

House File 457 - Introduced

HOUSE FILE 457
BY RINKER

A BILL FOR

1 An Act relating to the driver's license revocation effective date
2 following an operating-while-intoxicated violation or refusal
3 to test.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 321J.9, subsection 4, Code 2025, is
2 amended to read as follows:

3 4. The effective date of revocation shall be ~~ten~~ twenty days
4 after the department has mailed notice of revocation to the
5 person by first class mail, notwithstanding chapter 17A. The
6 peace officer who requested or directed the administration of a
7 chemical test may, on behalf of the department, serve immediate
8 notice of intention to revoke and of revocation on a person
9 who refuses to permit chemical testing. If the peace officer
10 serves immediate notice, the peace officer shall take the Iowa
11 license or permit of the driver, if any, and issue a temporary
12 license effective for ~~ten~~ twenty days. The peace officer shall
13 immediately send the person's license to the department along
14 with the officer's certificate indicating the person's refusal to
15 submit to chemical testing.

16 Sec. 2. Section 321J.12, subsections 3 and 4, Code 2025, are
17 amended to read as follows:

18 3. The effective date of the revocation shall be ~~ten~~ twenty
19 days after the department has mailed notice of revocation to
20 the person by first class mail, notwithstanding chapter 17A.
21 The peace officer who requested or directed the administration
22 of the chemical test may, on behalf of the department, serve
23 immediate notice of revocation on a person whose test results
24 indicated the presence of a controlled substance or other drug,
25 or an alcohol concentration equal to or in excess of the level
26 prohibited by section 321J.2, or a combination of alcohol and
27 another controlled substance or drug in violation of section
28 321J.2.

29 4. If the peace officer serves that immediate notice, the
30 peace officer shall take the person's Iowa license or permit,
31 if any, and issue a temporary license valid only for ~~ten~~ twenty
32 days. The peace officer shall immediately send the person's
33 driver's license to the department along with the officer's
34 certificate indicating that the test results indicated the
35 presence of a controlled substance or other drug, or an alcohol

1 concentration equal to or in excess of the level prohibited by
2 section 321J.2.

3 EXPLANATION

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

6 Under current law, a person who operates a motor vehicle in a
7 manner that gives reasonable grounds to believe that the person
8 is operating while intoxicated (OWI) is deemed to have given
9 consent to the withdrawal of specimens of the person's blood,
10 breath, or urine and to a chemical test of the specimens to
11 determine the alcohol concentration or presence of a controlled
12 substance or other drugs. The department of transportation (DOT)
13 is required to revoke the driver's license of a person if the
14 results of a test indicate an OWI violation or if the person
15 refuses to provide a specimen for testing. The revocation begins
16 10 days after notice of the revocation is mailed by the DOT or
17 immediately served by the peace officer who requested chemical
18 testing. If a peace officer serves immediate notice of the
19 revocation, the officer must take the driver's license and issue
20 a temporary driver's license valid for 10 days.

21 This bill extends the period before an OWI driver's license
22 revocation begins, and extends the validity of a temporary
23 driver's license issued following an OWI revocation, from 10 days
24 to 20 days after notice is served.

25 The bill does not amend the 10-day periods for a person to
26 request a hearing or challenge the decision of the DOT director
27 on an OWI driver's license revocation.