

# House Study Bill 744

## Conference Committee Text

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1 1 Section 1. Section 232.52, subsection 2, paragraph a,  
1 2 subparagraph (4), Code Supplement 1995, is amended to read as  
1 3 follows:  
1 4 (4) The suspension or revocation of the motor vehicle  
1 5 license or operating privilege of the child, for a period of  
1 6 one year, for the commission of

~~one or more~~

~~delinquent acts~~

1 7 which are a violation of

~~section~~

~~any of the following:~~

1 8 (a) Section 123.46

~~, section~~

1 9 (b) Section 123.47 regarding the purchase or attempt to  
1 10 purchase of alcoholic beverages

~~, or chapter~~

1 11 (c) Chapter 124

~~, or two~~

1 12 (d) Section 126.3.

1 13 (e) Chapter 453B.

1 14 (f) Two or more

~~delinquent acts which are a violation~~

1 15 violations of section 123.47 regarding the possession of  
1 16 alcoholic beverages

~~for a period of one year~~

1 17 SUBPARAGRAPH DIVIDED. The child may be issued a temporary  
1 18 restricted license or school license if the child is otherwise  
1 19 eligible.

1 20 Sec. 2. Section 321.205, unnumbered paragraph 2, Code  
1 21 1995, is amended by striking the paragraph.

1 22 Sec. 3. Section 321.209, subsection 8, Code 1995, is  
1 23 amended by striking the subsection.

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

1 26 d. The department shall revoke a motor vehicle license

1 27

~~under section 321.209, subsection 8,~~

~~according to an order~~

1 28 issued pursuant to section 901.5, subsection 10, for one  
1 29 hundred eighty days. If the person has not been issued a  
1 30 motor vehicle license, the issuance of a motor vehicle license  
1 31 shall be delayed for one hundred eighty days after the person  
1 32 is first eligible. If the person's operating privileges have

1 33 been suspended or revoked at the time the person is convicted,  
1 34 the one-hundred-eighty-day revocation period shall not begin  
1 35 until all other suspensions or revocations have terminated.  
2 1 Sec. 5. Section [321.213](#), Code Supplement 1995, is amended  
2 2 to read as follows:  
2 3 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO  
2 4 VIOLATIONS BY JUVENILE DRIVERS.  
2 5 Upon the entering of

~~an~~  
~~a dispositional order~~

~~at the~~

2 6

~~conclusion of an adjudicatory hearing~~  
~~suspending or revoking~~  
2 7 the motor vehicle license or operating privileges of the  
2 8 juvenile under section

~~232.47 that the child violated a~~

2 9

~~provision of this chapter or chapter 124, 126, 321A, 321J, or~~

2 10

~~453B for which the penalty is greater than a simple~~

2 11

~~misdemeanor~~  
~~232.52, subsection 2, paragraph "a", the clerk of~~  
2 12 the juvenile court

~~in the adjudicatory hearing~~  
~~shall forward a~~  
2 13 copy of the adjudication and the dispositional order to the  
2 14 department. Notwithstanding section 232.55, a final  
2 15 adjudication in a juvenile court that the child violated a  
2 16 provision of this chapter

~~, chapter 124, a drug offense under~~

2 17

~~section 126.3,~~  
~~or chapter 321A~~

~~or~~  
~~321J~~

~~, or 453B~~  
~~constitutes a~~  
2 18 final conviction for purposes of section 321.189, subsection  
2 19 8, paragraph "b", and sections 321.193, 321.194, 321.200,  
2 20 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3,  
2 21 and 321J.4.

~~However, suspensions for violations of chapter~~

2 22

~~124, section 126.3, or chapter 453B shall be in accordance~~

~~with section 321.213A.~~

2 24 Sec. 6. Section [321.213A](#), Code Supplement 1995, is amended  
2 25 to read as follows:

2 26 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED  
2 27 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

2 28 Upon the entering of

~~an~~  
~~a dispositional order~~

~~at the~~

2 29

~~conclusion of a dispositional hearing under section 232.50,~~

2 30

~~where the child has been adjudicated to have committed a~~

2 31

~~delinquent act, which would be a first or subsequent violation~~

2 32

~~of section 123.46, section 123.47 involving the purchase or~~

2 33

~~attempt to purchase alcoholic beverages, chapter 124, section~~

2 34

~~126.3, chapter 453B, or a second or subsequent violation of~~

2 35

~~section 123.47 regarding the possession of alcoholic~~

3 1

~~beverages,~~  
~~under section 232.52, subsection 2, paragraph "a".~~

3 2 the clerk of the juvenile court

~~in the dispositional hearing~~

3 3 shall forward a copy of the adjudication and the dispositional  
3 4 order suspending or revoking the motor vehicle license or  
3 5 operating privileges of the juvenile to the department. The  
3 6 department shall suspend the license or operating privilege of  
3 7 the child for one year. The child may receive a temporary  
3 8 restricted license, if eligible, as provided in section  
3 9 321.215.

3 10 Sec. 7. Section [321.215](#), subsection 1, unnumbered  
3 11 paragraph 2, Code Supplement 1995, is amended to read as  
3 12 follows:

3 13 However, a temporary restricted license shall not be issued  
3 14 to a person whose license is revoked

~~under section 321.205 for~~

3 15

~~a drug or drug related offense or~~

~~pursuant to a court order~~

3 16 issued under section 901.5, subsection 10, or under section  
3 17 321.209, subsections 1 through 5 or subsection 7.

