

REPRINTED

MAR 5 1996

Place On Calendar

HOUSE FILE 2436
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 744)

(P.815)
Passed House, Date 3-19-96 Passed Senate, Date _____
Vote: Ayes 86 Nays 11 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing that a court order the revocation or suspension
2 of a driver's license at the time of conviction for certain
3 drug-related offenses, and providing an effective date.

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

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HF 2436

1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), Code Supplement 1995, is amended to read as
3 follows:

4 (4) The suspension or revocation of the motor vehicle
5 license or operating privilege of the child, for a period of
6 one year, for the commission of ~~one or more~~ delinquent acts
7 which are a violation of section any of the following:

8 (a) Section 123.46~~section~~.

9 (b) Section 123.47 regarding the purchase or attempt to
10 purchase of alcoholic beverages~~or chapter~~.

11 (c) Chapter 124~~or two~~.

12 (d) Section 126.3.

13 (e) Chapter 453B.

14 (f) Two or more delinquent acts which are a violation
15 violations of section 123.47 regarding the possession of
16 alcoholic beverages ~~for a period of one year~~.

17 SUBPARAGRAPH DIVIDED. The child may be issued a temporary
18 restricted license or school license if the child is otherwise
19 eligible.

20 Sec. 2. Section 321.205, unnumbered paragraph 2, Code
21 1995, is amended by striking the paragraph.

22 Sec. 3. Section 321.209, subsection 8, Code 1995, is
23 amended by striking the subsection.

24 Sec. 4. Section 321.212, subsection 1, paragraph d, Code
25 1995, is amended to read as follows:

26 d. The department shall revoke a motor vehicle license
27 ~~under section 321.209, subsection 8~~ according to an order
28 issued pursuant to section 901.5, subsection 10, for one
29 hundred eighty days. If the person has not been issued a
30 motor vehicle license, the issuance of a motor vehicle license
31 shall be delayed for one hundred eighty days after the person
32 is first eligible. If the person's operating privileges have
33 been suspended or revoked at the time the person is convicted,
34 the one-hundred-eighty-day revocation period shall not begin
35 until all other suspensions or revocations have terminated.

1 Sec. 5. Section 321.213, Code Supplement 1995, is amended
2 to read as follows:

3 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
4 VIOLATIONS BY JUVENILE DRIVERS.

5 Upon the entering of an a dispositional order at the
6 ~~conclusion of an adjudicatory hearing~~ suspending or revoking
7 the motor vehicle license or operating privileges of the
8 juvenile under section ~~232.47 that the child violated a~~
9 ~~provision of this chapter or chapter 124, 126, 321A, 321J, or~~
10 ~~453B for which the penalty is greater than a simple~~
11 misdemeanor 232.52, subsection 2, paragraph "a", the clerk of
12 the juvenile court ~~in the adjudicatory hearing~~ shall forward a
13 copy of the adjudication and the dispositional order to the
14 department. Notwithstanding section 232.55, a final
15 adjudication in a juvenile court that the child violated a
16 provision of this chapter, ~~chapter 124, a drug offense under~~
17 ~~section 126.3, or chapter 321A, or 321J, or 453B~~ constitutes a
18 final conviction for purposes of section 321.189, subsection
19 8, paragraph "b", and sections 321.193, 321.194, 321.200,
20 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3,
21 and 321J.4. However, ~~suspensions for violations of chapter~~
22 ~~124, section 126.3, or chapter 453B shall be in accordance~~
23 ~~with section 321.213A.~~

24 Sec. 6. Section 321.213A, Code Supplement 1995, is amended
25 to read as follows:

26 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
27 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

28 Upon the entering of an a dispositional order at the
29 ~~conclusion of a dispositional hearing under section 232.50,~~
30 ~~where the child has been adjudicated to have committed a~~
31 ~~delinquent act, which would be a first or subsequent violation~~
32 ~~of section 123.46, section 123.47 involving the purchase or~~
33 ~~attempt to purchase alcoholic beverages, chapter 124, section~~
34 ~~126.3, chapter 453B, or a second or subsequent violation of~~
35 ~~section 123.47 regarding the possession of alcoholic~~

1 ~~beverages~~, under section 232.52, subsection 2, paragraph "a",
2 the clerk of the juvenile court ~~in-the-dispositional-hearing~~
3 shall forward a copy of the adjudication and the dispositional
4 order suspending or revoking the motor vehicle license or
5 operating privileges of the juvenile to the department. The
6 department shall suspend the license or operating privilege of
7 the child for one year. The child may receive a temporary
8 restricted license, if eligible, as provided in section
9 321.215.

