

House Study Bill 650 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to driver's license sanctions, including
2 the issuance of temporary restricted licenses and certain
3 requirements relating to ignition interlock devices, and
4 providing penalties.

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

1 Section 1. Section 321.215, subsection 2, Code 2009, is
2 amended to read as follows:

3 2. ~~a.~~ Upon conviction and the suspension or revocation
4 of a person's noncommercial driver's license under section
5 321.209, subsection 5 or 6~~+~~, or section 321.210~~+~~, 321.210A~~+~~, or
6 321.513; or upon revocation pursuant to a court order issued
7 under section 901.5, subsection 10; or upon the denial of
8 issuance of a noncommercial driver's license under section
9 321.560, based solely on offenses enumerated in section
10 321.555, subsection 1, paragraph "c", or section 321.555,
11 subsection 2; or ~~a juvenile, whose license has been suspended~~
12 ~~or revoked~~ upon suspension or revocation of a juvenile's
13 driver's license pursuant to a dispositional order under
14 section 232.52, subsection 2, paragraph "a", for a violation
15 of chapter 124 or 453B, or section 126.3; or upon suspension
16 of a driver's license pursuant to a court order under section
17 714.7D, ~~a the person may petition the district court having~~
18 ~~jurisdiction over the residence of the person~~ apply to the
19 department for a temporary restricted license to operate a
20 motor vehicle for the limited purpose or purposes specified in
21 subsection 1. ~~The petition shall include a current certified~~
22 ~~copy of the petitioner's official driving record issued by the~~
23 ~~department.~~ The application may be granted only if all of the
24 following criteria are satisfied:

25 (1) a. The temporary restricted license is requested only
26 for a case of extreme hardship or compelling circumstances
27 where alternative means of transportation do not exist.

28 (2) ~~The license applicant has not made an application for a~~
29 ~~temporary restricted license in any district court in the state~~
30 ~~which was denied.~~

31 (3) b. The temporary restricted license is restricted to
32 the limited purpose or purposes specified in subsection 1 at
33 times specified in the license.

34 (4) c. Proof of financial responsibility is established as
35 defined in chapter 321A. However, such proof is not required

1 if the driver's license was suspended under section 321.210A
2 or 321.513 or revoked pursuant to a court order issued under
3 section 901.5, subsection 10.

4 ~~b. If the district court determines that a temporary~~
5 ~~restricted license is necessary, the court shall order~~
6 ~~the department to issue a temporary restricted license to~~
7 ~~the applicant. The court shall forward a record of each~~
8 ~~application for a temporary restricted license to the~~
9 ~~department, together with the results of the disposition of the~~
10 ~~request by the court.~~

11 Sec. 2. Section 321.560, subsection 1, paragraph b, Code
12 2009, is amended to read as follows:

13 b. A temporary restricted license may be issued pursuant to
14 section ~~321J.4, subsection 9~~ 321J.20, subsection 2, to a person
15 declared to be a habitual offender due to a combination of the
16 offenses listed under section 321.555, subsection 1, paragraphs
17 "b" and "c".

18 Sec. 3. Section 321J.2, subsection 2, paragraph a,
19 subparagraph (3), subparagraph divisions (a) and (b), Code
20 2009, are amended to read as follows:

21 (a) A defendant whose alcohol concentration is .08 or
22 more but not more than .10 shall not be eligible for any
23 temporary restricted license for at least thirty days if a
24 test was obtained and an accident resulting in personal injury
25 or property damage occurred. The department shall require
26 the defendant shall be ordered to install an ignition interlock
27 device of a type approved by the commissioner of public safety
28 on all vehicles owned or operated by the defendant if the
29 defendant seeks a temporary restricted license. There shall be
30 no such period of ineligibility if no such accident occurred,
31 and the defendant shall not be ~~ordered~~ required to install an
32 ignition interlock device.

