

Motor Vehicle Division Policy Memo # 18-05

2018 Legislation – Driver’s License Revocation for Drug Conviction

DATE: June 12, 2018

FROM: Darcy Doty, Director, Driver & Identification Services

TO: All Driver and Identification Services (DIS) staff, Iowa County Treasurers and County Treasurers’ staff that issue driver’s licenses and non-operator’s identification cards.

SUBJECT

This policy memo explains legislation enacted during the 2018 legislative session regarding the driver’s license sanction for a drug conviction and new procedures and processes related to the sanction.

SUMMARY

Senate Joint Resolution 2007 and House Joint Resolution 2008 announce the Iowa Legislature’s opposition to the imposition and enforcement of the law requiring a driver’s license revocation for certain non-driving related drug convictions. House File 2502 strikes the sections from the Iowa Code that require the department to revoke a person’s driver’s license upon receipt of a court order for certain non-driving related drug convictions. Under current law, a person convicted of certain (non-driving related) drug offenses will also receive a 180-day driver’s license revocation under Iowa Code section 901.5(10). These offenses can include possession of illegal drugs, which is unrelated to the person’s ability to operate a motor vehicle. To avoid the loss of federal highway funding, this legislation will not become effective until we have followed all of the necessary steps required by the U.S. DOT, which requires the legislative resolutions mentioned above and certification from the Governor that the state is opposed to enacting this revocation. Once the new law is effective, we will no longer be required to impose a driver’s license revocation (REV 112) and we should no longer receive notification of certain drug convictions from the court as Iowa Code section 901.5(10) requiring such order and notification is being eliminated. **The legislation will become effective upon certification of the Governor to the Federal Highway Administration of the U.S. DOT.**

LINK TO LEGISLATION

2018 Iowa Acts, Senate Joint Resolution 2007:

<https://www.legis.iowa.gov/docs/publications/LGE/87/SJR2007.pdf>

2018 Iowa Acts, House Joint Resolution 2008:

<https://www.legis.iowa.gov/docs/publications/LGI/87/HJR2008.pdf>

2018 Iowa Acts, House File 2502:

<https://www.legis.iowa.gov/docs/publications/LGE/87/HF2502.pdf>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide information regarding new procedures and procedures that are being eliminated or changed. This information will be helpful to you and to customers.

WHEN WILL THE NEW LAW GO INTO EFFECT?

The law eliminating the driver's license revocation for drug convictions has to follow a different path than most other legislation before it can become effective. The reason is because there is federal highway funding tied to this particular driver's license sanction, and the only way to avoid losing federal highway funding is to follow very particular steps, including submitting the joint resolutions along with the Governor's certification. We will be working with the Governor's office and the Federal Highway Administration regarding the timing of the effective date of the legislation, and will provide more guidance once they effective date has been determined. Until the new law becomes effective, we will continue to revoke a person's driver's license if we receive a court order for certain drug convictions.

ONCE THE NEW LAW GOES INTO EFFECT, WHAT WILL HAPPEN TO CUSTOMERS WITH AN ACTIVE OR PENDING DRUG REVOCATIONS (REV 112) ON THEIR RECORD?

On the date the legislation becomes effective, customers with an active REV112 will have the REV112 ended and they will receive a lift letter indicating they are eligible to reinstate their license. Customers with a pending REV 112 on their record will have the REV112 rescinded and will be eligible to reinstate their driver's license as long as there are no other revocations or suspensions on their record that would otherwise prevent them from reinstating. We are working on ARTS programming that would automatically end all active and remove all pending REV 112s from customer driving records once the specific effective date of this legislation is finalized.

WILL A REV 112 ISSUED AND TERMINATED PRIOR TO THE EFFECTIVE DATE OF THE LEGISLATION BE REMOVED FROM THE DRIVING RECORD?

No, there was no provision in the legislation providing for the removal of all previously issued REV 112s from a customer's driving record that ended prior to the effective date of the legislation. However, customers with a terminated REV112 on their record who have not yet reinstated will be able to reinstate their driver's license. If we happen to receive an order from the court vacating the conviction, we will remove it from the driving record as is our current practice when we receive an order vacating any conviction.

WHAT WILL A CUSTOMER NEED TO DO TO REINSTATE?

There has not been (and will be not be) a civil penalty or requirement to obtain SR-22 associated with a REV 112. Therefore, as long as the customer is otherwise eligible to reinstate their driver's license, the customer may reinstate upon payment of the \$20 reinstatement fee, licensing fee and completion of any required exams. The \$20 reinstatement fee does not apply to customers who had a pending REV112 (that had not yet taken effect) removed from their record unless the customer is reinstating from a suspension or revocation other than a REV112. Keep in mind, the customer may still owe court fines, fees or penalties associated with the criminal conviction, but the customer will need to resolve those with the court as we do not have the authority over court fines, fees and penalties.

WHAT HAPPENS IF A CUSTOMER UNDER AN ACTIVE REV 112 REVOCATION ALSO HAS A TEMPORARY RESTRICTED LICENSE (TRL) ON THE DATE THE LEGISLATION BECOMES EFFECTIVE?

If the customer has an active REV 112 and was issued a TRL for the REV 112 (only) when the legislation becomes effective, the customer will need to come in to remove their TRL restrictions and pay for a duplicate (full privileged) driver's license, provided they have no other new sanctions.

WILL ANYTHING CHANGE FOR A CUSTOMER WHO IS REVOKED FOR DRIVING WHILE UNDER REVOCATION AND THE UNDERLYING OFFENSE WAS A REV 112?

The legislation did not provide for the removal of any previous convictions from customer records, rather the legislation only stated that customers with driver's license revocations under Iowa Code section 901.5(10) shall be reinstated on the effective date of the legislation if the customer is otherwise eligible. The legislation also did not specifically address any previously issued driving while revoked convictions where the underlying offense was a REV 112. Therefore, we will not be removing any driving while revoked revocations based on this new law unless we receive an order for the court vacating the conviction under Iowa Code section 321.218.

WHAT IF THE CUSTOMER HAS A DRUG CONVICTION REVOCATION ON THEIR RECORD FROM ANOTHER STATE?

If we are the state of record, we are required to maintain convictions and sanctions on the record received from another state. The other state may still revoke a person's driver's license due to the person's drug conviction according to the laws of that state, and if so, that will still need to be reflected on the customer's driving record. However, once the Iowa law eliminating the drug revocation sanction is effective, we will no longer code it on the record as a REV112, and instead will change any REV112 that is based on an out of state conviction to a REV133, which means there is no corresponding Iowa offense.