

Blodgett, Chair  
Eddie  
Thomas

HSB 687

TRANSPORTATION

Sum SF 02510

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

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

A BILL FOR

1 An Act relating to operating while intoxicated, including  
2 ignition interlock and license revocation provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321J.17, Code 1999, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 3. The department shall also require  
4 certification of installation of an ignition interlock device  
5 of a type approved by the commissioner of public safety on all  
6 motor vehicles owned or operated by any person seeking  
7 reinstatement following a second or subsequent conviction for  
8 a violation of section 321J.2, unless such a person has  
9 previously received a temporary restricted license as  
10 authorized by this chapter. The requirement for the  
11 installation of an approved ignition interlock device shall be  
12 for one year unless a different time period is required by  
13 statute.

14 Sec. 2. 1999 Iowa Acts, chapter 153, section 25,  
15 subsection 2, paragraph a, unnumbered paragraph 1, is amended  
16 to read as follows:

17 If a defendant's driver's license is revoked for a third or  
18 subsequent violation of section 321J.2 and one or more of the  
19 violations which resulted in the revocation occurred before  
20 June 30, 1991, the person shall be permitted to apply to the  
21 court for restoration of the defendant's driving privileges.  
22 If a defendant has three or more convictions for violations of  
23 section 321J.2, the person shall not be permitted to apply to  
24 the court nor shall any application be granted if three or  
25 more violations occurred after June 30, 1991. However, an  
26 application may be granted only if all of the following are  
27 shown by the defendant by a preponderance of the evidence:

28 EXPLANATION

29 This bill addresses certain issues relating to operating  
30 while intoxicated (OWI) offenses.

31 The bill amends Code section 321J.17 to specify that an  
32 ignition interlock device be installed on vehicles owned or  
33 operated by persons convicted of a second or subsequent OWI  
34 offense as a condition of reinstating the person's license.

35 The bill also amends the 1999 Iowa Acts to specify that a

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1 person who has three or more OWI convictions after June 30,  
2 1991, shall not be permitted to apply for or receive a court-  
3 ordered restoration of driving privileges.

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**IOWA DEPARTMENT OF TRANSPORTATION**

**DATE:** November 29, 1999  
**TO:** Members of the 2000 General Assembly  
**FROM:** Iowa Department of Transportation  
**SUBJECT:** The Department's Bill Relating to Operating While Intoxicated

The department's bill relates to Operating While Intoxicated, including ignition interlock and license revocation provisions.

Sec. 1 amends Code section 321J.17 to require that an individual convicted of a second or subsequent OWI offense install an ignition interlock prior to or as a condition of reinstating the person's driver's license.

Sec. 2 amends 1999 session law language concerning third offense OWI revocations (Iowa Acts chapter 153). The amendment clarifies that an individual who has three or more OWI convictions that occurred after June 30, 1991 shall not be allowed to apply to the court for license reinstatement.

REPRINTED

FEB 29 2000  
Place On Calendar

HOUSE FILE 2510  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 687)

Passed House, Date <sup>(p. 722)</sup> 3/14/00 Passed Senate, Date <sup>(p. 822)</sup> 3/23/00  
Vote: Ayes 96 Nays 1 Vote: Ayes 45 Nays 0  
\* Re Passed 3-29-00 Approved 4/19/00

<sup>(p. 1123)</sup> Vote 96-0

A BILL FOR

1 An Act relating to operating while intoxicated, including  
2 ignition interlock provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2510

H-8117

1 Amend House File 2510 as follows:

2 1. Page 1, by striking lines 4 through 11 and  
3 inserting the following:

4 "(2) Assessment of a fine of one thousand dollars.

5 However, in the discretion of the court, if no  
6 personal or property injury has resulted from the  
7 defendant's actions, the court may waive up to five  
8 hundred dollars of the fine may-be-waived when the  
9 defendant presents to the court at the end of the  
10 minimum period of ineligibility, a temporary  
11 restricted license issued pursuant to 321J.20, or, at  
12 the end of the full period of revocation, an  
13 operator's license issued by the department. As an  
14 alternative to a portion or all of the fine, the court  
15 may order the person to perform unpaid community  
16 service."

By BLODGETT of Cerro Gordo

H-8117 FILED MARCH 1, 2000

*adopted 3.14-00 (p. 721)*

HF 2510

1 Section 1. Section 321J.2, subsection 2, paragraph a,  
2 subparagraph (2), Code Supplement 1999, is amended to read as  
3 follows:

4 (2) Assessment of a fine of one thousand dollars.  
5 ~~However, in the discretion of the court, if no personal or~~  
6 ~~property injury has resulted from the defendant's actions~~ If  
7 the defendant agrees to install an ignition interlock device  
8 and submits proof of such installation, the court may waive up  
9 to five hundred dollars of the fine ~~may be waived~~. As an  
10 alternative to a portion or all of the fine, the court may  
11 order the person to perform unpaid community service.