~~or~~

~~or to a~~

3 18 juvenile whose license has been suspended

~~under section~~

3 19

~~321.213A~~

~~or revoked pursuant to a dispositional order under~~

3 20 section 232.52, subsection 2, paragraph "a", for a violation  
3 21 of chapter 124 or 453B, or section 126.3. A temporary  
3 22 restricted license may be issued to a person whose license is  
3 23 revoked under section 321.209, subsection 6, only if the  
3 24 person has no previous drag racing convictions. A person  
3 25 holding a temporary restricted license issued by the  
3 26 department under this section shall not operate a motor  
3 27 vehicle for pleasure.

3 28 Sec. 8. Section 321.215, subsection 2, unnumbered

3 29 paragraph 1, Code 1995, is amended to read as follows:

3 30 Upon conviction and the suspension or revocation of a  
3 31 person's motor vehicle license under section

~~321.205 for a~~

3 32

~~drug or drug related offense;~~

~~321.209, subsection 5~~

~~or~~ 6

~~or~~

3 33

~~8~~

~~;~~ section 321.210; 321.210A; or 321.513; or upon revocation

3 34 pursuant to a court order issued under section 901.5,  
3 35 subsection 10; or upon the denial of issuance of a motor  
4 1 vehicle license under section 321.560, based solely on  
4 2 offenses enumerated in section 321.555, subsection 1,  
4 3 paragraph "c", or section 321.555, subsection 2; or a  
4 4 juvenile, whose license has been suspended

~~under section~~

4 5

~~321.213A~~

~~or revoked pursuant to a dispositional order under~~

4 6 section 232.52, subsection 2, paragraph "a", for a violation  
4 7 of chapter 124 or 453B, or section 126.3, and upon the denial  
4 8 by the director of an application for a temporary restricted  
4 9 license, a person may apply to the district court having  
4 10 jurisdiction for the residence of the person for a temporary  
4 11 restricted permit to operate a motor vehicle for the limited  
4 12 purpose or purposes specified in subsection 1. The  
4 13 application may be granted only if all of the following  
4 14 criteria are satisfied:

4 15 Sec. 9. Section 321.215, subsection 2, paragraph d, Code  
4 16 Supplement 1995, is amended to read as follows:  
4 17 d. Proof of financial responsibility is established as  
4 18 defined in chapter 321A. However, such proof is not required  
4 19 if the motor vehicle license was suspended under section  
4 20 321.210A or 321.513 or revoked

~~under section 321.209,~~

4 21

~~subsection 8, or suspended or revoked under section 321.205~~

4 22

~~for a drug or drug related offense~~

~~pursuant to a court order~~

4 23 issued under section 901.5, subsection 10.

4 24 Sec. 10. Section 321.491, unnumbered paragraph 7, Code  
4 25 1995, is amended by striking the paragraph.

4 26 Sec. 11. Section 321A.17, subsection 5, Code Supplement  
4 27 1995, is amended to read as follows:

4 28 5. An individual applying for a motor vehicle license  
4 29 following a period of suspension or revocation

~~under section~~

4 30

~~321.205 for a drug or drug related offense, section 321.209,~~

4 31

~~subsection 8,~~

~~pursuant to a dispositional order issued under~~

4 32 section 232.52, subsection 2, paragraph "a", or under section

4 33 321.210, subsection 1, paragraph "d", or section 321.210A,

4 34 321.213A, 321.213B, 321.216B, or 321.513, following a period

4 35 of suspension under section 321.194, or following a period of

5 1 revocation pursuant to a court order issued under section

5 2 901.5, subsection 10, or under section 321J.2A, is not

5 3 required to maintain proof of financial responsibility under

5 4 this section.

5 5 Sec. 12. Section 901.5, Code 1995, is amended by adding

5 6 the following new subsection:

5 7 NEW SUBSECTION. 10. In addition to any sentence imposed

5 8 pursuant to chapter 902 or 903, the court shall order the

5 9 state department of transportation to revoke the defendant's

5 10 driver's license or motor vehicle operating privilege for a

5 11 period of one hundred eighty days, and shall send a copy of

5 12 the order in addition to the notice of conviction required

5 13 under section 124.412, 126.26, or 453B.16, to the state

5 14 department of transportation, if the defendant is being

5 15 sentenced for any of the following offenses:

5 16 a. A controlled substance offense under section 124.401,

5 17 124.401A, 124.402, or 124.403.

5 18 b. A drug or drug-related offense under section 126.3.

5 19 c. A controlled substance tax offense under chapter 453B.

5 20 Sec. 13. EFFECTIVE DATE. This Act, being deemed of

5 21 immediate importance, takes effect upon enactment.

5 22

#### EXPLANATION

5 23 The main element of this bill is contained in section 3,

5 24 which strikes Code section 321.209, subsection 8. This

5 25 provision, which permits the administrative revocation of

5 26 driver's licenses after certain drug-related convictions, was

5 27 recently held to be unconstitutional in Dressler v. Iowa

5 28 Department of Transportation. Sections 2 and 4 through 11 of

5 29 the bill amend other Code sections that rely on this Code  
5 30 section or an administrative revocation following a conviction  
5 31 or adjudication for an offense not directly related to motor  
5 32 vehicle safety. Sections 1 and 12 add provisions that require  
5 33 a juvenile court to order the revocation or suspension, or the  
5 34 district court to order the revocation, of the driver's  
5 35 license at the time of the conviction for the underlying  
6 1 offense, in order to comply with the reasoning of the Dressler  
6 2 court regarding a constitutionally permissible procedure for  
6 3 the license revocation formerly done under Code section  
6 4 321.209, subsection 8.  
6 5 Section 13 makes this bill effective upon enactment.  
6 6 LSB 4396HC 76  
6 7 jls/jj/8