

House Study Bill 78 - Introduced

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

A BILL FOR

1 An Act relating to matters under the purview of the
2 department of transportation, including the use of
3 information contained in electronic driver and nonoperator
4 identification records, grounds for disqualification of
5 commercial vehicle operators, provisions for the issuance
6 of temporary restricted licenses for persons convicted of
7 operating while intoxicated, registration fees for electric
8 vehicles, and the administration of highway contracts, and
9 including applicability date provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 65. Personal information contained on
4 electronic driver's license or nonoperator's identification
5 card records that is provided by the licensee or card holder to
6 the department of transportation for use by law enforcement,
7 first responders, emergency medical service providers, and
8 other medical personnel responding to or assisting with an
9 emergency.

10 Sec. 2. Section 321.208, subsection 6, unnumbered paragraph
11 1, Code 2013, is amended to read as follows:

12 A person is disqualified from operating a commercial motor
13 vehicle if the person receives convictions for committing
14 within any three-year period two or more of the following
15 offenses while operating a commercial motor vehicle, or
16 while operating a noncommercial motor vehicle and holding
17 a commercial driver's license if the convictions result in
18 the revocation, cancellation, or suspension of the person's
19 commercial driver's license or noncommercial motor vehicle
20 driving privileges:

21 Sec. 3. Section 321.208, subsection 6, Code 2013, is amended
22 by adding the following new paragraphs:

23 NEW PARAGRAPH. *i.* Violating a state or local law or
24 ordinance on motor vehicle traffic control prohibiting texting
25 while driving a commercial motor vehicle.

26 NEW PARAGRAPH. *j.* Violating a state or local law or
27 ordinance on motor vehicle traffic control restricting or
28 prohibiting the use of a hand-held mobile telephone while
29 driving a commercial motor vehicle.

30 Sec. 4. Section 321J.17, subsections 1 and 3, Code 2013, are
31 amended to read as follows:

32 1. If the department revokes a person's driver's license
33 or nonresident operating privilege under this chapter, the
34 department shall assess the person a civil penalty of two
35 hundred dollars. The money collected by the department under

1 this section shall be transmitted to the treasurer of state
2 who shall deposit one-half of the money in the separate fund
3 established in section 915.94 and one-half of the money in the
4 general fund of the state. A temporary restricted license
5 shall not be issued unless an ignition interlock device has
6 been installed pursuant to section 321J.4. ~~A driver's license
7 or nonresident operating privilege shall not be reinstated
8 unless proof of deinstallation of an ignition interlock device
9 installed pursuant to section 321J.4 has been submitted to
10 the department.~~ Except as provided in section 321.210B, a
11 temporary restricted license shall not be issued or a driver's
12 license or nonresident operating privilege reinstated until
13 the civil penalty has been paid. A person assessed a penalty
14 under this section may remit the civil penalty along with a
15 processing fee of five dollars to a county treasurer authorized
16 to issue driver's licenses under chapter 321M, or the civil
17 penalty may be paid directly to the department.

18 3. The department shall also require certification of
19 installation of an ignition interlock device of a type approved
20 by the commissioner of public safety on all motor vehicles
21 owned or operated by any person seeking reinstatement following
22 a second or subsequent revocation under section 321J.4, 321J.9,
23 or 321J.12, ~~unless such a person has previously received a
24 temporary restricted license during the term of the revocation
25 as authorized by this chapter.~~ The requirement for the
26 installation of an approved ignition interlock device shall be
27 for one year from the date of reinstatement unless a different
28 longer time period is required by statute. The one-year
29 period a person is required to maintain an ignition interlock
30 device under this subsection shall be reduced by any period
31 of time the person held a valid temporary restricted license
32 during the revocation for the occurrence from which the arrest
33 arose. The person shall not operate any motor vehicle which
34 is not equipped with an approved ignition interlock device
35 during the period in which an ignition interlock device must be

1 maintained, and the department shall not grant reinstatement
2 unless the person certifies installation of an ignition
3 interlock device as required in this subsection.

4 Sec. 5. Section 321J.20, subsection 1, paragraph d, Code
5 2013, is amended to read as follows:

6 d. Following the applicable minimum period of ineligibility,
7 a temporary restricted license under this subsection shall
8 not be issued until the applicant installs an ignition
9 interlock device of a type approved by the commissioner of
10 public safety on all motor vehicles owned or operated by the
11 applicant in accordance with section 321J.2, 321J.4, 321J.9,
12 or 321J.12. Installation of an ignition interlock device
13 under this subsection shall be required for the period of time
14 for which the temporary restricted license is issued and for
15 such additional period of time following reinstatement as is
16 required under section 321J.17, subsection 3.

17 Sec. 6. Section 321J.20, subsection 2, Code 2013, is amended
18 to read as follows:

19 2. a. Notwithstanding section 321.560, the department may,
20 on application, and upon the expiration of the minimum period
21 of ineligibility for a temporary restricted license provided
22 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a
23 temporary restricted license to a person whose noncommercial
24 driver's license has either been revoked under this chapter, or
25 revoked or suspended under chapter 321 solely for violations
26 of this chapter, or who has been determined to be a habitual
27 offender under chapter 321 based solely on violations of this
28 chapter or on violations listed in section 321.560, subsection
29 1, paragraph "b", and who is not eligible for a temporary
30 restricted license under subsection 1. However, the department
31 may not issue a temporary restricted license under this
32 subsection for a violation of section 321J.2A or to a person
33 under the age of twenty-one whose license is revoked under
34 section 321J.4, 321J.9, or 321J.12. A temporary restricted
35 license issued under this subsection may allow the person to

1 drive to and from the person's home and specified places at
2 specified times which can be verified by the department and
3 which are required by the person's full-time or part-time
4 employment; continuing education while enrolled in an
5 educational institution on a part-time or full-time basis and
6 while pursuing a course of study leading to a diploma, degree,
7 or other certification of successful educational completion;
8 or substance abuse treatment.

