

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 615
“Sanctions”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 252J.8, 307.12(1)“j,” 321.16, 321.180B, 321.194(10), 321.208, 321.210, 321.210A, 321.210D, 321.211, 321.213B, 321.513, and 321.560

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A, 232.52(2), 252J.1, 252J.8, 252J.9, 299.1B, 307.12(1)“j,” 321.1, 321.16, 321.177, 321.178 through 321.216, 321.216C, 321.218, 321.261, 321.323A, 321.372, 321.445, 321.446, 321.491, 321.513, 321.555, 321.556, 321.560, 331.655, 321A.4 through 321A.11, 321A.17, 321A.31, 321J.9, 321J.12, 321J.17, 321J.21, 331.655 and 707.6A and 2024 Iowa Acts, Senate File 2109

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 10, 2024
1 to 1:30 p.m.

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 788 489 754

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

The purpose of proposed Chapter 615 is to establish consistent requirements and transparency for the processes concerning all driver’s license and driving privilege sanctions the Department is required or authorized to initiate under the Iowa Code (with the exception of commercial driver’s license (CDL) disqualifications, operating while intoxicated (OWI) revocations, and financial responsibility law sanctions, which are covered in other applicable chapters). The chapter is intended to increase compliance with driver’s license sanctions, which are by law intended to ensure highway safety.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Persons who are subject to a driver’s license sanction required or authorized under the Iowa Code will bear the costs of the proposed rulemaking.
 - Classes of persons that will benefit from the proposed rulemaking:
Persons who are subject to a driver’s license sanction required or authorized under the Iowa Code will also benefit from the proposed rulemaking by having clear guidance on the following:

- The offenses that trigger a sanction.
- The due process and notice periods associated with each sanction.
- The effective date and length of each sanction.
- The requirements to reinstate a driver's license following the end of a sanction.
- The establishment of the driver improvement program, including sanctions eligible under the program.

- The eligibility and application requirements for a temporary restricted license (work permit).

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

In FY 2023, the Department was able to accurately process all of the following transactions as provided under this chapter:

- Issuance of over 95,000 driver's license sanctions under Chapter 615.
- Assignment of over 6,000 drivers to the driver improvement program.
- Issuance of over 9,000 temporary restricted licenses (TRLs).

- Qualitative description of impact:

Reorganizing, streamlining, and reducing redundancy in the proposed chapter will create a positive impact by producing a more reader-friendly version of the information the public relies on to understand driver's license sanctions issued by the Department.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no costs incurred by the Department to implement the chapter beyond the costs attributable to the underlying statutes that authorize and/or require the Department to impose driver's license sanctions for certain offenses and to provide notice by first-class mail (and prepare certified affidavits of mailing attesting to the service of notice).

The Department of Inspections, Appeals, and Licensing also incurs cost to administer contested case hearings when an individual appeals a sanction imposed under this chapter. However, this is also attributable to the underlying statutes that afford appeal rights to individuals aggrieved by an agency action.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues beyond what is required by the underlying statutes.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of the proposed chapter is consistency and transparency on the Department's process for issuing driver's license sanctions. The costs of the proposed chapter are the same as the costs required by the underlying statutes.

The cost of inaction is the inability or diminished ability for the Department to issue all statutorily required and/or authorized driver's license sanctions, which could have an impact on highway safety for all. There is no benefit of inaction.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no less costly or less intrusive methods to achieve the purpose of the proposed rules, which are required by statute (such as legal service of notice, appeal procedures, and mandatory suspensions/revocations).

For the provisions of the chapter that are subject to the Department's discretionary authority, the Department reduced or removed several restrictions, including the following:

- Reducing/aligning the suspension length for failure to attend a driver improvement program and making the consequence for violation of a driver improvement program probation equivalent to the suspension length for the underlying offense committed. The current subrule requires a 90+ day

suspension, whereas the proposed rule requires the new suspension to be for the length of time of the originally imposed suspension (which, for most offenses under these provisions, is 60 days).

- Eliminating the requirement that a TRL applicant needs to attest to the fact that dependent child care is necessary for the person’s employment, since the attestation is unnecessary.
- Eliminating the requirement that the applicant describe all vehicles operated on the TRL, since this is something that can be determined during roadside enforcement action if needed.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:
The Department did not consider alternatives to the proposed rules.
- Reasons why alternative methods were rejected in favor of the proposed rulemaking:
No alternatives to the proposed rules were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking’s compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no small business impact beyond what was already anticipated in the underlying statutes. The rules relate to individual-level driver’s license sanctions and apply equally to individuals committing qualifying offenses.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 615 and adopt the following **new** chapter in lieu thereof:

CHAPTER 615
SANCTIONS

761—615.1(321) Definitions. The following definitions apply to this chapter:

“*Accident free*” as used in Iowa Code section 321.180B means the driver has not been involved in a contributive accident.

