

# LEGISLATIVE GUIDE TO DRIVER'S LICENSE SANCTIONS



## TABLE OF CONTENTS

### Note to Reader:

Research is conducted by the Legal Services Division of the Iowa Legislative Services Agency in an objective and nonpartisan manner. Although a Legislative Guide may identify issues for consideration by the General Assembly, nothing contained in a Guide should be interpreted as advocating a particular course of action. The reader is cautioned against using information contained in a Legislative Guide to draw conclusions as to the legality of a particular behavior or set of circumstances.

### About the Author:

This Guide was written by Nicole Hoffman, J.D., Drake Law School, 1994. Ms. Hoffman has been employed as Legal Counsel with the Legal Services Division since 1996. She staffs the Transportation, Infrastructure, and Capitals Joint Appropriation Subcommittee and is a legal editor for the division.

Questions concerning this Guide may be directed to Ms. Hoffman by telephone at (515) 281-6329 or by e-mail at [nicole.hoffman@legis.state.ia.us](mailto:nicole.hoffman@legis.state.ia.us)

December 2000

<b>I. Introduction.....</b>	<b>1</b>
A. Number and Types of Sanctions Per Year. ....	1
B. Purpose of This Guide. ....	1
C. Definitions. ....	1
1. Iowa Code and Iowa Administrative Code Definitions .....	1
2. Dictionary Definitions: Bar, Cancellation, Disqualification, Revocation, and Suspension. ....	2
<b>II. Acts, Offenses, Violations, Omissions, and Events Prompting Driver's License Sanctions. ....</b>	<b>3</b>
A. Sanctions Relating to the Operation of a Motor Vehicle or Use of a Driver's License. ....	3
1. Minors.....	3
2. Nonresidents. ....	4
3. Miscellaneous Acts and Events. ....	4
4. Unlawful Use of a Driver's License.....	6
5. Offenses Involving a Motor Vehicle.....	6
6. Habitual Offenders. ....	8
7. Lack of Proof of Financial Responsibility. ....	9
8. Operating While Under the Influence. ....	12
9. Commercial Driver's License Disqualification. ....	13
B. Sanctions Not Relating to the Operation of a Motor Vehicle or Use of a Driver's License.....	14
1. Minors.....	14
2. Certain Drug Offenses.....	15
3. Nonpayment of Certain Financial Obligations.....	15
<b>III. Future Changes in the Law. ....</b>	<b>16</b>

# Driver's License Sanctions



## I. Introduction.

### A. Number and Types of Sanctions Per Year.

In Iowa, a person may have his or her driver's license sanctioned in many different ways, for many different reasons. In 1999, according to the Iowa Department of Transportation, there were over 25,000 driver's license revocations, approximately 75 percent of which were related to violations of the provisions governing the operation of a motor vehicle while under the influence of alcohol or drugs.<sup>1</sup> Approximately 15 percent of the license revocations were for convictions of certain drug offenses. According to the Iowa Department of Transportation there were over 50,000 license suspensions in 1999, approximately 44 percent of which were for nonpayment of fines, 15 percent for habitual violation of the motor vehicle laws, 6 percent for failure to refile a proof of financial responsibility form, and 6 percent for a serious violation of the motor vehicle laws. In addition, there were over 3,000 driver's license bars for persons determined to be habitual offenders of the motor vehicle laws.

### B. Purpose of This Guide.

This Legislative Guide is intended to provide an overview of the various acts and events prompting the sanctioning of driver's licenses and the types of driver's license sanctions. Iowa Code references are to the 2001 Edition of the Iowa Code, unless otherwise stated. Iowa Administrative Code references include updates through August 23, 2000.

This Guide is scheduled for expansion in 2001-2002 to include a discussion of all of the following:

- The procedures for sanctioning driver's licenses.
- Time periods for driver's license sanctions.
- Civil penalties for driver's license sanctions.
- Postsanction conditions on driving, including probation, temporary restricted licenses and permits, and ignition interlock systems.
- Driver's license reinstatement and reissue.

### C. Definitions.

The following terms will be used throughout this Guide, and have the following definitions for purposes of this Guide:

#### 1. Iowa Code and Iowa Administrative Code Definitions.

- a. "Contributed" or "contributive" means there is evidence in department records that the driver performed an act which resulted in or contributed to an accident, or

---

<sup>1</sup> The statistics cited in this paragraph were collected and are maintained by the Iowa Department of Transportation, Office of Driver Services, Research and Statistical Analysis. The statistics are compiled in October of each calendar year and therefore the actual numbers of sanctions per year are generally significantly larger than the numbers cited in this paragraph. The numbers cited in this paragraph are used to guide the reader in understanding the extent to which such sanctions affect the driving public.



## Driver's License Sanctions

---

failed to perform an act which would have avoided or contributed to the avoidance of the accident.<sup>2</sup>

**b.** "Denial" means a rejection of an application for a license or a refusal to issue, renew, or reinstate a license.<sup>3</sup>

**c.** "Department" means the Iowa Department of Transportation, unless otherwise specified.

**d.** "Moving traffic violation" or "moving violation" means any violation of motor vehicle laws except:<sup>4</sup>

- i.** Violations of motor vehicle equipment standards.
- ii.** Parking violations.
- iii.** Child restraint and safety belt and harness violations.
- iv.** Violations of registration, weight, and dimension laws.
- v.** Operating with an expired license.
- vi.** Failure to appear.
- vii.** Disturbing the peace with a motor vehicle.
- viii.** Failure to provide proof of financial liability coverage.

