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SENATE FILE 169

BY ZIEMAN

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for administrative license revocation for any
2 driver under twenty-one who drives while having any measurable
3 alcohol concentration.

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

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SF 169
TRANSPORTATION

1 Section 1. Section 321J.2A, Code 1999, is amended to read
2 as follows:

3 321J.2A PERSONS UNDER THE AGE OF TWENTY-ONE.

4 1. A person who is under the age of twenty-one shall not
5 operate a motor vehicle while having an any measurable alcohol
6 concentration ~~as defined under section 321J.17, of .02 or~~
7 more.

8 2. The driver's license or nonresident operating privilege
9 of a person who is under the age of twenty-one and who
10 operates a motor vehicle ~~while having an alcohol concentration~~
11 ~~of .02 or more~~ in violation of subsection 1 shall be revoked
12 by the department for the period of time specified under
13 section 321J.12.

14 3. A revocation under this section shall not preclude a
15 prosecution or conviction under any applicable criminal
16 provisions of this chapter. However, if the person is
17 convicted of a criminal offense under section 321J.2, the
18 revocation imposed under this section shall be superseded by
19 any revocation imposed as a result of the conviction.

20 4. In any proceeding regarding a revocation under this
21 section, evidence of the results of analysis of a specimen of
22 the defendant's blood, breath, or urine is admissible upon
23 proof of a proper foundation.

24 5. The alcohol concentration established by the results of
25 an analysis of a specimen of the defendant's blood, breath, or
26 urine withdrawn within two hours after the defendant was
27 driving or in physical control of a motor vehicle is presumed
28 to be the alcohol concentration at the time of driving or
29 being in physical control of the motor vehicle.

30 6. In any proceedings conducted under this section, the
31 results of a chemical test shall not be used to prove a
32 violation of this section if the alcohol level indicated by
33 the chemical test minus the established margin of error
34 inherent in the device or method used to conduct the chemical
35 test does not result in a measurable alcohol concentration.

1 Sec. 2. Section 321J.6, subsection 1, paragraph g, Code
2 1999, is amended to read as follows:

3 g. The preliminary breath screening test was administered
4 and it indicated an alcohol concentration ~~of .02 or more equal~~
5 to or greater than the level prohibited by section 321J.2A but
6 less than .10 the level prohibited by section 321J.2 and the
7 person is under the age of twenty-one.

8 Sec. 3. Section 321J.12, subsection 5, Code 1999, is
9 amended to read as follows:

10 5. Upon certification, subject to penalty of perjury, by
11 the peace officer that there existed reasonable grounds to
12 believe that the person had been operating a motor vehicle in
13 violation of section 321J.2A, that there existed one or more
14 of the necessary conditions for chemical testing described in
15 section 321J.6, subsection 1, and that the person submitted to
16 chemical testing and the test results indicated an alcohol
17 concentration ~~as defined in section 321J.1 of .02 or more~~
18 equal to or greater than the level prohibited by section
19 321J.2A but less than .10 the level prohibited by section
20 321J.2, the department shall revoke the person's driver's
21 license or operating privilege for a period of sixty days if
22 the person has had no previous revocation under this chapter,
23 and for a period of ninety days if the person has had a
24 previous revocation under this chapter.

25

EXPLANATION

26 This bill amends Code section 321J.2A to allow for
27 administrative revocation of a driver's license for a person
28 who is under the legal drinking age of twenty-one and who
29 drives while having any measurable amount of alcohol in the
30 person's blood, breath, or urine. A person under the age of
31 twenty-one who drives while having an alcohol concentration of
32 .10 or more, with any amount of a controlled substance in the
33 person, or otherwise under the influence of drugs, alcohol, or
34 a combination of the two substances continues to be subject to
35 criminal penalties under Code section 321J.2.

1 The bill also adds a subsection regarding the margin of
2 error of the testing device, consistent with the provisions of
3 Code section 321J.2, and amends other sections of Code chapter
4 321J that refer to the .02 level in Code section 321J.2A.

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