

FILED MAR 1 1995

SENATE FILE **233**

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 118)

Passed Senate, Date 3/14/95 (p. 626)

(p. 1422)
Passed House, Date 4-11-95--

Vote: Ayes 49 Nays 0

Vote: Ayes 97 Nays 0

Approved _____

A BILL FOR

1 An Act relating to the suspension and revocation of driver's
2 licenses and providing penalties for violations of out-of-
3 service orders.

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

5

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SENATE FILE 233

S-3100

1 Amend Senate File 233 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 321.1, subsection 8, Code
5 1995, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If authorized to
8 transport students or clients by the superintendent of
9 the Iowa braille and sight saving school or of the
10 Iowa school for the deaf, or the superintendent's
11 respective designee, an employee of the Iowa braille
12 and sight saving school or the Iowa school for the
13 deaf is not a chauffeur when transporting the students
14 or clients."

15 2. By renumbering as necessary.

By MIKE CONNOLLY

RICHARD F. DRAKE

S-3100 FILED MARCH 7, 1995

(p. 626) adopted 3-14-95

FILED MAR 1 1995

SENATE FILE 233
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 118)

Passed Senate, Date 3/14/95(p.626)

(p.1422)
Passed House, Date 4-11-95-

Vote: Ayes 49 Nays 0

Vote: Ayes 97 Nays 0

Approved _____

A BILL FOR

1 An Act relating to the suspension and revocation of driver's
2 licenses and providing penalties for violations of out-of-
3 service orders.

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

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SENATE FILE 233

S-3100

1 Amend Senate File 233 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 321.1, subsection 8, Code
5 1995, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If authorized to
8 transport students or clients by the superintendent of
9 the Iowa braille and sight saving school or of the
10 Iowa school for the deaf, or the superintendent's
11 respective designee, an employee of the Iowa braille
12 and sight saving school or the Iowa school for the
13 deaf is not a chauffeur when transporting the students
14 or clients."

15 2. By renumbering as necessary.

By MIKE CONNOLLY

RICHARD F. DRAKE

S-3100 FILED MARCH 7, 1995

(p.626) *adapted 3-14-95*

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S.F. 233

TL5B 1165SV 76

js/jj/8

1 Section 1. Section 321.1, subsection 11, Code 1995, is
2 amended by adding the following new paragraph and relettering
3 the remaining paragraphs:

4 NEW PARAGRAPH. d. "Commercial motor carrier" means a
5 person responsible for the safe operation of a commercial
6 motor vehicle.

7 Sec. 2. Section 321.12, unnumbered paragraph 2, Code 1995,
8 is amended to read as follows:

9 The director shall destroy any operating records pertaining
10 to arrests or convictions for operating while intoxicated, in
11 violation of section 321J.2, which are more than twelve years
12 old. The twelve-year period shall commence with the date of
13 the arrest or conviction for the offense, whichever first
14 occurs. However, the director shall not destroy operating
15 records which pertain to arrests or convictions for operating
16 while intoxicated after the expiration of twelve years when
17 the motor vehicle being operated was a commercial motor
18 vehicle or if all of the provisions of the court order have
19 not been satisfied.

20 Sec. 3. Section 321.30, Code 1995, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 12. If a commercial motor vehicle has
23 been assigned to be operated by a commercial motor carrier
24 whose ability to operate has been terminated or denied by a
25 federal agency.

26 Sec. 4. Section 321.101, Code 1995, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 8A. If a commercial motor vehicle has
29 been assigned to be operated by a commercial motor carrier
30 whose ability to operate has been terminated or denied by a
31 federal agency.

32 Sec. 5. Section 321.208, Code 1995, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 5A. A person is disqualified from
35 operating a commercial motor vehicle:

1 a. For ninety days upon conviction for the first violation
2 of an out-of-service order; for one year, upon conviction for
3 a second violation of an out-of-service order in separate
4 incidents within a ten-year period; and for not less than
5 three and not more than five years upon conviction for a third
6 or subsequent violation of an out-of-service order in separate
7 incidents within a ten-year period.

8 b. For one year upon conviction for the first violation
9 and for not less than three years and not more than five years
10 upon conviction for a second or subsequent violation of an
11 out-of-service order while transporting hazardous materials
12 required to be placarded, or while operating a commercial
13 motor vehicle designed to transport more than fifteen
14 passengers including the driver.

15 Sec. 6. Section 321.208A, Code 1995, is amended to read as
16 follows:

17 321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

18 A person required to hold a commercial driver's license to
19 operate a commercial motor vehicle shall not operate a
20 commercial motor vehicle on the highways of this state in
21 violation of an out-of-service order issued by a peace officer
22 for a violation of the out-of-service rules adopted by the
23 department. An employer shall not allow an employee to drive
24 a commercial motor vehicle in violation of such out-of-service
25 order. The department shall adopt out-of-service rules which
26 shall be consistent with 49 C.F.R. § 392.5 adopted as of a
27 specific date by the department. A person who violates this
28 section shall be subject to a penalty of one hundred dollars.

29 Sec. 7. Section 321.213, Code 1995, is amended to read as
30 follows:

31 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
32 VIOLATIONS BY JUVENILE DRIVERS.