**e.** "Sanction" means the denial, cancellation, suspension, revocation, bar, or disqualification of a person's driver's license.<sup>5</sup>

### **2. Dictionary Definitions: Bar, Cancellation, Disqualification, Revocation, and Suspension.**

Iowa law provides for several types of sanctions on driver's licenses and motor vehicle operating privileges. As noted above, in its rules the department defines the term "sanction" by listing the types of driver's license sanctions. The department also defines a license denial in its rules; however, the other specific types of sanctions are not defined by the Iowa Code or the Iowa Administrative Code. It may be useful for purposes of this Guide to consult the dictionary definitions of the terms used for such sanctions.

Merriam-Webster's Collegiate Dictionary, Tenth Edition, provides the following definitions:

- a.** Bar -- to interpose legal objection to or to the claim of; to prevent or forbid.<sup>6</sup>
- b.** Cancel -- to destroy the force, effectiveness, or validity of.<sup>7</sup>
- c.** Disqualify -- to deprive of a power, right, or privilege.<sup>8</sup>

---

<sup>2</sup> Iowa Admin. Code 761-615.1, 761-615.12(1)(b).

<sup>3</sup> Iowa Admin. Code 761-615.1.

<sup>4</sup> Iowa Admin. Code 761-615.1.

<sup>5</sup> Iowa Admin. Code 761-615.1.

<sup>6</sup> Merriam-Webster's Collegiate Dictionary 91 (10<sup>th</sup> ed. 1999).

<sup>7</sup> Merriam-Webster's Collegiate Dictionary 165 (10<sup>th</sup> ed. 1999).

<sup>8</sup> Merriam-Webster's Collegiate Dictionary 336 (10<sup>th</sup> ed. 1999).



## Driver's License Sanctions

---

- d. Revoke -- to annul by recalling or taking back; to rescind.<sup>9</sup>
- e. Suspend -- to debar temporarily from a privilege, office, or function.<sup>10</sup>

### II. Acts, Offenses, Violations, Omissions, and Events Prompting Driver's License Sanctions.

In Iowa, driver's license sanctions are primarily imposed for violations of laws regulating the operation of motor vehicles. However, such sanctions can also be imposed for reasons not related to the operation of a motor vehicle, including certain drug offenses and nonpayment of certain financial obligations such as a debt to the state, child support, or a student loan.

#### A. Sanctions Relating to the Operation of a Motor Vehicle or Use of a Driver's License.

##### 1. Minors.

Minor drivers who possess full driver's licenses are subject to the same types of driving sanctions as adult drivers with driver's licenses. In addition, such minor drivers may have sanctions imposed on their driver's licenses for entirely different reasons, such as a delinquent act or failure to attend school.<sup>11</sup> Minors driving pursuant to a special minor's license or permit may have sanctions imposed upon their licenses or permits for less serious or fewer violations or may have further driving privileges postponed.

**a. Instruction Permits and Intermediate Driver's Licenses.** A minor who possesses an instruction permit or intermediate driver's license is subject to remedial driver improvement action and possible suspension of the permit or license by the department upon conviction of a moving traffic violation or involvement in a contributive accident.<sup>12</sup> In addition, a minor possessing an instruction permit cannot be issued an intermediate license until he or she has completed the remedial driver improvement action and has been conviction free for the six months preceding application for the intermediate license.<sup>13</sup> Similarly, a minor possessing an intermediate license cannot be issued a full driver's license until he or she has completed the remedial driver improvement action and has been accident and conviction free for the 12 months preceding application for a full driver's license.<sup>14</sup>

---

<sup>9</sup> Merriam-Webster's Collegiate Dictionary 1003 (10<sup>th</sup> ed. 1999).

<sup>10</sup> Merriam-Webster's Collegiate Dictionary 1187 (10<sup>th</sup> ed. 1999).

<sup>11</sup> See Division II, part B, subpart 1, of this Guide.

<sup>12</sup> Iowa Code § 321.180B(3); Iowa Admin. Code 761-615.42.

<sup>13</sup> Iowa Code § 321.180B(3).

<sup>14</sup> Iowa Code § 321.180B(3).



## Driver's License Sanctions

---

**b. Minor's Restricted and School Licenses.**<sup>15</sup> The department may suspend a minor's restricted or school license upon conviction of one moving violation or evidence of one or more accidents attributable to the minor.<sup>16</sup> The department may also suspend a minor's school license upon receipt of written notice from a peace officer, parent, custodian or guardian, or school superintendent or superintendent's designee that the minor has violated the restrictions of the license.<sup>17</sup> The department is required to revoke a minor's restricted or school license upon conviction of two or more moving violations.<sup>18</sup>

### 2. Nonresidents.

A nonresident's privilege to operate a motor vehicle in Iowa is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a resident's driver's license.<sup>19</sup> The department may forward a record of a nonresident's conviction for any violation of Iowa's motor vehicle laws to the licensing state and must notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state of the nonresident commercial driver's disqualification if the disqualification, suspension, or revocation is for 60 days or more.<sup>20</sup> In addition, if a nonresident fails to comply with the terms of a traffic citation issued in Iowa, the nonresident's licensing state may suspend the nonresident's driver's license under the nonresident traffic violator compact until the licensing state receives evidence of compliance with the terms of the citation.<sup>21</sup>

### 3. Miscellaneous Acts and Events.

Pursuant to Iowa Code section 321.210, the department is authorized to suspend a person's driver's license upon sufficient evidence that the licensee falls within one of the following classifications:<sup>22</sup>

**a. Habitually Reckless or Negligent Driver.** The department identifies a person as a habitually reckless or negligent driver if the person has accumulated a

---

<sup>15</sup> A minor between 16 and 18 years of age who does not attend school or who attends a school where driver's education is not available may be issued a restricted license for travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain employment, without having completed driver's education. (Iowa Code § 321.178(2)(a).) A minor between 14 and 18 years of age may be issued a school license for travel to and from school and certain school activities upon meeting certain conditions. (Iowa Code § 321.194(1).)

