

House File 371 - Introduced

HOUSE FILE 371

BY HALL and STANERSON

A BILL FOR

1 An Act relating to the mandatory submission of a chemical test
2 by a driver of a motor vehicle involved in an accident
3 involving death and making civil remedies applicable.

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

1 Section 1. NEW SECTION. 321J.6A Mandatory blood test —
2 accident involving death.

3 1. Notwithstanding any other provision of this chapter to
4 the contrary, a person who operates a motor vehicle who is
5 involved in a motor vehicle accident or collision resulting
6 in death shall submit to a chemical test of the person's
7 blood to determine the alcohol concentration or the presence
8 of a controlled substance or other drugs. The investigating
9 peace officer shall cause a test to be administered as soon
10 as practicable following the accident in the same manner as
11 prescribed in section 321J.11.

12 2. The result of the test is admissible at trial if the
13 court, after reviewing all the evidence, whether gathered prior
14 to, during, or after the test, is satisfied that probable
15 cause exists, independent of the test result, to believe that
16 the driver of the motor vehicle was under the influence of
17 an alcoholic beverage or other drug or a combination of such
18 substances at the time of the accident.

19 3. If a person fails to submit to a test under this section
20 the department shall revoke the person's driver's license or
21 any nonresident operating privilege as required by and for the
22 applicable period specified under section 321J.9.

23 EXPLANATION

24 This bill relates to the mandatory submission to a chemical
25 test by a driver of a motor vehicle involved in an accident
26 involving death and making civil remedies applicable.

27 The bill provides that, notwithstanding any other provision
28 of Code chapter 321J (Iowa's operating a motor vehicle while
29 intoxicated law) to the contrary, a person who operates a
30 motor vehicle who is involved in a motor vehicle accident or
31 collision resulting in death shall submit to a chemical test
32 of the person's blood to determine the alcohol concentration
33 or the presence of a controlled substance or other drugs as
34 soon as practicable following the accident in the same manner
35 as prescribed in Code section 321J.11. The result of the test

1 is admissible at trial if the court, after reviewing all the
2 evidence, whether gathered prior to, during, or after the test,
3 is satisfied that probable cause exists, independent of the
4 test result, to believe that the driver of the motor vehicle
5 was under the influence of an alcoholic beverage or other
6 drug or a combination of such substances at the time of the
7 accident.

8 The bill provides that if a person fails to submit to a
9 test under the bill the department shall revoke the person's
10 driver's license or any nonresident operating privilege as
11 required by and for the applicable period specified under Code
12 section 321J.9. A person who fails to submit to chemical
13 testing is subject to license revocation for up to two years
14 and shall not be eligible for a temporary restricted license
15 for up to one year after the date of the revocation depending
16 on whether the person has had a previous revocation under Code
17 chapter 321J.

18 Under current law, Iowa's implied consent law provides that
19 a person who operates a motor vehicle in this state under
20 circumstances which give reasonable grounds to believe that
21 the person has been operating a motor vehicle in violation
22 of Iowa's operating-while-intoxicated law is deemed to have
23 given consent to the withdrawal of specimens of the person's
24 blood, breath, or urine and to a chemical test or tests of
25 the specimens for the purpose of determining the alcohol
26 concentration or presence of a controlled substance or other
27 drugs. The withdrawal of the body substances and the test or
28 tests is contingent upon a written request of a peace officer
29 who, prior to the request, has reasonable grounds to believe
30 that the person was operating a motor vehicle in violation
31 of Code chapter 321J, under any of a number of conditions,
32 including but not limited to whether the person has been
33 involved in a motor vehicle accident or collision resulting in
34 personal injury or death.