EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY

SENATE CLIP SHEET

MARCH 11, 2014

SENATE FILE 2250

S-5050

Amend Senate File 2250 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 321.1, subsections 89, 92, and 93, Code 2014, are amended to read as follows:

89. *"Used vehicle parts dealer"* means a person engaged in, or advertising as being engaged in, the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration under this chapter.

92. *"Vehicle rebuilder"* means a person engaged in, or advertising as being engaged in, the business of rebuilding or restoring to operating condition vehicles subject to registration under this chapter, which have been damaged or wrecked.

93. *"Vehicle salvager"* means a person engaged in, or advertising as being engaged in, the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under this chapter.

Sec. 2. Section 321H.2, subsections 6, 8, and 9, Code 2014, are amended to read as follows:

6. *"Used vehicle parts dealer"* means a person engaged in, or advertising as being engaged in, the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration.

8. *"Vehicle rebuilder"* means a person engaged in, or advertising as being engaged in, the business of rebuilding or restoring to operating condition vehicles subject to registration which have been damaged or wrecked.

9. *"Vehicle salvager"* means a person engaged in, or advertising as being engaged in, the business of scrapping, recycling, dismantling, or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are vehicles subject to registration.

Sec. 3. Section 321H.3, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Except for educational institutions; persons licensed as new vehicle dealers under chapter 322; persons engaged in a hobby not for profit; persons engaged in the business of purchasing bodies, parts of bodies, frames, or component parts of vehicles only for sale as scrap metal; insurance companies governed by chapter 515; county mutual insurance associations governed by chapter 518; state mutual

1 insurance associations governed by chapter 518A; or
2 persons licensed under the provisions of this chapter
3 as authorized vehicle recyclers, a person in this state
4 shall not engage in, or advertise as being engaged in,
5 the business of any of the following:>
6 2. Title page, by striking lines 1 and 2 and
7 inserting <and defining the term "scrapping">

By TOD R. BOWMAN

S-5050 FILED MARCH 10, 2014
WITHDRAWN

Amend Senate File 2250 as follows:

1. By striking everything after the enacting clause and inserting:

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1 insurance associations governed by chapter 518A; or
2 persons licensed under the provisions of this chapter
3 as authorized vehicle recyclers, a person in this state
4 shall not engage in, or advertise as being engaged in,
5 the business of any of the following:>
6 2. Title page, lines 1 and 2, by striking <and
7 defining the term "scrapping">

By TOD R. BOWMAN

S-5052 FILED MARCH 10, 2014
ADOPTED

Amend Senate File 2284 as follows:

1. Page 1, after line 8 by inserting:

<Sec. ___. Section 214.1, subsection 1, Code 2014, is amended to read as follows:

1. *"Biodiesel", "biodiesel fuel", "biofuel", "diesel fuel", "E-85 gasoline", "ethanol", "gasoline", "motor fuel", "retail dealer", "retail motor fuel site"*, and *"wholesale dealer"* mean the same as defined in section 214A.1.>

2. Page 1, by striking lines 11 through 34 and inserting:

<1. A retail dealer operating a retail motor fuel site shall comply with the applicable requirements of the Americans with Disabilities Act of 1990, to the extent required in that Act.

2. a. A retail dealer operating a retail motor fuel site shall offer refueling assistance upon the request of a customer who is an individual with a disability, if any of the following applies:

(1) The retail dealer is required to comply with the provisions of subsection 1.

(2) On or after the effective date of this Act, the retail dealer modifies or replaces a structure that is part of the retail motor fuel site, including but not limited to the exterior or interior of any building, a motor fuel pump, or a motor fuel storage tank. A modification does not include a cosmetic improvement or minor repair.

b. A retail dealer shall provide refueling assistance under paragraph *"a"* by doing all of the following:

(1) Displaying two signs indicating that the retail motor fuel site offers refueling assistance consistent with the Americans with Disabilities Act of 1990 and this section.

