

House File 624 - Introduced

HOUSE FILE 624

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 217)

A BILL FOR

1 An Act relating to operating-while-intoxicated offenses,
2 including temporary restricted licenses and ignition
3 interlock devices, providing penalties, making penalties
4 applicable, and including effective date and applicability
5 provisions.

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

1 Section 1. Section 321J.2, subsection 3, paragraph d, Code
2 2023, 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 operated by the defendant if the defendant seeks a
10 temporary restricted license as provided in section 321J.20 or
11 as a condition of reinstatement as provided in section 321J.17.

12 Sec. 2. Section 321J.4, subsections 1, 2, 3, and 4, Code
13 2023, are amended to read as follows:

14 1. If a defendant is convicted of a violation of section
15 321J.2 and the defendant's driver's license or nonresident
16 operating privilege has not been revoked under [section 321J.9](#)
17 or [321J.12](#) for the occurrence from which the arrest arose, the
18 department shall revoke the defendant's driver's license or
19 nonresident operating privilege for one hundred eighty days
20 if the defendant submitted to chemical testing and has had
21 no previous conviction or revocation under [this chapter](#) and
22 shall revoke the defendant's driver's license or nonresident
23 operating privilege for one year if the defendant refused to
24 submit to chemical testing and has had no previous conviction
25 or revocation under [this chapter](#). The department shall require
26 the defendant to install an ignition interlock device of a type
27 approved by the commissioner of public safety on all vehicles
28 operated by the defendant if the defendant seeks a temporary
29 restricted license as provided in section 321J.20 or as a
30 condition of reinstatement as provided in section 321J.17.

31 2. If a defendant is convicted of a violation of section
32 321J.2, and the defendant's driver's license or nonresident
33 operating privilege has not already been revoked under section
34 321J.9 or [321J.12](#) for the occurrence from which the arrest
35 arose, the department shall revoke the defendant's driver's

1 license or nonresident operating privilege for one year if the
2 defendant submitted to chemical testing and has had a previous
3 conviction or revocation under [this chapter](#) and shall revoke
4 the defendant's driver's license or nonresident operating
5 privilege for two years if the defendant refused to submit
6 to chemical testing and has had a previous revocation under
7 this chapter. The department shall require the defendant to
8 install an ignition interlock device of a type approved by the
9 commissioner of public safety on all vehicles owned or operated
10 by the defendant if the defendant seeks a temporary restricted
11 license as provided in section 321J.20 or as a condition of
12 reinstatement as provided in section 321J.17. A temporary
13 restricted license shall not be granted and a driver's license
14 shall not be reinstated by the department until the defendant
15 installs the ignition interlock device.

16 3. If the court defers judgment pursuant to [section 907.3](#)
17 for a violation of [section 321J.2](#), and if the defendant's
18 driver's license or nonresident operating privilege has not
19 been revoked under [section 321J.9](#) or [321J.12](#), or has not
20 otherwise been revoked for the occurrence from which the arrest
21 arose, the department shall revoke the defendant's driver's
22 license or nonresident operating privilege for a period of
23 not less than thirty days nor more than ninety days. The
24 department shall require the defendant to install an ignition
25 interlock device of a type approved by the commissioner of
26 public safety on all vehicles operated by the defendant if the
27 defendant seeks a temporary restricted license as provided in
28 section 321J.20 or as a condition of reinstatement as provided
29 in section 321J.17.

30 4. Upon a plea or verdict of guilty of a third or subsequent
31 violation of [section 321J.2](#), the department shall revoke the
32 defendant's driver's license or nonresident operating privilege
33 for a period of six years. The department shall require the
34 defendant to install an ignition interlock device of a type
35 approved by the commissioner of public safety on all vehicles

1 owned or operated by the defendant if the defendant seeks a
2 temporary restricted license as provided in section 321J.20 or
3 as a condition of reinstatement as provided in section 321J.17.
4 A temporary restricted license shall not be granted and a
5 driver's license shall not be reinstated by the department
6 until the defendant installs the ignition interlock device.

7 Sec. 3. Section 321J.4, subsection 8, paragraphs b and c,
8 Code 2023, are amended to read as follows:

9 b. The commissioner of public safety shall adopt rules to
10 approve certain ignition interlock devices ~~and the~~. The rules
11 must establish all of the following:

12 (1) The means of installation of the devices, ~~and shall~~
13 ~~establish the.~~

14 (2) The level of alcohol concentration beyond which an
15 ignition interlock device will not allow operation of the motor
16 vehicle in which it is installed.