10 Sec. 7. Section 321.215, subsection 1, unnumbered
11 paragraph 2, Code Supplement 1995, is amended to read as
12 follows:

13 However, a temporary restricted license shall not be issued
14 to a person whose license is revoked ~~under-section-321-205-for~~
15 ~~a-drug-or-drug-related-offense-or~~ pursuant to a court order
16 issued under section 901.5, subsection 10, or under section
17 321.209, subsections 1 through 5 or subsection 7, or-8 or to a
18 juvenile whose license has been suspended ~~under-section~~
19 ~~321-213A~~ or revoked pursuant to a dispositional order under
20 section 232.52, subsection 2, paragraph "a", for a violation
21 of chapter 124 or 453B, or section 126.3. A temporary
22 restricted license may be issued to a person whose license is
23 revoked under section 321.209, subsection 6, only if the
24 person has no previous drag racing convictions. A person
25 holding a temporary restricted license issued by the
26 department under this section shall not operate a motor
27 vehicle for pleasure.

28 Sec. 8. Section 321.215, subsection 2, unnumbered
29 paragraph 1, Code 1995, is amended to read as follows:

30 Upon conviction and the suspension or revocation of a
31 person's motor vehicle license under section ~~321-205-for-a~~
32 ~~drug-or-drug-related-offense;~~ 321.209, subsection 5, or 6, or
33 8; section 321.210; 321.210A; or 321.513; or upon revocation
34 pursuant to a court order issued under section 901.5,
35 subsection 10; or upon the denial of issuance of a motor

1 vehicle license under section 321.560, based solely on
2 offenses enumerated in section 321.555, subsection 1,
3 paragraph "c", or section 321.555, subsection 2; or a
4 juvenile, whose license has been suspended under-section
5 ~~321:213A~~ or revoked pursuant to a dispositional order under
6 section 232.52, subsection 2, paragraph "a", for a violation
7 of chapter 124 or 453B, or section 126.3, and upon the denial
8 by the director of an application for a temporary restricted
9 license, a person may apply to the district court having
10 jurisdiction for the residence of the person for a temporary
11 restricted permit to operate a motor vehicle for the limited
12 purpose or purposes specified in subsection 1. The
13 application may be granted only if all of the following
14 criteria are satisfied:

15 Sec. 9. Section 321.215, subsection 2, paragraph d, Code
16 Supplement 1995, is amended to read as follows:

17 d. Proof of financial responsibility is established as
18 defined in chapter 321A. However, such proof is not required
19 if the motor vehicle license was suspended under section
20 321.210A or 321.513 or revoked under-section-321:209,
21 ~~subsection-8, or suspended or revoked under-section-321:205~~
22 ~~for-a-drug-or-drug-related-offense~~ pursuant to a court order
23 issued under section 901.5, subsection 10.

24 Sec. 10. Section 321.491, unnumbered paragraph 7, Code
25 1995, is amended by striking the paragraph.

26 Sec. 11. Section 321A.17, subsection 5, Code Supplement
27 1995, is amended to read as follows:

28 5. An individual applying for a motor vehicle license
29 following a period of suspension or revocation under-section
30 ~~321:205-for-a-drug-or-drug-related-offense, section-321:209,~~
31 ~~subsection-8,~~ pursuant to a dispositional order issued under
32 section 232.52, subsection 2, paragraph "a", or under section
33 321.210, subsection 1, paragraph "d", or section 321.210A,
34 321.213A, 321.213B, 321.216B, or 321.513, following a period
35 of suspension under section 321.194, or following a period of

1 revocation pursuant to a court order issued under section
2 901.5, subsection 10, or under section 321J.2A, is not
3 required to maintain proof of financial responsibility under
4 this section.