<sup>16</sup> Iowa Code §§ 321.178(2)(b), 321.194(2); Iowa Admin. Code 761-615.21.

<sup>17</sup> Iowa Admin. Code 761-615.21(1)(b).

<sup>18</sup> Iowa Code §§ 321.178(2)(b), 321.194(2); Iowa Admin. Code 761-615.33.

<sup>19</sup> Iowa Code §§ 321.203, 321J.2A, 321J.4, 321J.9, 321J.12.

<sup>20</sup> Iowa Code § 321.204.

<sup>21</sup> Iowa Code § 321.513.

<sup>22</sup> However, the first two speeding violations within a 12-month period of 10 miles per hour or less over the speed limit in zones having a speed limit between 34 miles per hour and 56 miles per hour are not to be considered in determining whether such conditions were met. (Iowa Code § 321.210(2)(d); Iowa Admin. Code 761-615.12(2), 761-615.13(3).)

# Driver's License Sanctions



combination of three or more contributive accidents and convictions for moving violations or three or more contributive accidents within a 12-month period.<sup>23</sup>

**b. Habitual Violator of the Traffic Laws.** The department identifies a person as a habitual violator if the person has been convicted of three or more moving violations committed within a 12-month period.<sup>24</sup>

**c. Physically or Mentally Incapable of Safely Operating a Motor Vehicle.** The determination of physical or mental incapability may be based on any of the following:<sup>25</sup>

**i.** The department's receipt of a medical report establishing the person's physical or mental incapability.

**ii.** Failure of the person to appear for a required reexamination or to submit a required medical report.

**iii.** Ineligibility for a driver's license due to chronic alcoholism or drug addiction, adjudication of mental incompetence, failure to pass a required examination, or the Director of Transportation's good cause belief that a physical or mental disability renders the person incapable of safely operating a motor vehicle.

**d. Unlawful or Fraudulent Use of the License.**<sup>26</sup> The department may suspend a person's driver's license when the person has been convicted of unlawful or fraudulent use of the license or if the department has received other evidence that the person has violated the Iowa Code provisions prohibiting the unlawful use of a driver's license or nonoperator's identification card,<sup>27</sup> the falsification of a driver's license, nonoperator's identification card, or form for such license or card,<sup>28</sup> or the use of a driver's license or nonoperator's identification card by an underage person to obtain alcohol.<sup>29</sup>

**e. Commission of an Out-of-State Offense.** The department may suspend or revoke a person's driver's license upon notification from another state that, pursuant to a conviction or a final administrative decision in that state, the person has committed

---

<sup>23</sup> Iowa Admin. Code 761-615.12(1).

<sup>24</sup> Iowa Admin. Code 761-615.13(1).

<sup>25</sup> Iowa Code § 321.177(4) - (7); Iowa Admin. Code 761-615.14(1).

<sup>26</sup> Iowa Code § 321.210(1)(c); Iowa Admin. Code 761-615.15(1).

<sup>27</sup> Iowa Code § 321.216 prohibits a person from displaying, causing or permitting the display of, or having possession of a canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or nonoperator's identification card; from lending the person's license or identification card to a person or knowingly permitting the use of the license by another; from displaying or representing as one's own a license or identification card not issued to that person; from failing or refusing to surrender to the department upon demand a license or identification card which has been suspended, revoked, or canceled; or from permitting an unlawful use of a license or identification card issued to that person.

<sup>28</sup> Iowa Code § 321.216A prohibits a person from making a license, identification card, or blank license form if not authorized to do so; from possessing license or identification card forms; from possessing a license, identification card, or license form which was made by an unauthorized person; or from using a false or fictitious name in an application for a license or identification card or knowingly making a false statement or concealing a material fact or otherwise committing fraud on an application.

<sup>29</sup> Iowa Code § 321.216B prohibits an underage person from altering, displaying, or possessing a fictitious or fraudulently altered license or identification card and using the license to purchase alcohol.



# Driver's License Sanctions

---

an offense in that state which, if committed in Iowa, would be grounds for suspension or revocation.<sup>30</sup>

**f. Commission of a Serious Violation of the Motor Vehicle Laws.** The department defines a "serious violation" as a conviction for a moving violation accompanied by a report from the arresting officer, prosecuting attorney, or court that the violation was unusually serious, a conviction of a moving violation which contributed to a fatal motor vehicle accident, or a conviction of speeding 25 miles per hour or more above the speed limit.<sup>31</sup>

**g. Subject to Suspension Under the Nonresident Traffic Violator Compact.** If a person licensed in Iowa fails to comply with the terms of a traffic citation issued in another state that is a party to the nonresident traffic violator compact, the department may suspend the person's driver's license until the department receives evidence of compliance with the terms of the citation from the other state.<sup>32</sup>

## 4. Unlawful Use of a Driver's License.

In addition to suspension under Iowa Code section 321.210 for the unlawful or fraudulent use of a driver's license, two other reasons are included in statute for which the department may sanction a person's driver's license for acts that are unlawful or fraudulent in relation to the obtainment or use of a license. First, the department may suspend or revoke a person's driver's license upon receiving evidence of a violation of any restrictions placed on the license by the department.<sup>33</sup> Such restrictions may include the type of motor vehicle a licensee may operate or the special mechanical control devices required on a vehicle that the licensee may operate.<sup>34</sup> Second, a person's driver's license may be canceled by the department upon a determination that the licensee failed to give required or correct information or committed fraud in making application for the license.<sup>35</sup>

## 5. Offenses Involving a Motor Vehicle.

The department is required to sanction a person's driver's license or operating privilege for various offenses involving the operation or ownership of a motor vehicle.

