

JUDICIARY  
FILED FEB 15 2000

SENATE FILE 2179  
BY LAMBERTI, SCHUERER,  
BEHN, and RIFE

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

**A BILL FOR**

1 An Act relating to revocations of driver's licenses for an  
2 operating while intoxicated offense.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2179  
JUDICIARY

1 Section 1. Section 321J.13, subsection 6, paragraph c,  
2 Code Supplement 1999, is amended to read as follows:

3 c. ~~Such-a~~ Any holding by the court in the criminal action  
4 is on the charge of violation of section 321J.2 or 321J.2A  
5 resulting from the same circumstances that resulted in the  
6 administrative revocation shall be binding on the department,  
7 and-the.

8 d. The department shall rescind the revocation in the  
9 following circumstances:

10 (1) When the court ruling concludes that the defendant  
11 shall prevail as provided in paragraph "b".

12 (2) When the defendant is acquitted on the charge of  
13 violation of section 321J.2 or 321J.2A resulting from the same  
14 circumstances that resulted in the administrative revocation.

15 (3) When the case is otherwise dismissed by the court.

16 (4) When the rulings by the court in the criminal action  
17 on the charge of violation of section 321J.2 or 321J.2A  
18 resulting from the same circumstances that resulted in the  
19 administrative revocation otherwise support rescision of the  
20 revocation.

21 EXPLANATION

22 This bill amends Code section 321J.13, relating to rescision  
23 of an administrative revocation of a driver's license for an  
24 operating while intoxicated (OWI) offense.

25 The bill specifies that all court decisions in the criminal  
26 action arising out of the same circumstances that led to the  
27 administrative license revocation shall be binding upon the  
28 department. The bill also specifies that the department shall  
29 rescind the revocation where the court determines that the  
30 stop was unreasonable or the chemical test was invalid or  
31 inadmissible, when the defendant is acquitted or the case is  
32 otherwise dismissed by the court, or when the court rulings  
33 otherwise support rescision of the revocation.

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