

FEB 28 2006
PUBLIC SAFETY

HOUSE FILE 2578
BY R. OLSON

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

A BILL FOR

1 An Act relating to the revocation of a person's driver's license
2 or nonresident operating privilege for a defendant who has had
3 a previous conviction or revocation.

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

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HF 2578

1 Section 1. Section 321J.4, subsection 2, Code 2005, is
2 amended to read as follows:

3 2. If a defendant is convicted of a violation of section
4 321J.2, and the defendant's driver's license or nonresident
5 operating privilege has not already been revoked under section
6 321J.9 or 321J.12 for the occurrence from which the arrest
7 arose, the department shall revoke the defendant's driver's
8 license or nonresident operating privilege for ~~two-years~~ one
9 year if the defendant has had a previous conviction or
10 revocation under this chapter and submitted to chemical
11 testing, but for two years if the defendant refused to submit
12 to chemical testing. The defendant shall not be eligible for
13 any temporary restricted license for one year after the
14 effective date of revocation. The defendant shall be ordered
15 to install an ignition interlock device of a type approved by
16 the commissioner of public safety on all vehicles owned by the
17 defendant if the defendant seeks a temporary restricted
18 license at the end of the minimum period of ineligibility. A
19 temporary restricted license shall not be granted by the
20 department until the defendant installs the ignition interlock
21 device.

22 EXPLANATION

23 This bill amends Code section 321J.4, relating to the
24 revocation of a defendant's driver's license or nonresident
25 operating privilege where the defendant has had a previous
26 operating-while-intoxicated conviction or revocation under
27 Code chapter 321J. The bill specifies that a defendant who
28 has had such a previous conviction or revocation who submitted
29 to chemical testing shall be subject to a one-year driver's
30 license or nonresident operating privilege revocation period.
31 However, if the defendant refused to submit to chemical
32 testing, the defendant shall be subject to a two-year
33 revocation period. This change is consistent with the
34 revocation periods contained in Code sections 321J.9 and
35 321J.12.