33 (b) A defendant whose alcohol concentration is more than .10
34 shall not be eligible for any temporary restricted license for
35 at least thirty days if a test was obtained, and an accident

1 resulting in personal injury or property damage occurred or the
2 defendant's alcohol concentration exceeded .15. There shall be
3 no such period of ineligibility if no such accident occurred
4 and the defendant's alcohol concentration did not exceed .15.
5 In either case, where a defendant's alcohol concentration is
6 more than .10, the department shall require the defendant shall
7 ~~be ordered~~ to install an ignition interlock device of a type
8 approved by the commissioner of public safety on all vehicles
9 owned or operated by the defendant if the defendant seeks a
10 temporary restricted license.

11 Sec. 4. Section 321J.4, subsections 1 and 2, Code Supplement
12 2009, are amended to read as follows:

13 1. If a defendant is convicted of a violation of section
14 321J.2 and the defendant's driver's license or nonresident
15 operating privilege has not been revoked under section 321J.9
16 or 321J.12 for the occurrence from which the arrest arose, the
17 department shall revoke the defendant's driver's license or
18 nonresident operating privilege for one hundred eighty days
19 if the defendant submitted to chemical testing and has had
20 no previous conviction or revocation under this chapter and
21 shall revoke the defendant's driver's license or nonresident
22 operating privilege for one year if the defendant refused to
23 submit to chemical testing and has had no previous conviction
24 or revocation under this chapter. The defendant shall not be
25 eligible for any temporary restricted license for at least
26 ninety days if a test was refused under section 321J.9. The
27 department may presume the defendant refused chemical testing
28 absent evidence the defendant submitted to chemical testing.

29 a. A defendant whose alcohol concentration is .08 or
30 more but not more than .10 shall not be eligible for any
31 temporary restricted license for at least thirty days if a
32 test was obtained and an accident resulting in personal injury
33 or property damage occurred. The department shall require
34 the defendant shall be ordered to install an ignition interlock
35 device of a type approved by the commissioner of public safety

1 on all vehicles owned or operated by the defendant if the
2 defendant seeks a temporary restricted license. There shall be
3 no such period of ineligibility if no such accident occurred,
4 and the defendant shall not be ~~ordered~~ required to install an
5 ignition interlock device.

6 *b.* A defendant whose alcohol concentration is more than .10
7 shall not be eligible for any temporary restricted license for
8 at least thirty days if a test was obtained and an accident
9 resulting in personal injury or property damage occurred or the
10 defendant's alcohol concentration exceeded .15. There shall be
11 no such period of ineligibility if no such accident occurred
12 and the defendant's alcohol concentration did not exceed .15.
13 In either case, where a defendant's alcohol concentration is
14 more than .10, the department shall require the defendant shall
15 ~~be ordered~~ to install an ignition interlock device of a type
16 approved by the commissioner of public safety on all vehicles
17 owned or operated by the defendant if the defendant seeks a
18 temporary restricted license.

19 *c.* If the defendant is under the age of twenty-one, the
20 defendant shall not be eligible for a temporary restricted
21 license for at least sixty days after the effective date of
22 revocation.

23 2. If a defendant is convicted of a violation of section
24 321J.2, and the defendant's driver's license or nonresident
25 operating privilege has not already been revoked under section
26 321J.9 or 321J.12 for the occurrence from which the arrest
27 arose, the department shall revoke the defendant's driver's
28 license or nonresident operating privilege for ~~two years~~ one
29 year if the defendant submitted to chemical testing and has
30 had a previous conviction or revocation under this chapter and
31 shall revoke the defendant's driver's license or nonresident
32 operating privilege for two years if the defendant refused to
33 submit to chemical testing and has had a previous revocation
34 under this chapter. The defendant shall not be eligible for
35 any temporary restricted license for forty-five days after the

