

**328.41 Operating recklessly or while intoxicated.**

It shall be unlawful for any person to operate an aircraft in the air space above this state or on the ground or water within this state, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air space above this state or on the ground or water within this state in a careless or reckless manner so as to endanger the life or property of another.

1. Any person who operates an aircraft in a careless or reckless manner in violation of the provisions of [this section](#) shall be guilty of a simple misdemeanor.

2. Any person who operates any aircraft, while in an intoxicated condition or under the influence of narcotic drugs in violation of [this section](#), shall, upon conviction or a plea of guilty, be guilty of:

- a. A serious misdemeanor for the first offense.
- b. An aggravated misdemeanor for the second offense.
- c. A class "D" felony for a third offense.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.41]

[2010 Acts, ch 1061, §123](#)