33 Upon the entering of an order at the conclusion of an
34 adjudicatory hearing under section 232.47 that the child
35 violated a provision of this chapter or chapter 124, 126,

1 321A, 321J, or 453B for which the penalty is greater than a
2 simple misdemeanor, the clerk of the juvenile court in the
3 adjudicatory hearing shall forward a copy of the adjudication
4 to the department. Notwithstanding section 232.55, a final
5 adjudication in a juvenile court that the child violated a
6 provision of this chapter ~~or section 124.401, 124.402,~~
7 ~~124.403,~~ chapter 124, a drug offense under section 126.3, or
8 chapter 321A, 321J, or 453B constitutes a final conviction of
9 ~~a violation of a provision of this chapter or section 124.401,~~
10 ~~124.402, 124.403, a drug offense under section 126.3, or~~
11 ~~chapter 321A, 321J, or 453B~~ for purposes of section 321.189,
12 subsection 8, paragraph "b", and sections 321.193, 321.194,
13 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2,
14 321J.3, and 321J.4. However, suspensions for violations of
15 chapter 124, section 126.3, or chapter 453B shall be in
16 accordance with section 321.213A.

17 Sec. 8. Section 321.213A, Code 1995, is amended to read as
18 follows:

19 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
20 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

21 Upon the entering of an order at the conclusion of a
22 dispositional hearing under section 232.50, where the child
23 has been adjudicated to have committed a delinquent act, which
24 would be a first or subsequent violation of section 123.46,
25 section 123.47 involving the purchase or attempt to purchase
26 alcoholic beverages, ~~or chapter 124, section 126.3, chapter~~
27 ~~453B,~~ or a second or subsequent violation of section 123.47
28 regarding the possession of alcoholic beverages, the clerk of
29 the juvenile court in the dispositional hearing shall forward
30 a copy of the adjudication and dispositional order to the
31 department. The department shall suspend the license or
32 operating privilege of the child for one year. The child may
33 receive a temporary restricted license as provided in section
34 321.215.

35 Sec. 9. Section 321.215, subsections 1 and 2, Code 1995,

1 are amended to read as follows:

2 1. The department, on application, may issue a temporary
3 restricted license to a person whose motor vehicle license is
4 suspended or revoked under this chapter, allowing the person
5 to drive to and from the person's home and specified places at
6 specified times which can be verified by the department and
7 which are required by any of the following:

8 a. The person's full-time or part-time employment.

9 b. The person's continuing health care or the continuing
10 health care of another who is dependent upon the person.

11 c. The person's continuing education while enrolled in an
12 educational institution on a part-time or full-time basis and
13 while pursuing a course of study leading to a diploma, degree,
14 or other certification of successful educational completion.

15 d. The person's substance abuse treatment.

16 e. The person's court-ordered community service
17 responsibilities.

18 However, a temporary restricted license shall not be issued
19 to a person whose license is revoked under section 321.205 for
20 a drug or drug-related offense or under section 321.209,
21 subsections 1 through 5 or subsection 7 or 8 or to a juvenile
22 whose license has been suspended under section 321.213A for a
23 violation of chapter 124 or 453B, or section 126.3. A

24 temporary restricted license may be issued to a person whose
25 license is revoked under section 321.209, subsection 6, only
26 if the person has no previous drag racing convictions. A
27 person holding a temporary restricted license issued by the
28 department under this section shall not operate a motor
29 vehicle for pleasure.

30 2. 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, 6, or 8;
33 321.210; 321.210A; 321.513; or 321.555, subsection 2; or a
34 juvenile, whose license has been suspended under section
35 321.213A for a violation of chapter 124 or 453B, or section

1 126.3, and upon the denial by the director of an application
2 for a temporary restricted license, a person may apply to the
3 district court having jurisdiction for the residence of the
4 person for a temporary restricted permit to operate a motor
5 vehicle for the limited purpose or purposes specified in
6 subsection 1. The application may be granted only if all of
7 the following criteria are satisfied:

8 a. The temporary restricted permit is requested only for a
9 case of extreme hardship or compelling circumstances where
10 alternative means of transportation do not exist.

11 b. The permit applicant has not made an application for a
12 temporary restricted permit in any district court in the state
13 which was denied.

14 c. The temporary restricted permit is restricted to the
15 limited purpose or purposes specified in subsection 1 at times
16 specified in the permit.

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.

23 The district court shall forward a record of each
24 application for such temporary restricted permit to the
25 department, together with the results of the disposition of
26 the request by the court. A temporary restricted permit is
27 valid only if the department is in receipt of records required
28 by this section.

29 Sec. 10. Section 321A.17, subsection 5, Code 1995, is
30 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 8, section 321.210, subsection 1, paragraph "d", or
35 section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, or

1 following a period of suspension under section 321.194, is not
2 required to maintain proof of financial responsibility under
3 this section.

