

House File 505 - Introduced

HOUSE FILE 505
BY BROWN-POWERS

A BILL FOR

1 An Act requiring a distinguishing mark on driver's licenses
2 issued to persons convicted of a third or subsequent offense
3 of operating while intoxicated.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.189, subsection 2, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *od.* Subject to the requirements of section
4 321J.26, if the licensee has been convicted of a third or
5 subsequent offense of operating while intoxicated in violation
6 of section 321J.2, a distinguishing mark created by the
7 department shall appear on the back of the licensee's driver's
8 license.

9 Sec. 2. NEW SECTION. **321J.26 Certain licenses conditioned**
10 **on abstinence.**

11 1. Notwithstanding any other provision of law to the
12 contrary, an application for a temporary restricted license or
13 driver's license by a person convicted of a third or subsequent
14 offense of operating while intoxicated in violation of section
15 321J.2 shall be accompanied by a statement signed by the person
16 that the person will abstain from consuming alcoholic beverages
17 in public and from possessing or using controlled substances.
18 The person's temporary restricted license or driver's license
19 shall contain a distinguishing mark pursuant to section
20 321.189, subsection 2, paragraph "*od*". The person's pledge to
21 abstain from consuming alcoholic beverages in public and from
22 possessing or using controlled substances shall be a condition
23 of the issuance and validity of the person's temporary
24 restricted license or driver's license. The department shall
25 revoke the person's temporary restricted license or driver's
26 license if the department has reasonable grounds to believe
27 the person has consumed an alcoholic beverage in public or
28 possessed or used a controlled substance, whether or not
29 the circumstances surrounding the consumption or possession
30 involved the operation of a motor vehicle.

31 2. Upon proper application by a person with a valid driver's
32 license issued with a distinguishing mark pursuant to section
33 321.189, subsection 2, paragraph "*od*", who has not consumed an
34 alcoholic beverage in public or possessed or used a controlled
35 substance within the five-year period immediately preceding

1 the submission of the application, and whose driving record
2 does not contain any violations of section 321J.2 within the
3 five-year period immediately preceding the submission of the
4 application, the department shall obtain and destroy the
5 person's license and issue to the person a duplicate driver's
6 license without the distinguishing mark required by section
7 321.189, subsection 2, paragraph "od".

8 3. The department may adopt rules to administer this
9 section.

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EXPLANATION

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

12

13 This bill requires an application for a temporary restricted
14 license or driver's license by a person convicted of a third
15 or subsequent offense of operating while intoxicated to be
16 accompanied by a statement signed by the person that the
17 person will abstain from consuming alcoholic beverages in
18 public and from possessing or using controlled substances.
19 The bill requires the person's temporary restricted license
20 or driver's license to contain a distinguishing mark on the
21 back of the license. The bill provides that the person's
22 pledge to abstain from consuming alcoholic beverages in
23 public and from possessing or using controlled substances
24 is a condition of the issuance and validity of a temporary
25 restricted license or driver's license. The bill requires
26 the department of transportation (DOT) to revoke the person's
27 temporary restricted license or driver's license if the DOT
28 has reasonable grounds to believe the person has consumed an
29 alcoholic beverage in public or possessed or used a controlled
30 substance, whether or not the circumstances surrounding the
31 consumption or possession involved the operation of a motor
32 vehicle. Under current law, Code section 321J.14 permits
33 judicial review of DOT actions in accordance with Code chapter
34 17A.

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The bill further provides that upon proper application

1 by a person with a valid driver's license issued with the
2 distinguishing mark, who has not consumed an alcoholic beverage
3 in public or possessed or used a controlled substance within
4 the five-year period immediately preceding the submission
5 of the application, and whose driving record contains no
6 operating-while-intoxicated violations within the five-year
7 period immediately preceding the submission of the application,
8 the DOT shall obtain and destroy the person's license and issue
9 to the person a duplicate driver's license without the required
10 distinguishing mark.