

APR 25 1996

JUDICIARY

HOUSE FILE 2501

BY SIEGRIST and SCHRADER

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, suspension,
2 or delay of issuance of a driver's license at the time of
3 conviction for certain drug-related offenses, and providing an
4 effective date.

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

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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, as amended
25 by 1996 Iowa Acts, Senate File 2080, section 20, is amended to
26 read as follows:

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

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

1 ~~section 123.47 regarding the possession of alcoholic~~
2 ~~beverages~~, under section 232.52, subsection 2, paragraph "a",
3 the clerk of the juvenile court ~~in the dispositional hearing~~
4 shall forward a copy of the adjudication and the dispositional
5 order suspending or revoking the motor vehicle license or
6 operating privileges of the juvenile to the department. The
7 department shall suspend the license or operating privilege of
8 the child for one year. The child may receive a temporary
9 restricted license or permit, if eligible, as provided in
10 section 321.215.

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

14 However, a temporary restricted license shall not be issued
15 to a person whose license is revoked ~~under section 321.205 for~~
16 ~~a drug or drug-related offense or~~ pursuant to a court order
17 issued under section 901.5, subsection 10, or under section
18 321.209, subsections 1 through 5 or subsection 7, or 8 or to a
19 juvenile whose license has been suspended ~~under section~~
20 ~~321.213A~~ or revoked pursuant to a dispositional order under
21 section 232.52, subsection 2, paragraph "a", for a violation
22 of chapter 124 or 453B, or section 126.3. A temporary
23 restricted license may be issued to a person whose license is
24 revoked under section 321.209, subsection 6, only if the
25 person has no previous drag racing convictions. A person
26 holding a temporary restricted license issued by the
27 department under this section shall not operate a motor
28 vehicle for pleasure.

29 Sec. 8. Section 321.215, subsection 2, unnumbered
30 paragraph 1, Code Supplement 1995, as amended by 1996 Iowa
31 Acts, Senate File 2266, section 17, is amended to read as
32 follows:

33 Upon conviction and the suspension or revocation of a
34 person's motor vehicle license under section ~~321.205 for a~~
35 ~~drug or drug-related offense~~; 321.209, subsection 5 or 6 or

1 ~~8~~; section 321.210; 321.210A; or 321.513; or upon revocation
2 pursuant to a court order issued under section 901.5,
3 subsection 10; or upon the denial of issuance of a motor
4 vehicle license under section 321.560, based solely on
5 offenses enumerated in section 321.555, subsection 1,
6 paragraph "c", or section 321.555, subsection 2; or a
7 juvenile, whose license has been suspended ~~under-section~~
8 ~~321-213A~~ or revoked pursuant to a dispositional order under
9 section 232.52, subsection 2, paragraph "a", for a violation
10 of chapter 124 or 453B, or section 126.3, a person may
11 petition the district court having jurisdiction for the
12 residence of the person for a temporary restricted permit to
13 operate a motor vehicle for the limited purpose or purposes
14 specified in subsection 1. The petition shall include a
15 current certified copy of the petitioner's official driving
16 record issued by the department. The application may be
17 granted only if all of the following criteria are satisfied:

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

20 d. Proof of financial responsibility is established as
21 defined in chapter 321A. However, such proof is not required
22 if the motor vehicle license was suspended under section
23 321.210A or 321.513 or revoked ~~under-section-321-209~~
24 ~~subsection-87-or-suspended-or-revoked-under-section-321-205~~
25 ~~for-a-drug-or-drug-related-offense~~ pursuant to a court order
26 issued under section 901.5, subsection 10.

27 Sec. 10. Section 321.491, unnumbered paragraph 7, Code
28 1995, is amended by striking the paragraph.

29 Sec. 11. Section 321A.17, subsection 5, Code Supplement
30 1995, is amended to read as follows:

31 5. An individual applying for a motor vehicle license
32 following a period of suspension or revocation ~~under-section~~
33 ~~321-205-for-a-drug-or-drug-related-offense~~ ~~section-321-209~~
34 ~~subsection-87~~ pursuant to a dispositional order issued under
35 section 232.52, subsection 2, paragraph "a", or under section

1 321.210, subsection 1, paragraph "d", or section 321.210A,
2 321.213A, 321.213B, 321.216B, or 321.513, following a period
3 of suspension under section 321.194, or following a period of
4 revocation pursuant to a court order issued under section
5 901.5, subsection 10, or under section 321J.2A, is not
6 required to maintain proof of financial responsibility under
7 this section.

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

10 NEW SUBSECTION. 10. In addition to any sentence imposed
11 pursuant to chapter 902 or 903, the court shall order the
12 state department of transportation to revoke the defendant's
13 driver's license or motor vehicle operating privilege for a
14 period of one hundred eighty days, or to delay the issuance of
15 a motor vehicle license for one hundred eighty days after the
16 person is first eligible if the defendant has not been issued
17 a motor vehicle license, and shall send a copy of the order in
18 addition to the notice of conviction required under section
19 124.412, 126.26, or 453B.16, to the state department of
20 transportation, if the defendant is being sentenced for any of
21 the following offenses:

22 a. A controlled substance offense under section 124.401,
23 124.401A, 124.402, or 124.403.

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

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

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

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

EXPLANATION

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2 The main element of this bill is contained in section 3,
3 which strikes Code section 321.209, subsection 8. This
4 provision, which permits the administrative revocation of
5 driver's licenses after certain drug-related convictions, was
6 recently held to be unconstitutional in Dressler v. Iowa
7 Department of Transportation. Sections 2 and 4 through 11 of
8 the bill amend other Code sections that rely on this Code
9 section or an administrative revocation following a conviction
10 or adjudication for an offense not directly related to motor
11 vehicle safety. Sections 1 and 12 add provisions that require
12 a juvenile court to order the revocation or suspension, or the
13 district court to order the revocation, of the driver's
14 license at the time of the conviction for the underlying
15 offense, in order to comply with the reasoning of the Dressler
16 court regarding a constitutionally permissible procedure for
17 the license revocation formerly done under Code section
18 321.209, subsection 8.

19 Section 13 makes this bill effective upon enactment.
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