

House Study Bill 251 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

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27 operating privilege has not been revoked under [section 321J.9](#)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).