

House Study Bill 681

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

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

A BILL FOR

1 An Act relating to impoundment of a motor vehicle driven by a
2 person with a suspended or revoked driver's license.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6473HC 81
5 dea/sh/8

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1 1 Section 1. Section 321.89, subsection 1, paragraph a,
2 subparagraph (4), Code Supplement 2005, is amended to read as
3 follows:
4 (4) A vehicle that has been legally impounded by order of
5 a police authority and has not been reclaimed for a period of
6 ten days, or for the period required under section 321.218B.
7 However, a police authority may declare the vehicle abandoned
8 ~~within the ten-day period~~ sooner by commencing the
9 notification process in subsection 3.

1 10 Sec. 2. NEW SECTION. 321.218B DRIVING WITH SUSPENDED OR
1 11 REVOKED LICENSE == MOTOR VEHICLE IMPOUNDMENT.

1 12 1. Notwithstanding any other provision of this chapter, if
1 13 a peace officer stops a motor vehicle and discovers that the
1 14 motor vehicle operator's driver's license or operating
1 15 privilege has been denied, canceled, suspended, or revoked,
1 16 the peace officer shall immediately cause the motor vehicle
1 17 operated by the person to be impounded.

1 18 2. After the expiration of thirty days, the person or
1 19 agency having physical possession of an impounded motor
1 20 vehicle shall release the vehicle to the owner upon payment of
1 21 all towing costs, storage costs not in excess of fifteen
1 22 dollars per day, and administrative fees associated with
1 23 impoundment of the motor vehicle, if either of the following
1 24 applies:

1 25 a. The owner provides satisfactory evidence that the owner
1 26 was not the operator of the motor vehicle at the time the
1 27 impoundment occurred.

1 28 b. If the owner was the operator at the time the
1 29 impoundment occurred, the owner provides satisfactory proof to
1 30 the person or agency that the owner's driver's license or
1 31 operating privilege has been reinstated.

1 32 3. A rental company that owns a motor vehicle which is
1 33 impounded pursuant to this section shall be notified of the
1 34 impoundment by the agency or person taking custody of the
1 35 motor vehicle within seventy-two hours of the impoundment of
2 1 the motor vehicle and shall have the right to claim the motor
2 2 vehicle upon the payment of all fees, towing costs, and
2 3 storage costs not in excess of fifteen dollars per day.

2 4 4. Except as provided in subsection 2 or 3 or by court
2 5 order, a motor vehicle shall remain impounded under this
2 6 section until reinstatement of the motor vehicle operator's
2 7 driving privilege and payment of all towing costs, storage
2 8 costs not in excess of fifteen dollars per day, and
2 9 administrative fees associated with impoundment of the motor
2 10 vehicle.

2 11 5. The provisions of this section do not apply to a person
2 12 whose driver's license or operating privilege is denied,
2 13 revoked, suspended, or barred under chapter 321J.

EXPLANATION

2 15 This bill requires that if a peace officer stops a motor
2 16 vehicle and discovers that the operator's driver's license or
2 17 operating privilege is denied, canceled, suspended, or
2 18 revoked, the peace officer shall immediately impound the motor

2 19 vehicle. The minimum period of impoundment is 30 days. The
2 20 owner of the motor vehicle can redeem the vehicle at the end
2 21 of that time by paying all fees, towing charges, and storage
2 22 costs, which are limited in total to \$15 per day. If the
2 23 owner was the operator of the vehicle at the time of
2 24 impoundment, the owner shall also provide proof of
2 25 reinstatement of the owner's driver's license or operating
2 26 privilege before the vehicle can be released. The bill
2 27 provides that a rental company which owns an impounded vehicle
2 28 must be notified within 72 hours of impoundment by the person
2 29 or agency taking custody of the vehicle, and the rental
2 30 company may then redeem the vehicle at any time by paying all
2 31 fees and the towing and storage costs. The period of
2 32 impoundment otherwise extends until reinstatement of the
2 33 driver's operating privileges. The bill does not apply to
2 34 persons sanctioned under Code chapter 321J, which provides for
2 35 impoundment of motor vehicles under circumstances relating to
3 1 driving under the influence of alcohol or controlled

3 2 substances.

3 3 The bill makes a corresponding amendment to the definition
3 4 of "abandoned vehicles", which currently provides that an
3 5 impounded vehicle is considered abandoned if it is not claimed
3 6 within 10 days, to allow for the longer impoundment periods
3 7 provided in the bill.

3 8 LSB 6473HC 81

3 9 dea:nh/sh/8