17 c. The order to install ignition interlock devices shall
18 remain in effect for a period of time as determined by the
19 court which shall not exceed the maximum term of imprisonment
20 which the court could have imposed according to the nature of
21 the violation, unless otherwise extended under this chapter.
22 While the order is in effect, the defendant shall not operate
23 a motor vehicle which does not have an approved ignition
24 interlock device installed.

25 Sec. 4. Section 321J.9, subsection 2, Code 2023, is amended
26 to read as follows:

27 2. The department shall require the defendant to install
28 an ignition interlock device of a type approved by the
29 commissioner of public safety on all vehicles owned or
30 operated by the defendant if the defendant seeks a temporary
31 restricted license under section 321J.20 or as a condition of
32 reinstatement as provided in section 321J.17. However, if
33 the defendant has had no previous conviction or revocation
34 under **this chapter**, the department shall only require the
35 defendant to install an approved ignition interlock device on

1 all vehicles operated by the defendant if the defendant seeks
2 a temporary restricted license under section 321J.20 or as a
3 condition of reinstatement as provided in section 321J.17.

4 A temporary restricted license shall not be granted and a
5 driver's license shall not be reinstated by the department
6 until the defendant installs the ignition interlock device.

7 Sec. 5. Section 321J.12, subsection 2, Code 2023, is amended
8 to read as follows:

9 2. The department shall require the defendant to install
10 an ignition interlock device of a type approved by the
11 commissioner of public safety on all vehicles owned or
12 operated by the defendant if the defendant seeks a temporary
13 restricted license under section 321J.20 or as a condition of
14 reinstatement as provided in section 321J.17. However, if
15 the defendant has had no previous conviction or revocation
16 under [this chapter](#), the department shall only require the
17 defendant to install an approved ignition interlock device on
18 all vehicles operated by the defendant if the defendant seeks
19 a temporary restricted license under section 321J.20 or as a
20 condition of reinstatement as provided in section 321J.17.

21 A temporary restricted license shall not be granted and a
22 driver's license shall not be reinstated by the department
23 until the defendant installs the ignition interlock device.

24 Sec. 6. Section 321J.17, subsection 3, Code 2023, is amended
25 to read as follows:

26 3. a. The department shall also require certification of
27 installation of an ignition interlock device of a type approved
28 by the commissioner of public safety on all of the following
29 motor vehicles:

30 (1) All motor vehicles operated by a person seeking
31 reinstatement if the person has had no previous conviction or
32 revocation under this chapter.

33 (2) All motor vehicles owned or operated by any a person
34 seeking reinstatement following a second or subsequent
35 revocation under [section 321J.4](#), [321J.9](#), or [321J.12](#) this

1 chapter. The

2 b. Unless otherwise extended under this chapter, the
3 requirement for the installation of an approved ignition
4 interlock device shall be for ~~one year from the date of~~
5 ~~reinstatement unless a longer time period is required by~~
6 statute. one of the following periods of time, as applicable:

7 (1) One hundred eighty days from the date of reinstatement
8 if the person is not subject to subparagraph (2).

9 (2) One year from the date of reinstatement if the person
10 has had a previous revocation under this chapter, or if the
11 person is seeking reinstatement following a revocation under
12 section 321J.4, subsection 5 or 6, regardless of whether the
13 person has had a previous revocation under this chapter.

14 c. The ~~one-year~~ period of time a person is required to
15 maintain an ignition interlock device under ~~this subsection~~
16 shall be reduced by any period of time the person held a
17 valid temporary restricted license during the period of the
18 revocation for the occurrence from which the arrest arose. The

19 d. The period of time a person is required to maintain
20 an ignition interlock device under this subsection shall be
21 increased if required in accordance with the compliance-based
22 removal procedures provided in section 321J.17A.

23 e. A person shall not operate any motor vehicle which
24 is not equipped with an approved ignition interlock device
25 during the period in which an ignition interlock device must be
26 maintained, and the department shall not grant reinstatement
27 unless the person certifies installation of an ignition
28 interlock device as required in ~~this subsection~~. In addition
29 to other penalties provided by law, the department shall revoke
30 the driver's license of a person who is required to maintain
31 an ignition interlock device if the person operates a motor
32 vehicle which does not have an approved ignition interlock
33 device or removes the ignition interlock device without
34 authorization.

