

321.279 Eluding or attempting to elude pursuing law enforcement vehicle.

1. *a.* The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle driven by a peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of [this section](#), “*peace officer*” means those officers designated under [section 801.4, subsection 11](#), paragraphs “*a*”, “*b*”, “*c*”, “*f*”, “*g*”, and “*h*”.

b. The driver of a motor vehicle who commits a second or subsequent violation under [this subsection](#) is, upon conviction, guilty of an aggravated misdemeanor.

2. *a.* The driver of a motor vehicle commits an aggravated misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle that is driven by a peace officer after being given a visual and audible signal as provided in [this section](#) and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under [this subsection](#) and who has previously committed a violation under [this subsection](#) or [subsection 3](#) is, upon conviction, guilty of a class “D” felony.

3. *a.* The driver of a motor vehicle commits a class “D” felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle that is driven by a peace officer after being given a visual and audible signal as provided in [this section](#), and in doing so exceeds the speed limit by twenty-five miles per hour or more, and if any of the following occurs:

(1) The driver is participating in a public offense, as defined in [section 702.13](#), that is a felony.

(2) The driver is in violation of [section 321J.2](#).

(3) The driver is in violation of [section 124.401](#).

(4) The offense results in bodily injury to a person other than the driver.

b. The driver of a motor vehicle who commits a second or subsequent violation under [this subsection](#) is, upon conviction, guilty of a class “C” felony.

[C81, §321.279]

94 Acts, ch 1069, §1; 99 Acts, ch 31, §1; 2002 Acts, ch 1119, §153; 2008 Acts, ch 1147, §3; 2020 Acts, ch 1028, §1; 2020 Acts, ch 1121, §65, 70; 2021 Acts, ch 183, §49, 52

Referred to in §321.209, 321.555, 321J.2, 707.6A, 907.3

Section amended