(a) The first sign shall bear the international symbol of accessibility and be posted in a conspicuous place that notifies the traveling public that the retail motor fuel site offers refueling assistance to individuals with disabilities. The sign shall be at least eighteen inches in width and twenty-four inches in height.

(b) The second sign shall notify customers of the hours that refueling assistance is available. The second sign shall be posted near a motor fuel pump where a call button is located as provided in subparagraph (2) and be easily readable by customers. The sign shall be nine inches in width and nine inches in height.

(2) Installing and maintaining at least one large

call button that is accessible by a customer who may request refueling assistance during the hours posted.

(a) A call button shall be located near each motor fuel pump that dispenses a type of motor fuel classified as diesel fuel, gasoline, or E-85 gasoline. However, a call button is not required to be located near a motor fuel pump that dispenses a type of motor fuel if the call button is also near a motor fuel pump that dispenses another type of motor fuel. A call button shall be located within the reach of a customer who is inside a motor vehicle and capable of being operated by a customer with a closed hand.

(b) A call button when activated must emit a recognizable sound inside a structure where an employee is regularly on duty.

c. Notwithstanding paragraphs *"a"* and *"b"*, a retail dealer is not required to provide refueling assistance as follows:

(1) If the retail motor fuel site is a tank wagon.

(2) If the retail motor fuel site has two or fewer licensed motor fuel pumps.

(3) At any time that the retail motor fuel site is operating on a remote control basis with fewer than two employees on duty at the retail motor fuel site.>

3. Page 2, after line 29 by inserting:

<Sec. ___. NEW SECTION. 422.11K Accessibility of motor fuel pumps tax credit.

1. The taxes imposed in this division, less the credits allowed under section 422.12, shall be reduced by an accessibility of motor fuel pumps tax credit.

2. The taxpayer must qualify as all of the following:

a. A retail dealer who sells and dispenses motor fuel through a motor fuel pump located at the retail dealer's permanent retail motor fuel site operating in compliance with chapter 214.

b. An eligible small business as defined in 26 U.S.C. §44.

3. a. A taxpayer may claim a tax credit for providing refueling assistance to customers as provided in section 214.12.

b. This section does not require that a taxpayer be eligible to claim a tax credit under 26 U.S.C. §44 or actually claim a tax credit under that section.

c. A taxpayer may claim a tax credit as provided in this section regardless of whether the taxpayer is required to provide refueling assistance under section 214.12.

4. The taxpayer must file a claim for a tax credit and any required supporting documentation in a form and

manner prescribed by the department.

5. The amount of a tax credit under this section shall not exceed actual and necessary expenditures incurred by a retail dealer in providing refueling assistance to customers at a retail motor fuel site as provided in section 214.12. The expenditures must directly relate to preparing or displaying signs and installing at least one call button as provided in that section.

6. The amount of a tax credit shall not exceed five hundred dollars for each retail motor fuel site where the retail dealer sells and dispenses motor fuel and where the retail dealer provides refueling assistance as provided in subsection 5.

7. If a tax credit is allowed, the amount of the tax credit claimed shall not be deductible under any other provision of law in determining taxable income for state tax purposes.

8. a. A tax credit in excess of the taxpayer's liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

b. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. ___. Section 422.33, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 11. The taxes imposed under this division shall be reduced by an accessibility of motor fuel pumps tax credit. The taxpayer may claim the tax credit according to the same requirements, for the same amount, and calculated in the same manner, as provided in section 422.11K.>

4. By striking page 2, line 34, through page 3, line 1, and inserting <subsection 2 requiring that signs and one or more call buttons be located at a retail motor fuel site take effect January 1, 2015.