1 effective date of revocation if the defendant submitted to
2 chemical testing and shall not be eligible for any temporary
3 restricted license for ninety days after the effective date
4 of revocation if the defendant refused chemical testing.
5 The department may presume the defendant refused chemical
6 testing absent evidence the defendant submitted to chemical
7 testing. A temporary restricted license issued under this
8 section shall be issued in accordance with section 321J.20,
9 subsection 2. The department shall require the defendant shall
10 ~~be ordered~~ to install an ignition interlock device of a type
11 approved by the commissioner of public safety on all vehicles
12 owned or operated by the defendant if the defendant seeks a
13 temporary restricted license at the end of the minimum period
14 of ineligibility. A temporary restricted license shall not
15 be granted by the department until the defendant installs the
16 ignition interlock device.

17 Sec. 5. Section 321J.4, subsection 3, paragraphs a and b,
18 Code Supplement 2009, are amended to read as follows:

19 a. A defendant whose alcohol concentration is .08 or
20 more but not more than .10 shall not be eligible for any
21 temporary restricted license for at least thirty days if a
22 test was obtained and an accident resulting in personal injury
23 or property damage occurred. The department shall require
24 the defendant shall be ordered to install an ignition interlock
25 device of a type approved by the commissioner of public safety
26 on all vehicles owned or operated by the defendant if the
27 defendant seeks a temporary restricted license. There shall be
28 no such period of ineligibility if no such accident occurred,
29 and the defendant shall not be ~~ordered~~ required to install an
30 ignition interlock device.

31 b. A defendant whose alcohol concentration is more than .10
32 shall not be eligible for any temporary restricted license for
33 at least thirty days if a test was obtained and an accident
34 resulting in personal injury or property damage occurred or the
35 defendant's alcohol concentration exceeded .15. There shall be

1 no such period of ineligibility if no such accident occurred
2 and the defendant's alcohol concentration did not exceed .15.
3 In either case, where a defendant's alcohol concentration is
4 more than .10, the department shall require the defendant shall
5 ~~be ordered~~ to install an ignition interlock device of a type
6 approved by the commissioner of public safety on all vehicles
7 owned or operated by the defendant if the defendant seeks a
8 temporary restricted license.

9 Sec. 6. Section 321J.4, subsection 4, Code Supplement 2009,
10 is amended to read as follows:

11 4. Upon a plea or verdict of guilty of a third or subsequent
12 violation of section 321J.2, ~~the court shall order the~~
13 ~~department to~~ shall revoke the defendant's driver's license
14 or nonresident operating privilege for a period of six years.
15 The defendant shall not be eligible for a temporary restricted
16 license for at least one year after the effective date of the
17 revocation. ~~The court shall require the defendant to surrender~~
18 ~~to it all Iowa licenses or permits held by the defendant,~~
19 ~~which the court shall forward to the department with a copy~~
20 ~~of the order for revocation.~~ The department shall require
21 the defendant ~~shall be ordered~~ to install an ignition interlock
22 device of a type approved by the commissioner of public safety
23 on all vehicles owned or operated by the defendant if the
24 defendant seeks a temporary restricted license at the end of
25 the minimum period of ineligibility. A temporary restricted
26 license shall not be granted by the department until the
27 defendant installs the ignition interlock device.

28 Sec. 7. Section 321J.4, subsection 9, Code Supplement 2009,
29 is amended by striking the subsection.

30 Sec. 8. Section 321J.9, subsection 2, Code 2009, is amended
31 to read as follows:

32 2. a. A person whose driver's license or nonresident
33 operating privileges are revoked under subsection 1, ~~paragraph~~
34 ~~"a"~~, shall not be eligible for a temporary restricted license
35 for at least ninety days after the effective date of the

1 revocation. ~~A person whose driver's license or nonresident~~
2 ~~operating privileges are revoked under subsection 1, paragraph~~
3 ~~"b", shall not be eligible for a temporary restricted~~
4 ~~license for at least one year after the effective date of the~~
5 ~~revocation.~~

6 *b.* The department shall require the defendant ~~shall be~~
7 ~~ordered~~ to install an ignition interlock device of a type
8 approved by the commissioner of public safety on all vehicles
9 owned or operated by the defendant if the defendant seeks a
10 temporary restricted license at the end of the minimum period
11 of ineligibility. A temporary restricted license shall not
12 be granted by the department until the defendant installs the
13 ignition interlock device.

