

House File 788 - Introduced

HOUSE FILE 788
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 162)

A BILL FOR

1 An Act requiring employees of the department of transportation
2 to provide a specimen for alcohol and drug analysis following
3 a commercial motor vehicle accident or collision resulting in
4 injury or death, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **321.270 Required alcohol and drug**
2 **analysis for department employees operating commercial motor**
3 **vehicles.**

4 1. A person employed by the department who was involved in
5 an accident or collision resulting in injury or death while
6 operating a commercial motor vehicle owned by the department
7 or other state entity shall provide a specimen of the person's
8 urine for analysis of the specimen to determine the alcohol
9 concentration or presence of a controlled substance or other
10 drugs. The person shall provide the specimen to a peace officer
11 as soon as practicable within two hours after the person is
12 involved in the accident or collision.

13 2. A specimen provided under this section shall be analyzed
14 in a manner in accordance with chapter 321J to determine the
15 alcohol concentration or presence of a controlled substance or
16 other drugs.

17 3. The person may have an independent analysis performed on
18 the provided specimen, administered at the person's own expense.
19 The failure or inability of the person to obtain an independent
20 analysis does not preclude the admission of evidence of the
21 results of the analysis administered pursuant to this section.
22 Upon the request of the person who provided a specimen, the
23 results of the analysis administered pursuant to this section
24 shall be made available to the person.

25 4. This section does not apply if a blood, breath, or urine
26 specimen is taken pursuant to chapter 321J.

27 **EXPLANATION**

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

30 Under current law, a person who operates a motor vehicle
31 under circumstances which give reasonable grounds to believe
32 that the person was operating the motor vehicle while under the
33 influence of alcohol or a drug is deemed to have given consent
34 to the withdrawal of a specimen of the person's blood, breath,
35 or urine and to chemical tests of the specimen for the purpose

1 of determining the alcohol concentration or presence of drugs.
2 The withdrawal of a specimen and the tests must be administered
3 at the written request of a peace officer having reasonable
4 grounds to believe that the person was operating a motor vehicle
5 in violation of Code section 321J.2 or 321J.2A, and if certain
6 conditions exist, including when the person has been involved
7 in a motor vehicle accident or collision resulting in personal
8 injury or death.

9 This bill requires a person employed by the department of
10 transportation (DOT) to provide a specimen of the person's urine
11 if the person was involved in an accident or collision that
12 resulted in injury or death while operating a commercial motor
13 vehicle owned by the DOT or other state entity. The person must
14 provide the specimen to a peace officer as soon as practicable
15 after the accident or collision, but within at least two hours.

16 A specimen provided must be analyzed in a manner in accordance
17 with Code chapter 321J (operating while intoxicated) to determine
18 the alcohol concentration or presence of a controlled substance
19 or other drugs. The person may pay for an independent analysis
20 of the provided specimen, but the failure or inability of the
21 person to obtain an independent analysis does not preclude the
22 admission of evidence of the results of the analysis. The person
23 is entitled to be provided the results of the analysis upon
24 request.

25 The bill does not apply if a blood, breath, or urine specimen
26 is taken pursuant to Code chapter 321J.

27 By operation of law, a violation of the bill is a simple
28 misdemeanor. A simple misdemeanor is punishable by confinement
29 for no more than 30 days and a fine of at least \$105 but not more
30 than \$855.