4 Sec. 11. Section 321J.4, subsection 2, Code 1995, is
5 amended to read as follows:

6 2. If the court defers judgment pursuant to section 907.3
7 for a violation of section 321J.2, the ~~court shall order the~~
8 department ~~to~~ shall revoke the defendant's motor vehicle
9 license or nonresident operating privilege for a period of not
10 less than thirty days nor more than ninety days if the
11 defendant's motor vehicle license or nonresident operating
12 privilege has not been revoked under section 321J.9 or 321J.12
13 or has not otherwise been revoked for the occurrence from
14 which the arrest arose. ~~The court shall immediately require~~
15 ~~the defendant to surrender to it all Iowa licenses or permits~~
16 ~~held by the defendant, which the court shall forward to the~~
17 ~~department with a copy of the order deferring judgment.~~

18 EXPLANATION

19 This bill defines the term "commercial motor carrier" to
20 mean a person who is responsible for the safe operation of a
21 commercial motor vehicle operated in interstate commerce. The
22 bill allows for the department to refuse to issue a motor
23 vehicle registration or certificate of title or to suspend or
24 revoke the registration or certificate of title of a
25 commercial motor vehicle operated by a commercial motor
26 carrier whose ability to operate has been terminated or denied
27 by a federal agency. A person is disqualified from operating
28 a commercial motor vehicle for 90 days for the first violation
29 of an out-of-service order, for one year for a second
30 violation within 10 years, and for not less than three, and
31 not more than five years, for a third subsequent violation
32 within a 10-year period. In addition, a person who violates
33 an out-of-service order while transporting hazardous materials
34 required to be placarded or while operating a commercial motor
35 vehicle designed to transport more than 15 passengers, is

1 disqualified for one year for the first violation and for not
2 less than three and not more than five for any subsequent
3 violations. The bill also provides a \$100 fine for persons
4 who violate an out-of-service order.

5 The bill prevents the state department of transportation
6 from destroying operating records pertaining to arrests or
7 convictions for operating while intoxicated in violation of
8 section 321J.2 if all of the provisions of the court order
9 have not been satisfied. Currently, the department may
10 destroy records which are more than 12 years old, unless the
11 motor vehicle which was operated was a commercial motor
12 vehicle.

13 Sections 321.213 and 321.213A are amended to provide that a
14 juvenile's driver's license is suspended for a one-year period
15 of time for violations of chapter 124, section 126.3, or
16 chapter 453B. Section 321.215 prevents persons convicted of
17 out-of-state drug and drug-related offenses under section
18 321.205 and juveniles whose driver's licenses were suspended
19 under section 321.213A for violations of chapter 124 or 453B,
20 or section 126.3 from being issued a temporary restricted
21 license. It does allow these persons to apply to the district
22 court for a temporary restricted permit which may only be
23 issued under certain circumstances. The bill provides that
24 persons who are applying for a motor vehicle license following
25 a period of suspension or revocation for violations under
26 section 321.205 for out-of-state drug or drug-related offenses
27 and juveniles whose driver's licenses are suspended under
28 section 321.213A are not required to maintain proof of
29 financial responsibility in order to have the driver's license
30 reinstated.

31 Finally, the bill allows the department to revoke a
32 driver's license without waiting for an order from the court
33 in those cases where the driver submitted to a chemical test
34 and passed the chemical test but was still found guilty of
35 operating while intoxicated and granted a deferred judgment.

LSB 1165SV 76

*Substituted for
HF 306
4-6-95 (P. 1309)*

SENATE FILE 233

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 118)

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1995)

 - New Language by the Senate

Passed Senate, Date

(P. 1422)
Passed House, Date 4-11-95

Vote: Ayes Nays

Vote: Ayes 97 Nays 0

Approved April 24, 1995

A BILL FOR

1 An Act relating to the suspension and revocation of driver's
2 licenses and providing penalties for violations of out-of-
3 service orders.

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

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S.F. 233

1 Section 1. Section 321.1, subsection 8, Code 1995, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. If authorized to transport
4 students or clients by the superintendent of the Iowa braille
5 and sight saving school or of the Iowa school for the deaf, or
6 the superintendent's respective designee, an employee of the
7 Iowa braille and sight saving school or the Iowa school for
8 the deaf is not a chauffeur when transporting the students or
9 clients.

10 Sec. 2. Section 321.1, subsection 11, Code 1995, is
11 amended by adding the following new paragraph and relettering
12 the remaining paragraphs:

13 NEW PARAGRAPH. d. "Commercial motor carrier" means a
14 person responsible for the safe operation of a commercial
15 motor vehicle.

16 Sec. 3. Section 321.12, unnumbered paragraph 2, Code 1995,
17 is amended to read as follows:

18 The director shall destroy any operating records pertaining
19 to arrests or convictions for operating while intoxicated, in
20 violation of section 321J.2, which are more than twelve years
21 old. The twelve-year period shall commence with the date of
22 the arrest or conviction for the offense, whichever first
23 occurs. However, the director shall not destroy operating
24 records which pertain to arrests or convictions for operating
25 while intoxicated after the expiration of twelve years when
26 the motor vehicle being operated was a commercial motor
27 vehicle or if all of the provisions of the court order have
28 not been satisfied.

29 Sec. 4. Section 321.30, Code 1995, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 12. If a commercial motor vehicle has
32 been assigned to be operated by a commercial motor carrier
33 whose ability to operate has been terminated or denied by a
34 federal agency.

35 Sec. 5. Section 321.101, Code 1995, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 8A. If a commercial motor vehicle has
3 been assigned to be operated by a commercial motor carrier
4 whose ability to operate has been terminated or denied by a
5 federal agency.