14 Sec. 9. Section 321J.12, subsection 2, Code 2009, is amended
15 to read as follows:

16 2. *a.* A person whose driver's license or nonresident
17 operating privileges have been revoked under subsection 1,
18 paragraph "a", whose alcohol concentration is .08 or more but
19 not more than .10 shall not be eligible for any temporary
20 restricted license for at least thirty days after the effective
21 date of the revocation if a test was obtained and an accident
22 resulting in personal injury or property damage occurred. The
23 department shall require the defendant ~~shall be ordered~~ to
24 install an ignition interlock device of a type approved by
25 the commissioner of public safety on all vehicles owned or
26 operated by the defendant if the defendant seeks a temporary
27 license. There shall be no such period of ineligibility if
28 no such accident occurred, and the defendant shall not be
29 ~~ordered~~ required to install an ignition interlock device.

30 *b.* A defendant whose alcohol concentration is more than .10
31 shall not be eligible for any temporary restricted license for
32 at least thirty days if a test was obtained and an accident
33 resulting in personal injury or property damage occurred or the
34 defendant's alcohol concentration exceeded .15. There shall be
35 no such period of ineligibility if no such accident occurred

1 and the defendant's alcohol concentration did not exceed .15.
2 In either case, where a defendant's alcohol concentration is
3 more than .10, the department shall require the defendant shall
4 ~~be ordered~~ to install an ignition interlock device of a type
5 approved by the commissioner of public safety on all vehicles
6 owned or operated by the defendant if the defendant seeks a
7 temporary restricted license.

8 c. If the person is under the age of twenty-one, the person
9 shall not be eligible for a temporary restricted license for at
10 least sixty days after the effective date of the revocation.

11 d. A person whose license or privileges have been revoked
12 under subsection 1, paragraph "b", for one year shall not
13 be eligible for any temporary restricted license for one
14 year after the effective date of the revocation, and the
15 department shall require the person shall be ordered to
16 install an ignition interlock device of a type approved by the
17 commissioner of public safety on all vehicles owned or operated
18 by the defendant if the defendant seeks a temporary restricted
19 license at the end of the minimum period of ineligibility.
20 A temporary restricted license issued under this paragraph
21 shall be issued pursuant to section 321J.20, subsection 2. A
22 temporary restricted license shall not be granted by the
23 department until the defendant installs the ignition interlock
24 device.

25 Sec. 10. Section 321J.17, subsection 3, Code 2009, is
26 amended to read as follows:

27 3. The department shall also require certification of
28 installation of an ignition interlock device of a type approved
29 by the commissioner of public safety on all motor vehicles
30 owned or operated by any person seeking reinstatement following
31 a second or subsequent ~~conviction for a violation of section~~
32 321J.2 revocation under section 321J.4, 321J.9, or 321J.12,
33 unless such a person has previously received a temporary
34 restricted license during the term of the revocation as
35 authorized by this chapter. The requirement for the

1 installation of an approved ignition interlock device shall be
2 for one year from the date of reinstatement unless a different
3 time period is required by statute.

