

Senate File 2097 - Introduced

SENATE FILE 2097

BY SINCLAIR

A BILL FOR

1 An Act relating to the lookback period for prior

2 operating-while-intoxicated convictions.

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

1 Section 1. Section 321.12, subsection 4, Code 2022, is
2 amended to read as follows:

3 4. The ~~director~~ department shall not destroy any operating
4 records of a person still living pertaining to arrests or
5 convictions for operating while intoxicated, in violation of
6 section 321J.2, or operating records pertaining to revocations
7 for violations of section 321J.2A, ~~except that a conviction or~~
8 ~~revocation under section 321J.2 or 321J.2A that is not subject~~
9 ~~to 49 C.F.R. pt. 383 shall be deleted from the operating~~
10 ~~records twelve years after the date of conviction or the~~
11 ~~effective date of revocation. Convictions or revocations that~~
12 ~~are retained in the operating records for more than twelve~~
13 ~~years under this subsection shall be considered only for~~
14 ~~purposes of disqualification actions under 49 C.F.R. pt. 383.~~

15 EXPLANATION

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

18 Under current law, a record for operating while intoxicated
19 (OWI) in violation of Code section 321J.2 is required to be
20 deleted from the department of transportation (DOT) operating
21 records 12 years after the date of conviction or the effective
22 date of a driver's license revocation. Deleted records
23 cannot be considered as a prior conviction for the purpose of
24 determining whether a current OWI violation is considered a
25 second, third, or subsequent offense by a court.

26 This bill prohibits the DOT from deleting any record of a
27 person's conviction or license revocation due to OWI violations
28 while the person is alive.