Sec. ___. APPLICABILITY. The sections of this Act enacting section 422.11K and section 422.33, subsection 11, apply to tax years beginning on or after January 1, 2015.>

5. Title page, by striking lines 4 and 5 and inserting <department of agriculture and land stewardship, providing for a tax credit, and including effective and applicability date provisions.>

6. By renumbering as necessary.

By RITA HART

S-5053 FILED MARCH 10, 2014
ADOPTED

SENATE FILE 2289

S-5054

Amend the amendment, S-5044, to Senate File 2289 as follows:

1. Page 2, after line 12 by inserting:

<Sec. ___. Section 321.276, subsection 3, Code 2014, is amended to read as follows:

3. a. ~~Nothing in this~~ Except as provided in this subsection, this section shall not be construed to authorize a peace officer to confiscate a portable electronic communication device from the driver or occupant of a motor vehicle.

b. A peace officer shall not view the contents of an electronic communication device for purposes of enforcement of this section without a search warrant obtained in accordance with chapter 808.

c. A peace officer may seize an electronic communication device from the driver or an occupant of a motor vehicle as evidence relating to an investigation of an accident involving the motor vehicle, but shall not view the contents of the device until a search warrant has been obtained in accordance with chapter 808.>

2. By renumbering as necessary.

By JACK WHITVER
TOD R. BOWMAN

S-5054 FILED MARCH 10, 2014

SENATE FILE 2289

S-5055

Amend Senate File 2289 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. NEW SECTION. 321.276A Common sense while driving.

In addition to the other requirements of this chapter, a person shall use common sense when operating a motor vehicle.>

2. By renumbering as necessary.

By BRAD ZAUN

S-5055 FILED MARCH 10, 2014

SENATE FILE 2299

S-5049

Amend Senate File 2299 as follows:

1. Page 1, before line 1 by inserting:

<Section 1. Section 321J.2, subsection 3, paragraph c, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Assessment of a fine of one thousand two hundred fifty dollars. However, ~~in the discretion of the court,~~ if no personal ~~or property~~ injury has resulted from the defendant's actions, the court ~~may~~ shall waive ~~up to~~ six hundred twenty-five dollars of the fine when the defendant presents to the court ~~at the end of the minimum period of ineligibility~~ a temporary restricted license issued pursuant to section 321J.20.>

2. Page 8, after line 7 by inserting:

<d. For purposes of paragraphs *"b"* and *"c"*, an *"event"* means an attempt to start a motor vehicle in which the ignition interlock device is installed with a breath alcohol concentration of .04 or above three times within a fifteen-minute period.>

3. Page 8, before line 8 by inserting:

<Sec. ___. NEW SECTION. 321J.17A Ignition interlock device providers — low-income rate costs.

An approved ignition interlock device provider shall not charge more than two hundred fifty dollars for costs associated with the installation, maintenance, and removal of an approved ignition interlock device for a six-month period to any of the following persons:

1. A person with an income equal to or less than one hundred fifty percent of the federal poverty level.

2. A person who qualifies for programs supporting low-income persons including but not limited to the medical assistance program, the Iowa health and wellness plan, the federal food assistance programs, and any other state or federal benefit assistance program administered by the department of human services.>

4. By renumbering as necessary.

By CHRIS BRASE

S-5049 FILED MARCH 10, 2014

Amend Senate File 2321 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 29B.16, Code 2014, is amended to read as follows:

29B.16 Jurisdiction of courts-martial in general.

1. Each force of the state military forces has court-martial jurisdiction over all persons subject to this code.

2. Courts-martial have primary jurisdiction of military offenses as defined in sections 29B.77 through 29B.116 of this code.

Sec. 2. NEW SECTION. 29B.90A Interference with report of a crime to civilian law enforcement.

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Interferes with or reprises against any member of the state military forces who has indicated the intent to make or who has made a report to civilian law enforcement of a crime listed in section 29B.116A, subsection 1, where the accused and the victim are subject to this code at the time of the offense.

2. Fails to cooperate with or obstructs a civilian law enforcement investigation based upon a report in subsection 1.

Sec. 3. Section 29B.116, Code 2014, is amended to read as follows:

29B.116 General article.

~~Though~~ Subject to section 29B.116A, though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit upon the state military forces, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. ~~However, cognizance shall not be taken of, and jurisdiction shall not be extended to, the crimes of murder, manslaughter, sexual abuse, robbery, maiming, arson, extortion, assault, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.~~

Sec. 4. NEW SECTION. 29B.116A Jurisdiction of offenses by civilian courts and notification of civilian authorities.

