

**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  
2 to a person physically or mentally incapable of safely  
3 operating a motor vehicle.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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 been  
8 suspended under section 321.210, subsection ~~± 3, paragraph "a",~~  
9 ~~subparagraph (3),~~ upon meeting the requirements of section  
10 321.186, other than a driving demonstration or elimination  
11 of the person's limitations which caused the denial under  
12 section 321.177, subsection 6 or 7, or suspension under section  
13 321.210, subsection ~~± 3, paragraph "a", subparagraph (3),~~ and  
14 upon paying the fee required in [section 321.191](#), shall be  
15 issued a special instruction permit by the department. Upon  
16 issuance of the permit the denial or suspension shall be stayed  
17 and the stay shall remain in effect as long as the permit is  
18 valid.

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

33 Sec. 2. Section 321.190, subsection 1, paragraph d, Code  
34 2026, is amended to read as follows:

35 *d.* The fee for a nonoperator's identification card shall

1 be eight dollars and the card shall be valid for a period of  
2 eight years from the date of issuance. If an applicant for  
3 a nonoperator's identification card is a foreign national  
4 who is temporarily present in this state, the nonoperator's  
5 identification card shall be issued only for the length of time  
6 the foreign national is authorized to be present as determined  
7 by the department, not to exceed two years. An issuance fee  
8 shall not be charged for a person whose driver's license or  
9 driving privilege has been suspended under section 321.210,  
10 subsection ~~1~~ 3, paragraph ~~"a"~~, subparagraph ~~(3)~~, or voluntarily  
11 surrendered by the person in lieu of suspension under section  
12 321.210, subsection 1, paragraph "a", or section 321.210,  
13 subsection 3.

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

16 8. *Driver's license reinstatements.* The fee for  
17 reinstatement of a driver's license shall be twenty dollars  
18 for a license which is, after notice and opportunity for  
19 hearing, canceled, suspended, revoked, or barred. However,  
20 reinstatement of the privilege suspended under section 321.210,  
21 subsection ~~1~~ 3, paragraph ~~"a"~~, subparagraph ~~(3)~~, shall be  
22 without fee. The fee for reinstatement of the privilege  
23 to operate a commercial motor vehicle after a period of  
24 disqualification shall be twenty dollars.

25 Sec. 4. Section 321.210, subsection 1, paragraph a,  
26 subparagraph (3), Code 2026, is amended by striking the  
27 subparagraph.

28 Sec. 5. Section 321.210, subsection 1, paragraph b, Code  
29 2026, is amended to read as follows:

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

1 ~~under paragraph "a", subparagraph (3),~~ operate to stay the  
2 suspension pending the determination by the district court.

3 Sec. 6. Section 321.210, Code 2026, is amended by adding the  
4 following new subsection:

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

20 Sec. 7. Section 321.215, subsection 2, unnumbered paragraph  
21 1, Code 2026, is amended to read as follows:

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

1 purposes specified in subsection 1. The application may be  
2 granted only if all of the following criteria are satisfied:  
3 Sec. 8. Section 321.218, subsection 3, paragraph a, Code  
4 2026, is amended to read as follows:

5 a. The department, upon receiving the record of the  
6 conviction of a person under this section upon a charge of  
7 operating a motor vehicle while the license of the person is  
8 suspended or revoked, shall, except for licenses suspended  
9 under section 252J.8, section 321.210, subsection 3,  
10 paragraph ~~"a"~~, subparagraph ~~(3)~~, or section 321.210A or  
11 321.513, extend the period of suspension or revocation for an  
12 additional like period or for one year, whichever period is  
13 shorter.

14 EXPLANATION

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

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

1 driving privileges are reinstated following a suspension due to  
2 physical or mental incapability.

3 Current law also authorizes the DOT to issue a special  
4 instruction permit to a person with a physical disability,  
5 who is not suffering from a convulsive disorder and who can  
6 provide a favorable medical report, whose driver's license  
7 has been suspended due to the person being physically or  
8 mentally incapable of safely operating a motor vehicle. The  
9 special instruction permit entitles the permittee to operate  
10 a noncommercial motor vehicle upon the highways for a period  
11 of six months from the date of issuance. The permittee must  
12 be accompanied by a person who is at least 21 years of age,  
13 who has been issued a driver's license valid for the vehicle  
14 being operated, and who is actually occupying a seat beside the  
15 permittee.

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

34 A person who operates a motor vehicle while the person's  
35 driver's license is suspended under Code chapter 321 (motor

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1 vehicles and law of the road) commits a simple misdemeanor,  
2 punishable by confinement for no more than 30 days and a fine  
3 of not less than \$250 nor more than \$1,500 (Code section  
4 321.218).