

**House File 2016 - Introduced**

HOUSE FILE 2016

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 2020, 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 2020, 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15 operating privilege has not been revoked under [section 321J.9](#)  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32 been revoked under [section 321J.9](#) or [321J.12](#), or has not  
33 otherwise been revoked for the occurrence from which the arrest  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 2020, 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 2020, 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 2020, 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 2020, 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 2020, 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).