

or seller against any person regarding the loss. The depositor or seller shall render all necessary assistance to aid the department and the board in securing the rights granted in this section. No action or claim initiated by a depositor or seller and pending at the time of payment from the fund shall be compromised or settled without the consent of the department board.

Sec. 20. This Act shall not affect a claim for indemnification by any person from the depositors and sellers indemnity fund, if the claim arose from a purchase of grain by a credit sale contract, and the contract was executed before the effective date of this Act.

Approved May 26, 1987

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## CHAPTER 148

### LICENSE REVOCATIONS FOR OWI

*H.F. 488*

**AN ACT** relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug.

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

Section 1. Section 321J.13, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The department shall grant the person an opportunity to be heard within ~~thirty~~ thirty forty-five days of receipt of a request for a hearing if the request is made not later than ~~twenty~~ thirty days after receipt of notice of revocation served pursuant to section 321J.9 or 321J.12. The hearing shall be before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing may be recorded and its scope shall be limited to the issues of whether a peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 and either of the following:

Sec. 2. Section 321J.13, subsection 4, shall apply to persons whose motor vehicle license or nonresident operating privilege has been revoked prior to July 1, 1986 under section 321B.7, 321B.13, or 321B.16 as they existed prior to July 1, 1986 to the extent that a person may reopen a hearing on the revocation if the person submits a petition stating that a criminal action on a charge of a violation of section 321.281 as it existed prior to July 1, 1986 filed as a result of the same circumstances which resulted in the revocation has resulted in a decision in which the court has held that the peace officer did not have reasonable grounds to believe that a violation of section 321.281 had occurred to support a request for or to administer a chemical test or which has held the chemical test to be otherwise inadmissible or invalid. Such a decision by the court is binding on the department and shall require the department to rescind the revocation and destroy any record of the revocation.

Approved May 27, 1987