5 Sec. 12. Section 901.5, Code 1995, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 10. In addition to any sentence imposed
8 pursuant to chapter 902 or 903, the court shall order the
9 state department of transportation to revoke the defendant's
10 driver's license or motor vehicle operating privilege for a
11 period of one hundred eighty days, and shall send a copy of
12 the order in addition to the notice of conviction required
13 under section 124.412, 126.26, or 453B.16, to the state
14 department of transportation, if the defendant is being
15 sentenced for any of the following offenses:

- 16 a. A controlled substance offense under section 124.401,
17 124.401A, 124.402, or 124.403.
18 b. A drug or drug-related offense under section 126.3.
19 c. A controlled substance tax offense under chapter 453B.

20 Sec. 13. EFFECTIVE DATE. This Act, being deemed of
21 immediate importance, takes effect upon enactment.

22 EXPLANATION

23 The main element of this bill is contained in section 3,
24 which strikes Code section 321.209, subsection 8. This
25 provision, which permits the administrative revocation of
26 driver's licenses after certain drug-related convictions, was
27 recently held to be unconstitutional in Dressler v. Iowa
28 Department of Transportation. Sections 2 and 4 through 11 of
29 the bill amend other Code sections that rely on this Code
30 section or an administrative revocation following a conviction
31 or adjudication for an offense not directly related to motor
32 vehicle safety. Sections 1 and 12 add provisions that require
33 a juvenile court to order the revocation or suspension, or the
34 district court to order the revocation, of the driver's
35 license at the time of the conviction for the underlying

1 offense, in order to comply with the reasoning of the Dressler
2 court regarding a constitutionally permissible procedure for
3 the license revocation formerly done under Code section
4 321.209, subsection 8.

5 Section 13 makes this bill effective upon enactment.

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HOUSE FILE 2436

H-5262

1 Amend House File 2436 as follows:
 2 1. Page 5, line 6, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 5, line 11, by inserting after the word
 6 "days," the following: "or to delay the issuance of a
 7 motor vehicle license for one hundred eighty days
 8 after the person is first eligible if the defendant
 9 has not been issued a motor vehicle license,".
 10 3. Page 5, by inserting after line 19 the
 11 following:
 12 "If the person's operating privileges are suspended
 13 or revoked at the time of sentencing, the order shall
 14 provide that the one hundred eighty-day revocation
 15 period shall not begin until all other suspensions or
 16 revocations have terminated. Any order under this
 17 section shall also provide that the department shall
 18 not issue a temporary restricted license to the
 19 defendant during the revocation period, without
 20 further order by the court.
 21 NEW SUBSECTION. 11. In addition to any sentence
 22 or other penalty imposed against the defendant for an
 23 offense under chapter 124, the court shall consider
 24 the provisions of 21 U.S.C. § 862, regarding the
 25 denial of federal benefits to drug traffickers and
 26 possessors, and may enter an order specifying the
 27 range and scope of federal benefits to be denied to
 28 the defendant, according to the provisions of 21
 29 U.S.C. § 862. For the purposes of this subsection,
 30 "federal benefit" means the issuance of any grant,
 31 contract, loan, professional license, or commercial
 32 license provided by an agency of the United States or
 33 through the appropriation of funds of the United
 34 States, but does not include any retirement, welfare,
 35 social security, health, disability, veterans benefit,
 36 public housing, or other similar benefit for which
 37 payments or services are required for eligibility.
 38 The court shall send a copy of any order issued under
 39 this subsection to the denial of federal benefits
 40 project, along with any other forms and information
 41 required by the project."

