

JAN 27 2000

JUDICIARY

HOUSE FILE
BY REYNOLDS

2091

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

A BILL FOR

1 An Act relating to penalties for juveniles who drive while
2 driving privileges are suspended for possession of alcohol.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2091

1 Section 1. Section 123.47, subsection 3, Code Supplement
2 1999, is amended to read as follows:

3 3. a. A person who is under legal age, other than a
4 licensee or permittee, who violates this section regarding the
5 purchase of or attempt to purchase alcoholic liquor, wine, or
6 beer, or possessing or having control of alcoholic liquor,
7 wine, or beer, commits a simple misdemeanor punishable by a
8 fine of one hundred dollars for the first offense.

9 b. A second or subsequent offense shall be a simple
10 misdemeanor punishable by a fine of two hundred dollars and
11 the suspension of the person's motor vehicle operating
12 privileges for a period not to exceed one year.

13 c. A person who drives while the person's motor vehicle
14 operating privileges are suspended under paragraph "b" shall
15 be subject to the penalties in section 321.218.

16 d. The court may, in its discretion, order the person who
17 is under legal age to perform community service work under
18 section 909.3A, of an equivalent value to the fine imposed
19 under this section. However, if the person who commits the
20 violation of this section is under the age of eighteen, the
21 matter shall be disposed of in the manner provided in chapter
22 232.

23 Sec. 2. Section 321.218, subsections 1 and 3, Code
24 Supplement 1999, are amended to read as follows:

25 1. A person whose driver's license or operating privilege
26 has been denied, canceled, suspended, or revoked as provided
27 in this chapter, ~~or as provided in~~ section 252J.8, section
28 123.47, subsection 3, or section 901.5, subsection 10, and who
29 operates a motor vehicle upon the highways of this state while
30 the license or privilege is denied, canceled, suspended, or
31 revoked, commits a simple misdemeanor. In addition to any
32 other penalties, the punishment imposed for a violation of
33 this subsection shall include assessment of a fine of not less
34 than two hundred fifty dollars nor more than one thousand five
35 hundred dollars.

1 3. The department, upon receiving the record of the
2 conviction of a person under this section upon a charge of
3 operating a motor vehicle while the license of the person is
4 suspended or revoked, shall, except for licenses suspended
5 under section 123.47, 252J.8, section 321.210, subsection 1,
6 paragraph "c", section 321.210A, 321.210B, or 321.513, extend
7 the period of suspension or revocation for an additional like
8 period, and the department shall not issue a new driver's
9 license to the person during the additional period.

10 If the department receives a record of a conviction of a
11 person under this section but the person's driving record does
12 not indicate what the original grounds of suspension were, the
13 period of suspension under this subsection shall be for a
14 period not to exceed six months.

15 EXPLANATION

16 This bill provides that persons who have driving privileges
17 suspended for underage possession of alcohol under Code
18 section 123.47, and who then drive while their license is
19 suspended, shall be subject to simple misdemeanor charges
20 under Code section 321.218, including a mandatory assessment
21 of a fine of not less than \$250 nor more than \$1,500, in
22 addition to any other punishment imposed. A simple
23 misdemeanor is generally punishable by confinement for no more
24 than 30 days or a fine of at least \$50 but not more than \$500,
25 or both. The person's license shall not be subject to an
26 extension of the revocation by the state department of
27 transportation, however.

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