

FEB 8 2000

JUDICIARY

HOUSE FILE

2184

BY SUKUP

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the blood alcohol concentration level for
2 second and subsequent operating while intoxicated offenses.

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

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HF 2184

1 Section 1. Section 321J.2, subsection 1, paragraph b, Code
2 Supplement 1999, is amended to read as follows:

3 b. (1) While having an alcohol concentration of .10 or
4 more for a first offense under this section.

5 (2) While having an alcohol concentration of .08 or more
6 for a second or subsequent offense under this section.

7 Sec. 2. Section 321J.6, subsection 1, paragraph g, Code
8 1999, is amended to read as follows:

9 g. The preliminary breath screening test was administered
10 and it indicated an alcohol concentration of .02 or more but
11 less than ~~.10~~ the blood alcohol concentration level prohibited
12 under section 321J.2 and the person is under the age of
13 twenty-one.

14 Sec. 3. Section 321J.12, subsection 5, Code 1999, is
15 amended to read as follows:

16 5. Upon certification, subject to penalty of perjury, by
17 the peace officer that there existed reasonable grounds to
18 believe that the person had been operating a motor vehicle in
19 violation of section 321J.2A, that there existed one or more
20 of the necessary conditions for chemical testing described in
21 section 321J.6, subsection 1, and that the person submitted to
22 chemical testing and the test results indicated an alcohol
23 concentration as defined in section 321J.1 of .02 or more but
24 less than ~~.10~~ the blood alcohol concentration level prohibited
25 under section 321J.2, the department shall revoke the person's
26 driver's license or operating privilege for a period of sixty
27 days if the person has had no previous revocation under this
28 chapter, and for a period of ninety days if the person has had
29 a previous revocation under this chapter.

30 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
31 3, shall not apply to this Act.

32 EXPLANATION

33 This bill amends Code section 321J.2 relating to operating
34 while intoxicated offenses (OWI), to provide that a blood
35 alcohol concentration (BAC) level of .08 or more shall

1 constitute a per se OWI violation for second and subsequent
2 offenses. First offenses shall continue to use a .10 BAC
3 level for per se OWI offenses. The bill also makes technical
4 changes to other sections to reflect this change.

5 The bill may include a state mandate as defined in Code
6 section 25B.3. This bill makes inapplicable Code section
7 25B.2, subsection 3, which would relieve a political
8 subdivision from complying with a state mandate if funding for
9 the cost of the state mandate is not provided or specified.
10 Therefore, political subdivisions are required to comply with
11 any state mandate included in this bill.

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