

**House File 757 - Introduced**

HOUSE FILE 757

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 251)

**A BILL FOR**

1 An Act relating to driver's license restrictions, including  
2 ignition interlock device requirements for a first  
3 operating-while-intoxicated offense.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.218, subsection 3, paragraph a, Code  
2 2021, is amended to read as follows:

3 a. The department, upon receiving the record of the  
4 conviction of a person under [this section](#) upon a charge of  
5 operating a motor vehicle while the license of the person is  
6 suspended or revoked, shall, except for licenses suspended  
7 under [section 252J.8](#), [321.210](#), [subsection 1](#), paragraph "a",  
8 subparagraph (3), or [section 321.210A](#) or [321.513](#), extend the  
9 period of suspension or revocation for an additional like  
10 period or for one year, whichever period is shorter, ~~and the~~  
11 ~~department shall not issue a new driver's license to the person~~  
12 ~~during the extended period.~~

13 Sec. 2. Section 321J.2, subsection 3, paragraph d, Code  
14 2021, is amended to read as follows:

15 d. Revocation of the person's driver's license for a minimum  
16 period of one hundred eighty days up to a maximum revocation  
17 period of one year, pursuant to [section 321J.4](#), [subsection](#)  
18 [1](#), [section 321J.9](#), or [section 321J.12](#). The department shall  
19 require the defendant to install an ignition interlock device  
20 of a type approved by the commissioner of public safety on all  
21 vehicles ~~owned or~~ operated by the defendant if the defendant  
22 seeks a temporary restricted license.

23 Sec. 3. Section 321J.4, subsections 1 and 3, Code 2021, are  
24 amended to read as follows:

25 1. If a defendant is convicted of a violation of [section](#)  
26 [321J.2](#) and the defendant's driver's license or nonresident  
27 operating privilege has not been revoked under [section 321J.9](#)  
28 or [321J.12](#) for the occurrence from which the arrest arose, the  
29 department shall revoke the defendant's driver's license or  
30 nonresident operating privilege for one hundred eighty days  
31 if the defendant submitted to chemical testing and has had  
32 no previous conviction or revocation under [this chapter](#) and  
33 shall revoke the defendant's driver's license or nonresident  
34 operating privilege for one year if the defendant refused to  
35 submit to chemical testing and has had no previous conviction

1 or revocation under [this chapter](#). The department shall require  
2 the defendant to install an ignition interlock device of a type  
3 approved by the commissioner of public safety on all vehicles  
4 ~~owned or~~ operated by the defendant if the defendant seeks a  
5 temporary restricted license.

6 3. If the court defers judgment pursuant to [section 907.3](#)  
7 for a violation of [section 321J.2](#), and if the defendant's  
8 driver's license or nonresident operating privilege has not  
9 been revoked under [section 321J.9](#) or [321J.12](#), or has not  
10 otherwise been revoked for the occurrence from which the arrest  
11 arose, the department shall revoke the defendant's driver's  
12 license or nonresident operating privilege for a period of  
13 not less than thirty days nor more than ninety days. The  
14 department shall require the defendant to install an ignition  
15 interlock device of a type approved by the commissioner  
16 of public safety on all vehicles ~~owned or~~ operated by the  
17 defendant if the defendant seeks a temporary restricted  
18 license.

19 Sec. 4. Section 321J.4, subsection 8, paragraphs a and d,  
20 Code 2021, are amended to read as follows:

21 a. On a conviction for or as a condition of a deferred  
22 judgment for a violation of [section 321J.2](#), the court may  
23 order the defendant to install ignition interlock devices  
24 of a type approved by the commissioner of public safety on  
25 all motor vehicles owned or operated by the defendant which,  
26 without tampering or the intervention of another person, would  
27 prevent the defendant from operating the motor vehicle with an  
28 alcohol concentration greater than a level set by rule of the  
29 commissioner of public safety. However, if the defendant has  
30 had no previous conviction or revocation under this chapter,  
31 the court's order shall require the defendant to install  
32 approved ignition interlock devices only on all motor vehicles  
33 operated by the defendant.

34 d. If the defendant's driver's license or nonresident  
35 operating privilege has been revoked, the department shall not

1 issue a temporary permit or a driver's license to the person  
2 without certification that approved ignition interlock devices  
3 have been installed ~~in~~ on all motor vehicles owned or operated  
4 by the defendant while the order is in effect. However, if the  
5 defendant has had no previous conviction or revocation under  
6 this chapter, the department shall require certification that  
7 approved ignition interlock devices have been installed only on  
8 all motor vehicles operated by the defendant.

