

FEB 17 2006  
TRANSPORTATION

HOUSE FILE 2223  
BY MAY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to temporary restricted drivers' licenses for  
2 certain habitual offenders.

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

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HF 2223

1 Section 1. Section 321.215, subsection 2, unnumbered  
2 paragraph 1, Code 1999, is amended to read as follows:

3 Upon conviction and the suspension or revocation of a  
4 person's driver's license under section 321.209, subsection 5  
5 or 6; section 321.210; 321.210A; or 321.513; or upon  
6 revocation pursuant to a court order issued under section  
7 901.5, subsection 10; or upon the denial of issuance of a  
8 driver's license under section 321.560, based solely on  
9 offenses enumerated in section 321.555, subsection 1,  
10 paragraph "b" or "c", or section 321.555, subsection 2; or a  
11 juvenile, whose license has been suspended or revoked pursuant  
12 to a dispositional order under section 232.52, subsection 2,  
13 paragraph "a", for a violation of chapter 124 or 453B, or  
14 section 126.3, a person may petition the district court having  
15 jurisdiction for the residence of the person for a temporary  
16 restricted permit to operate a motor vehicle for the limited  
17 purpose or purposes specified in subsection 1. The petition  
18 shall include a current certified copy of the petitioner's  
19 official driving record issued by the department. The  
20 application may be granted only if all of the following  
21 criteria are satisfied:

22 Sec. 2. Section 321.560, unnumbered paragraph 1, Code  
23 1999, is amended to read as follows:

24 A license to operate a motor vehicle in this state shall  
25 not be issued to any person declared to be a habitual offender  
26 under section 321.555, subsection 1, for a period of not less  
27 than two years nor more than six years from the date of the  
28 final decision of the department under section 17A.19 or the  
29 date on which the district court upholds the final decision of  
30 the department, whichever occurs later. However, a temporary  
31 restricted permit may be issued to a person declared to be a  
32 habitual offender under section 321.555, subsection 1,  
33 paragraph "b" or "c", or a combination thereof, pursuant to  
34 section 321.215, subsection 2. A license to operate a motor  
35 vehicle in this state shall not be issued to any person

1 declared to be a habitual offender under section 321.555,  
2 subsection 2, for a period of one year from the date of the  
3 final decision of the department under section 17A.19 or the  
4 date on which the district court upholds the final decision of  
5 the department, whichever occurs later. The department shall  
6 adopt rules under chapter 17A which establish a point system  
7 which shall be used to determine the period for which a person  
8 who is declared to be a habitual offender under section  
9 321.555, subsection 1, shall not be issued a license.

10 Sec. 3. Section 321J.4, subsection 9, unnumbered paragraph  
11 1, Code Supplement 1999, is amended to read as follows:

12 A person whose driver's license has either been revoked  
13 under this chapter, or revoked or suspended under chapter 321  
14 solely for violations of this chapter, or who has been  
15 determined to be a habitual offender under chapter 321 based  
16 solely on violations of this chapter or based on violations of  
17 this chapter and violations for driving while the person's  
18 driver's license is suspended, denied, revoked, or barred, and  
19 who is not eligible for a temporary restricted license under  
20 this chapter may petition the court upon the expiration of the  
21 minimum period of ineligibility for a temporary restricted  
22 license provided for under this section or section 321J.9,  
23 321J.12, or 321J.20 for an order to the department to require  
24 the department to issue a temporary restricted license to the  
25 person notwithstanding section 321.560. The petition shall  
26 include a current certified copy of the petitioner's official  
27 driving record issued by the department. Upon the filing of a  
28 petition for a temporary restricted license under this  
29 section, the clerk of the district court in the county where  
30 the violation that resulted in the revocation occurred shall  
31 send notice of the petition to the department and the  
32 prosecuting attorney. The department and the prosecuting  
33 attorney shall each be given an opportunity to respond to and  
34 request a hearing on the petition. The court shall determine  
35 if the temporary restricted license is necessary for the

1 person to maintain the person's present employment. However,  
2 a temporary restricted license shall not be ordered or issued  
3 for a violation of section 321J.2A or to a person under the  
4 age of twenty-one whose license is revoked under this section  
5 or section 321J.9 or 321J.12. If the court determines that  
6 the temporary restricted license is necessary for the person  
7 to maintain the person's present employment, and that the  
8 minimum period of ineligibility for receipt of a temporary  
9 license has expired, the court shall order the department to  
10 issue to the person a temporary restricted license conditioned  
11 upon the person's certification to the court of the  
12 installation of approved ignition interlock devices in all  
13 motor vehicles that it is necessary for the person to operate  
14 to maintain the person's present employment. Section 321.561  
15 does not apply to a person operating a motor vehicle in the  
16 manner permitted under this subsection. If the person  
17 operates a motor vehicle which does not have an approved  
18 ignition interlock device or if the person tampers with or  
19 circumvents an ignition interlock device, in addition to other  
20 penalties provided, the person's temporary restricted license  
21 shall be revoked. A person holding a temporary restricted  
22 license issued under this subsection shall not operate a  
23 commercial motor vehicle, as defined in section 321.1, on a  
24 highway if a commercial driver's license is required for the  
25 person to operate the commercial motor vehicle.

26 EXPLANATION

27 This bill amends provisions in Code sections 321.215,  
28 321.560, and 321J.4 relating to temporary restricted drivers'  
29 licenses to allow persons who have been determined to be  
30 habitual offenders due to operating while under the influence  
31 violations and violations for driving under suspension,  
32 revocation, denial, or bar to obtain a temporary restricted  
33 license for certain purposes once any period of ineligibility  
34 for such a license has passed. Currently, persons who are  
35 determined to be a habitual offender for operating while under

1 the influence violations and violations for driving under  
2 suspension, revocation, denial, or bar are not eligible to  
3 obtain a temporary restricted license, but persons determined  
4 to be habitual offenders solely for operating while under the  
5 influence violations or solely for violations for driving  
6 under suspension, revocation, denial, or bar are eligible for  
7 such licenses.

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