

JAN 14 2004
TRANSPORTATION

HOUSE FILE 2023
BY SWAIM

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

A BILL FOR

1 An Act providing driver's license sanctions for drive-off theft
2 of motor fuel.

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

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HF 2023

1 Section 1. NEW SECTION. 321.210E DRIVE-OFF MOTOR FUEL
2 THEFT -- LICENSE SUSPENSION.

3 A person who drives a motor vehicle off the premises of an
4 establishment at which motor fuel intended for retail sale was
5 dispensed into the fuel tank of the motor vehicle, without
6 making appropriate payment for the dispensed fuel, shall be
7 subject to driver's license sanctions in addition to any
8 criminal penalties. Upon conviction of a person for an
9 offense under chapter 714 committed as described in this
10 section, the county attorney shall direct the clerk of the
11 district court to notify the department of the name and
12 address of the person. The department, upon thirty days'
13 notice and without preliminary hearing, shall suspend the
14 driver's license of the person as follows:

15 1. For a first offense, the suspension shall be for sixty
16 days, and the person shall not be eligible for a temporary
17 restricted license during the first thirty days of the period
18 of suspension.

19 2. For a second offense, the suspension shall be for
20 ninety days, and the person shall not be eligible for a
21 temporary restricted license during the first sixty days of
22 the period of suspension.

23 3. For a third offense, or any subsequent offense, the
24 suspension shall be for one hundred eighty days, and the
25 person shall not be eligible for a temporary restricted
26 license during the first ninety days of the period of
27 suspension.

28 Sec. 2. Section 321.215, subsection 1, unnumbered
29 paragraph 2, Code 2003, is amended to read as follows:

30 However, a temporary restricted license shall not be issued
31 to a person whose license is revoked pursuant to a court order
32 issued under section 901.5, subsection 10, or under section
33 321.209, subsections 1 through 5 or subsection 7, or to a
34 juvenile whose license has been suspended or revoked pursuant
35 to a dispositional order under section 232.52, subsection 2,

1 paragraph "a", for a violation of chapter 124 or 453B, or
2 section 126.3. A temporary restricted license may be issued
3 to a person whose license is revoked under section 321.209,
4 subsection 6, only if the person has no previous drag racing
5 convictions. A temporary restricted license shall not be
6 issued to a person whose license has been suspended under
7 section 321.210E until the person meets the applicable
8 eligibility requirement prescribed in section 321.210E,
9 subsection 1, 2, or 3. A person holding a temporary
10 restricted license issued by the department under this section
11 shall not operate a motor vehicle for pleasure.

12 EXPLANATION

13 This bill provides that a person who drives a vehicle off
14 the premises of a retail establishment without paying for
15 motor fuel dispensed into the vehicle is subject to driver's
16 license suspension in addition to any criminal penalty. For
17 the first such offense, the license suspension is for 60 days,
18 and the person is not eligible for a temporary restricted
19 license during the first 30 days of the suspension period.
20 For a second offense, the license suspension is for 90 days,
21 and the person is not eligible for a temporary restricted
22 license for the first 60 days. For a third or any subsequent
23 offense, the license suspension is for 180 days, and the
24 person is not eligible for a temporary restricted license
25 during the first 90 days.

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