

321.210 Suspension.

1. *a.* 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:

- (1) Is an habitually reckless or negligent driver of a motor vehicle.
- (2) Is an habitual violator of the traffic laws.
- (3) Is physically or mentally incapable of safely operating a motor vehicle.
- (4) Has permitted an unlawful or fraudulent use of the license.
- (5) 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.
- (6) Has committed a serious violation of the motor vehicle laws of this state.
- (7) Is subject to a license suspension under section 321.513.

b. Prior to a suspension taking effect under paragraph "a", subparagraphs (1), (2), (3), (4), (5), or (6), 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 "a", subparagraph (3), 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 1, paragraph "f", 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.

e. Violations of section 321.276.

[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; 2010 Acts, ch 1061, §113, 172; 2010 Acts, ch 1105, §4

Subsection 1 amended

Subsection 2, paragraph c amended

Subsection 2, NEW paragraph e