

House File 16 - Introduced

HOUSE FILE 16

BY WOLFE

A BILL FOR

1 An Act relating to ignition interlock device requirements for a
2 first operating-while-intoxicated offense.

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

1 Section 1. Section 321J.2, subsection 3, paragraph d, Code
2 2019, is amended to read as follows:

3 d. Revocation of the person's driver's license for a minimum
4 period of one hundred eighty days up to a maximum revocation
5 period of one year, pursuant to section 321J.4, subsection
6 1, [section 321J.9](#), or [section 321J.12](#). The department shall
7 require the defendant to install an ignition interlock device
8 of a type approved by the commissioner of public safety on all
9 vehicles ~~owned or~~ operated by the defendant if the defendant
10 seeks a temporary restricted license.

11 Sec. 2. Section 321J.4, subsections 1 and 3, Code 2019, are
12 amended to read as follows:

13 1. If a defendant is convicted of a violation of section
14 321J.2 and the defendant's driver's license or nonresident
15 operating privilege has not been revoked under [section 321J.9](#)
16 or [321J.12](#) for the occurrence from which the arrest arose, the
17 department shall revoke the defendant's driver's license or
18 nonresident operating privilege for one hundred eighty days
19 if the defendant submitted to chemical testing and has had
20 no previous conviction or revocation under [this chapter](#) and
21 shall revoke the defendant's driver's license or nonresident
22 operating privilege for one year if the defendant refused to
23 submit to chemical testing and has had no previous conviction
24 or revocation under [this chapter](#). The department shall require
25 the defendant to install an ignition interlock device of a type
26 approved by the commissioner of public safety on all vehicles
27 ~~owned or~~ operated by the defendant if the defendant seeks a
28 temporary restricted license.

29 3. If the court defers judgment pursuant to [section 907.3](#)
30 for a violation of [section 321J.2](#), and if the defendant's
31 driver's license or nonresident operating privilege has not
32 been revoked under [section 321J.9](#) or [321J.12](#), or has not
33 otherwise been revoked for the occurrence from which the arrest
34 arose, the department shall revoke the defendant's driver's
35 license or nonresident operating privilege for a period of

1 not less than thirty days nor more than ninety days. The
2 department shall require the defendant to install an ignition
3 interlock device of a type approved by the commissioner
4 of public safety on all vehicles ~~owned or~~ operated by the
5 defendant if the defendant seeks a temporary restricted
6 license.

7 Sec. 3. Section 321J.4, subsection 8, paragraphs a and d,
8 Code 2019, are amended to read as follows:

9 a. On a conviction for or as a condition of a deferred
10 judgment for a violation of [section 321J.2](#), the court may
11 order the defendant to install ignition interlock devices
12 of a type approved by the commissioner of public safety on
13 all motor vehicles owned or operated by the defendant which,
14 without tampering or the intervention of another person, would
15 prevent the defendant from operating the motor vehicle with an
16 alcohol concentration greater than a level set by rule of the
17 commissioner of public safety. However, if the defendant has
18 had no previous conviction or revocation under this chapter,
19 the court's order shall require the defendant to install
20 approved ignition interlock devices only on all motor vehicles
21 operated by the defendant.

22 d. If the defendant's driver's license or nonresident
23 operating privilege has been revoked, the department shall not
24 issue a temporary permit or a driver's license to the person
25 without certification that approved ignition interlock devices
26 have been installed ~~in~~ on all motor vehicles owned or operated
27 by the defendant while the order is in effect. However, if the
28 defendant has had no previous conviction or revocation under
29 this chapter, the department shall require certification that
30 approved ignition interlock devices have been installed only on
31 all motor vehicles operated by the defendant.

32 Sec. 4. Section 321J.9, subsection 2, Code 2019, is amended
33 to read as follows:

34 2. The department shall require the defendant to install
35 an ignition interlock device of a type approved by the

1 commissioner of public safety on all vehicles owned or
2 operated by the defendant if the defendant seeks a temporary
3 restricted license. However, if the defendant has had no
4 previous conviction or revocation under this chapter, the
5 department shall only require the defendant to install an
6 approved ignition interlock device on all vehicles operated by
7 the defendant if the defendant seeks a temporary restricted
8 license. A temporary restricted license shall not be granted
9 by the department until the defendant installs the ignition
10 interlock device.

11 Sec. 5. Section 321J.12, subsection 2, Code 2019, is amended
12 to read as follows:

13 2. The department shall require the defendant to install
14 an ignition interlock device of a type approved by the
15 commissioner of public safety on all vehicles owned or operated
16 by the defendant if the defendant seeks a temporary license.
17 However, if the defendant has had no previous conviction or
18 revocation under this chapter, the department shall only
19 require the defendant to install an approved ignition interlock
20 device on all vehicles operated by the defendant if the
21 defendant seeks a temporary restricted license. A temporary
22 restricted license shall not be granted by the department until
23 the defendant installs the ignition interlock device.

24 Sec. 6. Section 321J.20, subsection 2, Code 2019, is amended
25 to read as follows:

26 2. A temporary restricted license issued under [this section](#)
27 shall not be issued until the applicant installs an approved
28 ignition interlock device on all motor vehicles owned or
29 operated by the applicant. However, if the applicant has
30 had no previous conviction or revocation under this chapter,
31 a temporary restricted license issued under this section
32 shall not be issued until the applicant installs an approved
33 ignition interlock device on all motor vehicles operated by
34 the applicant. Installation of an ignition interlock device
35 under [this section](#) shall be required for the period of time

1 for which the temporary restricted license is issued, and for
2 such additional period of time following reinstatement as
3 is required under [section 321J.17, subsection 3](#). However,
4 a person whose driver's license or nonresident operating
5 privilege has been revoked under [section 321J.21](#) may apply to
6 the department for a temporary restricted license without the
7 requirement of an ignition interlock device if at least twelve
8 years have elapsed since the end of the underlying revocation
9 period for a violation of [section 321J.2](#).

10 Sec. 7. Section 901D.3, subsection 2, paragraph b, Code
11 2019, is amended to read as follows:

12 *b.* In order to participate in the program, a person shall be
13 required to install an approved ignition interlock device on
14 all motor vehicles owned or operated by the person. However,
15 if the person has had no previous conviction or revocation
16 under chapter 321J, the person shall only be required to
17 install an approved ignition interlock device on all motor
18 vehicles operated by the person.

19 EXPLANATION

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

22 Under current law, if a person seeks a temporary restricted
23 license following an operating-while-intoxicated (OWI)
24 offense, the person is required to install an approved ignition
25 interlock device on all motor vehicles owned or operated by
26 the person. This bill requires a person seeking a temporary
27 restricted license following a first OWI offense to install an
28 approved ignition interlock device only on all motor vehicles
29 operated by the person. The bill makes corresponding changes
30 to Code chapters 321J (operating while intoxicated) and 901D
31 (sobriety and drug monitoring program).