SENATE FILE 2261
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3015)

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

(As Amended and Passed by the Senate April 1, 2024)

 = New Language by the Senate

= Language Stricken by the Senate

A BILL FOR

An Act relating to operating-while-intoxicated offenses, including temporary restricted licenses and ignition interlock devices, providing penalties, making penalties applicable, and including effective date and applicability provisions.

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

Section 1. Section 321J.4, subsections 2 and 4, Code 2024, are amended to read as follows:

2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant submitted to chemical testing and has had a previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant refused to submit to chemical testing and has had a previous revocation under this chapter. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

4. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 2. Section 321J.4, subsection 8, paragraphs a, b, c, and d, Code 2024, are amended to read as follows:

a. On a conviction for or as a condition of a deferred judgment for a violation of section 321J.2, the court may order the defendant to install ignition interlock devices

of a type approved by the commissioner of public safety on all motor vehicles ~~owned or~~ operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle with an alcohol concentration greater than a level set by rule of the commissioner of public safety. ~~However, if the defendant has had no previous conviction or revocation under this chapter, the court's order shall require the defendant to install approved ignition interlock devices only on all motor vehicles operated by the defendant.~~

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

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

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

Sec. 3. Section 321J.4, subsection 8, Code 2024, is amended

by adding the following new paragraph:

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

Sec. 4. Section 321J.9, subsection 2, Code 2024, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license. ~~However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license.~~ A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 5. Section 321J.12, subsection 2, Code 2024, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license. ~~However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license.~~ A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 6. Section 321J.17, subsection 3, Code 2024, is amended to read as follows:

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

b. Unless otherwise extended under this chapter, the requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a longer time period is required by statute.

c. The ~~one-year~~ period of time a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the period of the revocation for the occurrence from which the arrest arose.

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

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

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

Sec. 7. NEW SECTION. **321J.17A Compliance-based removal.**

1. The period of time a person is required to maintain an ignition interlock device under section 321J.17 or 321J.20 shall be extended by an additional sixty days per occurrence for any of the following occurrences detected by an ignition interlock device:

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

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

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

d. Removing the ignition interlock device without authorization.

2. Nothing in this section limits the number of subsequent extensions a person may receive following an occurrence detected by an ignition interlock device.

3. The department shall develop an electronic process in which an approved ignition interlock device provider is able to identify the start date of a driver's license revocation and to provide notice of any violations and a final compliance report to the department.

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

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

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

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

5. The department shall adopt rules pursuant to chapter 17A

prescribing the form and manner of communication pursuant to this section, and may otherwise adopt rules as necessary to administer this section.

Sec. 8. Section 321J.20, subsections 1, 2, 3, and 7, Code 2024, are amended to read as follows:

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

2. A temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles ~~owned or~~ operated by the applicant. ~~However, if the applicant has had no previous conviction or revocation under this chapter, a temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles operated by the applicant.~~ Installation of an ignition interlock device under this section shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating

privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

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

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

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

7. A person who tampers with, removes without authorization, or circumvents an ignition interlock device installed as required in this chapter ~~and~~ while the requirement for the ignition interlock device is in effect commits a serious misdemeanor.

Sec. 9. NEW SECTION. **321J.20A Ignition interlock device — medical waiver.**

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

2. Notwithstanding any other provision of this chapter to the contrary, if the department waives the requirement to install an ignition interlock device, the person is not required to install an ignition interlock device to receive a temporary restricted license.

3. A temporary restricted license issued to a person who received a medical waiver pursuant to this section shall only

authorize the person to operate a motor vehicle as described in section 321.215, subsection 1, paragraph "a".

Sec. 10. EFFECTIVE DATE. This Act takes effect January 1, 2025.

Sec. 11. APPLICABILITY. This Act applies to driver's license revocations under chapter 321J, as amended in this Act, for which the underlying offense occurred on or after the effective date of this Act.