**a. Charge or Conviction of Vehicular Homicide.** The department is required to suspend a person's driver's license upon notification from a district court that the person has been charged with vehicular homicide due to operating a motor vehicle while under the influence, reckless driving, or eluding or attempting to elude a pursuing law enforcement vehicle.<sup>36</sup> If convicted of the charge of vehicular homicide due to operating while under the influence, the department must revoke the person's driver's

---

<sup>30</sup> Iowa Code §§ 321.205, 321.210(1)(e); Iowa Admin. Code 761-615.16, 761-615.30(1).

<sup>31</sup> Iowa Admin. Code 761-615.17(2).

<sup>32</sup> Iowa Code § 321.513(1)(c); Iowa Admin. Code 761-615.18.

<sup>33</sup> Iowa Code § 321.193; Iowa Admin. Code 761-615.26.

<sup>34</sup> Iowa Code § 321.193.

<sup>35</sup> Iowa Code § 321.201.

<sup>36</sup> Iowa Code § 321.210D(2); Iowa Admin. Code 761-615.19.



# Driver's License Sanctions

license pursuant to the court's order, upon receiving a record of the conviction.<sup>37</sup> The department must revoke the person's driver's license upon receiving record of the conviction if the offense was due to reckless driving or eluding a law enforcement vehicle.<sup>38</sup> The suspension then automatically terminates in favor of the revocation.<sup>39</sup>

**b. Conviction of a Felony Involving the Use of a Motor Vehicle.** Upon receiving the record of a person's conviction of a felony involving the use of a motor vehicle, the department is required to revoke the person's driver's license.<sup>40</sup> The record of the conviction must provide specific findings by the court that a motor vehicle was used in the commission of the offense, be accompanied by information from the prosecuting attorney indicating a motor vehicle was used in the commission of the offense, or state that the elements of the offense actually required the use of a motor vehicle.<sup>41</sup>

**c. Failure to Stop and Render Aid or Report Accident.** The department is required to revoke a person's driver's license or operating privilege upon receiving a record of the person's conviction of failure to stop and render aid at the scene of an accident in which the person was involved when the accident resulted in injury to or the death of a person.<sup>42</sup> The department is also required to suspend the driver's license or nonresident operating privilege of a person who willfully fails to report a traffic accident if required to do so by Iowa law.<sup>43</sup>

**d. Perjury or False Statement, Reckless Driving, Drag Racing, or Eluding a Law Enforcement Vehicle.** Under Iowa Code section 321.209, the department is also required to revoke a person's driver's license or operating privilege upon receiving a record of the person's conviction of any of the following offenses:

- i. Perjury or the making of a false affidavit or statement under oath to the department under Iowa Code chapter 321 or under any other law relating to the ownership or operation of motor vehicles.<sup>44</sup>
- ii. Two charges of reckless driving.<sup>45</sup>
- iii. Drag racing.<sup>46</sup>
- iv. Eluding or attempting to elude a law enforcement vehicle.<sup>47</sup>

<sup>37</sup> Iowa Code §§ 321.209(1), 321.210D(4), 707.6A; Iowa Admin. Code 761-615.29(1).

<sup>38</sup> Iowa Code §§ 321.209(1), 321.210D(4), 707.6A; Iowa Admin. Code 761-615.29(1).

<sup>39</sup> Iowa Code § 321.210D(4).

<sup>40</sup> Iowa Code § 321.209(2); Iowa Admin. Code 761-615.29(1), (2).

<sup>41</sup> Iowa Admin. Code 761-615.29(2).

<sup>42</sup> Iowa Code §§ 321.209(3), 321.261(4).

<sup>43</sup> Iowa Code § 321A.4. Iowa Code § 321.266 requires a driver involved in an accident resulting in injury to or death of a person to immediately report the accident to a peace officer, requires a driver involved in an accident resulting in injury to or death of a person, or total property damage of \$1,000 or more to forward a written report of the accident to the department, and requires a hazardous material carrier involved in an accident involving the transportation of the hazardous material to immediately notify the police radio broadcasting system or a local peace officer.

<sup>44</sup> Iowa Code § 321.209(4).

<sup>45</sup> Iowa Code § 321.277.

<sup>46</sup> Iowa Code § 321.278.





