

MAR 9 2005
JUDICIARY

HOUSE FILE 652
BY R. OLSON

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

A BILL FOR

1 An Act providing for the reinstatement of a person's driver's
2 license or nonresident operating privilege relating to an
3 operating-while-intoxicated offense not resulting in a
4 conviction or deferred judgment.

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

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HF 652

1 Section 1. NEW SECTION. 321J.2C DISMISSAL OF
2 PROSECUTION.

3 1. Notwithstanding any other provision of this chapter to
4 the contrary, if a violation of section 321J.2 or 321J.2A does
5 not result in a conviction or deferred judgment, and the
6 person's driver's license or nonresident operating privilege
7 has been revoked under section 321J.9 or 321J.12 or the
8 revocation has been stayed pursuant to section 321J.13 for the
9 occurrence from which the arrest arose, the department shall,
10 upon receipt of the court order finding the person not guilty
11 or otherwise dismissing the prosecution, immediately rescind
12 the revocation and reinstate the person's license or
13 nonresident operating privilege.

14 2. Notwithstanding any other provision of this chapter or
15 chapter 321 to the contrary, if a person's license or
16 nonresident operating privilege is reinstated pursuant to
17 subsection 1 the director shall immediately correct by
18 removing from the person's driving record any entry pertaining
19 to a revocation under section 321J.9 or 321J.12 for the same
20 occurrence from which the arrest arose.

21 EXPLANATION

22 This bill relates to reinstatement of a person's driver's
23 license or nonresident operating privilege following a
24 prosecution for an operating-while-intoxicated offense which
25 does not result in a conviction or a deferred judgment.

26 The bill provides that in any prosecution for an operating-
27 while-intoxicated offense that does not result in a conviction
28 or a deferred judgment where the person's driver's license or
29 nonresident operating privilege was revoked, the department of
30 transportation shall, upon receipt of the court order finding
31 the person not guilty or otherwise dismissing the prosecution,
32 immediately rescind the revocation and reinstate the person's
33 driver's license or nonresident operating privilege.

34 The bill further directs the director of the department of
35 transportation to immediately correct by removing from the

1 person's driving record any entry pertaining to the person's
2 rescinded revocation.

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