By THOMSON of Linn

H-5262 FILED MARCH 11, 1996

(P. 810) Ruled not germane
 (P. 810) motion to suspend rules - prevailed } 3/13/96
 (P. 83) adopted 3-19-96

HOUSE FILE 2436

H-5439

- 1 Amend House File 2436 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ . Section 321.210, subsection 1,
- 5 paragraph d, Code 1995, is amended to read as follows:
- 6 d. Has ~~permitted~~ been convicted of committing an
- 7 unlawful or fraudulent use of the license."
- 8 2. Title page, line 3, by inserting after the
- 9 word "offenses," the following: "that the department
- 10 of transportation suspend a license for unlawful or
- 11 fraudulent use of a license, providing a penalty,".
- 12 3. By renumbering as necessary.

By BRUNKHORST of Bremer

H-5439 FILED MARCH 18, 1996

WITHDRAWN

3-19-96 (p. 809)

HOUSE FILE 2436

H-5454

- 1 Amend amendment H-5262 to House File 2436 as follows:
- 2 1. Page 1, lines 25 and 26, by striking the words
- 3 "and possessors".

By SCHRADER of Marion

H-5454 FILED MARCH 19, 1996

LOST

(p. 812)

S. 3/19/96 Transportation
S-3/21/96 Do Pass

HOUSE FILE **2436**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 744)

(As Amended and Passed by the House, March 19, 1996)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing that a court order the revocation or suspension
2 of a driver's license at the time of conviction for certain
3 drug-related offenses, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), Code Supplement 1995, is amended to read as
3 follows:

4 (4) The suspension or revocation of the motor vehicle
5 license or operating privilege of the child, for a period of
6 one year, for the commission of ~~one-or-more~~ delinquent acts
7 which are a violation of ~~section~~ any of the following:

8 (a) ~~Section 123.46~~section.

9 (b) ~~Section 123.47~~ regarding the purchase or attempt to
10 purchase of alcoholic beverages~~7-or-chapter.~~

11 (c) ~~Chapter 124~~or-two.

12 (d) ~~Section 126.3.~~

13 (e) ~~Chapter 453B.~~

14 (f) ~~Two or more delinquent-acts-which-are-a-violation~~
15 violations of section 123.47 regarding the possession of
16 alcoholic beverages ~~for-a-period-of-one-year.~~

17 SUBPARAGRAPH DIVIDED. The child may be issued a temporary
18 restricted license or school license if the child is otherwise
19 eligible.

20 Sec. 2. Section 321.205, unnumbered paragraph 2, Code
21 1995, is amended by striking the paragraph.

22 Sec. 3. Section 321.209, subsection 8, Code 1995, is
23 amended by striking the subsection.

24 Sec. 4. Section 321.212, subsection 1, paragraph d, Code
25 1995, is amended to read as follows:

26 d. The department shall revoke a motor vehicle license
27 ~~under-section-321-209~~7-subsection-8, according to an order
28 issued pursuant to section 901.5, subsection 10, for one
29 hundred eighty days. If the person has not been issued a
30 motor vehicle license, the issuance of a motor vehicle license
31 shall be delayed for one hundred eighty days after the person
32 is first eligible. If the person's operating privileges have
33 been suspended or revoked at the time the person is convicted,
34 the ~~one-hundred-eighty-day~~ revocation period shall not begin
35 until all other suspensions or revocations have terminated.

1 Sec. 5. Section 321.213, Code Supplement 1995, is amended
2 to read as follows:

3 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
4 VIOLATIONS BY JUVENILE DRIVERS.

5 Upon the entering of an a dispositional order at the
6 ~~conclusion of an adjudicatory hearing~~ suspending or revoking
7 the motor vehicle license or operating privileges of the
8 juvenile under section ~~232.47 that the child violated a~~
9 ~~provision of this chapter or chapter 124, 126, 321A, 321J, or~~
10 ~~453B for which the penalty is greater than a simple~~
11 misdemeanor 232.52, subsection 2, paragraph "a", the clerk of
12 the juvenile court ~~in the adjudicatory hearing~~ shall forward a
13 copy of the adjudication and the dispositional order to the
14 department. Notwithstanding section 232.55, a final
15 adjudication in a juvenile court that the child violated a
16 provision of this chapter, ~~chapter 124, a drug offense under~~
17 ~~section 126.3, or chapter 321A, or 321J, or 453B~~ constitutes a
18 final conviction for purposes of section 321.189, subsection
19 8, paragraph "b", and sections 321.193, 321.194, 321.200,
20 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3,
21 and 321J.4. ~~However, suspensions for violations of chapter~~
22 ~~124, section 126.3, or chapter 453B shall be in accordance~~
23 ~~with section 321.213A.~~

