

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:

1 Section 1. Section 321.209, Code 2026, is amended to read
2 as 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](#)
15 in the event of a motor vehicle accident resulting in the death
16 or 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
32 of one hundred miles per hour or more, the department shall
33 revoke the person's driver's license.

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

1 intention to revoke and of revocation on the person. If the
2 peace officer serves immediate notice, the peace officer shall
3 take the Iowa driver's license of the person, if any, and issue
4 a 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
18 "e", for more than thirty days nor less than five days as
19 recommended by the trial court.

20 c. The department shall revoke a license for six months
21 for a first offense under the provisions of section 321.209,
22 subsection 6 1, paragraph "f", where the violation charged did
23 not result in 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
32 be issued to a person whose license is revoked pursuant to
33 a court order issued under section 321.209, ~~subsections 1~~
34 ~~through 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
2 or revoked pursuant to a dispositional order under section
3 232.52, subsection 2, paragraph "a", for a violation of chapter
4 124 or 453B or [section 126.3](#); to a juvenile whose license has
5 been suspended under [section 321.213B](#); or to a person whose
6 license has been suspended pursuant to a court order under
7 section 714.7D. A temporary restricted license may be issued
8 to a person whose license is revoked under section 321.209,
9 subsection ~~6~~ 1, paragraph "f", only if the person has no
10 previous drag racing convictions. A person holding a temporary
11 restricted license issued by the department under [this section](#)
12 shall not operate a 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 section
18 321.210, [321.210A](#), or [321.513](#); or upon the denial of issuance
19 of a noncommercial driver's license under [section 321.560](#),
20 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](#)
25 or 453B, or [section 126.3](#); or upon suspension of a driver's
26 license pursuant to a court order under [section 714.7D](#), the
27 person may apply to the department for a temporary restricted
28 license to operate a motor vehicle for the limited purpose or
29 purposes specified in [subsection 1](#). The application may be
30 granted only 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
34 to indicate either a willful or a wanton disregard for the
35 safety of persons or property, including but not limited to by

1 exceeding a speed limit by twenty-five miles per hour or more,
2 is guilty of reckless driving.

3 Sec. 7. Section 321.482A, unnumbered paragraph 1, Code
4 2026, 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,
8 321.288, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304,
9 321.305, 321.306, 321.307, 321.311, 321.319, 321.320, 321.321,
10 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333,
11 section 321.372, subsection 3, or section 321.449B, causing
12 serious injury to or the death of another person may be subject
13 to the following penalties in addition to the penalty provided
14 for a scheduled violation in section 805.8A or any other
15 penalty 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
19 five dollars for each mile per hour of excessive speed over
20 twenty miles per hour over the limit.

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

29

EXPLANATION

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

32 This bill concerns speed-related driving violations.

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

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

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

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

30 The DOT is required to adopt administrative rules to
31 administer the mandatory license revocation provisions of the
32 bill.

33 The bill makes conforming internal Code reference changes,
34 eliminates a conflict regarding the issuance of a temporary
35 restricted license for second and subsequent reckless driving

1 violations, and strikes certain references to "conviction"
2 and "forfeiture of bail not vacated" in Code section 321.209
3 to reduce duplication. When used in Code chapter 321 (motor
4 vehicles and law of the road), "conviction" is defined to
5 mean a final conviction, including but not limited to a plea
6 of guilty or nolo contendere accepted by the court, a final
7 administrative ruling or determination, or an unvacated
8 forfeiture of bail or collateral deposited to secure a person's
9 appearance in court.

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

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

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

30 A class "C" felony is punishable by confinement for no more
31 than 10 years and a fine of at least \$1,370 but not more than
32 \$13,660. A class "D" felony is punishable by confinement for
33 no more than five years and a fine of at least \$1,025 but not
34 more than \$10,245.

35 Under current law, Code section 321.288 requires a person

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

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

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

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1 plus \$5 for each MPH of excessive speed over 20 MPH over the
2 limit.

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

6 The bill applies on and after March 1, 2027, or the
7 publication date of the issue of the Iowa administrative
8 bulletin that includes a statement by the director of
9 transportation that the applicable phase of the DOT's new
10 records system is implemented, whichever is earlier. The DOT
11 is also required to forward a copy of the statement to the Iowa
12 Code editor.