

MAR 8 1999

JUDICIARY

HOUSE FILE
BY JOCHUM

561

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

A BILL FOR

1 An Act relating to impoundment or immobilization of vehicles for
2 persons convicted of driving while their license is suspended,
3 denied, revoked, or barred.

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

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HF 561

1 Section 1. Section 321.561, Code 1999, is amended to read
2 as follows:

3 321.561 PUNISHMENT FOR VIOLATION.

4 1. It shall be unlawful for any person found to be a
5 habitual offender to operate any motor vehicle in this state
6 during the period of time specified in section 321.560 except
7 for a habitual offender who has been granted a temporary
8 restricted permit pursuant to section 321.215, subsection 2.
9 A person violating this section commits an aggravated
10 misdemeanor.

11 2. In addition to the penalty imposed under section
12 321.560, the court shall order upon conviction that the
13 person's vehicle be immediately impounded or immobilized,
14 pursuant to the procedures in section 321J.4B, for the period
15 of license revocation imposed upon the person convicted of the
16 offense, including any extension added under this section, or
17 one hundred eighty days, whichever period is longer. The
18 impoundment or immobilization period shall commence on the day
19 that the vehicle is first impounded or immobilized.

20 Sec. 2. Section 321.218, Code 1999, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 1A. In addition to the penalty imposed
23 under this section, the court shall order upon conviction that
24 the person's vehicle be immediately impounded or immobilized,
25 pursuant to the procedures in section 321J.4B, for the period
26 of license revocation imposed upon the person convicted of the
27 offense, including any extension added under this section, or
28 one hundred eighty days, whichever period is longer. The
29 impoundment or immobilization period shall commence on the day
30 that the vehicle is first impounded or immobilized.

31 Sec. 3. Section 321J.4B, subsection 2, paragraph b, Code
32 1999, is amended to read as follows:

33 b. If a person operates a vehicle while that person's
34 driver's license or operating privilege has been suspended,
35 denied, revoked, or barred ~~due-to-a-violation-of-section~~

1 321J-2.

2 Sec. 4. Section 321J.21, Code 1999, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 3. In addition to the penalty imposed
5 under this section, the court shall order upon conviction that
6 the person's vehicle be immediately impounded or immobilized,
7 pursuant to the procedures in section 321J.4B, for the period
8 of license revocation imposed upon the person convicted of the
9 offense, including any extension added under this section, or
10 one hundred eighty days, whichever period is longer. The
11 impoundment or immobilization period shall commence on the day
12 that the vehicle is first impounded or immobilized.

13 EXPLANATION

14 This bill provides that persons who are convicted of
15 driving while their license is suspended, denied, revoked, or
16 barred shall also be subject, upon conviction, to an order
17 that their vehicle be impounded or immobilized, pursuant to
18 the provisions of Code section 321J.4B. The penalty applies
19 for drivers who drive after their licenses have been
20 suspended, denied, revoked, or barred for operating while
21 intoxicated violations under Code chapter 321J, as well as for
22 violations of Code chapter 321, including habitual offender
23 violations under Code section 321.555.

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