

to modify the records of the agency or official to reflect the order setting aside the judgment. The clerk of the district court shall provide the court order setting aside the judgment, either by regular mail or electronic means, to the charging agency or official, and the department of transportation. The clerk of the district court shall also provide the applicant with a certified copy of the court order at no cost to the applicant.

3. Notwithstanding the department's approval of an application pursuant to subsection 1, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the previous judgment of the court as provided in subsection 2. Upon receiving a copy of an order from the district court setting aside the previous judgment of the court, the department shall expunge the record and shall rescind any administrative sanction imposed upon the applicant as a result of the judgment, unless the applicant is subject to sanctions for other reasons. The department may impose a new sanction if expunging the judgment would result in a lesser or different sanction.

4. The department shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 3. Section 811.9, Code 2009, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside unless a conviction for a scheduled violation under chapter 321 was set aside under the procedures established in section 321.200A.

Approved May 22, 2009

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## CHAPTER 125

### STATEWIDE BROADBAND POLICY DEVELOPMENT — STUDY

S.F. 372

**AN ACT** requesting the establishment of a statewide broadband policy development interim study committee.

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

Section 1. STATEWIDE BROADBAND POLICY DEVELOPMENT INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to evaluate the need for statewide broadband access, the extent to which such access exists, and the necessity for and content of a statewide broadband policy. In conducting the study, the committee shall review exclusively the provisions of the federal communications code and other federal laws affecting the implementation of broadband. The committee shall be composed of ten members, representing both political parties and both houses of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate, and two of whom shall be appointed by the minority leader of the senate. Five members shall be members of the house of representatives, three of whom

shall be appointed by the speaker of the house of representatives, and two of whom shall be appointed by the minority leader of the house of representatives. If the committee decides to issue a report on its review of federal law to the general assembly, the report shall be issued by January 15, 2010.

Approved May 22, 2009

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## CHAPTER 126

### CERTIFIED MOTOR VEHICLE OPERATING RECORDS — RESALE AND USE

S.F. 374

**AN ACT** concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

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

Section 1. Section 321A.3, subsection 8, Code 2009, is amended to read as follows:

8. a. (1) A person making a request for a record or an abstract who purchases a certified abstract of an operating record directly from the department under this section that is subject to a fee shall only use the record or abstract requested, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and if the person shall not supply that record abstract or any portion of that abstract to more than one other person. Any subsequent use of the same record or abstract shall require that the The person shall make a subsequent request for the record or<sup>1</sup> abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

(2) Notwithstanding the limitation on use, sale, disclosure, and distribution of a certified abstract under subparagraph (1), a person who purchases a certified abstract under this section may provide a copy of the previously purchased certified abstract to the person who is an insurer who was originally supplied the certified abstract by the person who purchased the certified abstract.

b. A person who is supplied a certified abstract or any portion of the abstract by a person who purchases the certified abstract under paragraph “a” shall only use the abstract one time, for one purpose, and shall not reuse, sell, disclose, or distribute the abstract or any portion of the abstract except as provided in paragraph “c”.

c. A person who is an insurer or an insurance producer licensed under chapter 522B who purchases a certified abstract under this section or a person who is supplied a certified abstract or any portion of the abstract pursuant to paragraph “b” may use the certified abstract pursuant to this paragraph “c” for more than one use for the following purposes:

(1) To provide a copy to a consumer with respect to a specific decision impacting the consumer and made in whole or in part based upon information contained in the certified abstract, as defined by rule of the department.

(2) Internal auditing purposes, or similar internal purposes as defined by rule of the department.

(3) Internal purposes in a manner consistent with the federal Driver’s Privacy Protection Act, 18 U.S.C. § 2721-2725, by a person who is an insurer.

<sup>1</sup> See chapter 179, §37 herein