

FEB 21 2000

JUDICIARY

HOUSE FILE

BY HUSER

2356

(COMPANION TO SF 2179

BY LAMBERTI)

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

A BILL FOR

1 An Act relating to revocations of driver's licenses for an
2 operating while intoxicated offense.

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

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HF 2356

1 Section 1. Section 321J.13, subsection 6, paragraph c,
2 Code Supplement 1999, is amended to read as follows:
3 c. ~~Such-a~~ Any holding by the court in the criminal action
4 is on the charge of violation of section 321J.2 or 321J.2A
5 resulting from the same circumstances that resulted in the
6 administrative revocation shall be binding on the department,
7 and-the.

8 d. The department shall rescind the revocation in the
9 following circumstances:

10 (1) When the court ruling concludes that the defendant
11 shall prevail as provided in paragraph "b".

12 (2) When the defendant is acquitted on the charge of
13 violation of section 321J.2 or 321J.2A resulting from the same
14 circumstances that resulted in the administrative revocation.

15 (3) When the case is otherwise dismissed by the court.

16 (4) When the rulings by the court in the criminal action
17 on the charge of violation of section 321J.2 or 321J.2A
18 resulting from the same circumstances that resulted in the
19 administrative revocation otherwise support rescision of the
20 revocation.

21 EXPLANATION

22 This bill amends Code section 321J.13, relating to rescision
23 of an administrative revocation of a driver's license for an
24 operating while intoxicated (OWI) offense.

25 The bill specifies that all court decisions in the criminal
26 action arising out of the same circumstances that led to the
27 administrative license revocation shall be binding upon the
28 department. The bill also specifies that the department shall
29 rescind the revocation where the court determines that the
30 stop was unreasonable or the chemical test was invalid or
31 inadmissible, when the defendant is acquitted or the case is
32 otherwise dismissed by the court, or when the court rulings
33 otherwise support rescision of the revocation.

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