24 Sec. 6. Section 321.213A, Code Supplement 1995, is amended
25 to read as follows:

26 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
27 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

28 Upon the entering of an a dispositional order at the
29 ~~conclusion of a dispositional hearing under section 232.50~~
30 ~~where the child has been adjudicated to have committed a~~
31 ~~delinquent act, which would be a first or subsequent violation~~
32 ~~of section 123.46, section 123.47 involving the purchase or~~
33 ~~attempt to purchase alcoholic beverages, chapter 124, section~~
34 ~~126.3, chapter 453B, or a second or subsequent violation of~~
35 ~~section 123.47 regarding the possession of alcoholic~~

1 ~~beverages~~, under section 232.52, subsection 2, paragraph "a",
2 the clerk of the juvenile court ~~in-the-dispositional-hearing~~
3 shall forward a copy of the adjudication and the dispositional
4 order suspending or revoking the motor vehicle license or
5 operating privileges of the juvenile to the department. The
6 department shall suspend the license or operating privilege of
7 the child for one year. The child may receive a temporary
8 restricted license, if eligible, as provided in section
9 321.215.

10 Sec. 7. Section 321.215, subsection 1, unnumbered
11 paragraph 2, Code Supplement 1995, is amended to read as
12 follows:

13 However, a temporary restricted license shall not be issued
14 to a person whose license is revoked ~~under-section-321-205-for~~
15 ~~a-drug-or-drug-related-offense-or~~ pursuant to a court order
16 issued under section 901.5, subsection 10, or under section
17 321.209, subsections 1 through 5 or subsection 7, ~~or-8~~ or to a
18 juvenile whose license has been suspended ~~under-section~~
19 ~~321-213A~~ or revoked pursuant to a dispositional order under
20 section 232.52, subsection 2, paragraph "a", for a violation
21 of chapter 124 or 453B, or section 126.3. A temporary
22 restricted license may be issued to a person whose license is
23 revoked under section 321.209, subsection 6, only if the
24 person has no previous drag racing convictions. A person
25 holding a temporary restricted license issued by the
26 department under this section shall not operate a motor
27 vehicle for pleasure.

28 Sec. 8. Section 321.215, subsection 2, unnumbered
29 paragraph 1, Code 1995, is amended to read as follows:

30 Upon conviction and the suspension or revocation of a
31 person's motor vehicle license under section ~~321-205-for-a~~
32 ~~drug-or-drug-related-offense~~; 321.209, subsection 5, or 6 ~~or~~
33 8; section 321.210; 321.210A; or 321.513; or upon revocation
34 pursuant to a court order issued under section 901.5,
35 subsection 10; or upon the denial of issuance of a motor

1 vehicle license under section 321.560, based solely on
2 offenses enumerated in section 321.555, subsection 1,
3 paragraph "c", or section 321.555, subsection 2; or a
4 juvenile, whose license has been suspended ~~under-section~~
5 ~~321.213A~~ or revoked pursuant to a dispositional order under
6 section 232.52, subsection 2, paragraph "a", for a violation
7 of chapter 124 or 453B, or section 126.3, and upon the denial
8 by the director of an application for a temporary restricted
9 license, a person may apply to the district court having
10 jurisdiction for the residence of the person for a temporary
11 restricted permit to operate a motor vehicle for the limited
12 purpose or purposes specified in subsection 1. The
13 application may be granted only if all of the following
14 criteria are satisfied:

15 Sec. 9. Section 321.215, subsection 2, paragraph d, Code
16 Supplement 1995, is amended to read as follows:

17 d. Proof of financial responsibility is established as
18 defined in chapter 321A. However, such proof is not required
19 if the motor vehicle license was suspended under section
20 321.210A or 321.513 or revoked ~~under-section-321-209,~~
21 ~~subsection-8,-or-suspended-or-revoked-under-section-321-205~~
22 ~~for-a-drug-or-drug-related-offense~~ pursuant to a court order
23 issued under section 901.5, subsection 10.

