

FEB 8 2000
TRANSPORTATION

HOUSE FILE
BY WISE

2187

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

A BILL FOR

1 An Act relating to rescision of driver's license revocations in
2 certain cases involving operating while intoxicated offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2187

1 Section 1. Section 321J.13, subsection 6, paragraph b,
2 Code Supplement 1999, is amended by adding the following new
3 subparagraphs:

4 NEW SUBPARAGRAPH. (3) That the defendant is not guilty on
5 the charge of violation of section 321J.2 or 321J.2A resulting
6 from the same circumstances that resulted in the
7 administrative revocation.

8 NEW SUBPARAGRAPH. (4) That the case is otherwise subject
9 to dismissal by the court.

10 EXPLANATION

11 This bill amends Code section 321J.13 relating to rescission
12 of administrative revocation of a driver's license for an
13 operating while intoxicated (OWI) offense.

14 Code section 321J.13 presently requires the department to
15 rescind the revocation where the court determines that the
16 stop was unreasonable or the chemical test was invalid or
17 inadmissible. The bill specifies that the department shall
18 also rescind the revocation when the defendant is acquitted or
19 the case is otherwise dismissed by the court.

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