

FEB 28 2000

3/21/00 Removed from Calendar

Place On Calendar

HOUSE FILE **2481**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2223)

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

A BILL FOR

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

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

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HF 2481

1 Section 1. Section 321.560, Code 1999, is amended to read
2 as follows:

3 321.560 PERIOD OF REVOCATION.

4 1. A license to operate a motor vehicle in this state
5 shall not be issued to any person declared to be a habitual
6 offender under section 321.555, subsection 1, for a period of
7 not less than two years nor more than six years from the date
8 of the final decision of the department under section 17A.19
9 or the date on which the district court upholds the final
10 decision of the department, whichever occurs later.

11 a. ~~However,~~ a temporary restricted permit may be issued
12 to a person declared to be a habitual offender under section
13 321.555, subsection 1, paragraph "c", pursuant to section
14 321.215, subsection 2.

15 b. A temporary restricted permit may be issued pursuant to
16 section 321J.4, subsection 9, to a person declared to be a
17 habitual offender in whole or in part due to an offense listed
18 under section 321.555, subsection 1, paragraph "b". However,
19 the person shall not be eligible for any temporary restricted
20 license for one year after the effective date of revocation
21 under this section.

22 2. A license to operate a motor vehicle in this state
23 shall not be issued to any person declared to be a habitual
24 offender under section 321.555, subsection 2, for a period of
25 one year from the date of the final decision of the department
26 under section 17A.19 or the date on which the district court
27 upholds the final decision of the department, whichever occurs
28 later.

29 3. The department shall adopt rules under chapter 17A
30 ~~which~~ that establish a point system which shall be used to
31 determine the period for which a person who is declared to be
32 a habitual offender under section 321.555, subsection 1, shall
33 not be issued a license.

34 4. A person who is determined to be a habitual offender
35 while the person's license is already revoked for being a

1 habitual offender under section 321.555 shall not be issued a
2 license to operate a motor vehicle in this state for a period
3 of not less than two years nor more than six years. The
4 revocation period may commence either on the date of the final
5 decision of the department under section 17A.19 or the date on
6 which the district court upholds the final decision of the
7 department, whichever occurs later, or on the date the
8 previous revocation expires.

9 Sec. 2. Section 321J.4, subsection 9, Code Supplement
10 1999, is amended to read as follows:

11 9. a. A person whose driver's license has either been
12 revoked under this chapter, or revoked or suspended under
13 chapter 321 solely for violations of this chapter, or who has
14 been determined to be a habitual offender under chapter 321
15 based solely or partially on violations of this chapter, and
16 who is not eligible for a temporary restricted license under
17 this chapter may petition the court upon the expiration of the
18 minimum period of ineligibility for a temporary restricted
19 license provided for under this section, or section 321J.9,
20 321J.12, or 321J.20, or 321.560, for an order to the
21 department to require the department to issue a temporary
22 restricted license to the person notwithstanding section
23 321.560.

24 b. The petition shall include a current certified copy of
25 the petitioner's official driving record issued by the
26 department.

27 c. Upon the filing of a petition for a temporary
28 restricted license under this section, the clerk of the
29 district court in the county where the violation that resulted
30 in the revocation occurred shall send notice of the petition
31 to the department and the prosecuting attorney. The
32 department and the prosecuting attorney shall each be given an
33 opportunity to respond to and request a hearing on the
34 petition.

35 d. The court shall determine if the temporary restricted

1 license is necessary for the person to maintain the person's
2 present employment. However, a temporary restricted license
3 shall not be ordered or issued for a violation of section
4 321J.2A or to a person under the age of twenty-one whose
5 license is revoked under this section or section 321J.9 or
6 321J.12. If the court determines that the temporary
7 restricted license is necessary for the person to maintain the
8 person's present employment, and that the minimum period of
9 ineligibility for receipt of a temporary license has expired,
10 the court shall order the department to issue to the person a
11 temporary restricted license conditioned upon the person's
12 certification to the court of the installation of approved
13 ignition interlock devices in all motor vehicles that it is
14 necessary for the person to operate to maintain the person's
15 present employment.

16 e. Section 321.561 does not apply to a person operating a
17 motor vehicle in the manner permitted under this subsection.

18 f. If the person operates a motor vehicle which does not
19 have an approved ignition interlock device or if the person
20 tampers with or circumvents an ignition interlock device, in
21 addition to other penalties provided, the person's temporary
22 restricted license shall be revoked.

23 g. A person holding a temporary restricted license issued
24 under this subsection shall not operate a commercial motor
25 vehicle, as defined in section 321.1, on a highway if a
26 commercial driver's license is required for the person to
27 operate the commercial motor vehicle.

28 h. Notwithstanding any provision of this chapter to the
29 contrary, the court may order the department to issue a
30 temporary restricted license to a person otherwise eligible
31 for a temporary restricted license under this subsection,
32 whose period of revocation under this chapter has expired, but
33 who has not met all requirements for reinstatement of the
34 person's driver's license or nonresident operating privileges.

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EXPLANATION

1 This bill amends provisions in Code sections 321.560 and
2 321J.4 relating to temporary restricted driver's licenses to
3 allow persons who have been determined to be habitual
4 offenders due to operating while under the influence
5 violations and violations for driving under suspension,
6 revocation, denial, or bar to obtain a temporary restricted
7 license for certain purposes once any period of ineligibility
8 for such a license has passed. Currently, persons who are
9 determined to be a habitual offender for operating while under
10 the influence violations and violations for driving under
11 suspension, revocation, denial, or bar are not eligible to
12 obtain a temporary restricted license, but persons determined
13 to be habitual offenders solely for operating while under the
14 influence violations or solely for violations for driving
15 under suspension, revocation, denial, or bar are eligible for
16 such licenses.

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