

**House File 2350 - Introduced**

HOUSE FILE 2350  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 560)

**A BILL FOR**

- 1 An Act relating to the suspension of a driver's license issued to
- 2 a person physically or mentally incapable of safely operating
- 3 a motor vehicle.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 321.180A, subsections 1 and 3, Code 2026,  
2 are amended to read as follows:

3 1. Notwithstanding other provisions of this chapter, a  
4 person with a physical disability, who is not suffering from  
5 a convulsive disorder and who can provide a favorable medical  
6 report, whose license renewal has been denied under section  
7 321.177, subsection 6 or 7, or whose driver's license has  
8 been suspended under section 321.210, subsection ~~4 3, paragraph~~  
9 ~~"a", subparagraph (3)~~, upon meeting the requirements of section  
10 321.186, other than a driving demonstration or elimination of  
11 the person's limitations which caused the denial under section  
12 321.177, subsection 6 or 7, or suspension under section 321.210,  
13 subsection ~~4 3, paragraph "a", subparagraph (3)~~, and upon paying  
14 the fee required in section 321.191, shall be issued a special  
15 instruction permit by the department. Upon issuance of the  
16 permit the denial or suspension shall be stayed and the stay  
17 shall remain in effect as long as the permit is valid.

18 3. The permittee may apply for a driver's license if thirty  
19 days have elapsed since issuance of the special instruction  
20 permit. The department shall issue a driver's license if the  
21 permittee is qualified, passes all required tests, including  
22 a driving test, and pays the required fees. If the person  
23 has not obtained a driver's license before expiration of the  
24 person's special instruction permit, the person's former denial  
25 or suspension under section 321.177, subsection 6 or 7, or  
26 section 321.210, subsection ~~4 3, paragraph "a", subparagraph (3)~~,  
27 upon service of notice by the department, shall be reinstated. A  
28 permit shall be reissued for one additional six-month period if  
29 a permittee continues to meet the qualifications of subsection 1  
30 and has incurred no motor vehicle violations.

31 Sec. 2. Section 321.190, subsection 1, paragraph d, Code  
32 2026, is amended to read as follows:

33 d. The fee for a nonoperator's identification card shall  
34 be eight dollars and the card shall be valid for a period  
35 of eight years from the date of issuance. If an applicant

1 for a nonoperator's identification card is a foreign national  
2 who is temporarily present in this state, the nonoperator's  
3 identification card shall be issued only for the length of time  
4 the foreign national is authorized to be present as determined by  
5 the department, not to exceed two years. An issuance fee shall  
6 not be charged for a person whose driver's license or driving  
7 privilege has been suspended under section 321.210, subsection ~~4~~  
8 ~~3, paragraph "a", subparagraph (3),~~ or voluntarily surrendered  
9 by the person in lieu of suspension under section 321.210,  
10 subsection 1, paragraph "a", or section 321.210, subsection 3.

11 Sec. 3. Section 321.191, subsection 8, Code 2026, is amended  
12 to read as follows:

13 8. *Driver's license reinstatements.* The fee for  
14 reinstatement of a driver's license shall be twenty dollars for  
15 a license which is, after notice and opportunity for hearing,  
16 canceled, suspended, revoked, or barred. However, reinstatement  
17 of the privilege suspended under section 321.210, subsection ~~4~~  
18 ~~3, paragraph "a", subparagraph (3),~~ shall be without fee. The  
19 fee for reinstatement of the privilege to operate a commercial  
20 motor vehicle after a period of disqualification shall be twenty  
21 dollars.

22 Sec. 4. Section 321.210, subsection 1, paragraph a,  
23 subparagraph (3), Code 2026, is amended by striking the  
24 subparagraph.

25 Sec. 5. Section 321.210, subsection 1, paragraph b, Code  
26 2026, is amended to read as follows:

27 b. Prior to a suspension taking effect under paragraph "a",  
28 subparagraph (1), (2), ~~(3),~~ (4), (5), or (6), the licensee  
29 shall have received thirty days' advance notice of the effective  
30 date of the suspension. Notwithstanding ~~the terms of the Iowa~~  
31 ~~administrative procedure Act,~~ chapter 17A, the filing of a  
32 petition for judicial review shall, ~~except for suspensions under~~  
33 ~~paragraph "a", subparagraph (3),~~ operate to stay the suspension  
34 pending the determination by the district court.

35 Sec. 6. Section 321.210, Code 2026, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3. The department shall suspend the driver's  
3 license of a person without preliminary hearing if the department  
4 determines, based on a showing of the department's records or  
5 sufficient evidence received by the department, the person is  
6 physically or mentally incapable of safely operating a motor  
7 vehicle. The department shall give notice to the person pursuant  
8 to section 321.16 that the person's driver's license has been  
9 suspended. Notice of the suspension shall be deemed given when  
10 mailed. A peace officer may, on behalf of the department,  
11 serve immediate notice of suspension. If a peace officer serves  
12 immediate notice, the peace officer shall take the Iowa driver's  
13 license of the person, if any, and send the license to the  
14 department. The filing of a petition for judicial review shall  
15 not operate to stay the suspension pending the determination by a  
16 district court.

