

House File 17 - Introduced

HOUSE FILE 17

BY WOLFE

A BILL FOR

1 An Act providing for rescission of administrative driver's
2 license revocations in operating-while-intoxicated cases
3 where there are no longer reasonable grounds to believe the
4 person was operating the motor vehicle.

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

1 Section 1. Section 321J.13, subsection 6, paragraph b, Code
2 2015, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (3) That the charge be dismissed because
4 there are no longer reasonable grounds to believe the person
5 was operating the motor vehicle.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill provides for rescision of administrative driver's
10 license revocations in operating-while-intoxicated (OWI) cases
11 where there are no longer reasonable grounds to believe the
12 person was operating the motor vehicle.

13 Current law provides that the department of transportation
14 (DOT) may revoke an individual's driver's license for OWI
15 before the completion of the individual's criminal OWI
16 proceeding. However, current law also provides that the DOT
17 must rescind the revocation where the court in the individual's
18 criminal OWI proceeding makes certain findings.

19 The bill provides for an additional finding under which the
20 DOT must rescind the revocation of an individual's driver's
21 license. The bill requires the DOT to rescind the revocation
22 where the court dismisses the individual's OWI charge with
23 the stated reason for such dismissal being that new evidence
24 establishes there are no longer reasonable grounds to believe
25 the individual was operating the motor vehicle.