9 Sec. 5. Section 321J.9, subsection 2, Code 2021, is amended  
10 to read as follows:

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

23 Sec. 6. Section 321J.12, subsection 2, Code 2021, is amended  
24 to read as follows:

25 2. The department shall require the defendant to install  
26 an ignition interlock device of a type approved by the  
27 commissioner of public safety on all vehicles owned or operated  
28 by the defendant if the defendant seeks a temporary license.  
29 However, if the defendant has had no previous conviction or  
30 revocation under this chapter, the department shall only  
31 require the defendant to install an approved ignition interlock  
32 device on all vehicles operated by the defendant if the  
33 defendant seeks a temporary restricted license. A temporary  
34 restricted license shall not be granted by the department until  
35 the defendant installs the ignition interlock device.

1     Sec. 7. Section 321J.20, subsection 2, Code 2021, is amended  
2 to read as follows:

3     2. A temporary restricted license issued under [this section](#)  
4 shall not be issued until the applicant installs an approved  
5 ignition interlock device on all motor vehicles owned or  
6 operated by the applicant. However, if the applicant has  
7 had no previous conviction or revocation under this chapter,  
8 a temporary restricted license issued under this section  
9 shall not be issued until the applicant installs an approved  
10 ignition interlock device on all motor vehicles operated by  
11 the applicant. Installation of an ignition interlock device  
12 under [this section](#) shall be required for the period of time  
13 for which the temporary restricted license is issued, and for  
14 such additional period of time following reinstatement as  
15 is required under [section 321J.17, subsection 3](#). However,  
16 a person whose driver's license or nonresident operating  
17 privilege has been revoked under [section 321J.21](#) may apply to  
18 the department for a temporary restricted license without the  
19 requirement of an ignition interlock device if at least twelve  
20 years have elapsed since the end of the underlying revocation  
21 period for a violation of [section 321J.2](#).

22     Sec. 8. Section 321J.21, subsection 2, Code 2021, is amended  
23 to read as follows:

24     2. In addition to the fine, the department, upon receiving  
25 the record of the conviction of a person under [this section](#)  
26 upon a charge of driving a motor vehicle while the license of  
27 the person was suspended, denied, revoked, or barred shall  
28 extend the period of suspension, denial, revocation, or bar for  
29 an additional like period, ~~and the department shall not issue a~~  
30 ~~new license during the additional period.~~

31     Sec. 9. Section 901D.7, subsection 2, paragraph a,  
32 subparagraph (4), Code 2021, is amended to read as follows:

33     (4) A requirement that the participant submit to the law  
34 enforcement agency of the participating jurisdiction proof  
35 that the participant has installed an approved ignition

1 interlock device on all motor vehicles owned or operated by the  
2 participant, or only motor vehicles operated by the participant  
3 if authorized under chapter 321J, as applicable, prior to the  
4 end of participation in the program, unless the court enters  
5 an order pursuant to paragraph "c" finding the participant is  
6 not required to provide proof of installation of an approved  
7 ignition interlock device as a condition of the participant's  
8 completion of the program.

9 Sec. 10. Section 901D.7, subsection 2, paragraph c,  
10 subparagraph (1), unnumbered paragraph 1, Code 2021, is amended  
11 to read as follows:

12 A court shall only enter an order finding the participant is  
13 not required to provide proof of installation of an approved  
14 ignition interlock device on all motor vehicles owned or  
15 operated by the participant, or only motor vehicles operated  
16 by the participant if authorized under chapter 321J, as  
17 applicable, if any of the following apply:

18 Sec. 11. Section 901D.7, subsection 2, paragraph c,  
19 subparagraph (1), subparagraph division (b), Code 2021, is  
20 amended to read as follows:

21 (b) The participant will not own or operate a motor vehicle  
22 or have a motor vehicle registered in the participant's name  
23 at the time the participant completes the program, and the  
24 participant has submitted an affidavit stating such.

25 EXPLANATION

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

28 Under current law, the department of transportation (DOT),  
29 upon receiving a record of a conviction of a person for  
30 certain charges of operating a motor vehicle while the person's  
31 driver's license is suspended, denied, revoked, or barred, is  
32 required to extend the period of the license restriction for an  
33 additional like period (Code section 321J.21) or an additional  
34 like period or one year, whichever is shorter (Code section  
35 321.218), and the DOT is prohibited from issuing a new driver's

1 license to the person during the extended period. This bill  
2 strikes the prohibition.

3 Under current law, if a person seeks a temporary restricted  
4 license following an operating-while-intoxicated (OWI)  
5 offense, the person is required to install an approved ignition  
6 interlock device on all motor vehicles owned or operated by  
7 the person. The bill requires a person seeking a temporary  
8 restricted license following a first OWI offense to install an  
9 approved ignition interlock device only on all motor vehicles  
10 operated by the person. The bill makes corresponding changes  
11 to Code chapters 321J (operating while intoxicated) and 901D  
12 (sobriety and drug monitoring program).