

1 Section 1. Section 321J.13, subsection 2, unnumbered  
2 paragraph 1, Code 1987, is amended to read as follows:

3 The department shall grant the person an opportunity to be  
4 heard within ~~thirty~~ forty-five days of receipt of a request  
5 for a hearing if the request is made not later than twenty  
6 days after receipt of notice of revocation served pursuant to  
7 section 321J.9 or 321J.12. The hearing shall be before the  
8 department in the county where the alleged events occurred,  
9 unless the director and the person agree that the hearing may  
10 be held in some other county, or the hearing may be held by  
11 telephone conference at the discretion of the agency  
12 conducting the hearing. The hearing may be recorded and its  
13 scope shall be limited to the issues of whether a peace  
14 officer had reasonable grounds to believe that the person was  
15 operating a motor vehicle in violation of section 321J.2 and  
16 either of the following:

17 Sec. 2. Section 321J.13 subsection 4, shall apply to  
18 persons whose motor vehicle license or nonresident operating  
19 privilege has been revoked under section 321J.9 or 321J.12  
20 prior to July 1, 1986 to the extent that a person may reopen a  
21 hearing on the revocation if the person submits a petition  
22 stating that a criminal action on a charge of a violation of  
23 section 321J.2 filed at a result of the same circumstances  
24 which resulted in the revocation has resulted in a decision in  
25 which the court has held that the peace officer did not have  
26 reasonable grounds to believe that a violation of section  
27 321J.2 had occurred to support a request for or to administer  
28 a chemical test or which has held the chemical test to be  
29 otherwise inadmissible or invalid. Such a decision by the  
30 court is binding on the department and shall require the  
31 department to rescind the revocation and destroy any record of  
32 the revocation.

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HSB 106

Judiciary & Law Enforcement

*[Handwritten initials]*

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
JUDICIARY AND LAW EN-  
FORCEMENT BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the time period for a hearing on the  
2 revocation of a person's license for operating a motor vehicle  
3 while under the influence of alcohol or a drug.

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

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**SUB COMMITTEE ASSIGNMENTS**

*Chris Jay*

COMMITTEE: *Judiciary*  
*2.3-87*

1 Section 1. Section 321J.13, subsection 2, unnumbered  
2 paragraph 1, Code 1987, is amended to read as follows:

3 The department shall grant the person an opportunity to be  
4 heard within thirty forty-five days of receipt of a request  
5 for a hearing if the request is made not later than twenty  
6 days after receipt of notice of revocation served pursuant to  
7 section 321J.9 or 321J.12. The hearing shall be before the  
8 department in the county where the alleged events occurred,  
9 unless the director and the person agree that the hearing may  
10 be held in some other county, or the hearing may be held by  
11 telephone conference at the discretion of the agency  
12 conducting the hearing. The hearing may be recorded and its  
13 scope shall be limited to the issues of whether a peace  
14 officer had reasonable grounds to believe that the person was  
15 operating a motor vehicle in violation of section 321J.2 and  
16 either of the following:

17 EXPLANATION

18 This bill allows the department of transportation forty-  
19 five days in which to grant a hearing to a person whose  
20 license has been revoked for operating a motor vehicle under  
21 the influence of alcohol or a drug.

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HOUSE FILE 488

AN ACT

RELATING TO THE TIME PERIOD FOR A HEARING ON THE REVOCATION OF A PERSON'S LICENSE FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR A DRUG.

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

Section 1. Section 321J.13, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The department shall grant the person an opportunity to be heard within thirty forty-five days of receipt of a request for a hearing if the request is made not later than twenty thirty days after receipt of notice of revocation served pursuant to section 321J.9 or 321J.12. The hearing shall be before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing may be recorded and its scope shall be limited to the issues of whether a peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 and either of the following:

Sec. 2. Section 321J.13, subsection 4, shall apply to persons whose motor vehicle license or nonresident operating privilege has been revoked prior to July 1, 1986 under section 321B.7, 321B.13, or 321B.16 as they existed prior to July 1, 1986 to the extent that a person may reopen a hearing on the revocation if the person submits a petition stating that a criminal action on a charge of a violation of section 321.281 as it existed prior to July 1, 1986 filed as a result of the same circumstances which resulted in the revocation has resulted in a decision in which the court has held that the

peace officer did not have reasonable grounds to believe that a violation of section 321.281 had occurred to support a request for or to administer a chemical test or which has held the chemical test to be otherwise inadmissible or invalid. Such a decision by the court is binding on the department and shall require the department to rescind the revocation and destroy any record of the revocation.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 488, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 27, 1987

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TERRY F. BRANSTAD  
Governor

HF 488