24 Sec. 10. Section 321.491, unnumbered paragraph 7, Code
25 1995, is amended by striking the paragraph.

26 Sec. 11. Section 321A.17, subsection 5, Code Supplement
27 1995, is amended to read as follows:

28 5. An individual applying for a motor vehicle license
29 following a period of suspension or revocation ~~under-section~~
30 ~~321-205-for-a-drug-or-drug-related-offense,-section-321-209,~~
31 ~~subsection-8,~~ pursuant to a dispositional order issued under
32 section 232.52, subsection 2, paragraph "a", or under section
33 321.210, subsection 1, paragraph "d", or section 321.210A,
34 321.213A, 321.213B, 321.216B, or 321.513, following a period
35 of suspension under section 321.194, or following a period of

1 revocation pursuant to a court order issued under section
2 901.5, subsection 10, or under section 321J.2A, is not
3 required to maintain proof of financial responsibility under
4 this section.

5 Sec. 12. Section 901.5, Code 1995, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 10. In addition to any sentence imposed
8 pursuant to chapter 902 or 903, the court shall order the
9 state department of transportation to revoke the defendant's
10 driver's license or motor vehicle operating privilege for a
11 period of one hundred eighty days, or to delay the issuance of
12 a motor vehicle license for one hundred eighty days after the
13 person is first eligible if the defendant has not been issued
14 a motor vehicle license, and shall send a copy of the order in
15 addition to the notice of conviction required under section
16 124.412, 126.26, or 453B.16, to the state department of
17 transportation, if the defendant is being sentenced for any of
18 the following offenses:

19 a. A controlled substance offense under section 124.401,
20 124.401A, 124.402, or 124.403.

21 b. A drug or drug-related offense under section 126.3.

22 c. A controlled substance tax offense under chapter 453B.

23 If the person's operating privileges are suspended or
24 revoked at the time of sentencing, the order shall provide
25 that the one hundred eighty-day revocation period shall not
26 begin until all other suspensions or revocations have
27 terminated. Any order under this section shall also provide
28 that the department shall not issue a temporary restricted
29 license to the defendant during the revocation period, without
30 further order by the court.

31 NEW SUBSECTION. 11. In addition to any sentence or other
32 penalty imposed against the defendant for an offense under
33 chapter 124, the court shall consider the provisions of 21
34 U.S.C. § 862, regarding the denial of federal benefits to drug
35 traffickers and possessors, and may enter an order specifying

1 the range and scope of federal benefits to be denied to the
2 defendant, according to the provisions of 21 U.S.C. § 862.
3 For the purposes of this subsection, "federal benefit" means
4 the issuance of any grant, contract, loan, professional
5 license, or commercial license provided by an agency of the
6 United States or through the appropriation of funds of the
7 United States, but does not include any retirement, welfare,
8 social security, health, disability, veterans benefit, public
9 housing, or other similar benefit for which payments or
10 services are required for eligibility. The court shall send a
11 copy of any order issued under this subsection to the denial
12 of federal benefits project, along with any other forms and
13 information required by the project.

14 Sec. 13. EFFECTIVE DATE. This Act, being deemed of
15 immediate importance, takes effect upon enactment.

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*Walter ck
Heaton
May*

HSB 744

TRANSPORTATION

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON WELTER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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1 An Act providing that a court order the revocation or suspension
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9 (b) Section 123.47 regarding the purchase or attempt to
10 purchase of alcoholic beverages~~-or-chapter.~~

11 (c) Chapter 124~~-or-two.~~

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1 Sec. 5. Section 321.213, Code Supplement 1995, is amended
2 to read as follows:

3 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
4 VIOLATIONS BY JUVENILE DRIVERS.

