

HF 2452

DOT Driver License Sanctions

- Section 1 Amends Code section 321.215(2) to allow DOT to grant all temporary restricted licenses (TRLs) issued under Code chapter 321 without requiring a court order.
- Section 2 Amends Code section 321.560(1)(b) to make a conforming change regarding issuance of TRLs.
- Section 3 Amends Code section 321J.2(2)(a)(3) to allow DOT to require that an ignition interlock be installed if a defendant seeks a TRL, rather than requiring a court order. Conforming changes are made in Code sections 321J.4, 321J.9, and 321J.12. *(Section 75 of HF 2531 repeals this section, Section 50 of HF 2531 amends SF 431 to enact identical language, and Section 81 of HF 2531 provides that the amended language takes effect December 1, 2010.)*
- Sections 4-7 Amend Code section 321J.4 to provide that a person who is convicted of a second Operating While Intoxicated (OWI) and who submitted to chemical testing is eligible to apply for a TRL after 45 days from the effective date of the sanction – and after 90 days if the person refused chemical testing – in compliance with the limited purposes allowed under 23 U.S.C. § 164 which are "getting to and from work, school, or an alcohol treatment program."
- Section 4 requires that such a TRL be issued in accordance with Code section 321J.20(2) and conforming changes are made in Code sections 321J.9, 321J.12 and 321J.20. Section 7 strikes the court's authority to issue a TRL. This authority is modified and transferred to DOT in Code section 321J.20(2), thereby consolidating the authority to issue all TRLs under Code chapter 321J with the DOT.
- In addition, Section 6 amends Code section 321J.4(4) to allow DOT to trigger the six-year revocation for a third or subsequent OWI conviction upon DOT's receipt of the conviction, rather than requiring the court to order DOT to impose the revocation.

- Section 8 Amends Code section 321J.9(2) to allow an individual whose license is revoked after refusing to submit to a chemical test for OWI, and whose license has previously been revoked under Chapter 321J, to apply for a TRL after 90 days from the effective date of the sanction, in compliance with the limited purposes allowed under 23 U.S.C. § 164. Specifies that such a TRL be issued in accordance with Code section 321J.20(2). Previously the individual was not eligible for a TRL for at least one year after the effective date of the revocation.
- Section 9 Amends Code section 321J.12(2) to allow a person whose license is revoked after failing a chemical test for OWI, and whose license has previously been revoked under Chapter 321J, to apply for a TRL after 45 days from the effective date of the sanction, in compliance with the limited purposes allowed under 23 U.S.C. §164. Specifies that such a TRL be issued in accordance with Code section 321J.20(2). Conforming changes are made in Code sections 321J.4, 321J.9 and 321J.20.
- Section 10 Amends Code section 321J.17(3) to clarify that an ignition interlock device is required following a second or subsequent OWI offense revocation, rather than a second or subsequent OWI conviction.
- Section 11 Amends Code section 321J.20 to consolidate authority to issue a TRL with DOT, including situations that previously required a court order. Allows repeat OWI offenders to obtain a TRL following the applicable minimum period of ineligibility in accordance with the limited purposes allowed under 23 U.S.C. § 164. Corresponding changes are made in Code sections 321J.4, 321J.9 and 321J.12.
- Section 12 Amends Code section 707.6A(1) to allow DOT to revoke, for a period of 6 years, the driver's license or nonresident operating privileges of a defendant who is convicted of unintentionally causing the death of another by operating a motor vehicle while intoxicated, upon DOT's receipt of the conviction, rather than requiring the court to order DOT to impose the revocation.

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