## Driver's License Sanctions

---

**e. Violation During Probation.** The department may suspend a person's driver's license or operating privilege upon conviction of a moving traffic violation that occurred during a probation period applicable to the person following a suspension, revocation, or bar.<sup>48</sup> A 12-month probation period applies to a person whose driver's license or operating privilege has been suspended, revoked, or barred for a conviction of a moving traffic violation under Iowa Code chapter 321, for an offense, act, conviction, or administrative decision in another jurisdiction that would be grounds for suspension or revocation if committed in Iowa, or under the operating while under the influence provisions of Iowa Code chapter 321J.<sup>49</sup>

### 6. Habitual Offenders.

Under Iowa Code section 321.555, a "habitual offender" is defined as a person who has accumulated one of the following combinations of convictions, all of which were for offenses committed after July 1, 1974:

**a. Severe Violations.** Three or more convictions of any of the following within a six-year period:

- i.** Manslaughter resulting from the operation of a vehicle.
- ii.** Operating a motor vehicle while under the influence of alcohol or a drug in violation of Iowa Code section 321J.2.
- iii.** Operating a motor vehicle while the person's driver's license is suspended, denied, revoked, or barred.
- iv.** Perjury or the making of a false affidavit or statement under oath to the Department of Public Safety.
- v.** An offense punishable as a felony under the motor vehicle laws or any felony in the commission of which a motor vehicle was used.
- vi.** Failure to stop and leave information or to render aid at the scene of an accident as required by Iowa Code sections 321.261 and 321.263.
- vii.** Eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279.
- viii.** Serious injury by a motor vehicle due to operating while under the influence, reckless driving, or eluding a law enforcement vehicle in violation of Iowa Code section 707.6A, subsection 4.

**b. Frequent Violations.** Six or more convictions within a two-year period of violations of Iowa Code chapter 321 or other law regulating the operation of vehicles on highways, whether in this state or another state which is a party to the interstate driver's license compact set forth in Iowa Code section 321C.1.<sup>50</sup>

---

<sup>47</sup> Iowa Code § 321.279.

<sup>48</sup> Iowa Code § 321.210C; Iowa Admin. Code 761-615.20.

<sup>49</sup> Iowa Code § 321.210C.

<sup>50</sup> Iowa Code § 321.555(2), (3).

# Driver's License Sanctions



Convictions of the following types of violations are not to be considered in finding a person to be a habitual offender.<sup>51</sup>

- i. Equipment violations.
- ii. Parking violations.
- iii. Violations of registration laws.
- iv. Violations of child restraint and safety belt and harness laws.
- v. Operating a vehicle with an expired license or permit.
- vi. Failure to appear.
- vii. Weights and measures violations.
- viii. Speeding violations of less than 15 miles per hour over the speed limit.

**Sanctions.** If after notice and hearing the department finds that a person is a habitual offender, the department is required to bar the person from operating a motor vehicle on Iowa's highways for a period of time which is determined by the types and number of offenses committed by the person.<sup>52</sup> A person who is determined to be a habitual offender based on severe violations is to be barred from operating a motor vehicle for at least two, but no more than six, years, based upon a points per violation system established by rule of the department.<sup>53</sup> A person who is determined to be a habitual offender based on frequent violations is to be barred from operating a motor vehicle for one year.<sup>54</sup> A person who is determined to be a habitual offender while the person's license is already revoked for being a habitual offender shall not be issued a driver's license for at least two, but not more than six, years, beginning on the date the previous bar expires.<sup>55</sup>

## 7. Lack of Proof of Financial Responsibility.

**a. Showing of Financial Responsibility After Accident.** The department is required to suspend a person's driver's license or nonresident operating privilege if the person was involved in a motor vehicle accident that resulted in bodily injury or death, or property damage in excess of \$1,000, unless the person or the owner of the motor vehicle deposits security in a sum sufficient to satisfy any judgment against the person or owner for damages resulting from the accident.<sup>56</sup> However, suspension is not required if a liability insurance policy or bond was in effect for the motor vehicle or the person at the time of the accident or if the person was self-insured or operating the motor vehicle for a self-insurer.<sup>57</sup> Suspension is also not required if no injury or damage was caused to the person or property of anyone other than the person driving

---

<sup>51</sup> Iowa Code § 321.555(2).

<sup>52</sup> Iowa Code §§ 321.556(4), 321.560.

<sup>53</sup> Iowa Code § 321.560. See Iowa Admin. Code 761-615.9(1) for points allocated to certain offenses and number of years of bar based on amount of points accumulated.

<sup>54</sup> Iowa Code § 321.560; Iowa Admin. Code 761-615.9(2).

<sup>55</sup> Iowa Code § 321.560; Iowa Admin. Code 761-615.9(3).

<sup>56</sup> Iowa Code § 321A.5(1).

<sup>57</sup> Iowa Code § 321A.5(1).



## Driver's License Sanctions

---

the motor vehicle or the motor vehicle owner, if the motor vehicle was legally stopped, standing, or parked, or if the person or owner was released from liability, was adjudicated not liable, or has executed a warrant for confession of judgment or other written agreement to pay damages and does not default on payments.<sup>58</sup>

A person's driver's license or nonresident operating privilege is to remain suspended for failure to deposit the required security until any of the following occurs:<sup>59</sup>

i. The person deposits or there is deposited on the person's behalf the required security.

ii. Twelve months have expired since the accident and the department has not been within that 12 months.

iii. Satisfactory evidence has been filed with the department of a release from liability, a final adjudication of nonliability, or a warrant for confession of judgment or other written agreement to pay damages. However, if the person defaults on an agreement to pay damages, the department is required to suspend the person's driver's license or nonresident operating privilege until the person deposits and thereafter maintains the required security, or until 12 months after such security was required if the department has not been notified that an action upon the agreement has been instituted within the 12 months after such security was required.