5 Upon the entering of an a dispositional order at-the
6 ~~conclusion-of-an-adjudicatory-hearing~~ suspending or revoking
7 the motor vehicle license or operating privileges of the
8 juvenile under section ~~232.47-that-the-child-violated-a~~
9 ~~provision-of-this-chapter-or-chapter-124,126,321A,321J-or~~
10 ~~453B-for-which-the-penalty-is-greater-than-a-simple~~
11 ~~misdemeanor~~ 232.52, subsection 2, paragraph "a", the clerk of
12 the juvenile court ~~in-the-adjudicatory-hearing~~ shall forward a
13 copy of the adjudication and the dispositional order to the
14 department. Notwithstanding section 232.55, a final
15 adjudication in a juvenile court that the child violated a
16 provision of this chapter, ~~chapter-124, a drug offense under~~
17 ~~section-126.3, or chapter 321A, or 321J, or-453B~~ constitutes a
18 final conviction for purposes of section 321.189, subsection
19 8, paragraph "b", and sections 321.193, 321.194, 321.200,
20 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3,
21 and 321J.4. ~~However, suspensions for violations of chapter~~
22 ~~124, section-126.3, or chapter-453B shall be in accordance~~
23 ~~with section-321.213A.~~

24 Sec. 6. Section 321.213A, Code Supplement 1995, is amended
25 to read as follows:

26 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
27 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

28 Upon the entering of an a dispositional order at-the
29 ~~conclusion-of-a-dispositional-hearing-under-section-232.50,~~
30 ~~where-the-child-has-been-adjudicated-to-have-committed-a~~
31 ~~delinquent-act, which-would-be-a-first-or-subsequent-violation~~
32 ~~of-section-123.46, section-123.47-involving-the-purchase-or~~
33 ~~attempt-to-purchase-alcoholic-beverages, chapter-124, section~~
34 ~~126.3, chapter-453B, or-a-second-or-subsequent-violation-of~~
35 ~~section-123.47-regarding-the-possession-of-alcoholic~~

1 beverages, under section 232.52, subsection 2, paragraph "a",
2 the clerk of the juvenile court ~~in-the-dispositional-hearing~~
3 shall forward a copy of the adjudication and the dispositional
4 order suspending or revoking the motor vehicle license or
5 operating privileges of the juvenile to the department. The
6 department shall suspend the license or operating privilege of
7 the child for one year. The child may receive a temporary
8 restricted license, if eligible, as provided in section
9 321.215.

10 Sec. 7. Section 321.215, subsection 1, unnumbered
11 paragraph 2, Code Supplement 1995, is amended to read as
12 follows:

13 However, a temporary restricted license shall not be issued
14 to a person whose license is revoked ~~under-section-321-205-for~~
15 ~~a-drug-or-drug-related-offense-or~~ pursuant to a court order
16 issued under section 901.5, subsection 10, or under section
17 321.209, subsections 1 through 5 or subsection 7, or-8 or to a
18 juvenile whose license has been suspended ~~under-section~~
19 ~~321-213A~~ or revoked pursuant to a dispositional order under
20 section 232.52, subsection 2, paragraph "a", for a violation
21 of chapter 124 or 453B, or section 126.3. A temporary
22 restricted license may be issued to a person whose license is
23 revoked under section 321.209, subsection 6, only if the
24 person has no previous drag racing convictions. A person
25 holding a temporary restricted license issued by the
26 department under this section shall not operate a motor
27 vehicle for pleasure.

