

Senate File 2261 - Introduced

SENATE FILE 2261
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3015)

(COMPANION TO LSB 5491HV BY
COMMITTEE ON PUBLIC SAFETY)

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 2024, 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 2024, 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16 operating privilege has not been revoked under [section 321J.9](#)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 a, b, c,
8 and d, Code 2024, are amended to read as follows:

9 a. On a conviction for or as a condition of a deferred
10 judgment for a violation of [section 321J.2](#), the court may
11 order the defendant to install ignition interlock devices
12 of a type approved by the commissioner of public safety on
13 all motor vehicles ~~owned or~~ operated by the defendant which,
14 without tampering or the intervention of another person, would
15 prevent the defendant from operating the motor vehicle with an
16 alcohol concentration greater than a level set by rule of the
17 commissioner of public safety. ~~However, if the defendant has~~
18 ~~had no previous conviction or revocation under [this chapter](#),~~
19 ~~the court's order shall require the defendant to install~~
20 ~~approved ignition interlock devices only on all motor vehicles~~
21 ~~operated by the defendant.~~

22 b. The commissioner of public safety shall adopt rules to
23 approve certain ignition interlock devices and the means of
24 installation of the devices, and shall establish the level of
25 alcohol concentration beyond which an ignition interlock device
26 will not allow operation of the motor vehicle in which it is
27 installed, in accordance with section 321J.17A.

28 c. The order to install ignition interlock devices shall
29 remain in effect for a period of time as determined by the
30 court which shall not exceed the maximum term of imprisonment
31 which the court could have imposed according to the nature of
32 the violation, unless otherwise extended under this chapter.
33 While the order is in effect, the defendant shall not operate
34 a motor vehicle which does not have an approved ignition
35 interlock device installed.

1 *d.* If the defendant's driver's license or nonresident
2 operating privilege has been revoked, the department shall not
3 issue a temporary permit or a driver's license to the person
4 without certification that approved ignition interlock devices
5 have been installed on all motor vehicles ~~owned or~~ operated by
6 the defendant while the order is in effect. ~~However, if the~~
7 ~~defendant has had no previous conviction or revocation under~~
8 ~~this chapter~~, the department shall require certification that
9 approved ignition interlock devices have been installed only on
10 all motor vehicles operated by the defendant.

11 Sec. 4. Section 321J.4, subsection 8, Code 2024, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *g.* An ignition interlock device provider
14 shall not impose an early termination fee if the defendant is
15 no longer required to have a device installed and presents an
16 unrestricted driver's license to the provider prior to the
17 end of the term for which the provider agreed to provide the
18 defendant with a device.

19 Sec. 5. Section 321J.9, subsection 2, Code 2024, is amended
20 to read as follows:

21 2. The department shall require the defendant to install
22 an ignition interlock device of a type approved by the
23 commissioner of public safety on all vehicles ~~owned or~~
24 operated by the defendant if the defendant seeks a temporary
25 restricted license under section 321J.20 or as a condition of
26 reinstatement as provided in section 321J.17. ~~However, if~~
27 ~~the defendant has had no previous conviction or revocation~~
28 ~~under this chapter~~, the department shall only require the
29 defendant to install an approved ignition interlock device
30 on all vehicles operated by the defendant if the defendant
31 seeks a temporary restricted license. A temporary restricted
32 license shall not be granted and a driver's license shall not
33 be reinstated by the department until the defendant installs
34 the ignition interlock device.

35 Sec. 6. Section 321J.12, subsection 2, Code 2024, is amended

1 to read as follows:

2 2. The department shall require the defendant to install
3 an ignition interlock device of a type approved by the
4 commissioner of public safety on all vehicles ~~owned or~~
5 operated by the defendant if the defendant seeks a temporary
6 restricted license under section 321J.20 or as a condition of
7 reinstatement as provided in section 321J.17. ~~However, if~~
8 ~~the defendant has had no previous conviction or revocation~~
9 ~~under this chapter, the department shall only require the~~
10 ~~defendant to install an approved ignition interlock device~~
11 ~~on all vehicles operated by the defendant if the defendant~~
12 ~~seeks a temporary restricted license.~~ A temporary restricted
13 license shall not be granted and a driver's license shall not
14 be reinstated by the department until the defendant installs
15 the ignition interlock device.

16 Sec. 7. Section 321J.17, subsection 3, Code 2024, is amended
17 to read as follows:

18 3. a. The department shall also require certification of
19 installation of an ignition interlock device of a type approved
20 by the commissioner of public safety on all motor vehicles
21 ~~owned or~~ operated by any a person seeking reinstatement
22 following a ~~second or subsequent~~ revocation under ~~section~~
23 ~~321J.4, 321J.9, or 321J.12~~ this chapter. The

24 b. Unless otherwise extended under this chapter, the
25 requirement for the installation of an approved ignition
26 interlock device shall be for one year from the date of
27 reinstatement unless a longer time period is required by
28 statute. of the following periods of time, as applicable:

29 (1) One hundred eighty days from the date of reinstatement
30 if the person has had no previous revocation under this
31 chapter.

