

Motor Vehicle Division Informational Memo # 24-06 **2024 Legislation –Ignition Interlock Device Changes**

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FROM: MVD Policy & Compliance Team

TO: All Motor Vehicle Division staff

EFFECTIVE: January 1, 2025

SUBJECT

This informational memo explains legislation enacted during the 2024 legislative session which makes numerous changes to Iowa Code regarding requirements for ignition interlock devices (IIDs).

SUMMARY

Senate File 2261 implements a compliance-based removal structure for ignition interlock devices (IIDs) along with reporting requirements for IID providers and gives MVD rulemaking authority. The bill eliminates the requirement that repeat OWI offenders must install an IID on all vehicles they own and instead only requires them to install an IID in the vehicle they operate. A driver will be revoked for operating a vehicle without an IID if required or removing an IID without authorization and IID providers are prohibited from charging an early termination fee if an individual presents an unrestricted driver's license to the provider prior to the end of their contract with the provider. The revocation for tampering with or attempting to circumvent an IID is eliminated and replaced with an additional 60-days that are required to have an IID installed. The new law also allows MVD to waive the IID requirement for individuals with certain medical conditions but limits those individuals to only driving to the locations allowed for a non-OWI temporary restricted license (TRL) issued under Iowa Code section 321.215.

In addition, individuals convicted under Iowa code 321J.21 for driving while suspended, denied, revoked, or barred will now be required to install an IID for one year following reinstatement. Eligibility for a TRL is also expanded to 18–20-year-olds revoked for an OWI under Iowa Code section 321J.2A for having alcohol test results of .02 to .08.

The legislation will become effective January 1, 2025.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/perma/0301202412078>

CURRENT

Currently, repeat OWI offenders are required to install an IID on all vehicles they own for 1 year following reinstatement. First time OWI offenders are only required to install an IID on vehicles they operate while driving on a TRL.

OWI offenders under the age of 21 that are revoked under Iowa Code section 321J.2A for having OWI test results from .02 to .08 alcohol concentration are not eligible for a TRL during their OWI revocation.

OWI offenders that de-install or tamper with an IID while they are on a TRL that requires an IID receive a revocation (REV63).

NEW

As of January 1, 2025, repeat OWI offenders and OWI offenders convicted of driving while suspended, denied, revoked, or barred under 321J.21 are required to install an IID for 1 year following reinstatement on vehicles they operate.

The amount of time an IID is required will be increased by 60 days per occurrence of any of the following actions detected by an IID:

- 10 or more violations within a 30-day period.
- 5 or more violations within a 24-hour period.
- Tampering with or attempting to circumvent the IID.

There is no limit to the number of 60-day extensions an individual can receive. A violation includes failing to provide a breath sample when prompted by the device or providing a breath sample of .04 alcohol concentration or more. It is not considered a violation if a detectable breath sample is provided on a first attempt, but a second test passed immediately following the first failed test.

18-20-year-old offenders revoked under 321J.2A for having OWI test results between .02 and .08 alcohol concentration are now eligible to be issued a TRL during their OWI revocation.

Individuals that are incapable of properly operating an IID due to a medical condition that is verified by their medical provider can have the IID requirement waived.

OWI offenders required to have an IID that de-install an IID without authorization or operate a vehicle without an approved IID are revoked (REV63). OWI offenders that tamper with or attempt to circumvent an IID will no longer be revoked and will instead receive a 60-day extension of required IID time.

BUSINESS IMPACT

This legislation primarily impacts staff that issue driver's licenses and driver's license sanctions. It will no longer be necessary for motor vehicle staff to assist with removing vehicles registered to an offender's name due to IID requirements.

An electronic process has been developed for IID providers and MVD to share information about offenders required to have an IID and violations causing a 60-day extension of IID time. Programming changes also allow for a 60-day extension to be added to a driving record.

A driver's license issued with a 365-day requirement for an IID will no longer have a J restriction listing the IID end date. These drivers will instead be required to carry a lift letter when driving that explains the compliance-based removal requirement for IIDs.

Form 430034 Medical Waiver for Ignition Interlock Device has been created and can be accessed on the DOT website beginning January 1st, 2025, for customers that wish to apply for the waiver with an underlying OWI offense on or after January 1st, 2025. Completed forms must be reviewed by the ACE team or a supervisor who will waive the IID requirement in ARTS if approved and add the non-OWI TRL to the customer's driving record pursuant to Iowa Code section 321.215. The customer must also complete the application for non-OWI TRL (form 430100) before being issued a TRL.

