

Senate File 2030 - Introduced

SENATE FILE 2030
BY LOFGREN

A BILL FOR

1 An Act concerning speed-related driving violations, providing
2 penalties, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 321.209, Code 2026, 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 2026, 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 2026, 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 2026, 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 2026, 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 Sec. 6. Section 321.277, subsection 1, Code 2026, is amended
 32 to read as follows:

33 1. A person who drives any a vehicle in such manner as to
 34 indicate either a willful or a wanton disregard for the safety
 35 of persons or property, including but not limited to by exceeding

1 a speed limit by more than twenty miles per hour, is guilty of
2 reckless driving.

3 Sec. 7. Section 321.482A, unnumbered paragraph 1, Code 2026,
4 is amended to read as follows:

5 Notwithstanding section 321.482, a person who is convicted
6 of operating a motor vehicle in violation of section 321.256,
7 321.257, section 321.275, subsection 4, section 321.276, 321.288,
8 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305,
9 321.306, 321.307, 321.311, 321.319, 321.320, 321.321, 321.322,
10 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, section
11 321.372, subsection 3, or section 321.449B, causing serious
12 injury to or the death of another person may be subject to
13 the following penalties in addition to the penalty provided for
14 a scheduled violation in section 805.8A or any other penalty
15 provided by law:

16 Sec. 8. Section 805.8A, subsection 5, paragraph a,
17 subparagraph (5), Code 2026, is amended to read as follows:

18 (5) ~~One~~ Two hundred ~~thirty-five~~ eighty-five dollars plus five
19 dollars for each mile per hour of excessive speed over twenty
20 miles per hour over the limit.

21 EXPLANATION

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

24 This bill concerns speed-related driving violations.

25 Under current law, the department of transportation (DOT)
26 must revoke the driver's license of a person who is convicted
27 of certain crimes involving a motor vehicle. Upon revoking
28 a driver's license, the DOT is prohibited from granting an
29 application for a new license until the expiration of one year
30 after the revocation, unless another period is specified by law.
31 A person whose driver's license was revoked must apply for a new
32 license and pay the required fees under Code section 321.191,
33 including a \$20 reinstatement fee.

34 The bill requires the DOT to revoke the driver's license of
35 a person who is convicted of exceeding a speed limit with a

1 detected speed of 100 miles per hour (MPH) or more. The driver's
2 license must be revoked for 30 days and the person is ineligible
3 for a temporary restricted license under Code section 321.215.

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

20 The DOT is required to adopt administrative rules to
21 administer the mandatory license revocation provisions of the
22 bill.

23 The bill makes conforming internal Code reference changes,
24 eliminates a conflict regarding the issuance of a temporary
25 restricted license for second and subsequent reckless driving
26 violations, and strikes certain references to "conviction" and
27 "forfeiture of bail not vacated" in Code section 321.209 to
28 reduce duplication. When used in Code chapter 321 (motor
29 vehicles and law of the road), "conviction" is defined to mean
30 a final conviction, including but not limited to a plea of guilty
31 or nolo contendere accepted by the court, a final administrative
32 ruling or determination, or an unvacated forfeiture of bail or
33 collateral deposited to secure a person's appearance in court.

34 Under current law, a person who drives a vehicle in such
35 manner as to indicate either a willful or a wanton disregard for

1 the safety of persons or property is guilty of reckless driving,
2 in violation of Code section 321.277. A person convicted for
3 "reckless driving" commits a simple misdemeanor. A simple
4 misdemeanor is punishable by confinement for no more than 30 days
5 and a fine of at least \$105 but not more than \$855.

6 The bill provides that exceeding the speed limit by more than
7 20 MPH is reckless driving.

8 By operation of law, a person who drives recklessly in
9 violation of Code section 321.277, as amended by the bill,
10 commits a class "C" felony if the violation unintentionally
11 causes the death of another, and commits a class "D" felony if
12 the violation unintentionally causes a serious injury (see Code
13 section 707.6A — homicide or serious injury by vehicle). Under
14 current law, Code section 707.6A also applies if a person, other
15 than a member of a public safety agency, exceeds the posted
16 speed limit by 25 MPH or more and unintentionally causes death or
17 serious injury, if the speeding violation is the proximate cause
18 of the death or injury.

19 A class "C" felony is punishable by confinement for no more
20 than 10 years and a fine of at least \$1,370 but not more than
21 \$13,660. A class "D" felony is punishable by confinement for no
22 more than five years and a fine of at least \$1,025 but not more
23 than \$10,245.

24 Under current law, Code section 321.288 requires a person
25 operating a motor vehicle to control the vehicle at all times
26 and reduce the speed of the vehicle to a reasonable and
27 proper rate when approaching a pedestrian walking or an animal
28 being led, ridden, or driven on a highway; when approaching
29 and traversing a crossing, intersection, sharp turn, curve, or
30 steep descent on a highway; when approaching and passing an
31 emergency warning device, emergency vehicle displaying revolving
32 or flashing lights, or slow-moving vehicle displaying reflective
33 devices; and when approaching and passing through a work zone.
34 The scheduled fine for a violation of Code section 321.288 is
35 \$135. Code section 321.482A sets forth additional penalties

1 applicable when a person is convicted of operating a motor
2 vehicle in violation of certain Code sections in Code chapter 321
3 (motor vehicles and law of the road) if such violation causes
4 serious injury to or the death of another person.

5 The bill adds Code section 321.288 to the list of violations
6 subject to additional penalties under Code section 321.482A. When
7 a person is convicted of a violation causing serious injury, the
8 additional penalties include a fine of \$500 or suspension of the
9 violator's driver's license or operating privileges for not more
10 than 90 days, or both. When a person is convicted of a violation
11 causing death, the additional penalties include a fine of \$1,000
12 or suspension of the violator's driver's license or operating
13 privileges for not more than 180 days, or both.

14 Under current law, a person who operates a motor vehicle in
15 excess of a speed limit under Code section 321.236(5, 11) (public
16 parks and alleys), Code section 321.285 (speed restrictions
17 generally), Code section 321.383(5) (implements of husbandry),
18 Code section 3210.5(1) (personal delivery devices), or Code
19 section 461A.36 (state parks and preserves), commits a simple
20 misdemeanor punishable by a scheduled fine that varies depending
21 on the excessive speed. The fine ranges from \$30 for a speed in
22 excess of the limit by not more than 5 MPH to \$135 plus \$5 for
23 each MPH of excessive speed over 20 MPH over the limit.

24 The bill increases the scheduled fine for excessive speed over
25 20 MPH over the limit to \$285 plus \$5 for each MPH of excessive
26 speed over 20 MPH over the limit.