28 Sec. 8. Section 321.215, subsection 2, unnumbered
29 paragraph 1, Code 1995, is amended to read as follows:

30 Upon conviction and the suspension or revocation of a
31 person's motor vehicle license under section ~~321-205-for-a~~
32 ~~drug-or-drug-related-offense;~~ 321.209, subsection 5, or 6-~~or~~
33 8; section 321.210; 321.210A; or 321.513; or upon revocation
34 pursuant to a court order issued under section 901.5,
35 subsection 10; or upon the denial of issuance of a motor

1 vehicle license under section 321.560, based solely on
2 offenses enumerated in section 321.555, subsection 1,
3 paragraph "c", or section 321.555, subsection 2; or a
4 juvenile, whose license has been suspended ~~under-section~~
5 ~~321-213A~~ or revoked pursuant to a dispositional order under
6 section 232.52, subsection 2, paragraph "a", for a violation
7 of chapter 124 or 453B, or section 126.3, and upon the denial
8 by the director of an application for a temporary restricted
9 license, a person may apply to the district court having
10 jurisdiction for the residence of the person for a temporary
11 restricted permit to operate a motor vehicle for the limited
12 purpose or purposes specified in subsection 1. The
13 application may be granted only if all of the following
14 criteria are satisfied:

15 Sec. 9. Section 321.215, subsection 2, paragraph d, Code
16 Supplement 1995, is amended to read as follows:

17 d. Proof of financial responsibility is established as
18 defined in chapter 321A. However, such proof is not required
19 if the motor vehicle license was suspended under section
20 321.210A or 321.513 or revoked ~~under-section-321-209,~~
21 ~~subsection-8, or suspended or revoked under-section-321-205~~
22 ~~for-a-drug-or-drug-related-offense~~ pursuant to a court order
23 issued under section 901.5, subsection 10.

24 Sec. 10. Section 321.491, unnumbered paragraph 7, Code
25 1995, is amended by striking the paragraph.

26 Sec. 11. Section 321A.17, subsection 5, Code Supplement
27 1995, is amended to read as follows:

28 5. An individual applying for a motor vehicle license
29 following a period of suspension or revocation ~~under-section~~
30 ~~321-205-for-a-drug-or-drug-related-offense,~~ ~~section-321-209,~~
31 ~~subsection-8,~~ pursuant to a dispositional order issued under
32 section 232.52, subsection 2, paragraph "a", or under section
33 321.210, subsection 1, paragraph "d", or section 321.210A,
34 321.213A, 321.213B, 321.216B, or 321.513, following a period
35 of suspension under section 321.194, or following a period of

1 revocation pursuant to a court order issued under section
2 901.5, subsection 10, or under section 321J.2A, is not
3 required to maintain proof of financial responsibility under
4 this section.

5 Sec. 12. Section 901.5, Code 1995, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 10. In addition to any sentence imposed
8 pursuant to chapter 902 or 903, the court shall order the
9 state department of transportation to revoke the defendant's
10 driver's license or motor vehicle operating privilege for a
11 period of one hundred eighty days, and shall send a copy of
12 the order in addition to the notice of conviction required
13 under section 124.412, 126.26, or 453B.16, to the state
14 department of transportation, if the defendant is being
15 sentenced for any of the following offenses:

16 a. A controlled substance offense under section 124.401,
17 124.401A, 124.402, or 124.403.

18 b. A drug or drug-related offense under section 126.3.

19 c. A controlled substance tax offense under chapter 453B.

20 Sec. 13. EFFECTIVE DATE. This Act, being deemed of
21 immediate importance, takes effect upon enactment.

22 EXPLANATION

23 The main element of this bill is contained in section 3,
24 which strikes Code section 321.209, subsection 8. This
25 provision, which permits the administrative revocation of
26 driver's licenses after certain drug-related convictions, was
27 recently held to be unconstitutional in Dressler v. Iowa
28 Department of Transportation. Sections 2 and 4 through 11 of
29 the bill amend other Code sections that rely on this Code
30 section or an administrative revocation following a conviction
31 or adjudication for an offense not directly related to motor
32 vehicle safety. Sections 1 and 12 add provisions that require
33 a juvenile court to order the revocation or suspension, or the
34 district court to order the revocation, of the driver's
35 license at the time of the conviction for the underlying

1 offense, in order to comply with the reasoning of the Dressler
2 court regarding a constitutionally permissible procedure for
3 the license revocation formerly done under Code section
4 321.209, subsection 8.

5 Section 13 makes this bill effective upon enactment.

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