4 Sec. 11. Section 321J.20, Code 2009, is amended to read as
5 follows:

6 **321J.20 Temporary restricted license — ignition interlock**
7 **devices.**

8 1. a. The department may, on application, issue a temporary
9 restricted license to a person whose noncommercial driver's
10 license is revoked under this chapter allowing the person to
11 drive to and from the person's home and specified places at
12 specified times which can be verified by the department and
13 which are required by the person's full-time or part-time
14 employment, continuing health care or the continuing health
15 care of another who is dependent upon the person, continuing
16 education while enrolled in an educational institution on a
17 part-time or full-time basis and while pursuing a course of
18 study leading to a diploma, degree, or other certification of
19 successful educational completion, substance abuse treatment,
20 court-ordered community service responsibilities, and
21 appointments with the person's parole or probation officer if
22 the person's driver's license has not been revoked previously
23 under section 321J.4, 321J.9, or 321J.12 and if any of the
24 following apply:

25 ~~a.~~ (1) The person's noncommercial driver's license
26 is revoked under section 321J.4 and the minimum period of
27 ineligibility for issuance of a temporary restricted license
28 has expired. This subsection shall not apply to a revocation
29 ordered under section 321J.4 resulting from a plea or verdict
30 of guilty of a violation of section 321J.2 that involved a
31 death.

32 ~~b.~~ (2) The person's noncommercial driver's license is
33 revoked under section 321J.9 and the person has entered a plea
34 of guilty on a charge of a violation of section 321J.2 which
35 arose from the same set of circumstances which resulted in

1 the person's driver's license revocation under section 321J.9
2 and the guilty plea is not withdrawn at the time of or after
3 application for the temporary restricted license, and the
4 minimum period of ineligibility for issuance of a temporary
5 restricted license has expired.

6 ~~e.~~ (3) The person's noncommercial driver's license is
7 revoked under section 321J.12, and the minimum period of
8 ineligibility for issuance of a temporary restricted license
9 has expired.

10 b. ~~However, a~~ A temporary restricted license may be issued
11 under this subsection if the person's noncommercial driver's
12 license is revoked for two years under ~~section 321J.9, and the~~
13 ~~revocation is a second revocation under this chapter~~ section
14 321J.4, subsection 2, or section 321J.9, subsection 1,
15 paragraph "b", and the first three hundred sixty-five days of
16 the revocation have expired.

17 ~~2. c.~~ This ~~section~~ subsection does not apply to a person
18 whose license was revoked under section 321J.2A or section
19 321J.4, subsection 4 or 6, or to a person whose license is
20 suspended or revoked for another reason.

21 d. Following the applicable minimum period of ineligibility,
22 a temporary restricted license under this subsection shall not
23 be issued until the applicant installs an ignition interlock
24 device of a type approved by the commissioner of public safety
25 on all motor vehicles owned or operated by the applicant in
26 accordance with section 321J.2, 321J.4, 321J.9, or 321J.12.
27 Installation of an ignition interlock device under this
28 subsection shall be required for the period of time for which
29 the temporary restricted license is issued.

30 2. a. A person whose noncommercial driver's license has
31 either been revoked under this chapter, or revoked or suspended
32 under chapter 321 solely for violations of this chapter, or who
33 has been determined to be a habitual offender under chapter 321
34 based solely on violations of this chapter or on violations
35 listed in section 321.560, subsection 1, paragraph "b", and

1 who is not eligible for a temporary restricted license under
2 subsection 1 may apply to the department upon the expiration of
3 the minimum period of ineligibility for a temporary restricted
4 license provided for under section 321J.4, 321J.9, 321J.12,
5 or 321.560 for a temporary restricted license notwithstanding
6 section 321.560.

7 b. The department shall determine if the temporary
8 restricted license is necessary for the person to maintain the
9 person's present employment. However, a temporary restricted
10 license shall not be issued for a violation of section 321J.2A
11 or to a person under the age of twenty-one whose license is
12 revoked under section 321J.4, 321J.9, or 321J.12. If the
13 department determines that the temporary restricted license
14 is necessary for the person to maintain the person's present
15 employment, and that the minimum period of ineligibility for
16 receipt of a temporary restricted license has expired, the
17 department may issue to the person a temporary restricted
18 license conditioned upon the installation of an approved
19 ignition interlock device on all motor vehicles owned or
20 operated by the person. A person whose driver's license or
21 nonresident operating privilege has been revoked under section
22 321J.21 may apply to the department for a temporary restricted
23 license without the requirement of an ignition interlock device
24 if at least twelve years have elapsed since the end of the
25 underlying revocation period for a violation of section 321J.2.

