

MAR 1 2011
TRANSPORTATION

HOUSE FILE 484
BY HUTTER and KAUFMANN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to surrender of motor vehicle registrations upon
2 conviction for a second or subsequent offense of operating
3 while intoxicated, issuance of special series motor vehicle
4 registration plates, providing a fee and an appropriation, and
5 providing penalties.

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

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HF 484

1 Section 1. Section 125.59, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 The treasurer of state shall transfer funds credited from
4 the issuance of special series plates as provided in section
5 321J.4A, and on each July 1 for that fiscal year, shall
6 transfer the estimated amounts to be received from section
7 123.36, subsection 8, and section 123.143, subsection 1, to
8 the department.

9 Sec. 2. NEW SECTION. 321J.4A SURRENDER OF VEHICLE
10 REGISTRATION -- SPECIAL SERIES PLATES.

11 1. Upon a conviction for an offense that is a second or
12 subsequent offense under section 321J.2, the court shall issue
13 an order requiring the surrender of the registration receipt
14 and registration plates for the following vehicles, as
15 identified by the department:

16 a. Any vehicle registered to the defendant, individually
17 or jointly.

18 b. Any vehicle for which the defendant is listed on the
19 certificate of title as the owner or co-owner.

20 c. Any leased vehicle required to be registered under
21 section 321F.8, if the defendant is listed as the lessee. A
22 rental vehicle which is one of a fleet of vehicles rented for
23 periods of four months or less is not a leased vehicle for
24 purposes of this section.

25 2. The court shall forward a copy of the surrender of
26 registration order to the applicable county treasurer. The
27 court shall forward the surrendered registration receipt to
28 the county treasurer within seven days after surrender. The
29 court may destroy the surrendered registration plates and
30 notify the county treasurer of the destruction.

31 3. If a vehicle has been impounded pursuant to section
32 321J.4B, the court shall order the registration receipt and
33 plates to be forwarded to the court by a date specified by the
34 court. If a vehicle's registration receipt and plates have
35 been surrendered to the department pursuant to section

1 321A.17, the defendant shall notify the court.

2 4. a. A defendant or owner whose motor vehicle
3 registration receipt and plates have been surrendered pursuant
4 to this section may apply to the director for new registration
5 plates, which shall bear a special series of numbers or
6 letters so as to be readily identified by peace officers. The
7 director shall authorize issuance of special series plates if
8 any of the following apply:

9 (1) A member of the defendant's household or a co-owner of
10 the vehicle has a valid driver's license.

11 (2) The defendant has been issued a temporary restricted
12 license under section 321J.20.

13 b. The special series registration plates shall be issued
14 upon payment of a special fee of fifty dollars for each
15 vehicle for which special series plates are issued. The
16 special fee does not modify or replace the annual registration
17 fee required for the vehicle under chapter 321. The special
18 fees collected from the issuance of special series plates
19 shall be credited to the road use tax fund. Notwithstanding
20 section 423.43, and prior to the crediting of the revenues to
21 the road use tax fund under section 423.43, subsection 1,
22 paragraph "b", the treasurer of state shall credit monthly the
23 amount of the special fees collected in the previous month to
24 the Iowa department of public health to be used in each county
25 for substance abuse education programs funded under section
26 125.59.

27 5. Application for and acceptance of special series
28 registration plates constitutes implied consent for a peace
29 officer to stop the vehicle bearing the special series plates
30 at any time. A peace officer who observes the operation of a
31 motor vehicle bearing special series registration plates
32 issued under this section may stop the vehicle for the purpose
33 of determining whether the driver is operating the vehicle
34 lawfully under a valid driver's license.

35 6. A registered owner of a motor vehicle shall not sell

1 the motor vehicle during the time its registration plates and
2 registration receipt have been ordered surrendered or during
3 the time its registration plates bear a special series number,
4 unless the registered owner applies to the department for
5 consent to transfer title to the motor vehicle. If the
6 department is satisfied that the proposed sale is in good
7 faith and for valid consideration, that the registered owner
8 will be deprived of custody and control of the motor vehicle,
9 and that the sale is not for the purpose of circumventing the
10 provisions of this section, the department may certify its
11 consent to the county treasurer. The county treasurer shall
12 then transfer the title to the new owner upon proper
13 application and issue new registration plates. After the
14 registration plates and registration receipt have been ordered
15 surrendered to the court under this section, if the title to
16 the motor vehicle is transferred by the cancellation of a
17 conditional sales contract, a sale upon execution, or by
18 decree or order of a court of competent jurisdiction, the
19 department shall order the title surrendered to the new
20 registered owner. The county treasurer shall then transfer
21 the title and issue new registration plates to the new
22 registered owner. If a registered owner who is subject to a
23 surrender order applies for a new vehicle registration, the
24 department shall issue special series plates upon payment of a
25 fee, as required under this section, or permit transfer of a
26 special series registration plates to the new vehicle at no
27 charge.

