

Substituted by HF 2301  
3-28-96 (p.1107)

2/14/96 Transportation  
2/27/96 Do Pass

FILED FEB 13 1996

WITHDRAWN

SENATE FILE 2180

BY BISIGNANO

(COMPANION TO LSB 3548HH BY  
CATALDO)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act expanding the factors that a court and the state  
2 department of transportation may consider in ordering the  
3 issuance of a temporary restricted license, and providing an  
4 effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6

SENATE FILE 2180

S-5369

1 Amend Senate File 2180 as follows:

- 2 1. Page 1, lines 24 through 26, by striking the
- 3 words "employment, including consideration of child
- 4 care necessary to maintain the employment;" and
- 5 inserting the following: "employment; necessary child
- 6 care;".
- 7 2. Page 2, lines 14 through 16, by striking the
- 8 words "Notwithstanding any limitations imposed on the
- 9 department by this chapter or chapter 321, the
- 10 department shall issue the license."
- 11 3. Page 3, lines 4 through 6, by striking the
- 12 words "employment, including consideration of child
- 13 care necessary to maintain the employment;" and
- 14 inserting the following "employment; necessary child
- 15 care;".

By TONY BISIGNANO

S-5369 FILED MARCH 18, 1996

S.F. 2180

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WITHDRAWN

TLSB 3548XS 76

jls/jj/8

1 Section 1. Section 321J.4, subsection 8, Code Supplement  
2 1995, is amended to read as follows:

3 8. a. A person whose motor vehicle license has either  
4 been revoked under this chapter, or revoked or suspended under  
5 chapter 321 solely for violations of this chapter, or who has  
6 been determined to be a habitual offender under chapter 321  
7 based solely on violations of this chapter, and who is not  
8 eligible for a temporary restricted license under this chapter  
9 may petition the court upon the expiration of the minimum  
10 period of ineligibility for a temporary restricted license  
11 provided for under this section or section 321J.9, 321J.12, or  
12 321J.20 for an order to the department ~~to-require~~ requiring  
13 the department to issue a temporary restricted license to the  
14 person, notwithstanding section 321.560. Upon the filing of a  
15 petition for a temporary restricted license under this  
16 section, the clerk of the district court in the county where  
17 the violation that resulted in the revocation occurred shall  
18 send notice of the petition to the department and the  
19 prosecuting attorney. The department and the prosecuting  
20 attorney shall each be given an opportunity to respond to and  
21 request a hearing on the petition.

22 b. The court shall determine if the temporary restricted  
23 license is necessary for the person to maintain the person's  
24 present full-time or part-time employment, including  
25 consideration of child care necessary to maintain the  
26 employment; continuing health care or the continuing health  
27 care of another who is dependent upon the person; continuing  
28 education while enrolled in an educational institution on a  
29 part-time or full-time basis and while pursuing a course of  
30 study leading to a diploma, degree, or other certification of  
31 successful educational completion; substance abuse treatment;  
32 or court-ordered community service responsibilities. However,  
33 a temporary restricted license shall not be ordered or issued  
34 for violations of section 321J.2A or to persons under the age  
35 of twenty-one who commit violations under section 321J.2.

1     c. If the court determines that the temporary restricted  
2 license is necessary ~~for the person to maintain the person's~~  
3 ~~present employment~~ based upon consideration of any of the  
4 factors listed in paragraph "b", and that the minimum period  
5 of ineligibility for receipt of a temporary license has  
6 expired, the court shall order the department to issue to the  
7 person a temporary restricted license conditioned upon the  
8 person's certification to the court of the installation of  
9 approved ignition interlock devices in all motor vehicles that  
10 it is necessary for the person to operate ~~to maintain the~~  
11 ~~person's present employment.~~ The court shall specify in its  
12 order the limited purposes and specific places for which the  
13 temporary restricted license shall be used by the person  
14 petitioning the court. Notwithstanding any limitations  
15 imposed on the department by this chapter or chapter 321, the  
16 department shall issue the license. The temporary restricted  
17 license issued by the department pursuant to such an order  
18 shall specify the court-ordered place and purpose  
19 restrictions.

20     d. Section 321.561 does not apply to a person operating a  
21 motor vehicle in the manner permitted under this subsection.

22     e. If the person operates a motor vehicle which does not  
23 have an approved ignition interlock device or if the person  
24 tampers with or circumvents an ignition interlock device, in  
25 addition to other penalties provided, the person's temporary  
26 restricted license shall be revoked.

27     f. A person holding a temporary restricted license issued  
28 under this subsection shall not operate a commercial motor  
29 vehicle, as defined in section 321.1, on a highway if a  
30 commercial driver's license is required for the person to  
31 operate the commercial motor vehicle.

32     Sec. 2. Section 321J.20, subsection 1, Code Supplement  
33 1995, is amended to read as follows:

34     1. The department may, on application, issue a temporary  
35 restricted license to a person whose motor vehicle license is

1 revoked under this chapter allowing the person to drive to and  
2 from the person's home and specified places at specified times  
3 which can be verified by the department and which are required  
4 by the person's full-time or part-time employment, including  
5 consideration of child care necessary to maintain the  
6 employment; continuing health care or the continuing health  
7 care of another who is dependent upon the person, continuing  
8 education while enrolled in an educational institution on a  
9 part-time or full-time basis and while pursuing a course of  
10 study leading to a diploma, degree, or other certification of  
11 successful educational completion; substance abuse  
12 treatment; and court-ordered community service  
13 responsibilities if the person's motor vehicle license has not  
14 been revoked under section 321J.4, 321J.9, or 321J.12 within  
15 the previous six years and if any of the following apply:

16 a. The person's motor vehicle license is revoked under  
17 section 321J.4, subsection 1, 2, 4, or 6, and the minimum  
18 period of ineligibility for issuance of a temporary restricted  
19 license has expired.

20 b. The person's motor vehicle license is revoked under  
21 section 321J.9 and the person has entered a plea of guilty on  
22 a charge of a violation of section 321J.2 which arose from the  
23 same set of circumstances which resulted in the person's motor  
24 vehicle license revocation under section 321J.9 and the guilty  
25 plea is not withdrawn at the time of or after application for  
26 the temporary restricted license, and the minimum period of  
27 ineligibility for issuance of a temporary restricted license  
28 has expired.

29 c. The person's motor vehicle license is revoked under  
30 section 321J.12, and the minimum period of ineligibility for  
31 issuance of a temporary restricted license has expired.

32 However, a temporary restricted license may be issued if  
33 the person's motor vehicle license is revoked under section  
34 321J.9, and the revocation is a second revocation under this  
35 chapter, and the first three hundred and sixty-five days of

1 the revocation have expired.

2 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 EXPLANATION

5 Section 1 of this bill amends Code section 321J.4,  
6 subsection 8, which currently permits a court to order the  
7 issuance of a temporary restricted license for work purposes,  
8 for a person who has waited the statutory minimum period and  
9 who is not otherwise eligible for a temporary restricted  
10 license under the provisions of section 321J.20. This bill  
11 allows the court to consider specified circumstances  
12 necessitating limited travel, in addition to employment, in  
13 ordering the department to issue such a license. These  
14 additional circumstances are identical to those that the  
15 department may consider in issuing a temporary restricted  
16 license under section 321J.20. The bill also requires that  
17 the limited places and purposes for the license be specified  
18 in the court order and as part of the temporary restricted  
19 license.

20 Section 2 of the bill expressly adds to section 321J.20  
21 that the department can consider child care needs relating to  
22 employment in issuing a temporary restricted license.

23 Section 3 of the bill makes the bill effective upon  
24 enactment.

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