

Motor Vehicle Division Information Memo # 20-17

2020 Legislation – Removal of DOT from Iowa’s 24/7 Sobriety Program

DATE: June 18, 2020

FROM: Sara Siedsma, Compliance Officer, MVD

TO: All Driver & Identification Services staff, Iowa County Treasurers and County Treasurer’s staff that issue driver’s licenses and non-operator’s identification cards

SUBJECT

This informational memo explains legislation enacted during the 2020 legislative session which ends the department’s role in Iowa’s 24/7 sobriety program. Prior to the 2020 legislation, participation in the 24/7 sobriety program was required as a condition of an Operating While Intoxicated (OWI) offender’s temporary restricted license (TRL) if the offender committed an eligible OWI offense in a participating jurisdiction.

SUMMARY

House File 2411 amends Iowa Code section 321J.20 and chapter 901D by striking the requirements that an OWI offender is required to have a TRL prior to participating in the 24/7 program and that the DOT make participation in the 24/7 program a condition of any TRL issued to an eligible offender. The legislation does provide that a participant in the 24/7 program must submit proof to the participating county that the person has installed an ignition interlock device prior to being discharged from the program unless the court enters an order finding that the person is ineligible for a TRL or does not own a motor vehicle.

This legislation was adopted because making the TRL a requirement to participate in the 24/7 program was making the program ineffective. Too often a person would simply decline to obtain a TRL to avoid being subject to the requirement to participate in the 24/7 program. With this legislation, a court has the authority to require an eligible OWI offender to participate in the 24/7 program regardless of whether that offender is also eligible for a TRL.

With DOT ending its role in the 24/7 sobriety program, we are rescinding the following informational memos and policy memo that were previously issued regarding implementation of the 24/7 program: IM 17-01, IM 18-17, IM 19-32 and PM 19-06.

The legislation is effective July 1, 2020.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGE/88/HF2411.pdf>

CURRENT

Under current Iowa law, an OWI offender is required to participate in the 24/7 sobriety program as a condition of obtaining a TRL if the offender committed an eligible OWI offense in a participating jurisdiction. Currently, Woodbury County is the only county participating in the 24/7 pilot program.

NEW

The new legislation removes the requirement that an OWI offender must have a TRL prior to participating in the 24/7 program, and also removes the requirement that the DOT make participation in the 24/7 program a condition of any TRL we issue to an eligible offender.

BUSINESS IMPACT

This directive no longer requires us to make participation in 24/7 a condition of issuing a TRL. In the near term, we will turn off the programming that triggers 24/7 as a condition of a TRL for an eligible OWI offender. This means the DOT will no longer require participation in the 24/7 program as a condition of the TRL and we will no longer communicate a list of eligible offenders to Woodbury county.

You may still see references to the 24/7 requirements in ARTS and on some correspondence. Since we did not receive much advance notification that this legislation would be adopted for certain prior to its effective date, it will take additional time to remove all of the programming from the ARTS compliance screen as well as updating correspondence and the OWI packets.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to customers.

WHAT HAPPENS IF A CUSTOMER HAS A TRL AND WAS PARTICIPATING IN 24/7 PRIOR TO JULY 1, 2020?

When the new law becomes effective, we will create amended TRLs for these individuals who were participating in 24/7 that no longer contain the requirement to participate in 24/7.

WHAT IF A CUSTOMER COMMITTED AN ELIGIBLE OWI OFFENSE IN WOODBURY COUNTY PRIOR TO JULY 1, 2020 AND SEEKS A TRL BEFORE JULY 1, 2020?

The law requiring participation in the 24/7 program as a condition of a TRL is still in effect until July 1, 2020, so we have to continue to make 24/7 a condition of the TRL. However, due to the COVID-19 pandemic, Woodbury County is currently not reporting any instances of noncompliance with 24/7 testing to the DOT.

WHAT IF A CUSTOMER COMMITTED AN ELIGIBLE OWI OFFENSE IN WOODBURY COUNTY PRIOR TO JULY 1, 2020 BUT IS SEEKING A TRL ON OR AFTER JULY 1, 2020?

If a customer committed an eligible offense in Woodbury county prior to July 1, 2020, but is seeking a TRL on or after July 1, 2020, the customer will no longer be required to participate in 24/7 as a condition of their TRL.

WILL THE REQUIREMENTS IN THE LEGISLATION FOR A PERSON TO SUBMIT PROOF OF AN IID AS WELL AS PROOF OF INELIGIBILITY FOR A TRL OR OWNERSHIP/REGISTRATION OF A MOTOR VEHICLE IMPACT DOT?

While the legislation does not directly require the DOT to provide the customer with the proof documents they will need to submit to the court and/or the participating jurisdiction, it is possible that these requirements will cause customers to request additional documentation from the DOT. For example, a customer must submit proof of installation of an IID to exit the 24/7 program. The customer can provide this documentation from the copy they receive from the IID company, but may also ask us for a copy if they have misplaced their copy.

Additionally, under the new law, there are certain conditions in which a customer can obtain a court order excusing them from having to prove installation of an IID – one of them being ineligibility for a TRL. A customer who needs to prove to the court that they are ineligible for a TRL may need to obtain some proof from us. We are currently developing a form letter that can be provided to a customer who requests proof that they are ineligible for a TRL, and a sample of that form is attached below. This correspondence will be available to generate beginning July 22, 2020 in ARTS Request Management, and will auto populate with the reason(s) the person is ineligible for a TRL.

Finally, a customer can also provide the court with proof that they do not own or register a motor vehicle in order to be excused from showing proof of installation of an IID. This proof is mentioned as being in the form of an affidavit completed by the customer, and is not a DOT-provided form, but there may still be times the customer approaches the DOT or county treasurer for assistance in showing proof that they do not own or register a motor vehicle.



www.iowadot.gov

Driver & Identification Services
PO Box 9204 | Des Moines, IA 50306-9204
Phone: 515-244-9124 | Fax: 515-239-1837
<https://mymvd.iowadot.gov>

Customer Sample
1234 Driver Rd
Ankeny, IA 500219204

Cust No: 1234567
DL No: 000AA0000
Date: 06-05-2020

You are currently ineligible for a temporary restricted license (TRL/work permit). Your ineligibility is due to the following:

Suspension for Default in Payment for accident dated 11-10-19 that will end 07-05-20.

Revocation for Eluding that will end on 09-20-20.

This information is based on your driving record reviewed at this time. Any additional convictions and sanctions to the driving record may affect your ability to receive any driving privileges.

KBALLAR
Driver & Identification Services