

**761—615.43(321) Driver improvement program.****615.43(1) When required.**

*a.* In lieu of suspension, the department may require the following persons to attend and successfully complete, at the person's own expense, a driver improvement program approved by the department:

- (1) A habitual violator.
- (2) A person who is convicted for speeding at least 25 but not more than 29 miles per hour over the legal limit.
- (3) A person whose license is subject to suspension under Iowa Code section 321.210C.
- (4) A person who is convicted of a first offense violation of Iowa Code section 321.372(3) or a similar ordinance of any political subdivision.

*b.* However, a person shall not be assigned to a driver improvement program more than once within a two-year period.

**615.43(2) Scheduling.** The department shall forward the person's contact information to the approved driver improvement program provider nearest the person's last known address. The provider will schedule the person's attendance at the provider's next available program opening.

*a.* One request for rescheduling may be granted by the provider if the program begins within 30 days of the originally scheduled date and if space is available.

*b.* A request to attend a program in another state may be granted if the curriculum is approved by the department.

**615.43(3) Probation.** When a person is required to attend and successfully complete a driver improvement program, the department shall also require the person to complete a probationary driving period not to exceed one year. One conviction for a moving violation committed during probation may result in suspension of the person's license. The suspension period shall be at least 90 days, unless reduced by a driver's license hearing officer based on mitigating circumstances.

**615.43(4) Failure to attend.** The department shall suspend the license of a person who is required to attend a driver improvement program and who does not attend, or does not successfully complete, the program. The suspension period shall be for the length of the original underlying suspension.

This rule is intended to implement Iowa Code sections 321.210 and 321.210C.

[ARC 5017C, IAB 4/8/20, effective 5/13/20; ARC 5496C, IAB 3/10/21, effective 4/14/21]