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SENATE FILE
BY KREIMAN

165

JUDICIARY

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

A BILL FOR

1 An Act relating to sanctioning the motor vehicle operating
2 privileges of a person upon a second or subsequent conviction
3 for motor fuel theft from a retail dealer.

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

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SC 165
JUDICIARY

1 Section 1. Section 321.215, subsection 1, unnumbered
2 paragraph 2, Code 2005, is amended to read as follows:

3 However, a temporary restricted license shall not be issued
4 to a person whose license is revoked pursuant to a court order
5 issued under section 901.5, subsection 10, or under section
6 321.209, subsections 1 through 5 or subsection 7, or to a
7 juvenile whose license has been suspended or revoked pursuant
8 to a dispositional order under section 232.52, subsection 2,
9 paragraph "a", for a violation of chapter 124 or 453B, or
10 section 126.3, or to a person whose license has been suspended
11 pursuant to a court order under section 714.7D. A temporary
12 restricted license may be issued to a person whose license is
13 revoked under section 321.209, subsection 6, only if the
14 person has no previous drag racing convictions. A person
15 holding a temporary restricted license issued by the
16 department under this section shall not operate a motor
17 vehicle for pleasure.

18 Sec. 2. Section 321.215, subsection 2, unnumbered
19 paragraph 1, Code 2005, is amended to read as follows:

20 Upon conviction and the suspension or revocation of a
21 person's noncommercial driver's license under section 321.209,
22 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
23 upon revocation pursuant to a court order issued under section
24 901.5, subsection 10; or upon the denial of issuance of a
25 noncommercial driver's license under section 321.560, based
26 solely on offenses enumerated in section 321.555, subsection
27 1, paragraph "c", or section 321.555, subsection 2; or a
28 juvenile, whose license has been suspended or revoked pursuant
29 to a dispositional order under section 232.52, subsection 2,
30 paragraph "a", for a violation of chapter 124 or 453B, or
31 section 126.3; or upon suspension of a driver's license
32 pursuant to a court order under section 714.7D, a person may
33 petition the district court having jurisdiction over the
34 residence of the person for a temporary restricted license to
35 operate a motor vehicle for the limited purpose or purposes

1 specified in subsection 1. The petition shall include a
2 current certified copy of the petitioner's official driving
3 record issued by the department. The application may be
4 granted only if all of the following criteria are satisfied:

5 Sec. 3. NEW SECTION. 714.7D RETAIL MOTOR FUEL.

6 Upon a second or subsequent conviction of a person under
7 section 714.2, subsection 5, for theft of motor fuel from a
8 retail dealer as defined in section 214A.1, the court may
9 order the state department of transportation to suspend the
10 driver's license or nonresident operating privilege of the
11 convicted person for up to thirty days in lieu of, or in
12 addition to, a fine or imprisonment.

13 EXPLANATION

14 This bill provides that a court may order suspension of a
15 person's driver's license or nonresident operating privilege
16 in lieu of, or in addition to, any other penalty which may be
17 imposed, upon a second or subsequent conviction for theft of
18 motor fuel not exceeding \$200 in value from a retail dealer.
19 In a case of extreme hardship, the person whose driver's
20 license was ordered suspended may petition the district court
21 which has jurisdiction over the person's residence for a
22 temporary restricted license to drive from the person's home
23 to specified places involving employment, health care,
24 education, substance abuse treatment, or court-ordered
25 community service. Such a temporary restricted license
26 applies only for noncommercial motor vehicle operation.

27 Under current law, theft of property not exceeding \$200 in
28 value is a simple misdemeanor, punishable by a fine of at
29 least \$50 but not more than \$500, or by imprisonment for no
30 more than 30 days, or by both.

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