**b. Showing of Financial Responsibility After Judgment.** The department is also required to suspend a person's driver's license or nonresident operating privilege if the department receives a certified copy of a judgment<sup>60</sup> against the person.<sup>61</sup> Such suspension is not required if any of the following occurs:

i. The judgment creditor consents that the person be allowed a driver's license or nonresident operating privilege, notwithstanding default in the payment of the judgment, and if the person furnishes proof of financial responsibility.<sup>62</sup>

ii. The person files an affidavit with the department stating that at the time of the accident the person was insured, the insurer is liable to pay the judgment, and the reason, if known, why the insurer has not paid the judgment.<sup>63</sup> The person shall file the original insurance policy or a certified copy of the policy with the affidavit.<sup>64</sup>

---

<sup>58</sup> Iowa Code § 321A.6. See Iowa Code § 321A.6 for specific requirements for exceptions to driver's license suspension.

<sup>59</sup> Iowa Code § 321A.7.

<sup>60</sup> Iowa Code § 321A.1(3) defines judgment as a judgment which has become final by expiration without appeal or a judgment if an appeal from the judgment has been perfected, which has not been stayed by the execution, filing and approval of a bond or a judgment which has become final by affirmation on appeal, upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, for damages because of bodily injury to or death of a person, or for damages because of injury to or destruction of property or upon a cause of action on an agreement of settlement for such damages.

<sup>61</sup> Iowa Code § 321A.13(1).

<sup>62</sup> Iowa Code § 321A.13(2).

<sup>63</sup> Iowa Code § 321A.13(3).

<sup>64</sup> Iowa Code § 321A.13(3).

## Driver's License Sanctions



### c. Showing of Financial Responsibility After Suspension or Revocation.

**i. Continued Suspension or Revocation.** Under Iowa Code section 321A.17, if the department has suspended or revoked a person's driver's license, or suspended or revoked a person's nonresident operating privilege by reason of a conviction or a forfeiture of bail, the person's driver's license or nonresident operating privilege is to remain suspended or revoked unless and until the person gives and thereafter maintains proof of financial responsibility.<sup>65</sup> If a person is not licensed, but is convicted of or forfeits bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of a driver's license, the person shall not be issued a driver's license until the person gives and thereafter maintains proof of financial responsibility.<sup>66</sup>

**ii. Exceptions.** However, a person applying for a driver's license following a period of suspension or revocation for any of the following reasons is not required to maintain proof of financial responsibility under Iowa Code section 321A.17.<sup>67</sup>

- (1) Pursuant to a dispositional order issued against a juvenile who has committed a certain type of delinquent act.<sup>68</sup>
- (2) Under the graduated driver's license provisions.<sup>69</sup>
- (3) Unlawful or fraudulent use of a driver's license.<sup>70</sup>
- (4) Failure to pay a fine, penalty, surcharge, or court costs.<sup>71</sup>
- (5) Failure of a juvenile to attend school.<sup>72</sup>
- (6) Use of a driver's license or nonoperator's identification card by an underage person to obtain alcohol.<sup>73</sup>
- (7) Under the nonresident traffic violator compact.<sup>74</sup>
- (8) Suspension or revocation of a minor's school license.<sup>75</sup>
- (9) Certain drug offenses.<sup>76</sup>
- (10) Operating a motor vehicle while underage and having an alcohol concentration of .02 or more.<sup>77</sup>

---

<sup>65</sup> Iowa Code § 321A.17(2), (4).

<sup>66</sup> Iowa Code § 321A.17(3).

<sup>67</sup> Iowa Code § 321A.17(5).

<sup>68</sup> Iowa Code § 232.52(2)(a).

<sup>69</sup> Iowa Code § 321.180B.

<sup>70</sup> Iowa Code § 321.210(1)(d).

<sup>71</sup> Iowa Code § 321.210A.

<sup>72</sup> Iowa Code § 321.213B.

<sup>73</sup> Iowa Code § 321.216B.

<sup>74</sup> Iowa Code § 321.513.

<sup>75</sup> Iowa Code § 321.194.

<sup>76</sup> Iowa Code § 901.5(10).

<sup>77</sup> Iowa Code § 321J.2A.



## Driver's License Sanctions

---

**Other Exceptions.** The proof of financial responsibility requirements of Iowa Code section 321A.17 also do not apply to a commercial driver's licensee who is only disqualified from operating a commercial motor vehicle, a person whose administrative license suspension for a charge of vehicular homicide was rescinded, or a person whose administrative license revocation for an operating while under the influence violation was rescinded.<sup>78</sup>

### 8. Operating While Under the Influence.

A person who operates a motor vehicle while under the influence of alcohol or drugs can have his or her driver's license revoked pursuant to several different provisions in Iowa Code chapter 321J. The period of revocation varies from 60 days for a driver under the age of 21 who tests over the underage limit for alcohol concentration and whose license has not previously been revoked under Iowa Code chapter 321J<sup>79</sup> to six years for a driver who commits a third or subsequent violation of the operating while under the influence provisions.<sup>80</sup>

**a. Revocation for Refusal to Submit to Chemical Testing.** The department is required to revoke a person's driver's license or nonresident operating privilege if the person operates a motor vehicle under circumstances which provide reasonable grounds to believe that the person has been operating while under the influence of alcohol or drugs and refuses to submit to a properly requested chemical test for the purpose of determining the alcohol concentration or presence of a controlled substance or other drugs.<sup>81</sup>

**b. Test Result Revocation.** The department is also required to revoke a person's driver's license or nonresident operating privilege if the person operates a motor vehicle under circumstances which provide reasonable grounds to believe that the person has been operating while under the influence and the person submitted to chemical testing which indicated the presence of a controlled substance or other drug, or an alcohol concentration in excess of the legal limit,<sup>82</sup> or a combination of alcohol and another drug.<sup>83</sup>

**c. Revocation for Operating While Under the Influence.** If a person's driver's license or nonresident operating privilege is not revoked for refusal to submit to chemical testing or for failing the chemical test, but the person is convicted of operating while under the influence, the department is required to revoke the person's driver's license or nonresident operating privilege.<sup>84</sup>

---

<sup>78</sup> Iowa Code § 321A.17(6) - (8).