6 Sec. 6. Section 321.208, Code 1995, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 5A. A person is disqualified from
9 operating a commercial motor vehicle:

10 a. For ninety days upon conviction for the first violation
11 of an out-of-service order; for one year, upon conviction for
12 a second violation of an out-of-service order in separate
13 incidents within a ten-year period; and for not less than
14 three and not more than five years upon conviction for a third
15 or subsequent violation of an out-of-service order in separate
16 incidents within a ten-year period.

17 b. For one year upon conviction for the first violation
18 and for not less than three years and not more than five years
19 upon conviction for a second or subsequent violation of an
20 out-of-service order while transporting hazardous materials
21 required to be placarded, or while operating a commercial
22 motor vehicle designed to transport more than fifteen
23 passengers including the driver.

24 Sec. 7. Section 321.208A, Code 1995, is amended to read as
25 follows:

26 321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

27 A person required to hold a commercial driver's license to
28 operate a commercial motor vehicle shall not operate a
29 commercial motor vehicle on the highways of this state in
30 violation of an out-of-service order issued by a peace officer
31 for a violation of the out-of-service rules adopted by the
32 department. An employer shall not allow an employee to drive
33 a commercial motor vehicle in violation of such out-of-service
34 order. The department shall adopt out-of-service rules which
35 shall be consistent with 49 C.F.R. § 392.5 adopted as of a

1 specific date by the department. A person who violates this
 2 section shall be subject to a penalty of one hundred dollars.

3 Sec. 8. Section 321.213, Code 1995, is amended to read as
 4 follows:

5 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
 6 VIOLATIONS BY JUVENILE DRIVERS.

7 Upon the entering of an order at the conclusion of an
 8 adjudicatory hearing under section 232.47 that the child
 9 violated a provision of this chapter or chapter 124, 126,
 10 321A, 321J, or 453B for which the penalty is greater than a
 11 simple misdemeanor, the clerk of the juvenile court in the
 12 adjudicatory hearing shall forward a copy of the adjudication
 13 to the department. Notwithstanding section 232.55, a final
 14 adjudication in a juvenile court that the child violated a
 15 provision of this chapter ~~or section 124.401, 124.402,~~
 16 ~~124.403,~~ chapter 124, a drug offense under section 126.3, or
 17 chapter 321A, 321J, or 453B constitutes a final conviction of
 18 ~~a violation of a provision of this chapter or section 124.401,~~
 19 ~~124.402, 124.403, a drug offense under section 126.3, or~~
 20 ~~chapter 321A, 321J, or 453B~~ for purposes of section 321.189,
 21 subsection 8, paragraph "b", and sections 321.193, 321.194,
 22 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2,
 23 321J.3, and 321J.4. However, suspensions for violations of
 24 chapter 124, section 126.3, or chapter 453B shall be in
 25 accordance with section 321.213A.

26 Sec. 9. Section 321.213A, Code 1995, is amended to read as
 27 follows:

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

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

1 453B, or a second or subsequent violation of section 123.47
2 regarding the possession of alcoholic beverages, the clerk of
3 the juvenile court in the dispositional hearing shall forward
4 a copy of the adjudication and dispositional order to the
5 department. The department shall suspend the license or
6 operating privilege of the child for one year. The child may
7 receive a temporary restricted license as provided in section
8 321.215.

9 Sec. 10. Section 321.215, subsections 1 and 2, Code 1995,
10 are amended to read as follows:

11 1. The department, on application, may issue a temporary
12 restricted license to a person whose motor vehicle license is
13 suspended or revoked under this chapter, allowing the person
14 to drive to and from the person's home and specified places at
15 specified times which can be verified by the department and
16 which are required by any of the following:

17 a. The person's full-time or part-time employment.

18 b. The person's continuing health care or the continuing
19 health care of another who is dependent upon the person.

20 c. The person's continuing education while enrolled in an
21 educational institution on a part-time or full-time basis and
22 while pursuing a course of study leading to a diploma, degree,
23 or other certification of successful educational completion.

24 d. The person's substance abuse treatment.

25 e. The person's court-ordered community service
26 responsibilities.

27 However, a temporary restricted license shall not be issued
28 to a person whose license is revoked under section 321.205 for
29 a drug or drug-related offense or under section 321.209,
30 subsections 1 through 5 or subsection 7 or 8 or to a juvenile
31 whose license has been suspended under section 321.213A for a
32 violation of chapter 124 or 453B, or section 126.3. A
33 temporary restricted license may be issued to a person whose
34 license is revoked under section 321.209, subsection 6, only
35 if the person has no previous drag racing convictions. A

1 person holding a temporary restricted license issued by the
2 department under this section shall not operate a motor
3 vehicle for pleasure.

4 2. Upon conviction and the suspension or revocation of a
5 person's motor vehicle license under section 321.205 for a
6 drug or drug-related offense; 321.209, subsection 5, 6, or 8;
7 321.210; 321.210A; 321.513; or 321.555, subsection 2; or a
8 juvenile, whose license has been suspended under section
9 321.213A for a violation of chapter 124 or 453B, or section
10 126.3, and upon the denial by the director of an application
11 for a temporary restricted license, a person may apply to the
12 district court having jurisdiction for the residence of the
13 person for a temporary restricted permit to operate a motor
14 vehicle for the limited purpose or purposes specified in
15 subsection 1. The application may be granted only if all of
16 the following criteria are satisfied:

17 a. The temporary restricted permit is requested only for a
18 case of extreme hardship or compelling circumstances where
19 alternative means of transportation do not exist.

