

FEB 25 2000

JUDICIARY

HOUSE FILE

2468

BY DOTZLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to recisions of driver's license revocations and  
2 suspensions for operating while intoxicated and other motor  
3 vehicle offenses.

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

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HF 2468

1 Section 1. Section 321.209, Code 1999, is amended to read  
2 as follows:

3 321.209 MANDATORY REVOCATION.

4 1. The department, upon thirty days' notice and without  
5 preliminary hearing, shall revoke the license or operating  
6 privilege of an operator upon receiving a record of the  
7 operator's conviction for any of the following offenses, when  
8 such conviction has become final:

9 1- a. Manslaughter resulting from the operation of a motor  
10 vehicle.

11 2- b. A felony if during the commission of the felony a  
12 motor vehicle is used.

13 3- c. Failure to stop and render aid as required under the  
14 laws of this state in the event of a motor vehicle accident  
15 resulting in the death or personal injury of another.

16 4- d. Perjury or the making of a false affidavit or  
17 statement under oath to the department under this chapter or  
18 under any other law relating to the ownership or operation of  
19 motor vehicles.

20 5- e. Conviction, or forfeiture of bail not vacated, upon  
21 two charges of reckless driving.

22 6- f. Conviction of drag racing.

23 7- g. Eluding or attempting to elude a law enforcement  
24 vehicle as provided in section 321.279.

25 2. If a person whose driver's license has been revoked  
26 pursuant to this section is not convicted of the charge, upon  
27 record entry of disposition of the charge, the clerk of the  
28 district court shall forward a notice including the name and  
29 address of the party charged, the registration number of the  
30 vehicle involved, the nature of the offense charged by  
31 indictment or information, the date of the filing of the  
32 indictment or information, and the disposition of the charge  
33 to the department. Upon receipt of the notice from the clerk,  
34 the department shall automatically rescind the revocation and  
35 reinstate the person's driver's license without payment of any

1 charge or penalty.

2 Sec. 2. Section 321.210, Code 1999, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 3. If a person whose driver's license has  
5 been suspended pursuant to this section is not convicted of  
6 the charge, upon record entry of disposition of the charge,  
7 the clerk of the district court shall forward a notice  
8 including the name and address of the party charged, the  
9 registration number of the vehicle involved, the nature of the  
10 offense charged by indictment or information, the date of the  
11 filing of the indictment or information, and the disposition  
12 of the charge to the department. Upon receipt of the notice  
13 from the clerk, the department shall automatically rescind the  
14 suspension and reinstate the person's driver's license without  
15 payment of any charge or penalty.

16 Sec. 3. Section 321.212, subsection 1, paragraphs b and c,  
17 Code 1999, are amended to read as follows:

18 b. The department shall not revoke a license under the  
19 provisions of subsection 5 1, paragraph "e" of section 321.209  
20 for more than thirty days nor less than five days as  
21 recommended by the trial court.

22 c. The department shall revoke a license for six months  
23 for a first offense under the provisions of section 321.209,  
24 subsection 6 1, paragraph "f", where the violation charged did  
25 not result in a personal injury or damage to property.

26 Sec. 4. Section 321.215, subsection 1, unnumbered  
27 paragraph 2, Code 1999, is amended to read as follows:

28 However, a temporary restricted license shall not be issued  
29 to a person whose license is revoked pursuant to a court order  
30 issued under section 901.5, subsection 10, or under section  
31 321.209, ~~subsections 1 through 5~~ or subsection 7 1, paragraphs  
32 "a" through "e" or paragraph "g", or to a juvenile whose  
33 license has been suspended or revoked pursuant to a  
34 dispositional order under section 232.52, subsection 2,  
35 paragraph "a", for a violation of chapter 124 or 453B, or

1 section 126.3. A temporary restricted license may be issued  
2 to a person whose license is revoked under section 321.209,  
3 subsection 6 1, paragraph "f", only if the person has no  
4 previous drag racing convictions. A person holding a  
5 temporary restricted license issued by the department under  
6 this section shall not operate a motor vehicle for pleasure.

7 Sec. 5. Section 321.560, Code 1999, is amended by adding  
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If a person whose driver's  
10 license has been revoked as described in this section is not  
11 convicted of the charge, upon record entry of disposition of  
12 the charge, the clerk of the district court shall forward a  
13 notice including the name and address of the party charged,  
14 the registration number of the vehicle involved, the nature of  
15 the offense charged by indictment or information, the date of  
16 the filing of the indictment or information, and the  
17 disposition of the charge to the department. Upon receipt of  
18 the notice from the clerk, the department shall automatically  
19 rescind the revocation and reinstate the person's driver's  
20 license without payment of any charge or penalty.

21 Sec. 6. Section 321J.13, subsection 6, paragraph b, Code  
22 Supplement 1999, is amended by adding the following new  
23 subparagraphs:

24 NEW SUBPARAGRAPH. (3) That the defendant is not guilty on  
25 the charge of violation of section 321J.2 or 321J.2A resulting  
26 from the same circumstances that resulted in the  
27 administrative revocation.

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

30 Sec. 7. Section 321J.13, subsection 6, paragraph c, Code  
31 Supplement 1999, is amended to read as follows:

32 c. ~~Such-a-holding~~ Holdings by the court in the criminal  
33 action ~~is~~ are binding on the department, ~~and the.~~

34 d. The department shall rescind ~~the-revocation~~ revocations  
35 in accordance with this section.



1 notify the department of the disposition of the case and  
2 certain other information. Upon receipt of such notice, the  
3 department must rescind the revocation or recision related to  
4 the charge.

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