

House File 40 - Introduced

HOUSE FILE 40
BY MEGGERS

A BILL FOR

1 An Act relating to mandatory revocation of driver's licenses,
2 including immediate revocation for certain excessive speed
3 violations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.209, Code 2025, is amended to read as
2 follows:

3 **321.209 Mandatory revocation.**

4 1. The department, upon thirty days' notice and without
5 preliminary hearing, shall revoke the license or operating
6 privilege of an operator upon receiving a record of the
7 operator's conviction for any of the following offenses, when
8 such conviction has become final:

9 ~~1.~~ a. Manslaughter resulting from the operation of a motor
10 vehicle.

11 ~~2.~~ b. A felony if during the commission of the felony a
12 motor vehicle is used.

13 ~~3.~~ c. Failure to stop and render aid as required under the
14 laws of this state or to otherwise comply with section 321.261 in
15 the event of a motor vehicle accident resulting in the death or
16 personal injury of another.

17 ~~4.~~ d. Perjury or the making of a false affidavit or
18 statement under oath to the department under this chapter or
19 under any other law relating to the ownership or operation of
20 motor vehicles.

21 ~~5.~~ e. ~~Conviction, or forfeiture of bail not vacated, upon~~
22 ~~two charges~~ A second or subsequent charge of reckless driving.

23 ~~6.~~ f. ~~Conviction of drag~~ Drag racing.

24 ~~7.~~ g. Eluding or attempting to elude a law enforcement
25 vehicle as provided in section 321.279.

26 h. Exceeding a speed limit with a detected speed of one
27 hundred miles per hour or more, if not revoked under subsection
28 2.

29 2. Upon certification, subject to penalty for perjury, by a
30 peace officer who issues a citation for exceeding a speed limit
31 to a person who operated a motor vehicle with a detected speed of
32 one hundred miles per hour or more, the department shall revoke
33 the person's driver's license.

34 a. The peace officer who detected the excessive speed may,
35 on behalf of the department, serve immediate notice of intention

1 to revoke and of revocation on the person. If the peace
2 officer serves immediate notice, the peace officer shall take
3 the Iowa driver's license of the person, if any, and issue a
4 temporary license effective for ten days. The peace officer
5 shall immediately send the person's license to the department
6 along with the officer's certificate indicating the person's
7 detected excessive speed.

8 b. A person whose driver's license is revoked under this
9 subsection may appeal the revocation in the manner provided to
10 a person suspected of violating section 321J.2 as provided in
11 section 321J.13.

12 c. The department shall adopt rules pursuant to chapter 17A
13 to administer this subsection.

14 Sec. 2. Section 321.212, subsection 1, paragraphs b and c,
15 Code 2025, are amended to read as follows:

16 b. The department shall not revoke a license under the
17 provisions of section 321.209, subsection 5 1, paragraph "e", for
18 more than thirty days nor less than five days as recommended by
19 the trial court.

20 c. The department shall revoke a license for six months for a
21 first offense under the provisions of section 321.209, subsection
22 6 1, paragraph "f", where the violation charged did not result in
23 a personal injury or damage to property.

24 Sec. 3. Section 321.212, subsection 1, Code 2025, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. d. The department shall revoke a license for
27 thirty days under the provisions of section 321.209, subsection
28 1, paragraph "h", or section 321.209, subsection 2.

29 Sec. 4. Section 321.215, subsection 1, paragraph b, Code
30 2025, is amended to read as follows:

31 b. However, a temporary restricted license shall not be
32 issued to a person whose license is revoked pursuant to a
33 court order issued under section 321.209, ~~subsections 1 through~~
34 5 subsection 1, paragraphs "a" through "d" or "h"; to a
35 person whose license is revoked pursuant to section 321.209,

1 subsection 2; to a juvenile whose license has been suspended or
 2 revoked pursuant to a dispositional order under section 232.52,
 3 subsection 2, paragraph "a", for a violation of chapter 124 or
 4 453B or section 126.3; to a juvenile whose license has been
 5 suspended under section 321.213B; or to a person whose license
 6 has been suspended pursuant to a court order under section
 7 714.7D. A temporary restricted license may be issued to a person
 8 whose license is revoked under section 321.209, subsection ~~6~~ 1,
 9 paragraph "f", only if the person has no previous drag racing
 10 convictions. A person holding a temporary restricted license
 11 issued by the department under this section shall not operate a
 12 motor vehicle for pleasure.

13 Sec. 5. Section 321.215, subsection 2, unnumbered paragraph
 14 1, Code 2025, is amended to read as follows:

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

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
 33 the explanation's substance by the members of the general assembly.

34 Under current law, the department of transportation (DOT)
 35 must revoke the driver's license of a person who is convicted

1 of certain crimes involving a motor vehicle. Upon revoking
2 a driver's license, the DOT is prohibited from granting an
3 application for a new license until the expiration of one year
4 after the revocation, unless another period is specified by law.
5 A person whose driver's license was revoked must apply for a new
6 license and pay the required fees under Code section 321.191,
7 including a \$20 reinstatement fee.

8 This bill requires the DOT to revoke the driver's license
9 of a person who is convicted of exceeding a speed limit with a
10 detected speed of 100 miles per hour (MPH) or more. The driver's
11 license must be revoked for 30 days and the person is ineligible
12 for a temporary restricted license under Code section 321.215.

13 The bill authorizes a peace officer, on behalf of the DOT, to
14 serve immediate notice of intention to revoke and of revocation
15 on a person cited for exceeding a speed limit with a detected
16 speed of 100 MPH or more. If the peace officer serves immediate
17 notice, the peace officer is required to take the Iowa driver's
18 license of the person and issue a temporary license effective
19 for 10 days. The peace officer must immediately send the
20 person's license to the DOT along with the officer's certificate
21 indicating the person's detected excessive speed. This process
22 exists under current law for persons who refuse to submit to
23 chemical testing after a suspected operating-while-intoxicated
24 (OWI) violation (Code section 321J.9). A person whose driver's
25 license is revoked under the bill may appeal the revocation
26 in the manner provided to a person suspected of violating Code
27 section 321J.2 (OWI) as provided in Code section 321J.13 (hearing
28 on revocation — appeal).

29 The DOT is required to adopt administrative rules to
30 administer the bill.

31 The bill makes conforming internal Code reference changes,
32 eliminates a conflict regarding the issuance of a temporary
33 restricted license for second and subsequent reckless driving
34 violations, and strikes certain references to "conviction" and
35 "forfeiture of bail not vacated" in Code section 321.209 to

1 reduce duplication. When used in Code chapter 321 (motor
2 vehicles and law of the road), "conviction" is defined to mean
3 a final conviction, including but not limited to a plea of guilty
4 or nolo contendere accepted by the court, a final administrative
5 ruling or determination, or an unvacated forfeiture of bail or
6 collateral deposited to secure a person's appearance in court.

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