1. a. Jurisdiction under this code shall not be extended to the crimes of murder, manslaughter, sexual abuse, robbery, arson, extortion, assault, or

burglary, jurisdiction of which is reserved exclusively to civilian courts.

b. The term *"civilian criminal offenses"* includes all offenses not defined in this code. Primary jurisdiction over civilian criminal offenses shall be with civilian courts, even when committed by a member of the state military forces while subject to this code.

c. Where a civilian criminal offense and a military offense defined in this code may be charged based on the same event, concurrent civilian and military jurisdiction shall exist.

2. a. A commander, who is made aware of an allegation that an offense under subsection 1, paragraph *"a"* or *"b"*, has been committed by a member of the state military forces against another member of the state military forces while both are subject to this code, shall notify local civilian law enforcement authorities without delay.

b. (1) Regarding an allegation of sexual abuse, the commander shall provide the person making the allegation with written notice of the person's right to notify local civilian law enforcement authorities independently, as described in subsection 3. The written notice shall include contact information for an appropriate civilian law enforcement authority.

(2) Regarding an allegation of sexual abuse, the commander's obligation to notify under paragraph *"a"* shall not apply to an allegation that is a restricted report, as that term is defined in federal military regulations. The commander's obligation to notify under paragraph *"a"* shall apply to an allegation of sexual abuse that is an unrestricted report, as that term is defined in federal military regulations. The commander's written notification under subparagraph (1) shall inform the person making an allegation of sexual abuse that if the person consents to making an unrestricted report that the person is thereby consenting to the commander notifying an appropriate civilian law enforcement authority so that such an authority may initiate an investigation or collect evidence. The commander's written notification under subparagraph (1) shall also inform the person making the allegation that if the person consents to making an unrestricted report that the person is not required to speak with civilian law enforcement investigators or otherwise participate in an investigation by a civilian law enforcement authority.

3. Members of the state military forces who are victims of offenses described in subsection 1 retain

the right to notify local civilian law enforcement authorities independently.

Sec. 5. NEW SECTION. 29B.116B Adjutant general report.

The adjutant general shall report annually, by January 15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in section 29B.116A, subsection 1, which have reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

Sec. 6. Section 803.1, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The offense is committed by a member of the state military forces against another member of the state military forces, both are in a duty status at the time of the offense, whether inside or outside the state, and the offense is one for which civil courts have jurisdiction under section 29B.116A. However, for those offenses subject to both civilian and military jurisdiction, civilian jurisdiction shall not be declined solely on that basis.>

2. Title page, by striking lines 1 through 4 and inserting <An Act relating to jurisdiction over certain offenses committed by members of the state military forces, and establishing certain notification and reporting requirements.>

By STEVEN J. SODDERS

S-5051 FILED MARCH 10, 2014
ADOPTED

Fiscal Note

Fiscal Services Division

S-5045 – School Finance, Whole Grade Sharing (LSB 5569S5045)
Analyst: Shawn Snyder (Phone: (515) 281-7799) (shawn.snyder@legis.iowa.gov)
Fiscal Note Version – House Amendment to **SF 2056**

Description

House amendment **S-5045** to **SF 2056** extends the whole grade sharing supplementary weighting and reorganization incentives an additional five years.

Background

Currently, school districts that participate in whole grade sharing and jointly adopt a resolution to study reorganization are eligible to receive supplementary weighting of up to 0.1 per student for three years. Additionally, if the school district reorganizes, it may be eligible to receive the supplementary weighting for a total of six years. In addition to supplementary weighting, school districts that reorganize may be eligible for a uniform levy rate reduction for three years. This provision extends these reorganizations provisions authorized on or before July 1, 2014, to July 1, 2019.

