

FEB 13 2002

JUDICIARY

HOUSE FILE 2305  
BY MYERS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act changing the blood alcohol concentration limit to .08 for  
2 motor vehicle operating while intoxicated offenses.

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

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HF 2305

1 Section 1. Section 321J.2, subsection 1, paragraph b, Code  
2 2001, is amended to read as follows:

3 b. While having an alcohol concentration of ~~+.10~~ .08 or  
4 more.

5 Sec. 2. Section 321J.6, subsection 1, paragraph g, Code  
6 2001, is amended to read as follows:

7 g. The preliminary breath screening test was administered  
8 and it indicated an alcohol concentration of .02 or more but  
9 less than ~~+.10~~ .08 and the person is under the age of twenty-  
10 one.

11 Sec. 3. Section 321J.12, subsection 5, Code Supplement  
12 2001, is amended to read as follows:

13 5. Upon certification, subject to penalty of perjury, by  
14 the peace officer that there existed reasonable grounds to  
15 believe that the person had been operating a motor vehicle in  
16 violation of section 321J.2A, that there existed one or more  
17 of the necessary conditions for chemical testing described in  
18 section 321J.6, subsection 1, and that the person submitted to  
19 chemical testing and the test results indicated an alcohol  
20 concentration ~~as defined in section 321J.1~~ of .02 or more but  
21 less than ~~+.10~~ .08, the department shall revoke the person's  
22 driver's license or operating privilege for a period of sixty  
23 days if the person has had no previous revocation under this  
24 chapter, and for a period of ninety days if the person has had  
25 a previous revocation under this chapter.

26 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
27 3, shall not apply to this Act.

28 EXPLANATION

29 This bill changes the limit for blood alcohol concentration  
30 (BAC) while driving a motor vehicle from .10 BAC to .08 BAC.  
31 Under the bill, a person who drives with .08 BAC or higher  
32 would violate Code section 321J.2, the operating while  
33 intoxicated statute.

34 The bill may include a state mandate as defined in Code  
35 section 25B.3. The bill makes inapplicable Code section

1 25B.2, subsection 3, which would relieve a political  
2 subdivision from complying with a state mandate if funding for  
3 the cost of the state mandate is not provided or specified.  
4 Therefore, political subdivisions are required to comply with  
5 any state mandate included in the bill.

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