35 f. This subsection does not apply to a person who has had

1 no previous conviction or revocation under this chapter if
2 the person receives an exemption from the department because
3 the person does not own or have access to a motor vehicle.
4 The person shall file a declaration to that effect with the
5 department, on a form prescribed by the department, which must
6 be approved by the department prior to the exemption being
7 granted.

8 g. The department shall adopt rules pursuant to chapter 17A
9 to implement this subsection.

10 Sec. 7. NEW SECTION. 321J.17A **Compliance-based removal.**

11 1. If an ignition interlock device detects a violation by
12 a person during the ninety-day period immediately preceding
13 the date on which the period of time a person is required to
14 maintain an ignition interlock device under section 321J.17
15 ends, the period of time a person is required to maintain
16 an ignition interlock device under section 321J.17 shall be
17 extended until the person completes ninety consecutive days
18 without a violation detected by an ignition interlock device,
19 as determined by the department based on an approved ignition
20 interlock device provider's compliance report submitted in
21 accordance with this section. Nothing in this section shall
22 limit the number of subsequent extensions a person may receive
23 following a violation detected by an ignition interlock device.

24 2. a. An approved ignition interlock device provider shall
25 generate and submit a compliance report to the department for
26 each person who maintains an ignition interlock device of the
27 provider for purposes of meeting the requirements of section
28 321J.17. The compliance report must indicate every associated
29 motor vehicle and the associated ignition interlock device
30 installed on each motor vehicle. The compliance report must
31 include all of the following details, as applicable:

32 (1) If an ignition interlock device detected a violation,
33 the date and type of violation.

34 (2) If an ignition interlock device detected no violations
35 during the ninety days immediately preceding the report, the

1 fact that no violations were detected.

2 *b.* An approved ignition interlock device provider shall
3 generate the compliance report and submit it to the department
4 no earlier than the date on which the period of time a person is
5 required to maintain an ignition interlock device under section
6 321J.17 ends, and no later than seven business days following
7 that date. The provider shall again generate and submit a
8 subsequent report to the department in this manner based on any
9 subsequent extensions as provided in this section, if any.

10 3. *a.* For purposes of this section, a violation includes
11 any of the following:

12 (1) Failing to provide a detectable breath sample to the
13 ignition interlock device when prompted by the device.

14 (2) Providing a breath sample to an ignition interlock
15 device with a level of alcohol concentration beyond which an
16 ignition interlock device will not allow operation of the motor
17 vehicle in which it is installed, pursuant to rules established
18 by the department of public safety under section 321J.4,
19 subsection 8.

20 (3) Removing without authorization, bypassing,
21 circumventing, or tampering with the ignition interlock device,
22 including any such attempt, detected by the device.

23 *b.* Notwithstanding paragraph "a", it is not a violation
24 under this section if a person provides a detectable breath
25 sample and successfully passes a test immediately following the
26 first failed test or in response to a bypass or circumvention
27 attempt as described in paragraph "a", and a violation shall not
28 be reported.

29 4. The department shall adopt rules pursuant to chapter 17A
30 prescribing the form and manner of communication pursuant to
31 this section, and may otherwise adopt rules as necessary to
32 administer this section.

33 Sec. 8. Section 321J.20, subsections 2, 3, and 7, Code 2023,
34 are amended to read as follows:

35 2. A temporary restricted license issued under [this section](#)

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

19 3. In addition to other penalties provided by law, a
20 person's temporary restricted license shall be revoked if the
21 person is required to install an ignition interlock device and
22 the person ~~does any of the following:~~

23 ~~a. Operates~~ operates a motor vehicle which does not have
24 an approved ignition interlock device or removes the ignition
25 interlock device without authorization.

26 ~~b. Tampers with or circumvents an ignition interlock device.~~

27 7. A person who tampers with, removes without
28 authorization, or circumvents an ignition interlock device
29 installed as required in [this chapter](#) and while the requirement
30 for the ignition interlock device is in effect commits a
31 serious misdemeanor.