20 b. The permit applicant has not made an application for a
21 temporary restricted permit in any district court in the state
22 which was denied.

23 c. The temporary restricted permit is restricted to the
24 limited purpose or purposes specified in subsection 1 at times
25 specified in the permit.

26 d. Proof of financial responsibility is established as
27 defined in chapter 321A. However, such proof is not required
28 if the motor vehicle license was suspended under section
29 321.210A or 321.513 or revoked under section 321.209,
30 subsection 8, or suspended or revoked under section 321.205
31 for a drug or drug-related offense.

32 The district court shall forward a record of each
33 application for such temporary restricted permit to the
34 department, together with the results of the disposition of
35 the request by the court. A temporary restricted permit is

1 valid only if the department is in receipt of records required
2 by this section.

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

5 5. An individual applying for a motor vehicle license
6 following a period of suspension or revocation under section
7 321.205 for a drug or drug-related offense, section 321.209,
8 subsection 8, section 321.210, subsection 1, paragraph "d", or
9 section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, or
10 following a period of suspension under section 321.194, is not
11 required to maintain proof of financial responsibility under
12 this section.

13 Sec. 12. Section 321J.4, subsection 2, Code 1995, is
14 amended to read as follows:

15 2. If the court defers judgment pursuant to section 907.3
16 for a violation of section 321J.2, ~~the court shall order the~~
17 ~~department to~~ shall revoke the defendant's motor vehicle
18 license or nonresident operating privilege for a period of not
19 less than thirty days nor more than ninety days if the
20 defendant's motor vehicle license or nonresident operating
21 privilege has not been revoked under section 321J.9 or 321J.12
22 or has not otherwise been revoked for the occurrence from
23 which the arrest arose. ~~The court shall immediately require~~
24 ~~the defendant to surrender to it all Iowa licenses or permits~~
25 ~~held by the defendant, which the court shall forward to the~~
26 ~~department with a copy of the order deferring judgment.~~

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Drake

Fink

Connolly

SSB-118

Transportation
Succeeded By

SENATE/HOUSE FILE 233

BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the suspension and revocation of driver's
2 licenses and providing penalties for violations of out-of-
3 service orders.

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

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1 Section 1. Section 321.1, subsection 11, Code 1995, is
2 amended by adding the following new paragraph and relettering
3 the remaining paragraphs:

4 NEW PARAGRAPH. d. "Commercial motor carrier" means a
5 person responsible for the safe operation of a commercial
6 motor vehicle.

7 Sec. 2. Section 321.12, unnumbered paragraph 2, Code 1995,
8 is amended to read as follows:

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10 to arrests or convictions for operating while intoxicated, in
11 violation of section 321J.2, which are more than twelve years
12 old. The twelve-year period shall commence with the date of
13 the arrest or conviction for the offense, whichever first
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15 records which pertain to arrests or convictions for operating
16 while intoxicated after the expiration of twelve years when
17 the motor vehicle being operated was a commercial motor
18 vehicle or if all of the provisions of the court order have
19 not been satisfied.

20 Sec. 3. Section 321.30, Code 1995, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 12. If a commercial motor vehicle has
23 been assigned to be operated by a commercial motor carrier
24 whose ability to operate has been terminated or denied by a
25 federal agency.

26 Sec. 4. Section 321.101, Code 1995, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 8A. If a commercial motor vehicle has
29 been assigned to be operated by a commercial motor carrier
30 whose ability to operate has been terminated or denied by a
31 federal agency.

32 Sec. 5. Section 321.208, Code 1995, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 5A. A person is disqualified from
35 operating a commercial motor vehicle:

1 a. For ninety days upon conviction for the first violation
2 of an out-of-service order; for one year, upon conviction for
3 a second violation of an out-of-service order in separate
4 incidents within a ten-year period; and for not less than
5 three and not more than five years upon conviction for a third
6 or subsequent violation of an out-of-service order in separate
7 incidents within a ten-year period.

8 b. For one year upon conviction for the first violation
9 and for not less than three years and not more than five years
10 upon conviction for a second or subsequent violation of an
11 out-of-service order while transporting hazardous materials
12 required to be placarded, or while operating a commercial
13 motor vehicle designed to transport more than fifteen
14 passengers including the driver.

15 Sec. 6. Section 321.208A, Code 1995, is amended to read as
16 follows:

17 321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

18 A person required to hold a commercial driver's license to
19 operate a commercial motor vehicle shall not operate a
20 commercial motor vehicle on the highways of this state in
21 violation of an out-of-service order issued by a peace officer
22 for a violation of the out-of-service rules adopted by the
23 department. An employer shall not allow an employee to drive
24 a commercial motor vehicle in violation of such out-of-service
25 order. The department shall adopt out-of-service rules which
26 shall be consistent with 49 C.F.R. § 392.5 adopted as of a
27 specific date by the department. A person who violates this
28 section shall be subject to a penalty of one hundred dollars.

29 Sec. 7. Section 321.213, Code 1995, is amended to read as
30 follows:

31 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
32 VIOLATIONS BY JUVENILE DRIVERS.

