

1-11-95 Judiciary

FILED JAN 11 1995

SENATE FILE 27
BY LIND

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

A BILL FOR

1 An Act expanding the definition of operating while intoxicated to
2 include operating while under the influence of any substance
3 which impairs the mental or physical faculties to a degree
4 which impairs the ability of the operator to operate a motor
5 vehicle and making penalties applicable.

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

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S.F. 27

1 Section 1. Section 321J.2, subsection 1, unnumbered para-
2 graph 1, Code 1995, is amended to read as follows:

3 A person commits the offense of operating while intoxicated
4 if the person operates a motor vehicle in this state in either
5 any of the following conditions:

6 Sec. 2. Section 321J.2, subsection 1, Code 1995, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. c. While under the influence of any sub-
9 stance which impairs the mental or physical faculties of the
10 person to a degree which impairs the person's ability to
11 operate a motor vehicle.

12 EXPLANATION

13 The bill expands the definition of operating while
14 intoxicated (OWI) to include operating a motor vehicle while
15 under the influence of any substance which impairs the mental
16 or physical faculties of the person to a degree which impairs
17 the person's ability to operate a motor vehicle. Current
18 statutory law applies to operating while under the influence
19 of alcoholic beverages, drugs, or some combination of these
20 substances. In State v. Bond the Iowa supreme court expressed
21 the opinion that the general assembly intended to prohibit the
22 operation of a motor vehicle by an individual while that
23 individual is under the influence of any substance that
24 affects the body so as to impair the individual's ability to
25 operate a motor vehicle. The bill is intended to codify the
26 substance of the court's opinion. The bill does not alter the
27 exemption for use of prescription drugs provided in section
28 321J.2, subsection 6.

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