9 ~~b. Notwithstanding paragraph "a", a temporary restricted~~
10 ~~license issued to a person whose noncommercial driver's license~~
11 ~~has been revoked under section 321J.4, subsection 2, section~~
12 ~~321J.9, subsection 1, paragraph "b", or section 321J.12,~~
13 ~~subsection 1, paragraph "b", shall provide for but not exceed~~
14 ~~the uses permitted by 23 U.S.C. § 164. This restriction~~
15 ~~applies only during the first three hundred sixty-five days of~~
16 ~~the person's revocation.~~

17 ~~e. b.~~ A temporary restricted license issued under this
18 subsection shall be conditioned upon the installation of not
19 be issued until the applicant installs an approved ignition
20 interlock device on all motor vehicles owned or operated by
21 the ~~person~~ applicant. Installation of an ignition interlock
22 device under this subsection shall be required for the period
23 of time for which the temporary restricted license is issued,
24 and for such additional period of time following reinstatement
25 as is required under section 321J.17, subsection 3. However,
26 a person whose driver's license or nonresident operating
27 privilege has been revoked under section 321J.21 may apply to
28 the department for a temporary restricted license without the
29 requirement of an ignition interlock device if at least twelve
30 years have elapsed since the end of the underlying revocation
31 period for a violation of section 321J.2.

32 Sec. 7. Section 321M.9, subsection 4, Code 2013, is amended
33 by striking the subsection.

34 Sec. 8. REPEAL. Section 321.116, Code 2013, is repealed.

35 Sec. 9. REPEAL. 1984 Iowa Acts, chapter 1229, section 2,

1 is repealed.

2 Sec. 10. APPLICABILITY. The section of this Act that
3 repeals section 321.116 applies for registration years
4 beginning on or after January 1, 2014.

5 EXPLANATION

6 This bill contains provisions relating to a variety of
7 matters administered by the department of transportation.

8 The bill amends Code section 22.7 to provide that personal
9 information contained on electronic driver's license or
10 nonoperator's identification card records that is provided by
11 the licensee or card holder for use by certain law enforcement
12 and medical personnel responding to or assisting with an
13 emergency constitutes a confidential record.

14 Under current law, a person is disqualified from operating
15 a commercial motor vehicle if the person has two or more
16 convictions within a three-year period for certain specified
17 offenses committed while operating a commercial motor vehicle,
18 or committed while operating a noncommercial motor vehicle and
19 holding a commercial driver's license if the convictions result
20 in a sanction of the person's driving privileges. Code section
21 321.208 is amended to add texting and using a hand-held mobile
22 telephone in violation of a state or local law while operating
23 a commercial motor vehicle to that list of specified offenses.

24 Under current law, a person whose driver's license is
25 revoked upon conviction of a second offense of operating while
26 intoxicated may apply for a temporary restricted license 45
27 days after the effective date of revocation if the person
28 submitted to chemical testing, and 90 days after revocation
29 if the person refused testing. The issuance of a temporary
30 restricted license is conditioned upon the installation of
31 an ignition interlock device on all motor vehicles owned
32 or operated by the person. At the end of the period of
33 revocation, an ignition interlock device is required for a
34 period of one year, unless a different period is required
35 by statute; however, an ignition interlock device is not

1 required for reinstatement if the person had a temporary
2 restricted license during the revocation period. The bill
3 amends Code sections 321J.17 and 321J.20 to provide that a
4 person is required to maintain an ignition interlock device
5 for one year or longer following reinstatement. The one-year
6 period is reduced by any period of time the person held a
7 valid temporary restricted license during the revocation
8 for the occurrence from which the arrest arose. A person
9 is prohibited from operating any motor vehicle not equipped
10 with an ignition interlock device during the period in which
11 a device is required to be maintained, and a person must
12 certify installation of an ignition interlock device before
13 the department can grant reinstatement. The bill also strikes
14 a provision in current law that ties the permissible use of
15 certain temporary restricted licenses to uses permitted under
16 federal law. Finally, the bill strikes the current requirement
17 that a person who was issued a temporary restricted license
18 must submit proof of deinstallation of an ignition interlock
19 device as a condition for reinstatement of a full driver's
20 license.

21 The bill strikes a provision in Code section 321M.9
22 requiring the auditor of state to conduct periodic studies of
23 the county driver's license issuance program.

24 Code section 321.116, which establishes an annual
25 registration fee of \$25 for electric motor vehicles, is
26 repealed. As a result, electric motor vehicles will be subject
27 to registration fees based on the weight and value of the
28 vehicle. The change applies for registration years beginning
29 on or after January 1, 2014.

30 The bill repeals a provision in 1984 Acts, chapter 1229,
31 that linked the contingent repeal of Code section 314.14, as it
32 existed at that time, to the repeal or expiration of a federal
33 statute relating to set-aside contracts for disadvantaged
34 business enterprises. Due to subsequent substantive amendments
35 to the Code section, the contingent repeal provision is no

S.F. _____ H.F. _____

1 longer relevant.