

SENATE FILE 185
BY LIND

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

A BILL FOR

1 An Act to permit the issuance of temporary restricted licenses by
2 the state department of transportation and the court under
3 certain circumstances.

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

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S.F. 185

1 Section 1. Section 321.210A, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. Upon receipt of a report of a failure to pay the fine,
4 penalty, surcharge, or court costs from the clerk of the
5 district court, the department shall in accordance with its
6 rules, suspend the person's motor vehicle license until the
7 fine, penalty, surcharge, or court costs are paid, unless the
8 person proves to the satisfaction of the department that the
9 person cannot pay the fine, penalty, surcharge, or court
10 costs. A suspension of a person's motor vehicle license under
11 this section shall not, by itself, render the person
12 ineligible for issuance of a temporary restricted license
13 under section 321.215, subsection 1.

14 Sec. 2. Section 321.215, subsection 2, unnumbered
15 paragraph 1, Code 1995, is amended to read as follows:

16 Upon conviction and the suspension or revocation of a
17 person's motor vehicle license under section 321.209,
18 subsection 5, 6, or 8; 321.210; ~~321.210A~~; or 321.513; or upon
19 the denial of issuance of a motor vehicle license under
20 section 321.560, based solely on offenses enumerated in
21 section 321.555, subsection 1, paragraph "c", or section
22 321.555, subsection 2, and upon the denial by the director of
23 an application for a temporary restricted license, a person
24 may apply to the district court having jurisdiction for the
25 residence of the person for a temporary restricted permit to
26 operate a motor vehicle for the limited purpose or purposes
27 specified in subsection 1. The application may be granted
28 only if all of the following criteria are satisfied:

29 Sec. 3. Section 321.215, subsection 2, paragraph d,
30 unnumbered paragraph 1, Code 1995, is amended to read as
31 follows:

32 Proof of financial responsibility is established as defined
33 in chapter 321A. However, such proof is not required if the
34 motor vehicle license was suspended under section ~~321.210A~~ or
35 321.513 or revoked under section 321.209, subsection 8.

1 Sec. 4. Section 321.559, Code 1995, is amended to read as
2 follows:

3 321.559 FINDING OF COURT.

4 If the court finds that the defendant is not the same
5 person named in the abstract, or that the defendant is not ~~an~~
6 a habitual offender as provided in this division, the
7 proceeding shall be dismissed. If the court finds that the
8 defendant is ~~an~~ a habitual offender, the court shall by
9 appropriate judgment direct that such person not operate a
10 motor vehicle on the highways of this state for the period
11 specified in section 321.560. In such case the defendant
12 shall surrender to the court all licenses or permits to
13 operate a motor vehicle upon the highways of this state. The
14 clerk of the court shall transmit a copy of such judgment
15 together with any licenses or permits surrendered to the
16 department of transportation. However, the court shall
17 provide that a person may operate upon the highways of the
18 state if the person is granted a temporary restricted permit
19 under section 321.215, subsection 2.

20 Sec. 5. Section 321.560, Code 1995, is amended to read as
21 follows:

22 321.560 BARRED FOR SIX YEARS.

23 A license to operate a motor vehicle in this state shall
24 not be issued to any person declared to be ~~an~~ a habitual
25 offender under section 321.555, subsection 1 for a period of
26 not less than two years nor more than six years from the date
27 of judgment as ordered by the court. However, a temporary
28 restricted permit may be issued to a person declared to be a
29 habitual offender under section 321.555, subsection 1,
30 paragraph "c", pursuant to section 321.215, subsection 2. A
31 license to operate a motor vehicle in this state shall not be
32 issued to any person declared to be ~~an~~ a habitual offender
33 under section 321.555, subsection 2, for a period of one year
34 from the date of judgment.

35 Sec. 6. Section 321.561, Code 1995, is amended to read as

1 follows:

2 321.561 PUNISHMENT FOR VIOLATION.

3 It shall be unlawful for any person convicted as an a
4 habitual offender to operate any motor vehicle in this state
5 during the period of time specified in section 321.560 except
6 for a habitual offender who has been granted a temporary
7 restricted permit pursuant to section 321.215, subsection 2.

8 This conviction shall constitute an aggravated misdemeanor.

9 Sec. 7. Section 321J.17, Code 1995, is amended to read as
10 follows:

11 321J.17 CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

12 When the department revokes a person's motor vehicle
13 license or nonresident operating privilege under this chapter,
14 the department shall assess the person a civil penalty of two
15 hundred dollars. The money collected by the department under
16 this section shall be transmitted to the treasurer of state
17 who shall deposit one-half of the money in the separate fund
18 established in section 912.14 and one-half of the money shall
19 be deposited in the general fund of the state. A temporary
20 ~~restricted-license-shall-not-be-issued-or-a~~ motor vehicle
21 license or nonresident operating privilege shall not be
22 reinstated until the civil penalty has been paid.

23 EXPLANATION

24 This bill adds language, to the statute which provides for
25 the suspension of a person's driver's license for failure to
26 pay a fine, penalty, surcharge, or court costs, that allows
27 the person to remain eligible for receipt of a temporary
28 restricted license upon application to the state department of
29 transportation. Suspension for failure to pay civil penalties
30 is also added to the list of items in that statute, enabling
31 those individuals to also remain eligible for a temporary
32 restricted license. Currently those persons whose licenses
33 are suspended for nonpayment of fines, penalties, surcharges,
34 or court costs are not eligible to receive a temporary
35 restricted license from the department although they may apply

1 to the court, after application for and denial of issuance of
2 a temporary restricted license by the department for such a
3 license. The court, however, is given authority to grant the
4 temporary restricted license only under certain very limited
5 circumstances, which are also expanded under the bill to allow
6 a person, whose license is denied or barred as a habitual
7 offender because of driving while a license is suspended,
8 revoked, or barred, to also seek a temporary restricted
9 license. Temporary restricted licenses are commonly referred
10 to as work permits.

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