17 Sec. 7. Section 321.215, subsection 2, unnumbered paragraph  
18 1, Code 2026, is amended to read as follows:

19 Upon conviction and the suspension or revocation of a  
20 person's noncommercial driver's license under section 321.209,  
21 subsection 5, 6, or 7, ~~or~~ section 321.210, subsection 1,  
22 or section 321.210A, or 321.513; or upon the denial of  
23 issuance of a noncommercial driver's license under section  
24 321.560, based solely on offenses enumerated in section 321.555,  
25 subsection 1, paragraph "c", or section 321.555, subsection  
26 2; or upon suspension or revocation of a juvenile's driver's  
27 license pursuant to a dispositional order under section 232.52,  
28 subsection 2, paragraph "a", for a violation of chapter 124 or  
29 453B, or section 126.3; or upon suspension of a driver's license  
30 pursuant to a court order under section 714.7D, the person may  
31 apply to the department for a temporary restricted license to  
32 operate a motor vehicle for the limited purpose or purposes  
33 specified in subsection 1. The application may be granted only  
34 if all of the following criteria are satisfied:

35 Sec. 8. Section 321.218, subsection 3, paragraph a, Code

1 2026, is amended to read as follows:

2     a. The department, upon receiving the record of the  
3 conviction of a person under this section upon a charge of  
4 operating a motor vehicle while the license of the person is  
5 suspended or revoked, shall, except for licenses suspended under  
6 section 252J.8, section 321.210, subsection ~~4~~ 3, paragraph ~~"a"~~,  
7 ~~subparagraph (3)~~, or section 321.210A or 321.513, extend the  
8 period of suspension or revocation for an additional like period  
9 or for one year, whichever period is shorter.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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Under current law, the department of transportation (DOT) is  
14 authorized to establish rules providing for the suspension of  
15 a driver's license upon 30 days' notice and without preliminary  
16 hearing upon a showing by the DOT's records or other sufficient  
17 evidence that, among other things, a licensee is physically or  
18 mentally incapable of safely operating a motor vehicle. The DOT  
19 is also prohibited from issuing a driver's license to any person  
20 when the DOT has good cause to believe the person by reason of  
21 physical or mental disability would not be able to operate a  
22 motor vehicle safely. A licensed physician, advanced registered  
23 nurse practitioner, physician assistant, or optometrist may  
24 report to the DOT the identity of a person who has been diagnosed  
25 as having a physical or mental condition which would render the  
26 person physically or mentally incompetent to operate a motor  
27 vehicle in a safe manner. A license suspended because of a  
28 person's incompetency to drive a motor vehicle must be suspended  
29 until the DOT receives satisfactory evidence that the person is  
30 competent to operate a motor vehicle. There is no fee required  
31 for a person whose driving privileges are reinstated following a  
32 suspension due to physical or mental incapability.

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Current law also authorizes the DOT to issue a special  
34 instruction permit to a person with a physical disability,  
35 who is not suffering from a convulsive disorder and who can

1 provide a favorable medical report, whose driver's license  
2 has been suspended due to the person being physically or  
3 mentally incapable of safely operating a motor vehicle. The  
4 special instruction permit entitles the permittee to operate  
5 a noncommercial motor vehicle upon the highways for a period  
6 of six months from the date of issuance. The permittee must  
7 be accompanied by a person who is at least 21 years of age,  
8 who has been issued a driver's license valid for the vehicle  
9 being operated, and who is actually occupying a seat beside the  
10 permittee.

11 This bill requires the DOT to suspend the driver's license of  
12 a person without preliminary hearing, and without 30 days' notice  
13 as required under current law, if the DOT determines, based on  
14 a showing of the DOT's records or sufficient evidence received  
15 by the DOT, the person is physically or mentally incapable of  
16 safely operating a motor vehicle. The DOT must give notice to  
17 the person that the person's driver's license has been suspended  
18 by personal delivery to the person, by personal service, or by  
19 first class mail addressed to the person at the address shown  
20 in the records of the DOT. Notice is deemed given when mailed.  
21 Alternatively, a peace officer may, on behalf of the DOT, serve  
22 immediate notice suspension on the person. If a peace officer  
23 serves immediate notice, the peace officer is required to take  
24 the Iowa driver's license of the person, if any, and send the  
25 license to the DOT. In accordance with current law, a driver's  
26 license suspended pursuant to the bill cannot be stayed by the  
27 filing of a petition for judicial review.

28 A person who operates a motor vehicle while the person's  
29 driver's license is suspended under Code chapter 321 (motor  
30 vehicles and law of the road) commits a simple misdemeanor,  
31 punishable by confinement for no more than 30 days and a fine of  
32 not less than \$250 nor more than \$1,500 (Code section 321.218).