28 7. A surrender order shall remain in effect until the
29 department is authorized to delete all convictions under
30 section 321J.2 from the defendant's operating record, as
31 provided in section 321.12. The department shall notify the
32 registered owner of any vehicle registered with special series
33 plates when the surrender order is about to expire. After the
34 surrender order has expired, the department shall exchange the
35 special series plates for regular registration plates at no

1 charge upon request of the vehicle's registered owner.

2 8. This section is not intended to change or modify the
3 taxation of motor vehicles or the time within which a motor
4 vehicle tax must be paid.

5 9. a. A person who fails to surrender any registration
6 plates or a registration receipt to the court upon demand
7 under this section or who fails to comply with this section is
8 guilty of a simple misdemeanor and contempt of court.

9 b. A person who operates a motor vehicle on a street or
10 highway at a time when a court has ordered the surrender of
11 the vehicle's registration plates and registration receipt is
12 guilty of a simple misdemeanor as a separate and distinct
13 offense from any other penalty imposed in connection with the
14 offense of driving while under a license suspension or
15 revocation.

16 10. The director may adopt such rules as may be necessary
17 for the implementation and administration of this section.

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EXPLANATION

19 This bill, in new Code section 321J.4A, provides that when
20 a person is convicted of a second or subsequent offense of
21 operating a motor vehicle while intoxicated (OWI), the court
22 shall order the surrender of the registration receipt and
23 plates of all vehicles registered to the defendant
24 individually or jointly, owned by the defendant individually
25 or as a co-owner, or leased by the defendant. The court shall
26 send a copy of the order to the county treasurer, shall
27 forward surrendered registration receipts to the treasurer
28 within seven days, and may destroy surrendered registration
29 plates and notify the county treasurer of the destruction. If
30 a vehicle subject to the surrender order has been impounded,
31 the court shall order that the registration receipt and plates
32 be forwarded to the court by a specified date. A defendant
33 must notify the court if a vehicle's registration has been
34 revoked due to a driver's license revocation under provisions
35 of Code chapter 321A, the motor vehicle financial

1 responsibility law. The surrender order remains in effect for
2 the length of time the department is required to maintain a
3 record of the person's convictions for OWI offenses, which is
4 currently 12 years.

5 A defendant or an owner whose vehicle is subject to a
6 surrender order may apply to the department for registration
7 plates that bear a special series of numbers or letters that
8 are readily identifiable by peace officers. The department
9 shall issue the special series plates if the defendant has
10 been issued a temporary restricted driver's license or if a
11 member of the defendant's household or a co-owner of the
12 vehicle has a valid driver's license. The fee for special
13 series plates is \$50. The fees are allocated to the Iowa
14 department of public health to be used to supplement funding
15 for substance abuse education programs in each county.

16 Application and acceptance of special series plates
17 constitutes implied consent to being stopped at any time by a
18 peace officer for the purpose of determining whether the
19 driver is operating under a valid driver's license.

20 The bill requires that an owner obtain the consent of the
21 state department of transportation before selling a vehicle
22 that is subject to a surrender order. In addition, if such an
23 owner acquires a new vehicle, the vehicle must be registered
24 with special series plates. The state department of
25 transportation is required to notify the owner of a vehicle
26 registered with special series plates when the surrender order
27 is about to expire, and the owner may exchange the special
28 plates for regular registration plates at no charge.

29 The bill specifies that the taxation of motor vehicles is
30 not affected by the bill's provisions.

31 A person who fails to surrender a registration receipt or
32 plates to the court or fails to comply with any of the
33 requirements of new Code section 321J.4A commits both a simple
34 misdemeanor and contempt of court. A person who operates a
35 motor vehicle when a court has ordered the surrender of the

1 vehicle's registration commits a simple misdemeanor punishable
2 as a separate and distinct offense from any license suspension
3 or revocation offense.

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