32 (2) One year from the date of reinstatement if the person
33 has had a previous revocation under this chapter.

34 (3) A longer period of time if required by statute.

35 c. The ~~one-year~~ period of time a person is required to

1 maintain an ignition interlock device under **this subsection**
2 shall be reduced by any period of time the person held a
3 valid temporary restricted license during the period of the
4 revocation for the occurrence from which the arrest arose.

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

9 e. A person shall not operate any motor vehicle which
10 is not equipped with an approved ignition interlock device
11 during the period in which an ignition interlock device must be
12 maintained, and the department shall not grant reinstatement
13 unless the person certifies installation of an ignition
14 interlock device as required in **this subsection**. In addition
15 to other penalties provided by law, the department shall revoke
16 the driver's license of a person who is required to maintain
17 an ignition interlock device if the person operates a motor
18 vehicle which does not have an approved ignition interlock
19 device or removes the ignition interlock device without
20 authorization.

21 f. The department shall adopt rules pursuant to chapter 17A
22 to implement this subsection.

23 **Sec. 8. NEW SECTION. 321J.17A **Compliance-based removal.****

24 1. The period of time a person is required to maintain
25 an ignition interlock device under section 321J.17 shall be
26 extended by an additional sixty days per occurrence for any of
27 the following occurrences detected by an ignition interlock
28 device:

29 a. Ten or more violations within a thirty-day period.

30 b. Five or more violations within a twenty-four-hour period.

31 c. Tampering with or attempting to circumvent the ignition
32 interlock device.

33 d. Removing the ignition interlock device without
34 authorization.

35 2. Nothing in this section limits the number of subsequent

1 extensions a person may receive following an occurrence
2 detected by an ignition interlock device.

3 3. a. An approved ignition interlock device provider shall
4 generate and submit a compliance report to the department for
5 each person who maintains an ignition interlock device of the
6 provider for purposes of meeting the requirements of section
7 321J.17. The compliance report must indicate every associated
8 motor vehicle and the associated ignition interlock device
9 installed on each motor vehicle. The compliance report must
10 include any occurrence listed in subsection 1 detected by the
11 device, if applicable.

12 b. An approved ignition interlock device provider shall
13 generate the compliance report and submit it to the department
14 no earlier than the date on which the period of time a person is
15 required to maintain an ignition interlock device under section
16 321J.17 ends, and no later than seven business days following
17 that date. The provider shall again generate and submit a
18 subsequent report to the department in this manner based on any
19 subsequent extensions as provided in this section, if any.

20 4. a. For purposes of this section, a violation includes
21 any of the following:

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

24 (2) Providing a breath sample to an ignition interlock
25 device with an alcohol concentration of .04 or more.

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

32 5. The department shall adopt rules pursuant to chapter 17A
33 prescribing the form and manner of communication pursuant to
34 this section, and may otherwise adopt rules as necessary to
35 administer this section.

1 Sec. 9. Section 321J.20, subsections 1, 2, 3, and 7, Code
2 2024, are amended to read as follows:

3 1. The department may, on application, issue a temporary
4 restricted license to a person whose noncommercial driver's
5 license is revoked under [this chapter](#), or revoked or suspended
6 under [chapter 321](#) solely for violations of this chapter, or who
7 has been determined to be a habitual offender under [chapter 321](#)
8 based solely on violations of [this chapter](#) or on violations
9 listed in [section 321.560, subsection 1](#), paragraph "b",
10 allowing the person to operate a motor vehicle in any manner
11 allowed for a person issued a valid class C driver's license,
12 unless otherwise prohibited by [this chapter](#). [This subsection](#)
13 does not apply to a person under the age of eighteen whose
14 license was revoked under [section 321J.2A](#), to a person whose
15 license was revoked under [section 321J.4, subsection 6](#), for the
16 period during which the person is ineligible for a temporary
17 restricted license, or to a person whose license is suspended
18 or revoked for another reason.

19 2. A temporary restricted license issued under [this section](#)
20 shall not be issued until the applicant installs an approved
21 ignition interlock device on all motor vehicles ~~owned or~~
22 ~~operated by the applicant. However, if the applicant has~~
23 ~~had no previous conviction or revocation under [this chapter](#),~~
24 ~~a temporary restricted license issued under this section~~
25 ~~shall not be issued until the applicant installs an approved~~
26 ~~ignition interlock device on all motor vehicles operated by~~
27 ~~the applicant.~~ Installation of an ignition interlock device
28 under [this section](#) shall be required for the period of time
29 for which the temporary restricted license is issued, and for
30 such additional period of time following reinstatement as
31 is required under [section 321J.17, subsection 3](#). However,
32 a person whose driver's license or nonresident operating
33 privilege has been revoked under [section 321J.21](#) may apply to
34 the department for a temporary restricted license without the
35 requirement of an ignition interlock device if at least twelve

1 years have elapsed since the end of the underlying revocation
2 period for a violation of [section 321J.2](#).