32 Sec. 9. Section 321J.20, Code 2023, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 7A. A person who holds a temporary
35 restricted license and who operates a motor vehicle without

1 an ignition interlock device installed commits one of the
2 following, as applicable:

3 a. For a first offense, a serious misdemeanor.

4 b. For a second offense, an aggravated misdemeanor.

5 c. For a third or subsequent offense, an aggravated
6 misdemeanor with a minimum period of imprisonment in the county
7 jail of forty-eight hours.

8 Sec. 10. EFFECTIVE DATE. This Act takes effect January 1,
9 2024.

10 Sec. 11. APPLICABILITY. This Act applies to driver's
11 license revocations under chapter 321J, as amended in this
12 Act, for which the underlying offense occurred on or after the
13 effective date of this Act.

14 EXPLANATION

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

17 Under current law, a person whose driver's license is
18 revoked for operating while intoxicated (OWI) is required to
19 install an ignition interlock device (IID) prior to being
20 issued a temporary restricted license (TRL) by the department
21 of transportation (DOT). The IID must be installed on every
22 vehicle owned or operated by the person, or every vehicle
23 operated by the person if the person has had no previous
24 conviction or revocation under Code chapter 321J.

25 Current law also requires a person with a second or
26 subsequent driver's license revocation for OWI to install an
27 IID for a minimum of one year after reinstatement of a driver's
28 license other than a TRL. The one-year period may be offset by
29 any time a person had an IID installed on the person's vehicle
30 while operating with a TRL.

31 This bill expands that provision. After reinstatement of a
32 driver's license other than a TRL, a person with no previous
33 revocation under Code chapter 321J must maintain an IID for 180
34 days if the violation did not involve personal injury or death.
35 If it did, the person with no previous revocation under Code

1 chapter 321J is subject to the one-year IID requirement under
2 current law. The bill allows an exemption for persons who do
3 not own or have access to a motor vehicle.

4 These IID periods may be extended based on compliance-based
5 removal (CBR) provisions. If an IID detects a violation by a
6 person during the 90-day period immediately preceding the date
7 on which the period of time a person is required to maintain
8 an IID for driver's license reinstatement ends, the period of
9 time is extended until the person completes 90 consecutive days
10 without a violation, as determined by the DOT based on an IID
11 provider's compliance report submitted in accordance with the
12 bill. The IID provider must generate and submit the report to
13 the DOT no earlier than the date on which the period of time
14 a person is required to maintain an IID for driver's license
15 reinstatement ends, and no later than seven business days
16 following that date. The IID provider is required to generate
17 and submit a subsequent report to the DOT in this manner based
18 on any subsequent extensions, if any.

19 The bill does not limit the number of times an IID
20 requirement for driver's license reinstatement for a person may
21 be extended.

22 Under the bill, a violation includes failing to provide a
23 detectable breath sample when prompted by the IID, providing
24 a breath sample with a level of alcohol concentration beyond
25 which an IID will not allow operation of the motor vehicle, and
26 removing without authorization, bypassing, circumventing, or
27 tampering with the IID, including any such attempt, detected
28 by the device. However, it is not a violation under CBR if a
29 person provides a detectable breath sample and successfully
30 passes a test immediately following the first failed test or in
31 response to a bypass or circumvention attempt.

32 The bill strikes a provision allowing a person whose
33 driver's license has been revoked under Code section 321J.21 to
34 apply to the DOT for a TRL without the requirement of an IID if
35 at least 12 years have elapsed since the end of the underlying

1 revocation period for a violation of Code section 321J.2.

2 Under the bill, a person who removes an IID without
3 authorization commits a serious misdemeanor. A serious
4 misdemeanor is punishable by confinement for no more than one
5 year and a fine of at least \$430 but not more than \$2,560.

6 The bill creates a new criminal offense for a person who
7 has a TRL and who operates a motor vehicle without an IID
8 installed. The penalties range from a serious misdemeanor
9 (first offense) to an aggravated misdemeanor with a 48-hour
10 minimum term of imprisonment in a county jail (third or
11 subsequent offense). An aggravated misdemeanor is punishable
12 by confinement for no more than two years and a fine of at least
13 \$855 but not more than \$8,540.

14 The bill takes effect January 1, 2024, and applies to
15 driver's license revocations for Code chapter 321J offenses
16 occurring on or after that date.