33 Upon the entering of an order at the conclusion of an
34 adjudicatory hearing under section 232.47 that the child
35 violated a provision of this chapter or chapter 124, 126,

1 321A, 321J, or 453B for which the penalty is greater than a
2 simple misdemeanor, the clerk of the juvenile court in the
3 adjudicatory hearing shall forward a copy of the adjudication
4 to the department. Notwithstanding section 232.55, a final
5 adjudication in a juvenile court that the child violated a
6 provision of this chapter ~~or section 124.401, 124.402,~~
7 ~~124.403,~~ chapter 124, a drug offense under section 126.3, or
8 chapter 321A, 321J, or 453B constitutes a final conviction of
9 ~~a violation of a provision of this chapter or section 124.401,~~
10 ~~124.402, 124.403, a drug offense under section 126.3, or~~
11 ~~chapter 321A, 321J, or 453B~~ for purposes of section 321.189,
12 subsection 8, paragraph "b", and sections 321.193, 321.194,
13 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2,
14 321J.3, and 321J.4. However, suspensions for violations of
15 chapter 124, section 126.3, or chapter 453B shall be in
16 accordance with section 321.213A.

17 Sec. 8. Section 321.213A, Code 1995, is amended to read as
18 follows:

19 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
20 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

21 Upon the entering of an order at the conclusion of a
22 dispositional hearing under section 232.50, where the child
23 has been adjudicated to have committed a delinquent act, which
24 would be a first or subsequent violation of section 123.46,
25 section 123.47 involving the purchase or attempt to purchase
26 alcoholic beverages, ~~or chapter 124, section 126.3, chapter~~
27 ~~453B,~~ or a second or subsequent violation of section 123.47
28 regarding the possession of alcoholic beverages, the clerk of
29 the juvenile court in the dispositional hearing shall forward
30 a copy of the adjudication and dispositional order to the
31 department. The department shall suspend the license or
32 operating privilege of the child for one year. The child may
33 receive a temporary restricted license as provided in section
34 321.215.

35 Sec. 9. Section 321.215, subsections 1 and 2, Code 1995,

1 are amended to read as follows:

2 1. The department, on application, may issue a temporary
3 restricted license to a person whose motor vehicle license is
4 suspended or revoked under this chapter, allowing the person
5 to drive to and from the person's home and specified places at
6 specified times which can be verified by the department and
7 which are required by any of the following:

8 a. The person's full-time or part-time employment.

9 b. The person's continuing health care or the continuing
10 health care of another who is dependent upon the person.

11 c. The person's continuing education while enrolled in an
12 educational institution on a part-time or full-time basis and
13 while pursuing a course of study leading to a diploma, degree,
14 or other certification of successful educational completion.

15 d. The person's substance abuse treatment.

16 e. The person's court-ordered community service
17 responsibilities.

18 However, a temporary restricted license shall not be issued
19 to a person whose license is revoked under section 321.205 for
20 a drug or drug-related offense or under section 321.209,
21 subsections 1 through 5 or subsection 7 or 8 or to a juvenile
22 whose license has been suspended under section 321.213A for a
23 violation of chapter 124 or 453B, or section 126.3. A

24 temporary restricted license may be issued to a person whose
25 license is revoked under section 321.209, subsection 6, only
26 if the person has no previous drag racing convictions. A
27 person holding a temporary restricted license issued by the
28 department under this section shall not operate a motor
29 vehicle for pleasure.

30 2. 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, 6, or 8;
33 321.210; 321.210A; 321.513; or 321.555, subsection 2; or a
34 juvenile, whose license has been suspended under section
35 321.213A for a violation of chapter 124 or 453B, or section

1 126.3, and upon the denial by the director of an application
2 for a temporary restricted license, a person may apply to the
3 district court having jurisdiction for the residence of the
4 person for a temporary restricted permit to operate a motor
5 vehicle for the limited purpose or purposes specified in
6 subsection 1. The application may be granted only if all of
7 the following criteria are satisfied:

8 a. The temporary restricted permit is requested only for a
9 case of extreme hardship or compelling circumstances where
10 alternative means of transportation do not exist.

11 b. The permit applicant has not made an application for a
12 temporary restricted permit in any district court in the state
13 which was denied.

14 c. The temporary restricted permit is restricted to the
15 limited purpose or purposes specified in subsection 1 at times
16 specified in the permit.

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.

23 The district court shall forward a record of each
24 application for such temporary restricted permit to the
25 department, together with the results of the disposition of
26 the request by the court. A temporary restricted permit is
27 valid only if the department is in receipt of records required
28 by this section.

29 Sec. 10. Section 321A.17, subsection 5, Code 1995, is
30 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 8, section 321.210, subsection 1, paragraph "d", or
35 section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, or

1 following a period of suspension under section 321.194, is not
2 required to maintain proof of financial responsibility under
3 this section.