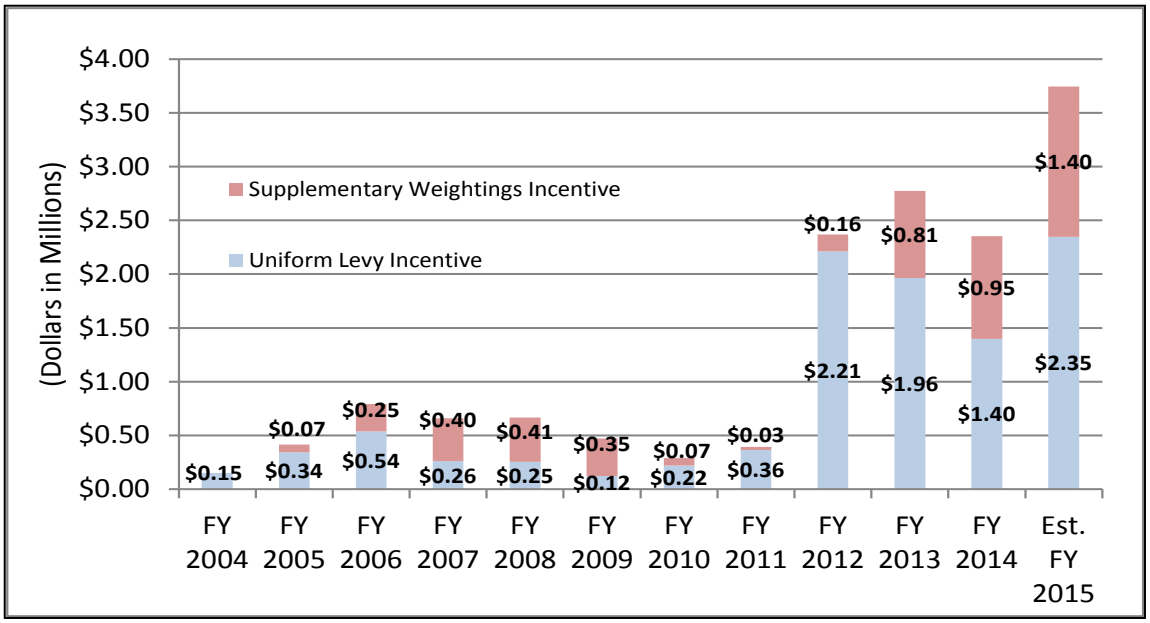
The following table provides historical information on supplementary weighting for whole grade sharing. The amount of weighting has varied through the years displayed. The estimate for FY 2015 indicates that 12 districts will receive supplementary weighting with a funding total of $2.0 million, including $1.8 million in State aid generated through the school aid formula.

Whole Grade Sharing Supplementary Weighting and Funding Levels

	Supplementary Weighting Total	Total Funding	State Aid Portion	Property Tax Portion	Number of Districts with Weighting
Est. FY 2015	324.10	$ 2,063,221	$ 1,820,146	$243,075	12
FY 2014	289.30	1,778,194	1,553,830	224,363	10
FY 2013	188.50	1,137,765	989,814	147,952	10
FY 2012	164.30	975,030	845,816	129,214	13
FY 2011	166.83	990,986	858,840	132,146	20
FY 2010	277.90	1,618,340	1,402,561	215,778	33
FY 2009	234.00	1,309,396	1,135,602	173,794	30
FY 2008	N.A.	N.A.	N.A.	N.A.	N.A.
FY 2007	112.95	584,839	506,807	78,033	13
FY 2006	124.10	553,594	479,828	73,766	15
FY 2005	93.30	448,126	387,008	61,118	11
FY 2004	91.00	428,766	370,097	58,669	11
FY 2003	108.20	499,463	431,395	68,068	13

Reorganization incentives have generated additional State aid for qualifying reorganized districts. The following chart provides the State aid cost for uniform levy incentives and the supplementary weighting incentives. Since FY 2004, the amounts have fluctuated from a low of $150,000 to just over $3.7 million (slated for FY 2015). School districts that reorganize by July 1, 2014, will be eligible to receive these incentives for three years under current law.

