

House File 600 - Introduced

HOUSE FILE _____
BY 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 whose driver's license is denied, canceled, suspended,
3 revoked, or barred.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2755YH 82
6 dea/es/88

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1 1 Section 1. Section 321.89, subsection 1, paragraph a,
1 2 subparagraph (4), Code 2007, is amended to read as follows:
1 3 (4) A vehicle that has been legally impounded by order of
1 4 a police authority and has not been reclaimed for a period of
1 5 ten days, or for the period required under section 321.218B.
1 6 However, a police authority may declare the vehicle abandoned
1 7 ~~within the ten-day period~~ sooner by commencing the
1 8 notification process in subsection 3.
1 9 Sec. 2. NEW SECTION. 321.218B DRIVING WITH SUSPENDED OR
1 10 REVOKED LICENSE == MOTOR VEHICLE IMPOUNDMENT.
1 11 1. Notwithstanding any other provision of this chapter, if
1 12 a peace officer stops a motor vehicle and discovers that the
1 13 motor vehicle operator's driver's license or operating
1 14 privilege has been denied, canceled, suspended, revoked, or
1 15 barred, the peace officer shall immediately cause the motor
1 16 vehicle operated by the person to be impounded.
1 17 2. After the expiration of thirty days, the person or
1 18 agency having physical possession of an impounded motor
1 19 vehicle shall release the vehicle to the owner upon payment of
1 20 all towing costs, storage costs not in excess of fifteen
1 21 dollars per day, and administrative fees associated with
1 22 impoundment of the motor vehicle, if either of the following
1 23 applies:
1 24 a. The owner provides satisfactory evidence that the owner
1 25 was not the operator of the motor vehicle at the time the
1 26 impoundment occurred.
1 27 b. If the owner was the operator at the time the
1 28 impoundment occurred, the owner provides satisfactory proof to
1 29 the person or agency that the owner's driver's license or
1 30 operating privilege has been reinstated.
1 31 3. A rental company that owns a motor vehicle which is
1 32 impounded pursuant to this section shall be notified of the
1 33 impoundment by the agency or person taking custody of the
1 34 motor vehicle within seventy-two hours of the impoundment of
1 35 the motor vehicle and shall have the right to claim the motor
2 1 vehicle upon the payment of all fees, towing costs, and
2 2 storage costs not in excess of fifteen dollars per day.
2 3 4. Except as provided in subsection 2 or 3 or by court
2 4 order, a motor vehicle shall remain impounded under this
2 5 section until reinstatement of the motor vehicle operator's
2 6 driving privilege and payment of all towing costs, storage
2 7 costs not in excess of fifteen dollars per day, and
2 8 administrative fees associated with impoundment of the motor
2 9 vehicle.
2 10 5. The provisions of this section do not apply to a person
2 11 whose driver's license or operating privilege is denied,
2 12 revoked, suspended, or barred under chapter 321J.

EXPLANATION

2 14 This bill requires that if a peace officer stops a motor
2 15 vehicle and discovers that the operator's driver's license or
2 16 operating privilege is denied, canceled, suspended, revoked,
2 17 or barred, the peace officer shall immediately impound the
2 18 motor vehicle. The minimum period of impoundment is 30 days.
2 19 The owner of the motor vehicle can redeem the vehicle at the

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

3 1 The bill makes a corresponding amendment to the definition
3 2 of "abandoned vehicles", which currently provides that an
3 3 impounded vehicle is considered abandoned if it is not claimed
3 4 within 10 days, to allow for the longer impoundment periods
3 5 provided in the bill.

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