

House File 2089 - Introduced

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BY TYMESON

A BILL FOR

1 An Act extending the validity of an expired out-of-state
2 driver's license of a veteran of the military service of the
3 United States who becomes a resident of this state following
4 separation from active duty.

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

1 Section 1. Section 321.198, Code 2009, is amended to read
2 as follows:

3 **321.198 Military service exception.**

4 1. a. The effective date of a valid driver's license
5 issued under the laws of this state, held by any person at the
6 time of entering the military service of the United States or
7 of the state of Iowa, notwithstanding the expiration of the
8 license according to its terms, is hereby extended without
9 fee until six months following the initial separation of the
10 person from active duty of the person from in the military
11 service, provided the person is not suffering from physical
12 disabilities which impair the person's competency as an
13 operator and provided further that the licensee shall furnish,
14 upon demand of any peace officer, satisfactory evidence of the
15 person's military service. However, a person entitled to the
16 benefits of this section who is charged with operating a motor
17 vehicle without a valid driver's license shall not be convicted
18 if the person produces in court, within a reasonable time, a
19 valid driver's license previously issued to that person along
20 with evidence of the person's military service as provided in
21 this paragraph.

22 b. If a person becomes a resident of this state following
23 separation from military service, a valid driver's license
24 issued to the person under the laws of another state and held
25 by the person at the time of entering the military service
26 of the United States, notwithstanding the expiration of the
27 license according to its terms during the period the person
28 was serving on active duty, shall be valid in this state for
29 six months following the initial separation of the person
30 from active duty in the military service, provided the person
31 is not suffering from physical disabilities which impair the
32 person's competency as an operator and provided further that
33 the licensee shall furnish, upon demand of any peace officer,
34 satisfactory evidence of the person's military service.
35 However, a person entitled to the benefits of this section

1 who is charged with operating a motor vehicle without a valid
2 driver's license shall not be convicted if the person produces
3 in court, within a reasonable time, a valid driver's license
4 previously issued to that person by another state along with
5 evidence of the person's military service as provided in this
6 paragraph.

7 c. The department is authorized to renew any driver's
8 license falling within the provisions and limitations of ~~the~~
9 ~~preceding~~ paragraph "a", without examination, upon application
10 and payment of fee made within six months following separation
11 from the military service.

12 2. The provisions of this section shall also apply to the
13 spouse and children or ward of such military personnel when
14 ~~such the~~ spouse, children, or ward are living with the ~~above~~
15 ~~described~~ military personnel outside of the state of Iowa if
16 the person serving in the military is a resident of this state,
17 or outside this state and the original state of residence if
18 the person was not a resident of this state at the time of
19 entering military service, and provided that ~~such the~~ extension
20 of license does not exceed five years.

21 3. A person whose period of validity of the person's
22 Iowa driver's license is extended under this section may
23 file an application in accordance with rules adopted by
24 the department to have the person's record of issuance of a
25 driver's license retained in the department's record system
26 during the period for which the driver's license remains valid.
27 If a person has had the record of issuance of the person's
28 driver's license removed from the department's records, the
29 person shall have the person's record of driver's license
30 issuance reentered by the department upon request if the
31 request is accompanied by a letter from the applicable person's
32 commanding officer verifying the military service.

33

EXPLANATION

34 Under current law, if a person's Iowa driver's license
35 expires while the person is serving on active duty in the

1 military service of the United States, the validity of the
2 license is extended without fee until six months following
3 the person's separation from active duty. The extension is
4 contingent upon the absence of any physical disabilities of the
5 person that might affect the ability to drive. A person whose
6 license is extended is required to furnish proof of military
7 service upon the demand of a peace officer. If a person
8 fails to do so and is charged with driving without a valid
9 license, the person can avoid conviction by producing in court
10 a valid driver's license previously issued to the person along
11 with proof of the person's military service. The extension
12 privilege also applies for up to five years for a spouse,
13 child, or ward of the person serving in the military who is
14 living with the person outside the state of Iowa.

15 This bill extends a similar privilege to a person who becomes
16 a resident of Iowa following separation from active duty. A
17 driver's license issued by another state and held by the person
18 at the time of entering military service shall be valid in this
19 state for six months following the person's initial separation
20 from active duty.

21 The extension privilege applies for up to five years for a
22 spouse, child, or ward of a person in military service who was
23 living with the person outside this state or the original state
24 of residence, as applicable.