

Senate Study Bill 220

Conference Committee Text

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1 1 Section 1. Section [321.215](#), subsection 2, Code 1995, is
1 2 amended to read as follows:

1 3 2. Upon conviction and the suspension or revocation of a
1 4 person's motor vehicle license under section 321.209,
1 5 subsection 5

~~or~~ 6

~~or~~ 8

-; 321.210; 321.210A; 321.513; or

1 6 321.555, subsection 2, and upon the denial by the director of
1 7 an application for a temporary restricted license, a person
1 8 may apply to the district court having jurisdiction for the
1 9 residence of the person for a temporary restricted permit to
1 10 operate a motor vehicle for the limited purpose or purposes
1 11 specified in subsection 1. The application may be granted
1 12 only if all of the following criteria are satisfied:

1 13 a. The temporary restricted permit is requested only for a
1 14 case of extreme hardship or compelling circumstances where
1 15 alternative means of transportation do not exist.

1 16 b. The permit applicant has not made an application for a
1 17 temporary restricted permit in any district court in the state
1 18 which was denied.

1 19 c. The temporary restricted permit is restricted to the
1 20 limited purpose or purposes specified in subsection 1 at times
1 21 specified in the permit.

1 22 d. Proof of financial responsibility is established as
1 23 defined in chapter 321A. However, such proof is not required
1 24 if the motor vehicle license was suspended under section
1 25 321.210A or 321.513 or revoked under section 321.209,
1 26 subsection 8.

1 27 The district court shall forward a record of each
1 28 application for such temporary restricted permit to the
1 29 department, together with the results of the disposition of
1 30 the request by the court. A temporary restricted permit is
1 31 valid only if the department is in receipt of records required
1 32 by this section.

1 33 Sec. 2. Section [321.215](#), Code 1995, is amended by adding
1 34 the following new subsection:

1 35 NEW SUBSECTION. 5. A person who is convicted of a
2 1 controlled substance offense under section 124.401, 124.401A,
2 2 or 124.403; a controlled substance tax offense under chapter
2 3 453B; a drug or drug-related offense under section 126.3; or
2 4 an offense under 21 U.S.C. ch. 13, and whose driver's license
2 5 is subject to mandatory revocation under section 321.209,
2 6 subsection 8, may request the judge at the time of sentencing
2 7 to grant the person a temporary restricted permit if the
2 8 commission of the controlled substance offense did not involve
2 9 a motor vehicle. If commission of the controlled substance
2 10 offense did involve a motor vehicle, a person shall follow the
2 11 procedures for applying for a temporary restricted permit as
2 12 provided in subsection 2. The sentencing judge may grant a
2 13 temporary restricted permit under this subsection allowing the
2 14 person to drive to and from the person's home and specified
2 15 places at specified times which can be verified by the

2 16 department under the circumstances as stated in subsection 1,
2 17 if the person can demonstrate a case of extreme hardship or
2 18 compelling circumstances where alternative means of
2 19 transportation do not exist. Proof of financial
2 20 responsibility is not required for a permit issued under this
2 21 subsection. The court shall forward a record of each
2 22 temporary restricted permit granted by the sentencing judge to
2 23 the department. A temporary restricted permit is valid only
2 24 if the department is in receipt of records required by this
2 25 section.

2 26 EXPLANATION

2 27 Current law in section 321.209 requires the mandatory
2 28 revocation of a person's driver's license upon conviction for
2 29 a drug or drug-related offense for 180 days. To apply for a
2 30 temporary restricted permit the person must first apply to the
2 31 state department of transportation for a temporary restricted
2 32 license. The department is statutorily prohibited from
2 33 granting a temporary restricted license to a person whose
2 34 license was revoked under section 321.209, subsection 8. When
2 35 the person's application is denied, the person may apply to
3 1 the district court for a temporary restricted permit if the
3 2 person can show extreme hardship or compelling circumstances
3 3 where alternative means of transportation do not exist. The
3 4 temporary restricted permit allows the person to drive to and
3 5 from the person's home and specified places at specified times
3 6 which can be verified by the department if required by the
3 7 person's employment, health care, continuing education,
3 8 substance abuse treatment, or court-ordered community service
3 9 responsibilities.

3 10 This bill amends current law and allows a person whose
3 11 license was revoked for a drug or drug-related offense to
3 12 apply directly to the judge at the time of sentencing for a
3 13 temporary restricted permit if the commission of the offense
3 14 did not involve use of a motor vehicle.

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