4 Sec. 11. Section 321J.4, subsection 2, Code 1995, is
5 amended to read as follows:

6 2. If the court defers judgment pursuant to section 907.3
7 for a violation of section 321J.2, the ~~court-shall-order-the~~
8 department ~~to~~ shall revoke the defendant's motor vehicle
9 license or nonresident operating privilege for a period of not
10 less than thirty days nor more than ninety days if the
11 defendant's motor vehicle license or nonresident operating
12 privilege has not been revoked under section 321J.9 or 321J.12
13 or has not otherwise been revoked for the occurrence from
14 which the arrest arose. ~~The-court-shall-immediately-require~~
15 ~~the-defendant-to-surrender-to-it-all-Iowa-licenses-or-permits~~
16 ~~held-by-the-defendant,which-the-court-shall-forward-to-the~~
17 ~~department-with-a-copy-of-the-order-deferring-judgment.~~

18 EXPLANATION

19 This bill defines the term "commercial motor carrier" to
20 mean a person who is responsible for the safe operation of a
21 commercial motor vehicle operated in interstate commerce. The
22 bill allows for the department to refuse to issue a motor
23 vehicle registration or certificate of title or to suspend or
24 revoke the registration or certificate of title of a
25 commercial motor vehicle operated by a commercial motor
26 carrier whose ability to operate has been terminated or denied
27 by a federal agency. A person is disqualified from operating
28 a commercial motor vehicle for 90 days for the first violation
29 of an out-of-service order, for one year for a second
30 violation within 10 years, and for not less than three, and
31 not more than five years, for a third subsequent violation
32 within a 10-year period. In addition, a person who violates
33 an out-of-service order while transporting hazardous materials
34 required to be placarded or while operating a commercial motor
35 vehicle designed to transport more than 15 passengers, is

1 disqualified for one year for the first violation and for not
2 less than three and not more than five for any subsequent
3 violations. The bill also provides a \$100 fine for persons
4 who violate an out-of-service order.

5 The bill prevents the state department of transportation
6 from destroying operating records pertaining to arrests or
7 convictions for operating while intoxicated in violation of
8 section 321J.2 if all of the provisions of the court order
9 have not been satisfied. Currently, the department may
10 destroy records which are more than 12 years old, unless the
11 motor vehicle which was operated was a commercial motor
12 vehicle.

13 Sections 321.213 and 321.213A are amended to provide that a
14 juvenile's driver's license is suspended for a one-year period
15 of time for violations of chapter 124, section 126.3, or
16 chapter 453B. Section 321.215 prevents persons convicted of
17 out-of-state drug and drug-related offenses under section
18 321.205 and juveniles whose driver's licenses were suspended
19 under section 321.213A for violations of chapter 124 or 453B,
20 or section 126.3 from being issued a temporary restricted
21 license. It does allow these persons to apply to the district
22 court for a temporary restricted permit which may only be
23 issued under certain circumstances. The bill provides that
24 persons who are applying for a motor vehicle license following
25 a period of suspension or revocation for violations under
26 section 321.205 for out-of-state drug or drug-related offenses
27 and juveniles whose driver's licenses are suspended under
28 section 321.213A are not required to maintain proof of
29 financial responsibility in order to have the driver's license
30 reinstated.

31 Finally, the bill allows the department to revoke a
32 driver's license without waiting for an order from the court
33 in those cases where the driver submitted to a chemical test
34 and passed the chemical test but was still found guilty of
35 operating while intoxicated and granted a deferred judgment.

1 BACKGROUND STATEMENT

2 SUBMITTED BY THE AGENCY

3 Section 1 defines the term "commercial motor carrier."

4 Section 2 prevents the state department of transportation
5 from destroying records pertaining to arrests or convictions
6 for operating while intoxicated, in violation of section
7 321J.2 if all of the provisions of the court order have not
8 been satisfied. The department's records contain a large
9 number of indefinite revocations ordered by the courts because
10 the licensee has not satisfied requirements, for example,
11 drinking drivers' school, evaluation, and treatment.
12 According to the attorney general, the department is without
13 authority to destroy these records until all provisions of the
14 court order have been met.

15 Sections 3 through 6 comply with new federal regulations
16 which require that certain disqualifications occur and
17 sanctions be imposed to deter violations of out-of-service
18 orders. Out-of-service orders are issued when significant
19 safety violations occur, for example bad brakes and driving
20 beyond the maximum time allowed. These sections address
21 compliance with federal regulations and address significant
22 safety concerns.

23 Sections 7 and 8 eliminate confusion regarding sanctions
24 associated with juvenile alcohol and drug offenses which exist
25 in the current law. Currently, section 321.213 provides for a
26 one-year suspension, and section 321.209, subsection 8,
27 provides for a six-month suspension for the same offense.
28 This bill provides that the length of suspension is one year.

29 Current law allows for different sanctions for drug and
30 drug-related offenses depending on whether the convictions
31 occurred in Iowa or outside Iowa. For example, the department
32 is allowed to issue a temporary restricted license for a drug
33 offense if it occurred outside Iowa but not if the offense
34 occurred in Iowa. Section 9 of this bill amends these
35 sections to provide consistency, so that the department is not

1 allowed to issue a temporary restricted license regardless of
2 where the drug offense occurred, however, the bill allows for
3 a temporary restricted license to be available by court order.

4 Section 10 provides consistency in treatment of license
5 reinstatement for drug sanctions by requiring no future proof
6 of financial responsibility for license reinstatement prompted
7 by drug sanctions.