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

7 ~~a. Operates~~ operates a motor vehicle which does not have
8 an approved ignition interlock device or removes the ignition
9 interlock device without authorization.

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

11 7. A person who tampers with, removes without
12 authorization, or circumvents an ignition interlock device
13 installed as required in [this chapter](#) ~~and~~ while the requirement
14 for the ignition interlock device is in effect commits a
15 serious misdemeanor.

16 Sec. 10. NEW SECTION. 321J.20A Ignition interlock device
17 — medical waiver.

18 1. The department shall adopt rules pursuant to chapter 17A
19 establishing criteria to waive the requirement to install an
20 ignition interlock device under this chapter if a person has
21 a verifiable medical condition, as determined in accordance
22 with the rules, that makes the person incapable of properly
23 operating an ignition interlock device. The rules must
24 align with the special exception provisions under 23 U.S.C.
25 §164(a)(6).

26 2. Notwithstanding any other provision of this chapter
27 to the contrary, if the department waives the requirement
28 to install an ignition interlock device, the person is not
29 required to install an ignition interlock device to receive a
30 temporary restricted license as provided in section 321J.20 or
31 as a condition of license reinstatement as provided in section
32 321J.17.

33 3. A temporary restricted license issued to a person who
34 received a medical waiver pursuant to this section shall only
35 authorize the person to operate a motor vehicle as described in

1 section 321.215, subsection 1, paragraph "a".

2 Sec. 11. EFFECTIVE DATE. This Act takes effect January 1,
3 2025.

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

8 EXPLANATION

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

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

22 Current law requires the department of public safety to
23 establish by rule the level of alcohol concentration beyond
24 which an IID will not allow operation of the motor vehicle in
25 which it is installed (.025 under 661 IAC 158.6). The bill
26 specifies the minimum level of alcohol concentration is .04.

27 Current law also requires a person with a second or
28 subsequent driver's license revocation for OWI to install an
29 IID for a minimum of one year after reinstatement of a driver's
30 license other than a TRL. The one-year period may be offset by
31 any time a person had an IID installed on the person's vehicle
32 while operating with a TRL. The bill expands that provision.
33 After reinstatement of a driver's license other than a TRL, a
34 person with no previous revocation under Code chapter 321J must
35 maintain an IID for 180 days.

1 These IID periods may be extended based on compliance-based
2 removal (CBR) provisions. The period of time a person is
3 required to maintain an IID will be extended by 60 days each
4 time an IID detects 10 or more violations within a 30-day
5 period, five or more violations within a 24-hour period,
6 tampering with or attempting to circumvent the IID, or removing
7 the IID without authorization. The IID provider must generate
8 and submit a compliance report to the DOT no earlier than
9 the date on which the period of time a person is required to
10 maintain an IID for driver's license reinstatement ends, and no
11 later than seven business days following that date. The IID
12 provider is required to generate and submit a subsequent report
13 to the DOT in this manner based on any subsequent extensions,
14 if any.

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

18 Under the bill, a violation includes failing to provide a
19 detectable breath sample when prompted by the IID and providing
20 a breath sample with a level of alcohol concentration of .04
21 or more. However, it is not a violation under CBR if a person
22 provides a detectable breath sample and successfully passes a
23 test immediately following the first failed test or in response
24 to a bypass or circumvention attempt.

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

29 Current law authorizes the DOT to issue a TRL to a person
30 whose noncommercial driver's license is revoked as a result of
31 an OWI violation. The TRL allows the person to operate a motor
32 vehicle in any manner allowed for a person issued a valid class
33 C driver's license, unless otherwise prohibited by Code chapter
34 321J. The bill prohibits the DOT from issuing such a TRL to a
35 person under the age of 18 whose license was revoked under Code

1 section 321J.2A. Previously, the prohibition applied to anyone
2 whose driver's license was revoked under Code section 321J.2A
3 (OWI for persons under 21).

4 The bill authorizes the DOT to adopt rules in accordance
5 with federal law to waive the requirement to install an IID
6 if a person has a verifiable medical condition that makes the
7 person incapable of properly operating an IID. If a person
8 with a verifiable medical condition receives a medical waiver
9 and is issued a TRL, the TRL only authorizes the person to
10 drive from the person's home to the person's employment, health
11 care appointments including such appointments for another who
12 is dependent on the person, education programs, substance
13 use disorder treatments, court-ordered community service
14 responsibilities, and appointments with a parole or probation
15 officer.

16 The bill takes effect January 1, 2025, and applies to
17 driver's license revocations under Code chapter 321J for which
18 the underlying offense occurred on or after that date.