<sup>79</sup> Iowa Code § 321J.12(5).

<sup>80</sup> Iowa Code § 321J.4(4).

<sup>81</sup> Iowa Code § 321J.9(1).

<sup>82</sup> Iowa Code § 321J.2(1)(b) prohibits a person from operating a motor vehicle while having an alcohol concentration of .10 or more. Iowa Code § 321J.2A prohibits a person who is under the age of 21 from operating a motor vehicle while having an alcohol concentration of .02 or more.

<sup>83</sup> Iowa Code § 321J.12(1).

<sup>84</sup> Iowa Code § 321J.4.

# Driver's License Sanctions



**d. Underage Persons.** The department shall revoke the driver's license or nonresident operating privilege of a person who is under the age of 21 and who operates a motor vehicle while having an alcohol concentration of .02 or more.<sup>85</sup> The revocation shall not preclude a prosecution or conviction under any applicable criminal provisions of Iowa Code chapter 321J.<sup>86</sup> However, if the person is convicted of a criminal offense for operating while under the influence under Iowa Code section 321J.2, the revocation related to the alcohol concentration of .02 or more is superseded by any revocation imposed as a result of the conviction under Iowa Code section 321J.2.<sup>87</sup>

## 9. Commercial Driver's License Disqualification.

The department is required to disqualify a person from operating a commercial motor vehicle upon receiving a record of the person's disqualifying conviction, administrative decision, suspension, or revocation, as outlined below.<sup>88</sup>

**a.** A person is disqualified if the person commits any of the following acts or offenses in any state or foreign jurisdiction:<sup>89</sup>

**i.** Operating a commercial motor vehicle while under the influence of alcohol or other drug or controlled substance or a combination of such substances.

**ii.** Operating a commercial motor vehicle with an alcohol concentration of .04 or more.

**iii.** Refusal to submit to chemical testing under Iowa Code chapter 321J.

**iv.** Failure to stop and render aid at the scene of an accident involving the person's vehicle.

**v.** A felony or aggravated misdemeanor involving the use of a commercial motor vehicle.

**b.** A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle:<sup>90</sup>

**i.** Speeding 15 miles per hour or more over the legal limit.

**ii.** Reckless driving.

**iii.** Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

**iv.** Operating a commercial motor vehicle when not issued a driver's license valid for the vehicle operated.

---

<sup>85</sup> Iowa Code § 321J.2A.

<sup>86</sup> Iowa Code § 321J.2A.

<sup>87</sup> Iowa Code § 321J.2A.

<sup>88</sup> Iowa Code § 321.208(7).

<sup>89</sup> Iowa Code § 321.208(1).

<sup>90</sup> Iowa Code § 321.208(4).



## Driver's License Sanctions

---

- v. Operating a commercial motor vehicle when disqualified.
  - vi. Following another motor vehicle too closely.
  - vii. Improper lane changes.
- c. A person is disqualified from operating a commercial motor vehicle when the person's driving privilege is suspended or revoked.<sup>91</sup>
- d. A person is disqualified from operating a commercial motor vehicle for a violation of an out-of-service order.<sup>92</sup>

### B. Sanctions Not Relating to the Operation of a Motor Vehicle or Use of a Driver's License.

#### 1. Minors.

a. **Suspension or Revocation for a Delinquent Act.** A juvenile court may enter a dispositional order ordering the suspension of the driver's license or operating privilege of a juvenile found to have committed a delinquent act.<sup>93</sup> Such court may order the suspension or revocation of a juvenile's driver's license or operating privilege for the commission of any of the following delinquent acts:<sup>94</sup>

i. The use or consumption of alcohol in a public place, the possession or consumption of alcohol on public school property or at a public or private school-related function, or intoxication or simulated intoxication in a public place.<sup>95</sup>

ii. The purchase or attempt to purchase of alcoholic liquor, wine, or beer if the person is under the legal age.<sup>96</sup>

iii. A violation of certain drug laws.<sup>97</sup>

iv. Two or more violations of the prohibition against a person's possession of alcoholic liquor, wine, or beer if the person is under the legal age.<sup>98</sup>

v. An assault, if committed upon an employee of the school at which the juvenile is enrolled, and the juvenile intended to inflict serious injury upon the school employee or caused bodily injury or mental illness.<sup>99</sup>

vi. Carrying a dangerous weapon, if the juvenile carried the dangerous weapon on school grounds.<sup>100</sup>

---

<sup>91</sup> Iowa Code § 321.208(5).

<sup>92</sup> Iowa Code § 321.208(6).

<sup>93</sup> Iowa Code § 232.52(2)(a)(5).

<sup>94</sup> Iowa Code § 232.52(2)(a)(4); Iowa Admin. Code 761-615.23(1).

<sup>95</sup> Iowa Code § 123.46.

<sup>96</sup> Iowa Code § 123.47(2).

<sup>97</sup> Iowa Code ch. 124, Iowa Code § 126.3, Iowa Code ch. 453B.

<sup>98</sup> Iowa Code § 123.47(2).

<sup>99</sup> Iowa Code § 708.1.

<sup>100</sup> Iowa Code § 724.4.

