

Motor Vehicle Division Information Memo # 19-09

Operating While Intoxicated Administrative Rule Updates

DATE: April 16, 2019

FROM: Sara Siedsma, Compliance Officer, MVD

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

SUBJECT

This informational memo explains an update to administrative rule chapter 761—620, Operating While Intoxicated (OWI). In 2018, Iowa Code chapter 321J was amended to alter the requirements related to a temporary restricted license (TRL) and installation of an ignition interlock device (IID).

SUMMARY

The rule amendments conform to the following changes from the 2018 legislation:

- Extends the requirement to install an IID as a condition of a TRL to a subset of OWI offenders who had not previously been required to install an IID as a condition of a TRL, for example, applicants whose test results demonstrated a blood-alcohol content of .08 to .10.
- Removes the periods of ineligibility (i.e., hard suspensions) for most OWI offenses so that an applicant no longer must wait a specified period of time after committing an OWI offense before the applicant may apply for a TRL.
- Removes the driving location restrictions for an applicant obtaining a TRL authorized under Iowa Code chapter 321J.

The rule amendments also reflect a new TRL application form number and conforms the rules to requirements in Iowa Code chapter 321J requiring an IID to be installed in all vehicles owned or operated by the applicant as a condition of the TRL.

The administrative rule amendments are effective April 17, 2019.

LINK TO ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/4347C.pdf>

CURRENT

Based on the 2018 legislative changes, we have already changed our processes to adhere to the new requirements related to issuance of a TRL to a customer revoked under chapter 321J.

You may wish to review the previous guidance we issued when the 2018 legislation became effective for more information about the background of the legislation and additional questions and answers. The relevant memo number is PM 18-06.

For internal DOT employees, you may find the 2018 memo in the W drive at the address below:

W:\MotorVehicle\Policy & Communications\Memorandums\Memos\Policy Memos\2018

For County Treasurers and staff, you may find the 2018 memo at the link to the county treasurer's manual below:

<https://iowadot.gov/mvd/ovs/ctmanual/memos/PM-18-06.pdf>

NEW

As of April 17, 2019, the rules will align with the 2018 legislative changes and our current processes for issuance of TRLs for OWI offenses.

BUSINESS IMPACT

This directive does not significantly impact the way that DIS operates as we have already updated our processes to conform to the 2018 legislative changes, rather this directive is just informing you that the administrative rules have now been updated.