

House File 48 - Introduced

HOUSE FILE 48

BY SALMON

A BILL FOR

1 An Act relating to motor vehicle operating record retention
2 periods for arrests, convictions, and driver's license
3 revocations 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 2019, 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 Sec. 2. Section 321J.20, subsection 2, Code 2019, is amended
16 to read as follows:

17 2. A temporary restricted license issued under this
18 section shall not be issued until the applicant installs an
19 approved ignition interlock device on all motor vehicles owned
20 or operated by the applicant. Installation of an ignition
21 interlock device under [this section](#) shall be required for the
22 period of time for which the temporary restricted license
23 is issued, and for such additional period of time following
24 reinstatement as is required under section 321J.17, subsection
25 3. However, a person whose driver's license or nonresident
26 operating privilege has been revoked under [section 321J.21](#) may
27 apply to the department for a temporary restricted license
28 without the requirement of an ignition interlock device if at
29 least ~~twelve~~ twenty-five years have elapsed since the end of
30 the underlying revocation period for a violation of section
31 321J.2.

32 EXPLANATION

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

35 Under current law, Code section 321J.2 (operating a motor

1 vehicle while under the influence of alcohol or a drug or
2 while having an alcohol concentration of .08 or more) provides
3 that in determining whether an operating-while-intoxicated
4 (OWI) violation charged is a second or subsequent offense,
5 any conviction or revocation deleted from motor vehicle
6 operating records pursuant to Code section 321.12 is prohibited
7 from being considered as a previous offense. Code section
8 321.12 requires the department of transportation (DOT) to
9 destroy motor vehicle operating records pertaining to arrests,
10 convictions, and driver's license revocations for OWI offenses
11 12 years after the date of conviction or the effective date of
12 revocation unless the operating record is subject to federal
13 commercial motor vehicle regulations. This bill amends Code
14 section 321.12 to increase the record retention period from 12
15 years to 25 years.

16 Under current law, Code section 321J.20 (temporary
17 restricted licenses — ignition interlock devices) allows
18 a person whose driver's license or nonresident operating
19 privilege has been revoked under Code section 321J.21 (driving
20 while license suspended, denied, revoked, or barred due to an
21 OWI violation) to apply to the DOT for a temporary restricted
22 license without the requirement of an ignition interlock
23 device if at least 12 years have elapsed since the end of the
24 underlying revocation period for a violation of Code section
25 321J.2. The bill also increases this period from 12 years to
26 25 years.