Total State Aid Amounts for Reorganization Incentives



Assumptions

Assumptions include:

- Based on Department of Education analysis, beginning in FY 2016, there may be 2,800 students in districts eligible to receive supplementary weighting for whole grade sharing, yielding an additional weighting of 280.0 per year.
- The districts eligible to receive the weighting for FY 2016 will make progress to reorganizing and will receive the weighting for the second and third years.
- Estimates are based on a State and district cost per pupil of $6,366 for each fiscal year. Any State percent of growth above 0.0% for FY 2016 through FY 2018 will increase the overall impact. The State aid portion is based on the 87.5% foundation level and $46 per pupil for property tax replacement payments.
- The amount of State aid for reorganizations is unknown and will be predicated on the number of districts that approve reorganization prior to July 1, 2019. Based on historic data, that amount may be up to $4.0 million for a single fiscal year.

Fiscal Impact

The estimated fiscal impact is currently unknown and will be based on the enrollment size of the districts that are eligible to receive the supplementary weighting for whole grade sharing and the number of districts that reorganize or dissolve that would be eligible for the reorganization incentives. Any fiscal impact resulting from this Bill will not occur until FY 2016 at the earliest and will be in addition to the reorganization incentives currently in place for districts that reorganize or dissolve on or before July 1, 2014.

However, based on the assumptions noted and historic weighting levels, beginning in FY 2016, $1.8 million will be generated through the school aid formula for whole grade sharing supplementary weighting. This includes an increase in State General Fund expenditures for school aid totaling $1.6 million and approximately $200,000 in local property taxes for the impacted school districts. This estimate represents an annual minimum impact for each fiscal year.

Sources

Iowa Department of Education, Supplementary Weighting file, and analysis and calculations
Iowa Department of Management, School Aid file
LSA analysis and calculations

/s/ Holly M. Lyons

March 10, 2014

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

SF 2272 – Revenue Department Technical Bill (LSB 5311SV)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

Senate File 2272 includes provisions to codify existing practices regarding the administration of State taxes. This Bill has six Divisions:

- Division I - Gives the Director of the Department of Revenue the power and duty to ensure that the total amount of money transferred to local governments or other entities regarding local option urban renewal projects, flood mitigation projects, and Iowa reinvestment projects does not exceed the amount of applicable taxes collected during the same fiscal year within the geographic boundaries of the projects.
- Division I - Allows the Property Assessment Appeals Board to accept electronic submission immediately by striking language referencing the beginning date for that authority as January 1, 2014.
- Division II - Changes terminology regarding how separate tax forms are to be included with an income tax return.
- Division III - Removes alcoholic beverage control bonds from the list of exempt bonds from individual income tax. The authority to issue and claim the tax exemption for such bonds was repealed in 2011.
- Division III - Reorganizes the requirements for making and filing an individual income tax return to update references to **Iowa Code section 422.5**, subsection 3B, which provides for filing thresholds for taxpayers 65 years of age or older, and to make other nonsubstantive changes. The division applies retroactively to January 1, 2014, for tax years beginning on or after that date.
- Division IV - Amends the sales and use tax exemption for sales to community health centers and migrant health centers to reflect the current name of those centers under federal law.
- Division V - Relates to hotel and motel tax by reorganizing and renumbering the Iowa Code section relating to the administration of the tax. Additional language is added to differentiate between the information that applies to general administration and the information that applies to administration of the Reinvestment District program.
- Division VI - Amends the definition of equipment taxes in **Iowa Code chapter 423D** by striking language that exempts the sales price from the equipment tax for transactions subject to State sales tax under **Iowa Code section 423.3**. This change maintains the 5.0% equipment tax levied by the State on the equipment purchases. This change takes effect upon enactment and applies retroactively to July 1, 2008, for all sales and use taxes on equipment remitted on or after that date.

Background

There is currently a significant question as to whether the existing 5.0% equipment tax is enforceable. However, the invalidity of the tax has not been established by a court, and the Department has not provided an official statement that the tax is not enforceable. Therefore, the tax is currently considered legitimate.

