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SENATE FILE 345
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 6)

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

A BILL FOR

1 An Act relating to the reinstatement of a person's driver's
2 license or nonresident operating privilege following a
3 criminal action in an operating-while-intoxicated case
4 resulting from the same circumstances that resulted in the
5 administrative revocation being challenged in which the court
6 found that the peace officer did not have reasonable grounds
7 to administer a chemical test or that the chemical test was
8 otherwise inadmissible or invalid.

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

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SF 345

1 Section 1. Section 321.199, Code 2005, is amended to read
2 as follows:

3 321.199 DRIVER'S LICENSE RECORDS.

4 1. The department shall file every application for a
5 license received by it and shall maintain suitable indexes
6 containing, in alphabetical order, all of the following:

7 ~~1-~~ a. All applications denied and the reasons for the
8 denial.

9 ~~2-~~ b. All applications granted.

10 ~~3-~~ c. The name of every licensee who has been
11 disqualified from operating a commercial motor vehicle or
12 whose license has been suspended, revoked, or canceled by the
13 department and after each name a note on the reasons for the
14 action.

15 2. The department, upon receiving a copy of a court order
16 that includes language rescinding a person's driver's license
17 or nonresident operating privilege revocation pursuant to
18 section 321J.13, shall purge such revocation from its records.

19 Sec. 2. Section 321.218A, Code 2005, is amended to read as
20 follows:

21 321.218A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

22 1. When the department suspends, revokes, or bars a
23 person's driver's license or nonresident operating privilege
24 for a conviction under this chapter, the department shall
25 assess the person a civil penalty of two hundred dollars.
26 However, for persons age nineteen or under, the civil penalty
27 assessed shall be fifty dollars.

28 2. The civil penalty assessed pursuant to subsection 1
29 does not apply to a either of the following:

30 a. A suspension issued for a violation of section
31 321.180B.

32 b. A rescision of a person's driver's license or
33 nonresident operating privilege revocation pursuant to section
34 321J.13.

35 3. The money collected by the department under this

1 section shall be transmitted to the treasurer of state who
2 shall deposit the money in the juvenile detention home fund
3 created in section 232.142. A temporary restricted license
4 shall not be issued or a driver's license or nonresident
5 operating privilege reinstated until the civil penalty has
6 been paid.

7 Sec. 3. Section 321J.13, subsection 6, paragraph c, Code
8 2005, is amended to read as follows:

9 c. Such a holding by the court in the criminal action is
10 binding on the department, and the court shall send the
11 department ~~shall rescind~~ a copy of the order that includes
12 language rescinding the person's driver's license or
13 nonresident operating privilege revocation.

14 EXPLANATION

15 This bill relates to an administrative rescision of a
16 person's driver's license or nonresident's operating privilege
17 revocation following a criminal action in an operating-while-
18 intoxicated case.

19 Current Code section 321J.13, subsection 6, provides that
20 the department of transportation shall, upon hearing, rescind
21 a person's driver's license or nonresident's operating
22 privilege revocation resulting from a criminal action in an
23 operating-while-intoxicated offense if, in the criminal action
24 on the operating-while-intoxicated offense resulting from the
25 same circumstances that resulted in the administrative
26 revocation being challenged, the court held that either the
27 peace officer involved in the case did not have reasonable
28 grounds to support a request for or to administer a chemical
29 test or that the chemical test was otherwise inadmissible or
30 invalid.

31 The bill specifies that upon such a holding the court shall
32 send the department a copy of the court order that
33 specifically includes language rescinding the person's
34 driver's license or nonresident operating privilege revocation
35 and the department shall purge the revocation from its

1 records.

2 The bill further provides that the civil penalty fine of
3 \$200 that is assessed by the department when a person's
4 license or nonresident's operating privilege is suspended,
5 revoked, or barred shall not apply to a recision of a
6 revocation pursuant to Code section 321J.13.

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