26 c. Notwithstanding paragraph "b", a temporary restricted
27 license issued to a person whose noncommercial driver's license
28 has been revoked under section 321J.4, subsection 2, section
29 321J.9, subsection 1, paragraph "b", or section 321J.12,
30 subsection 1, paragraph "b", may not be issued for any purpose
31 not permitted by 23 U.S.C. § 164. This restriction applies
32 only during the first three hundred sixty-five days of the
33 person's revocation period.

34 3. If a person required to install an ignition interlock
35 device operates a motor vehicle which does not have an approved

1 ignition interlock device or if the person tampers with or
2 circumvents an ignition interlock device, in addition to other
3 penalties provided, the person's temporary restricted license
4 shall be revoked.

5 ~~3.~~ 4. A person holding a temporary restricted license
6 issued by the department under this section shall not operate
7 a motor vehicle for pleasure.

8 ~~4.~~ 5. A person holding a temporary restricted license
9 issued by the department under this section shall not operate
10 a commercial motor vehicle on a highway if a commercial
11 driver's license is required for the person's operation of the
12 commercial motor vehicle.

13 ~~5.~~ 6. A person holding a temporary license issued by
14 the department under this chapter shall be prohibited from
15 operating a school bus.

16 ~~6. Following certain minimum periods of ineligibility, a~~
17 ~~temporary restricted license under this section shall not be~~
18 ~~issued until such time as the applicant installs an ignition~~
19 ~~interlock device of a type approved by the commissioner of~~
20 ~~public safety on all motor vehicles owned or operated by the~~
21 ~~applicant, in accordance with section 321J.2, 321J.4, 321J.9,~~
22 ~~or 321J.12. Installation of an ignition interlock device under~~
23 ~~this section shall be required for the period of time for which~~
24 ~~the temporary restricted license is issued.~~

25 7. Notwithstanding any provision of this chapter to the
26 contrary, the department may issue a temporary restricted
27 license to a person otherwise eligible for a temporary
28 restricted license under this section, whose period of
29 revocation under this chapter has expired, but who has not met
30 all requirements for reinstatement of the person's driver's
31 license or nonresident operating privileges.

32 8. A person who tampers with or circumvents an ignition
33 interlock device installed as required in this chapter and
34 while the requirement for the ignition interlock device is in
35 effect commits a serious misdemeanor.

1 Sec. 12. Section 707.6A, subsection 1, Code 2009, is amended
2 to read as follows:

3 1. A person commits a class "B" felony when the person
4 unintentionally causes the death of another by operating a
5 motor vehicle while intoxicated, as prohibited by section
6 321J.2.

7 1A. Upon a plea or verdict of guilty of a violation of
8 ~~this subsection 1~~, the court shall do the following:

9 ~~a. Order the state department of transportation to revoke~~
10 ~~the defendant's driver's license or nonresident operating~~
11 ~~privileges for a period of six years. The defendant shall~~
12 ~~surrender to the court any Iowa license or permit and the court~~
13 ~~shall forward the license or permit to the department with~~
14 ~~a copy of the revocation order of conviction. Upon receipt~~
15 ~~of the order of conviction, the department shall revoke the~~
16 ~~defendant's driver's license or nonresident operating privilege~~
17 ~~for a period of six years. The defendant shall not be eligible~~
18 ~~for a temporary restricted license for at least two years after~~
19 ~~the revocation.~~

20 1B. ~~b. Order~~ Upon a plea or verdict of guilty of a
21 violation of subsection 1, the court shall order the defendant,
22 at the defendant's expense, to do the following:

23 a. ~~(1)~~ Enroll, attend, and satisfactorily complete a course
24 for drinking drivers, as provided in section 321J.22.