Should the Department of Revenue or a court declare the equipment tax invalid, the State will be required to refund back taxes, with interest, to any effected taxpayer that applies for a refund. Refunds will be allowed for taxes paid during the period of June 2011 through June 2014. Future tax payments from the equipment tax will also cease. The Department of Revenue estimates that should the tax be determined to have been improperly applied, and Division VI is not enacted, net General Fund revenue will be reduced by the amounts in the following table.

Equipment Tax Revenue Implications
In Millions

	Increased Tax Refunds	Reduced Tax Receipts	Combined Revenue Impact
FY 2015	$ -14.1	$ -7.3	$ -21.4
FY 2016	-7.0	-7.6	-14.6
FY 2017	-3.5	-7.8	-11.3
FY 2018	0.0	-8.0	-8.0

Fiscal Impact

Divisions I through V do not have identifiable fiscal impacts.

Enactment of Division VI relating to the 5.0% equipment tax will have a positive fiscal impact on the State General Fund if it is determined that the existing code is not being properly applied. However, that determination by the Department or by a court has not been made. Therefore, the change in Division VI only has a potential fiscal impact at this time.

Source

Department of Revenue

March 10, 2014

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

SF 2299 – Ignition Interlock Device (LSB 5315SV)
Analyst: Adam Broich (Phone: (515) 281-8223) (adam.broich@legis.iowa.gov)
Fiscal Note Version – New

Description

Senate File 2299 amends Iowa's Operating While Intoxicated (OWI) law, and makes changes to driver's license revocation, temporary restricted licenses and ignition interlock devices (IID).

This Bill makes the following changes:

- Eliminates provisions that restrict eligibility for temporary restricted driver's licenses for first and second-time OWI offenders and offenses that involved a personal accident or injury.
- Allows the court to increase the minimum time period that an offender must maintain an ignition interlock device on all vehicles owned and operated by the offender.
- Requires all offenders applying for license reinstatement to install an IID on all owned or operated vehicles. The minimum required time to maintain an IID varies as follows:
    - For the first offense, the minimum period to maintain an IID is six months from license reinstatement.
    - For second or subsequent offenses, the minimum maintenance time is one year from license reinstatement.
    - Offenses involving a death require a minimum maintenance time of one year from reinstatement.
- The minimum period an offender is required to maintain an IID is reduced by any period that the person held a valid temporary restricted driver's license.
- Requires the Department of Transportation (DOT) to adopt rules that require the provider of an IID to submit electronic reports on all vehicles owned by an offender seeking license reinstatement.
- Requires a minimum of three months without the IID detecting blood alcohol level beyond the legal limit that the IID will allow operation of the vehicle.
- Allows a temporary restricted license holder to drive for any lawful purpose, but maintains certain restrictions for third-time offenders, offenses that involved death, and habitual offenders.

Background

Currently, the minimum period of ineligibility for temporary restricted licenses is determined by prior offenses, blood alcohol level, and if the offense causes personal injury or property damage. Offenders that fail a chemical test may be required to install an ignition interlock device depending on conditions. Currently, Iowa is ineligible for federal National Highway Traffic Safety Administration grants related to ignition interlocks.

Assumptions

With the passage of **SF 2299**, Iowa may become eligible for NHTSA IID grants. Currently, it is unknown if Iowa will be eligible for these grants and NHTSA is reviewing SF 2299. NHTSA informed the Governor's Traffic Safety Bureau that eligibility for IID grants will lead to a $293,000 grant in FFY 2015. Iowa will be required to apply for any future NHTSA grants related to IID regardless of eligibility.

Fiscal Impact

The fiscal impact of SF 2299 is unknown. This Bill may increase federal funding to the Department of Public Safety by $293,000 if NHTSA determines the bill meets federal standards.

Source

Governor's Traffic Safety Bureau

/s/ Holly M. Lyons

March 7, 2014

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.