# Driver's License Sanctions



vii. Going armed with, carrying, or transporting a firearm of any kind, whether concealed or not, on the grounds of a school.<sup>101</sup>

**b. Suspension for Failure to Attend School.** The department is required to suspend the driver's license of a juvenile who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of Iowa Code chapter 299A, an alternative school, or adult education classes, or who is not employed at least 20 hours per week.<sup>102</sup> If the juvenile is employed at least 20 hours per week, the department may issue the juvenile a temporary restricted license under Iowa Code section 321.215.<sup>103</sup>

**c. Cancellation of Unmarried Minor's Driver's License.** The department is required to cancel an unmarried minor's driver's license upon receipt of a written withdrawal of consent form or evidence of the death of the person who consented to the minor's application for a driver's license.<sup>104</sup>

## 2. Certain Drug Offenses.

Under Iowa Code section 901.5, if a defendant is being sentenced for certain drug offenses, the district court is required to order the department to revoke the defendant's driver's license or operating privilege or to delay the issuance of a driver's license if the defendant has not been issued a driver's license.<sup>105</sup> The offenses for which the court is required to enter such an order are any of the following:

**a.** Certain controlled substance offenses, such as manufacturing, delivering, or possessing with the intent to manufacture or deliver, a controlled substance, or conspiring with one or more persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance.<sup>106</sup>

**b.** Certain other drug or drug-related offenses, such as introducing or delivering for introduction into commerce any drug, device, or cosmetic that is adulterated or misbranded, or adulterating or misbranding any drug, device, or cosmetic in commerce.<sup>107</sup>

**c.** A controlled substance tax offense.<sup>108</sup>

## 3. Nonpayment of Certain Financial Obligations.

**a. Failure to Pay Fine, Penalty, Surcharge, Court Costs, or Debt to State.** The department is required to suspend the driver's license or operating privilege of a person who was convicted of violating a law regulating the operation of a motor vehicle, and who has failed to pay the criminal fine or penalty, surcharge, or court

---

<sup>101</sup> Iowa Code § 724.4B.

<sup>102</sup> Iowa Code §§ 299.1B, 321.213B; Iowa Admin. Code 761-615.23(2).

<sup>103</sup> Iowa Code § 321.213B; Iowa Admin. Code 761-615.23(2).

<sup>104</sup> Iowa Code §§ 321.184, 321.185; Iowa Admin. Code 761-615.7(1).

<sup>105</sup> Iowa Code § 901.5(10).

<sup>106</sup> Iowa Code §§ 124.401, 124.401A, 124.402, and 124.403.

<sup>107</sup> Iowa Code § 126.3.

<sup>108</sup> Iowa Code ch. 453B.





## Driver's License Sanctions

---

costs associated with the violation.<sup>109</sup> The suspension is to run until the fine, penalty, surcharge, or court costs are paid, unless the person proves that the person cannot pay the fine, penalty, surcharge, or court costs.<sup>110</sup>

The department is also required to suspend or refuse to renew a person's driver's license if the person has a delinquent account owed to the state according to records of the Department of Revenue and Finance and the person resides in a county participating in the driver's license indebtedness clearance pilot project.<sup>111</sup> Such suspension or refusal to renew is to run until the Department of Revenue and Finance notifies the Iowa Department of Transportation that the person has made arrangements for payment of the debt.<sup>112</sup>

**b. Nonpayment of Support.** The department is required to suspend a person's driver's license upon receiving a certificate of the person's noncompliance with a support order<sup>113</sup> or a subpoena or warrant<sup>114</sup> from the Child Support Recovery Unit of the Department of Human Services.<sup>115</sup>

**c. Nonpayment of Student Loan.** The department is also required to suspend a person's driver's license upon receiving a certificate of noncompliance from the College Student Aid Commission in regard to the person's default on an obligation owed to or collected by the commission.<sup>116</sup>

### III. Future Changes in the Law.

Due to the fact that driver's licenses are privileges that are valued highly by many members of our society, the laws governing the sanctioning of driver's licenses have been modified by a significant number of changes in recent years. It is likely that more changes or efforts to change these laws will take place in the upcoming years and for the foreseeable future. Therefore, it is also likely that the overview provided by this Guide will be subject to significant updating in the future.

0441RR

---

<sup>109</sup> Iowa Code § 321.210A; Iowa Admin. Code 761-615.22(1).

<sup>110</sup> Iowa Code § 321.210A; Iowa Admin. Code 761-615.22(1) - (3).

<sup>111</sup> Iowa Code §§ 321.177(10), 321.210B; Iowa Admin. Code 761-615.25. See also 1997 Iowa Acts ch. 153, § 2, for provisions relating to the driver's license indebtedness clearance pilot project.

<sup>112</sup> Iowa Code § 321.210B; Iowa Admin. Code 761-615.25.

<sup>113</sup> Iowa Code § 252J.1(9) defines a support order as an order for any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree issued under Iowa Code chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, or 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction as registered with the clerk of the district court or certified to the Child Support Recovery Unit.

<sup>114</sup> Iowa Code § 252J.1(7) defines a subpoena or warrant as a subpoena or warrant relating to a paternity or support proceeding initiated or obtained by the Child Support Recovery Unit or any state, county, or local office or entity of another state that has the responsibility for providing child support enforcement services under Title IV-D of the federal Social Security Act.

<sup>115</sup> Iowa Code § 252J.8(4); Iowa Admin. Code 761-615.24(1).

<sup>116</sup> Iowa Code § 261.126(4); Iowa Admin. Code 761-615.24(2).