

Senate File 2288 - Introduced

SENATE FILE 2288
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2030)

A BILL FOR

- 1 An Act concerning speed-related driving violations, providing
- 2 penalties, making penalties applicable, and including
- 3 applicability provisions.
- 4 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 ninety 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 of
 35 persons or property, including but not limited to by exceeding a

1 speed limit by twenty-five miles per hour or more, 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 Sec. 9. APPLICABILITY. This Act applies on and after March
22 1, 2027, or the publication date of the issue of the Iowa
23 administrative bulletin that includes a statement by the director
24 of transportation that the applicable phase of the department
25 of transportation's new statewide records system is implemented,
26 whichever is earlier. The department shall forward a copy of the
27 statement to the Iowa Code editor prior to publication.

28 EXPLANATION

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

31 This bill concerns speed-related driving violations.

32 Under current law, the department of transportation (DOT)
33 must revoke the driver's license of a person who is convicted
34 of certain crimes involving a motor vehicle. Upon revoking
35 a driver's license, the DOT is prohibited from granting an

1 application for a new license until the expiration of one year
2 after the revocation, unless another period is specified by law.
3 A person whose driver's license was revoked must apply for a new
4 license and pay the required fees under Code section 321.191,
5 including a \$20 reinstatement fee.

6 The bill requires the DOT to revoke the driver's license of
7 a person who is convicted of exceeding a speed limit with a
8 detected speed of 100 miles per hour (MPH) or more. The driver's
9 license must be revoked for 90 days and the person is ineligible
10 for a temporary restricted license under Code section 321.215.

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

27 The DOT is required to adopt administrative rules to
28 administer the mandatory license revocation provisions of the
29 bill.

30 The bill makes conforming internal Code reference changes,
31 eliminates a conflict regarding the issuance of a temporary
32 restricted license for second and subsequent reckless driving
33 violations, and strikes certain references to "conviction" and
34 "forfeiture of bail not vacated" in Code section 321.209 to
35 reduce duplication. When used in Code chapter 321 (motor

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

6 Under current law, a person who drives a vehicle in such
7 manner as to indicate either a willful or a wanton disregard for
8 the safety of persons or property is guilty of reckless driving,
9 in violation of Code section 321.277. A person convicted
10 for reckless driving commits a simple misdemeanor. A simple
11 misdemeanor is punishable by confinement for no more than 30 days
12 and a fine of at least \$105 but not more than \$855.

13 The bill provides that exceeding the speed limit by 25 MPH or
14 more is reckless driving.

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

26 A class "C" felony is punishable by confinement for no more
27 than 10 years and a fine of at least \$1,370 but not more than
28 \$13,660. A class "D" felony is punishable by confinement for no
29 more than five years and a fine of at least \$1,025 but not more
30 than \$10,245.

31 Under current law, Code section 321.288 requires a person
32 operating a motor vehicle to control the vehicle at all times
33 and reduce the speed of the vehicle to a reasonable and
34 proper rate when approaching a pedestrian walking or an animal
35 being led, ridden, or driven on a highway; when approaching

1 and traversing a crossing, intersection, sharp turn, curve, or
2 steep descent on a highway; when approaching and passing an
3 emergency warning device, emergency vehicle displaying revolving
4 or flashing lights, or slow-moving vehicle displaying reflective
5 devices; and when approaching and passing through a work zone.
6 The scheduled fine for a violation of Code section 321.288 is
7 \$135. Code section 321.482A sets forth additional penalties
8 applicable when a person is convicted of operating a motor
9 vehicle in violation of certain Code sections in Code chapter 321
10 (motor vehicles and law of the road) if such violation causes
11 serious injury to or the death of another person.

12 The bill adds Code section 321.288 to the list of violations
13 subject to additional penalties under Code section 321.482A. When
14 a person is convicted of a violation causing serious injury, the
15 additional penalties include a fine of \$500 or suspension of the
16 violator's driver's license or operating privileges for not more
17 than 90 days, or both. When a person is convicted of a violation
18 causing death, the additional penalties include a fine of \$1,000
19 or suspension of the violator's driver's license or operating
20 privileges for not more than 180 days, or both.

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

31 The bill increases the scheduled fine for excessive speed over
32 20 MPH over the limit to \$285 plus \$5 for each MPH of excessive
33 speed over 20 MPH over the limit.

34 The bill applies on and after March 1, 2027, or the
35 publication date of the issue of the Iowa administrative bulletin

1 that includes a statement by the director of transportation
2 that the applicable phase of the DOT's new records system is
3 implemented, whichever is earlier. The DOT is also required to
4 forward a copy of the statement to the Iowa Code editor.

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