Form 430400 Request for Temporary Restricted License-OWI Revocation has been updated to include information about compliance-based removal for IIDs.

QUESTIONS AND ANSWERS

The following questions and answers provide additional information to you and to customers:

HOW CAN SOMEONE GET A MEDICAL WAIVER FOR AN IID?

Beginning January 1, 2025, individuals that have a medical condition that makes them incapable of properly operating an IID can apply for a medical waiver using form 430034. The form must be completed by a physician licensed to practice medicine and/or surgery: a Medical Doctor (MD) or Doctor of Osteopathy (DO).

CAN A MEDICAL WAIVER FOR IID FORM BE COMPLETED BY A DOCTOR LICENSED TO PRACTICE MEDICINE IN A STATE OTHER THAN IOWA?

Yes, form 430034 may be completed by a physician licensed to practice medicine and/or surgery in a state other than Iowa. The physician is required to be a Medical Doctor (MD) or Doctor of Osteopathy (DO).

WHAT STEPS DO I FOLLOW AFTER A COMPLETED MEDICAL WAIVER FOR IID FORM FOR IID HAS BEEN RECEIVED?

The completed medical waiver for IID (form 430034) must be reviewed by the ACE team or a supervisor. If approved, the supervisor or ACE team member will waive the IID requirement in ARTS and add the non-OWI TRL to the customer's driving record. The customer will also need to complete the application for a non-OWI TRL (form 430100), have SR22 on file, and pay the \$200 civil penalty and \$20 reinstatement fee before a non-OWI TRL can be issued.

WILL WE STILL NEED TO RUN A VEHICLE SEARCH BEFORE ISSUANCE OF A TRL?

No, beginning January 1, 2025, a vehicle search will no longer be required to remove vehicles registered in their name that do not have an IID installed. They will only be required to have proof on an IID installed in the vehicle they will be operating.

WILL A FIRST-TIME OFFENDER REVOKED UNDER 321J.4, 321J.9, OR 321J.12 WITH A TRL BE SUBJECT TO THE NEW IID COMPLIANCE-BASED REMOVAL REQUIREMENTS?

No. While the new law will still require first time OWI offenders under these code sections to install an IID in the vehicle they operate as a condition of the TRL, the requirement to have the IID still ends once the person reinstates from the TRL to their regular license. This means the new compliance-based removal time extensions for the IID do not apply.

WILL THE REQUIREMENTS OF THIS NEW LAW APPLY TO A PERSON WHOSE OWI OCCURRED IN DECEMBER 2024, RIGHT BEFORE THE NEW LAW TAKES EFFECT?

No. The bill provides that the new provisions of this law apply to OWI revocations where the underlying OWI offense occurs on or after January 1, 2025.

HOW CAN YOU TELL A 60-DAY IF A CUSTOMER HAS RECEIVED A 60-DAY EXTENSION?

On the driving record, a 60-day extension will be listed as AA63 in the 'Type' column. Record of the extension will also be saved in the customer's ERMS folder.

If you are unsure if the IID clock is correct, do not hesitate to contact the ACE team or your supervisor for additional review. We do not want to risk advising the customer that their IID time is complete, and they can remove their IID if there is a chance that the IID clock could be wrong, and the customer is still required to have their IID installed.

WHICH CUSTOMERS ARE IMPACTED BY THESE CHANGES?

Customers with a second or subsequent OWI offense or a conviction for Driving while Revoked under Iowa Code 321J.21 (REV12) whose underlying OWI offense occurred on or after January 1, 2025, are subject to the new compliance-based rules for IIDs.

Customers with existing OWI offenses, whether they are first, second, or subsequent offenses whose underlying OWI offense occurred before or after January 1, 2025, are no longer required to have an IID installed in all vehicles they own and operate. After January 1, 2025, an IID is only required in vehicles operated for all OWI offenses.

Customers with underlying OWI offenses on or after January 1, 2025, may be considered for a waiver of IID requirements if a Medical Doctor (MD) or Doctor of Osteopathy (DO) indicates on 430034 Medical Waiver for IID that the customer suffers from a medical condition that renders the customer incapable of breathing at least 1.2 liters per breath.