25 b. ~~(2)~~ Submit to evaluation and treatment or rehabilitation
26 services.

27 1C. ~~c.~~ A driver's license or nonresident operating
28 privilege shall not be reinstated until proof of completion of
29 the requirements of ~~paragraph "b"~~ subsection 1B is presented to
30 the department.

31 1D. ~~d.~~ Where the program is available and appropriate for
32 the defendant, the court shall also order the defendant to
33 participate in a reality education substance abuse prevention
34 program as provided in section 321J.24.

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EXPLANATION

This bill relates to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and provides a penalty.

The bill amends Code section 321.215 to allow the department of transportation to issue a temporary restricted license to a person whose noncommercial driver's license is suspended or revoked under Code chapter 321 (motor vehicles and laws of the road) without requiring the court to order the department to do so.

The bill amends Code section 321J.2 (Iowa's operating while intoxicated (OWI) law) to allow the department of transportation to issue a temporary restricted license under Code chapter 321J without requiring the court to order the department to do so. The bill makes conforming changes to Code sections 321J.4 (revocations relating to OWI offenses), 321J.9 (refusals to submit to chemical testing), and 321J.12 (test result revocations).

The bill amends Code section 321J.4 (revocations for OWI offenses) to allow repeat (second or subsequent) OWI offenders to obtain a temporary restricted license after a 45-day hard suspension in compliance with the purposes allowed under federal law, pursuant to 23 U.S.C. § 164 (minimum penalties for repeat offenders for driving while intoxicated or driving under the influence). Corresponding changes are made in Code sections 321J.9, 321J.12, and 321J.20 (temporary restricted licenses issued for revocations under Code chapter 321J).

The bill also amends Code section 321J.4, to allow the department of transportation to trigger the six-year revocation period for a third or subsequent OWI conviction upon the department's receipt of the order of conviction, rather than requiring the court to order the department to impose the revocation.

The bill amends Code section 321J.9 to allow a person whose

1 license is revoked after refusing to submit to chemical testing
2 for OWI and who has a previous OWI revocation to apply for a
3 temporary restricted license after a hard 90-day revocation.
4 Under current law, a person is not eligible for a temporary
5 restricted license for at least one year after the effective
6 date of the revocation.

7 The bill amends Code section 321J.12 to allow second and
8 subsequent OWI offenders to obtain a temporary restricted
9 license after a 45-day hard suspension in compliance with the
10 purposes allowed under 23 U.S.C. § 164. Conforming changes are
11 made in Code sections 321J.4, 321J.9, and 321J.20.

12 The bill amends Code section 321J.17 to clarify that an
13 ignition interlock device is required following a second or
14 subsequent OWI offense revocation rather than a second or
15 subsequent OWI conviction.

16 The bill amends Code section 321J.20 to allow second or
17 subsequent OWI offenders to obtain a temporary restricted
18 license after a 45-day hard suspension in compliance with the
19 purposes allowed under 23 U.S.C. § 164. The bill provides
20 that a person who tampers with or circumvents an ignition
21 interlock device installed as required under Code chapter 321J
22 and while the requirement for the ignition interlock device is
23 in effect commits a serious misdemeanor. A serious misdemeanor
24 is punishable by confinement for no more than one year and
25 a fine of at least \$315 but not more than \$1,875. Current
26 law provides that a person who tampers with or circumvents
27 an ignition interlock device installed under a court order
28 while an order is in effect commits a serious misdemeanor.
29 Conforming changes are made in Code sections 321.560, 321J.4,
30 321J.9, and 321J.12. The bill amends Code section 707.6A to
31 allow the department to revoke the defendant's driver's license
32 or nonresident operating privilege for a period of six years
33 for the defendant's conviction of homicide or serious injury by
34 vehicle upon the department's receipt of the conviction rather
35 than requiring the court to order the department to impose the

S.F. _____ H.F. _____

1 revocation.