8 Section 11 amends section 321J.4 which ensures a driver's
9 license is revoked in situations where the driver submitted to
10 a chemical test and passed, but was still found to be guilty
11 of operating while intoxicated and given a deferred judgment
12 by providing that the department may revoke the driver's
13 license without waiting for the court to issue an order.

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SENATE FILE 233

AN ACT

RELATING TO THE SUSPENSION AND REVOCATION OF DRIVER'S
LICENSES AND PROVIDING PENALTIES FOR VIOLATIONS OF
OUT-OF-SERVICE ORDERS.

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

Section 1. Section 321.1, subsection 8, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If authorized to transport students or clients by the superintendent of the Iowa braille and sight saving school or of the Iowa school for the deaf, or the superintendent's respective designee, an employee of the Iowa braille and sight saving school or the Iowa school for the deaf is not a chauffeur when transporting the students or clients.

Sec. 2. Section 321.1, subsection 11, Code 1995, is amended by adding the following new paragraph and relettering the remaining paragraphs:

NEW PARAGRAPH. d. "Commercial motor carrier" means a person responsible for the safe operation of a commercial motor vehicle.

Sec. 3. Section 321.12, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The director shall destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2, which are more than twelve years old. The twelve-year period shall commence with the date of the arrest or conviction for the offense, whichever first occurs. However, the director shall not destroy operating records which pertain to arrests or convictions for operating while intoxicated after the expiration of twelve years when the motor vehicle being operated was a commercial motor vehicle or if all of the provisions of the court order have not been satisfied.

Sec. 4. Section 321.30, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 12. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

Sec. 5. Section 321.101, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

Sec. 6. Section 321.208, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. A person is disqualified from operating a commercial motor vehicle:

a. For ninety days upon conviction for the first violation of an out-of-service order; for one year, upon conviction for a second violation of an out-of-service order in separate incidents within a ten-year period; and for not less than three and not more than five years upon conviction for a third

or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

b. For one year upon conviction for the first violation and for not less than three years and not more than five years upon conviction for a second or subsequent violation of an out-of-service order while transporting hazardous materials required to be placarded, or while operating a commercial motor vehicle designed to transport more than fifteen passengers including the driver.

Sec. 7. Section 321.208A, Code 1995, is amended to read as follows:

321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. An employer shall not allow an employee to drive a commercial motor vehicle in violation of such out-of-service order. The department shall adopt out-of-service rules which shall be consistent with 49 C.F.R. § 392.5 adopted as of a specific date by the department. A person who violates this section shall be subject to a penalty of one hundred dollars.

Sec. 8. Section 321.213, Code 1995, is amended to read as follows:

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

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 124, 126, 321A, 321J, or 453B for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter ~~or-section-124-401-124-402-124-403~~, chapter 124, a drug offense under section 126.3, or

chapter 321A, 321J, or 453B constitutes a final conviction of ~~a-violation-of-a-provision-of-this-chapter-or-section-124-401-124-402-124-403~~, ~~a-drug-offense-under-section-126-3~~, or ~~chapter-321A-321J-or-453B~~ for purposes of section 321.189, subsection 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4. However, suspensions for violations of chapter 124, section 126.3, or chapter 453B shall be in accordance with section 321.213A.

Sec. 9. Section 321.213A, Code 1995, is amended to read as follows:

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

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, ~~or~~ chapter 124, section 126.3, chapter 453B, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license as provided in section 321.215.

Sec. 10. Section 321.215, subsections 1 and 2, Code 1995, are amended to read as follows:

1. The department, on application, may issue a temporary restricted license to a person whose motor vehicle license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

a. The person's full-time or part-time employment.

b. The person's continuing health care or the continuing health care of another who is dependent upon the person.

c. The person's continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion.

d. The person's substance abuse treatment.

e. The person's court-ordered community service responsibilities.

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.205 for a drug or drug-related offense or under section 321.209, subsections 1 through 5 or subsection 7 or 8 or to a juvenile whose license has been suspended under section 321.213A for a violation of chapter 124 or 453B, or section 126.3. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

2. Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.205 for a drug or drug-related offense; 321.209, subsection 5, 6, or 8; 321.210; 321.210A; 321.513; or 321.555, subsection 2; or a juvenile, whose license has been suspended under section 321.213A for a violation of chapter 124 or 453B, or section 126.3, and upon the denial by the director of an application for a temporary restricted license, a person may apply to the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

a. The temporary restricted permit is requested only for a case of extreme hardship or compelling circumstances where alternative means of transportation do not exist.

b. The permit applicant has not made an application for a temporary restricted permit in any district court in the state which was denied.

c. The temporary restricted permit is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the permit.

d. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the motor vehicle license was suspended under section 321.210A or 321.513 or revoked under section 321.209, subsection 8, or suspended or revoked under section 321.205 for a drug or drug-related offense.

The district court shall forward a record of each application for such temporary restricted permit to the department, together with the results of the disposition of the request by the court. A temporary restricted permit is valid only if the department is in receipt of records required by this section.

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

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.205 for a drug or drug-related offense, section 321.209, subsection 8, section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 12. Section 321J.4, subsection 2, Code 1995, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, ~~the court shall order the department to~~ shall revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12

or has not otherwise been revoked for the occurrence from which the arrest arose. ~~The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.~~

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 233, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 24, 1995

TERRY E. BRANSTAD
Governor