

House File 2011 - Introduced

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BY SALMON

A BILL FOR

1 An Act relating to motor vehicle operating records pertaining
2 to arrests, convictions, and driver's license revocations
3 for operating-while-intoxicated offenses.

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

1 Section 1. Section 321.12, subsection 4, Code 2018, is
2 amended to read as follows:

3 4. The director shall not destroy any operating records
4 pertaining to arrests or convictions for operating while
5 intoxicated, in violation of [section 321J.2](#), or operating
6 records pertaining to revocations for violations of section
7 321J.2A, except that a conviction or revocation under section
8 321J.2 or [321J.2A](#) that is not subject to [49 C.F.R. pt. 383](#)
9 shall be deleted from the operating records ~~twelve~~ twenty-five
10 years after the date of conviction or the effective date of
11 revocation. Convictions or revocations that are retained in
12 the operating records for more than ~~twelve~~ twenty-five years
13 under [this subsection](#) shall be considered only for purposes of
14 disqualification actions under [49 C.F.R. pt. 383](#).

15 EXPLANATION

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

18 Under current law, Code section 321J.2 (operating a motor
19 vehicle while under the influence of alcohol or a drug or while
20 having an alcohol concentration of .08 or more) provides that
21 in determining whether an operating-while-intoxicated violation
22 charged is a second or subsequent offense, any conviction
23 or revocation deleted from motor vehicle operating records
24 pursuant to Code section 321.12 is prohibited from being
25 considered as a previous offense. Code section 321.12 requires
26 the department of transportation to destroy motor vehicle
27 operating records pertaining to arrests, convictions, and
28 driver's license revocations for operating-while-intoxicated
29 offenses 12 years after the date of conviction or the effective
30 date of revocation unless the operating record is subject to
31 federal commercial motor vehicle regulations.

32 This bill amends Code section 321.12 to increase the record
33 retention period from 12 years to 25 years.