

### **321.210 Suspension.**

1. The department is authorized to establish rules providing for the suspension of the license of an operator upon thirty days' notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

- a.* Is an habitually reckless or negligent driver of a motor vehicle.
- b.* Is an habitual violator of the traffic laws.
- c.* Is physically or mentally incapable of safely operating a motor vehicle.
- d.* Has permitted an unlawful or fraudulent use of the license.
- e.* Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
- f.* Has committed a serious violation of the motor vehicle laws of this state.
- g.* Is subject to a license suspension under section 321.513.

Prior to a suspension taking effect under paragraph "*a*", "*b*", "*c*", "*d*", "*e*", or "*f*", the licensee shall have received thirty days' advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall, except for suspensions under paragraph "*c*", operate to stay the suspension pending the determination by the district court.

2. In determining suspension the department shall not consider the following:

- a.* Violation of motor vehicle equipment standards if repairs are made within seventy-two hours of the violation and satisfactory evidence of repair is immediately sent to the department.
- b.* Violations of requirements to install and use safety belts, safety harnesses, and child restraint devices under sections 321.445 and 321.446.
- c.* Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 6, and 321.354 through 321.361 except section 321.354, subsection 1.
- d.* The first two speeding violations within any twelve- month period of ten miles per hour or less over the legal speed limit in speed zones having a legal speed limit between thirty-four miles per hour and fifty-six miles per hour.

[C31, 35, § 4960-d35; C39, § **5014.10**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 321.210; 82 Acts, ch 1100, § 18, 19]

84 Acts, ch 1016, § 2; 84 Acts, ch 1022, § 1; 86 Acts, ch 1009, § 1; 86 Acts, ch 1220, § 32; 87 Acts, ch 120, §1; 87 Acts, ch 167, §6; 89 Acts, ch 247, §6; 90 Acts, ch 1230, § 54; 96 Acts, ch 1152, § 15; 97 Acts, ch 23, § 33; 97 Acts, ch 104, §16