

67 violating the provisions of this section shall be subject to a fine of
 68 one hundred dollars and shall be liable to the purchaser in damages
 69 for all costs involved in obtaining a valid certificate of inspection for
 70 such vehicle."

1 SEC. 2. Section three hundred twenty-one point four hundred forty
 2 (321.440), subsection seven (7), Code 1971, as amended by chapter
 3 one hundred eighty-three (183), section three (3), Acts of the Sixty-
 4 fourth General Assembly, First Session, is amended to read as follows:

5 7. Been regrooved or recut below the original tread design depth,
 6 excepting special ~~taxi~~ tires which have extra undertread rubber and
 7 are identified as such; or

Approved April 21, 1972.

CHAPTER 1076

COURSE FOR DRINKING DRIVERS

H. F. 1082

AN ACT relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the revocation of drivers licenses, providing for fees and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Definitions.** As used in this Act, unless the context
 2 otherwise requires:

3 1. "Course for drinking drivers" means an approved course de-
 4 signed to inform the offender about drinking and driving and encour-
 5 age the offender to assess his own drinking and driving behavior in
 6 order to select practical alternatives.

7 2. "Satisfactory completion of a course" means receiving at the
 8 completion of a course a grade from the course instructor of "c" or
 9 "2.0" or better.

10 3. "Drivers license" means a license to drive a motor vehicle as
 11 an operator or chauffeur.

1 SEC. 2. After the conviction of a person for operating a motor
 2 vehicle while under the influence of an alcoholic beverage, the court
 3 in addition to its power to commit the defendant for treatment of
 4 alcoholism under section three hundred twenty-one point two hundred
 5 eighty-one (321.281) of the Code, may in lieu of, or prior to or after
 6 the imposition of punishment for a first offense or prior to or after
 7 the imposition of punishment for any subsequent offense, order the
 8 defendant, at his own expense, to enroll, attend and successfully com-
 9 plete a course for drinking drivers. A copy of the order shall be
 10 forwarded to the department of public safety.

1 SEC. 3. After any conviction for operating a motor vehicle while
 2 under the influence of an alcoholic beverage under section three hun-
 3 dred twenty-one point two hundred eighty-one (321.281) of the Code,
 4 the court may refer the defendant for treatment at a facility as defined

5 in chapter one hundred twenty-three B (123B) of the Code. The court
6 may prescribe the length of time for treatment or it may be left to
7 the discretion of the facility to which the defendant was referred.
8 A person referred under this section shall be considered a state
9 patient.

1 SEC. 4. When the court orders a person to enroll, attend and
2 successfully complete a course for drinking drivers, the court shall
3 also order that the revocation of the person's drivers license shall be
4 for an indefinite period and until the required course is successfully
5 completed and proof of completion has been filed with the department
6 of public safety and the provisions of chapter three hundred twenty-
7 one A (321A) of the Code have been complied with.

1 SEC. 5. No person shall have his drivers license revoked indefin-
2 itely under this Act for failure to enroll in a course where the required
3 course is not taught within a radius of one hundred miles from his
4 usual residence.

1 SEC. 6. Any person required to attend a course by the provisions
2 of this Act, who is subject to a drivers license suspension or revoca-
3 tion, may be issued a temporary driving permit by the department
4 of public safety restricted to driving to and from his home, place of
5 employment, in his employment and the location of the required
6 course. Any person who does not receive a temporary driving permit
7 may after the period of license suspension or revocation under section
8 three hundred twenty-one point two hundred eighty-one (321.281) of
9 the Code have his drivers license reissued subject to suspension for
10 failure to comply with the provisions of this Act. This section shall
11 not permit the issuance of a temporary driving permit or reissuance
12 of a drivers license where the provisions of chapter three hundred
13 twenty-one A (321A) of the Code have not been complied with.

14 Successful completion of a course required by this Act shall not
15 reverse a drivers license suspension or revocation or reduce the length
16 of a suspension or revocation under section three hundred twenty-one
17 point two hundred eighty-one (321.281) of the Code; however, the
18 commissioner of public safety may reduce the length of a suspension
19 or revocation contingent upon successful completion of a course for
20 drinking drivers.

1 SEC. 7. The course provided in this Act shall be offered on a regu-
2 lar basis at each area school as defined in section two hundred eighty
3 A point two (280A.2) of the Code.

4 Enrollment in the courses shall not be limited to persons ordered
5 to enroll, attend and successfully complete the course under the pro-
6 visions of section two (2) of this Act, and any person convicted of
7 operating a motor vehicle while under the influence of an alcoholic
8 beverage who was not ordered to enroll, shall be allowed to enroll and
9 attend a course for drinking drivers.

10 The course required by this Act shall be taught by the area schools
11 under the department of public instruction and approved by the de-
12 partment of public safety.

13 The department of public instruction shall establish reasonable
14 fees to defray the expense of obtaining classroom space, instructor

15 salaries, and class materials. No person shall be denied enrollment
16 in a course by reason of his indigency.

1 SEC. 8. No employer shall discharge a person from his employment
2 solely for the reason of work absence to attend a course required by
3 this Act. Any employer who violates this section shall be liable for
4 triple damages occasioned by the unlawful discharge from employ-
5 ment.

1 SEC. 9. The course required by this Act shall, within the limit of
2 available funds and instructors, be open for enrollment not later than
3 one year after the effective date of this Act.

1 SEC. 10. Upon written request the department of public safety
2 shall afford a person having his drivers license revoked indefinitely
3 under the provisions of this Act an opportunity for a hearing before
4 the commissioner or his duly authorized agent, within twenty days
5 after receipt of the request and in the county where the licensee
6 resides unless another county is mutually agreed upon. Following the
7 hearing the revocation may be rescinded if the commissioner or his
8 agent determines the revocation is not authorized by this Act.

1 SEC. 11. The department of public instruction shall prepare a list
2 of the locations of the courses taught under this Act, the dates and
3 times taught, the procedure for enrollment, and the schedule of course
4 fees. The list shall be kept current and a copy of the list shall be sent
5 to each court having jurisdiction over offenses provided in chapter
6 three hundred twenty-one (321) of the Code.

1 SEC. 12. The department of public instruction shall maintain en-
2 rollment, attendance, successful and nonsuccessful completion data
3 on the persons ordered to enroll, attend and successfully complete a
4 course for drinking drivers. This data shall be regularly forwarded
5 to the department of public safety.

1 SEC. 13. The fee for a temporary driving permit under section six
2 (6) of this Act shall be three dollars. The temporary driving permit
3 must be in the permittee's immediate possession while operating a
4 motor vehicle and shall be invalid when the permittee is issued a
5 drivers license. The temporary driving permit shall be cancelled upon
6 conviction for a moving traffic violation.

1 SEC. 14. Any person violating a restriction of a temporary driving
2 permit issued under section six (6) of this Act shall be guilty of a
3 misdemeanor.

Approved April 20, 1972.