

Senate File 364 - Reprinted

SENATE FILE 364
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1055)

(As Amended and Passed by the Senate March 25, 2019)

A BILL FOR

1 An Act relating to the Iowa sobriety and drug monitoring
2 program.

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

1 Section 1. Section 321J.20, subsection 9, Code 2019, is
2 amended to read as follows:

3 9. Notwithstanding any other provision of law to the
4 contrary, in any circumstance in which **this chapter** requires
5 the installation of an ignition interlock device in all
6 vehicles owned or operated by a person as a condition of
7 the person's license or privilege to operate noncommercial
8 motor vehicles, the department shall require the person to
9 be a participant in and in compliance with a sobriety and
10 drug monitoring program established pursuant to **chapter 901D**
11 if the person's offense under **this chapter** qualifies as an
12 eligible offense as defined in **section 901D.2**, and the person's
13 offense occurred in a participating jurisdiction, as defined in
14 **section 901D.2**. The requirement to participate in and comply
15 with a sobriety and drug monitoring program shall continue
16 for the time period required pursuant to section 901D.7.
17 The participating law enforcement agency shall notify the
18 department when the person has completed participation in the
19 sobriety and drug monitoring program. **This subsection** shall
20 not apply if the court enters an order finding the person is
21 not required to participate in a sobriety and drug monitoring
22 program. The department, in consultation with the department
23 of public safety, may adopt rules for issuing and accepting a
24 certification of participation in and compliance with a program
25 established pursuant to **chapter 901D**. **This subsection** shall be
26 construed and implemented to comply with 23 U.S.C. §164(a), as
27 amended by the federal Fixing America's Surface Transportation
28 Act, Pub. L. No. 114-94, §1414, and shall not apply if such
29 application results in a finding of noncompliance with 23
30 U.S.C. §164 that results or will result in a reservation
31 or transfer of funds pursuant to 23 U.S.C. §164(b). This
32 subsection shall not authorize the operation of a motor vehicle
33 for any purpose not otherwise authorized by **this chapter**.

34 Sec. 2. Section 901D.7, subsection 2, Code 2019, is amended
35 to read as follows:

1 2. An order or directive placing a participant in the
2 program shall include the type of testing required to be
3 administered in the program and the length of time that the
4 participant is required to remain in the program which shall
5 be for no less than ninety days. The order or directive
6 shall additionally require that the participant not have
7 failed a test result or have missed a required testing during
8 the thirty-day period immediately preceding the end of
9 participation in the program. The person issuing the order or
10 directive shall send a copy of the order or directive to the
11 law enforcement agency of the participating jurisdiction.

12 Sec. 3. Section 901D.10, Code 2019, is amended to read as
13 follows:

14 **901D.10 Report and repeal.**

15 1. The department, in consultation with the judicial branch
16 and the department of transportation, shall by December 1,
17 ~~2021~~ 2023, submit a report to the general assembly detailing
18 the effectiveness of the program established pursuant to
19 this chapter and shall make recommendations concerning the
20 continued implementation of the program or the elimination of
21 the program.

22 2. **This chapter** is repealed July 1, ~~2022~~ 2024.

23 Sec. 4. 2017 Iowa Acts, chapter 76, section 17, is amended
24 to read as follows:

25 SEC. 17. FUTURE REPEAL. This division of this Act is
26 repealed July 1, ~~2022~~ 2024.