12 Sec. 2. Section 321J.17, Code 1999, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 3. The department shall also require  
15 certification of installation of an ignition interlock device  
16 of a type approved by the commissioner of public safety on all  
17 motor vehicles owned or operated by any person seeking  
18 reinstatement following a second or subsequent conviction for  
19 a violation of section 321J.2, unless such a person has  
20 previously received a temporary restricted license as  
21 authorized by this chapter. The requirement for the  
22 installation of an approved ignition interlock device shall be  
23 for one year unless a different time period is required by  
24 statute.

25 EXPLANATION

26 This bill addresses certain issues relating to operating  
27 while intoxicated (OWI) offenses.

28 The bill amends Code section 321J.2 to provide that a  
29 person convicted of first offense operating while intoxicated  
30 may have up to \$500 of the \$1,000 waived if the person agrees  
31 to install an ignition interlock device and submits proof of  
32 the installation.

33 The bill amends Code section 321J.17 to specify that an  
34 ignition interlock device be installed on vehicles owned or  
35 operated by persons convicted of a second or subsequent OWI

1 offense as a condition of reinstating the person's license.

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W/55156

HOUSE FILE **2510**  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 687)

(As Amended and Passed by the House, March 14, 2000)

Passed House, Date <sup>P. 1123</sup> 3-29-00 Passed Senate, Date 3/23/00  
Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 0  
Approved 4/19/00

**A BILL FOR**

1 An Act relating to operating while intoxicated, including  
2 ignition interlock provisions.

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

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House Amendments \_\_\_\_\_

**HOUSE FILE 2510**

S-5156

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1 Amend House File 2510, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, lines 10 through 12, by striking the  
4 words ", or, at the end of the full period of  
5 revocation, an operator's license issued by the  
6 department".

By COMMITTEE ON TRANSPORTATION  
RICHARD F. DRAKE, Chairperson

S-5156 FILED MARCH 15, 2000

*adopted 3/21/00 (p. 785)*

HF 2510



1 Section 1. Section 321J.2, subsection 2, paragraph a,  
2 subparagraph (2), Code Supplement 1999, is amended to read as  
3 follows:

4 (2) Assessment of a fine of one thousand dollars.  
5 However, in the discretion of the court, if no personal or  
6 property injury has resulted from the defendant's actions, the  
7 court may waive up to five hundred dollars of the fine may-be  
8 waived when the defendant presents to the court at the end of  
9 the minimum period of ineligibility, a temporary restricted  
10 license issued pursuant to 321J.20, or, at the end of the full  
11 period of revocation, an operator's license issued by the  
12 department. As an alternative to a portion or all of the  
13 fine, the court may order the person to perform unpaid  
14 community service.

15 Sec. 2. Section 321J.17, Code 1999, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 3. The department shall also require  
18 certification of installation of an ignition interlock device  
19 of a type approved by the commissioner of public safety on all  
20 motor vehicles owned or operated by any person seeking  
21 reinstatement following a second or subsequent conviction for  
22 a violation of section 321J.2, unless such a person has  
23 previously received a temporary restricted license as  
24 authorized by this chapter. The requirement for the  
25 installation of an approved ignition interlock device shall be  
26 for one year unless a different time period is required by  
27 statute.

28 **SENATE AMENDMENT TO HOUSE FILE 2510**

29 **H-8539**

30 1 Amend House File 2510, as amended, passed, and  
31 2 reprinted by the House, as follows:  
32 3 1. Page 1, lines 10 through 12, by striking the  
33 4 words ", or, at the end of the full period of  
34 5 revocation, an operator's license issued by the  
35 6 department".

RECEIVED FROM THE SENATE

34 H-8539 FILED MARCH 23, 2000

35 *House Concurred 3/29/00 (P.1122)*

HF 2510

jj/jg/25

HOUSE FILE 2510

AN ACT  
RELATING TO OPERATING WHILE INTOXICATED, INCLUDING  
IGNITION INTERLOCK PROVISIONS.

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

Section 1. Section 321J.2, subsection 2, paragraph a, subparagraph (2), Code Supplement 1999, is amended to read as follows:

(2) Assessment of a fine of one thousand dollars.

However, in the discretion of the court, if no personal or property injury has resulted from the defendant's actions, the court may waive up to five hundred dollars of the fine may-be waived when the defendant presents to the court at the end of the minimum period of ineligibility, a temporary restricted license issued pursuant to 321J.20. As an alternative to a portion or all of the fine, the court may order the person to perform unpaid community service.

Sec. 2. Section 321J.17, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent conviction for a violation of section 321J.2, unless such a person has previously received a temporary restricted license as

authorized by this chapter. The requirement for the installation of an approved ignition interlock device shall be for one year unless a different time period is required by statute.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2510, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved 4/19, 2000

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THOMAS J. VILSACK  
Governor