“*Appropriate school authority*” means the superintendent of a public school or the superintendent’s designee; the chief administrator of an accredited nonpublic school, an alternative school, or an adult education program or designee; or the primary instructor of a student who receives competent private instruction or independent private instruction.

“*Contributive accident*” or “*contributed to an accident*” means the driver was involved in an accident for which there is evidence in departmental records that the driver performed an act which resulted in or contributed to the accident or failed to perform an act which would have avoided or contributed to the avoidance of the accident.

“*Deny*” or “*denial*” means a rejection of an application for a license or a refusal to issue, renew or reinstate a license.

“*Involvement in a motor vehicle accident*” as used in Iowa Code section 321.180B means involvement in a contributive accident.

“*License*” means “driver’s license” as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

“*Moving violation,*” unless otherwise provided in this chapter, means any violation of motor vehicle laws except:

1. Violations of equipment standards to be maintained for motor vehicles.
2. Parking violations as defined in Iowa Code section 321.210.
3. Child restraint and safety belt and harness violations under Iowa Code sections 321.445 and 321.446.
4. Violations of registration, weight and dimension laws.
5. Operating with an expired license.
6. Failure to appear.
7. Disturbing the peace with a motor vehicle.
8. Violations of Iowa Code section 321.20B for failure to provide proof of financial liability coverage.

“*Sanction*” means a license denial, cancellation, suspension, revocation, bar or disqualification.

This rule is intended to implement Iowa Code sections 321.1, 321.178, 321.180A, 321.189, 321.194, 321.210, 321.215, 321.445, 321.446 and 321.555.

761—615.2(321,321A,321J) Scope. This chapter of rules applies to any license. However:

615.2(1) Additional rules addressing denial, cancellation or disqualification of a commercial driver’s license are found in 761—Chapter 607, “Commercial Driver Licensing.”

615.2(2) Rules implementing Iowa Code chapter 321J are found in 761—Chapter 620, “OWI and Implied Consent.”

615.2(3) Rules implementing Iowa Code chapter 321A are found in 761—Chapter 640, “Financial Responsibility.”

This rule is intended to implement Iowa Code chapters 321, 321A and 321J.

761—615.3(307) Information and address. Applications, forms and information concerning license sanctions are available at any driver’s license service center or at www.iowadot.gov. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or by telephone at 515.244.9124.

This rule is intended to implement Iowa Code section 307.12(1) “j.”

761—615.4(321) Habitual offender.

615.4(1) A person is determined to be a habitual offender under Iowa Code section 321.555(1) in accordance with the following point system:

a. Points are assigned to convictions as follows:

<u>Conviction</u>	<u>Points</u>
Perjury or the making of a false affidavit or statement under oath to the department of public safety	2 points
Driving while under suspension, revocation or denial (except Iowa Code chapter 321J)	2 points
Driving while under Iowa Code chapter 321J revocation or denial	3 points
Driving while barred	4 points
Operating a motor vehicle in violation of Iowa Code section 321J.2	4 points
An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used	5 points

Failure to stop and leave information or to render aid as required by Iowa Code sections 321.261 and 321.263	5 points
Eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279	5 points
Serious injury by a vehicle in violation of Iowa Code section 707.6A(4)	5 points
Manslaughter resulting from the operation of a motor vehicle	6 points

b. Based on the points accumulated, the person is to be barred from operating a motor vehicle on the highways of this state as follows:

<u>Points</u>	<u>Length of bar</u>
6 – 7	2 years
8 – 9	3 years
10 – 12	4 years
13 – 15	5 years
16+	6 years

615.4(2) A person declared to be a habitual offender under Iowa Code section 321.555(2) is to be barred from operating a motor vehicle on the highways of this state for one year.

615.4(3) A revocation under Iowa Code section 321.560 will begin on the date the previous revocation expires.

This rule is intended to implement Iowa Code sections 321.555, 321.556 and 321.560.

761—615.5(321) Suspension of a habitually reckless or negligent driver.

615.5(1) The department may suspend a person’s license for at least 60 days if the person is a habitually reckless or negligent driver of a motor vehicle. “Habitually reckless or negligent driver” means a person who has accumulated a combination of three or more contributive accidents and convictions for moving violations or three or more contributive accidents within a 12-month period.

615.5(2) In this rule, speeding violations specified in Iowa Code section 321.210(2) “d” and violations under Iowa Code section 321.276 are not included.

This rule is intended to implement Iowa Code section 321.210.

761—615.6(321) Suspension of a habitual violator.

615.6(1) The department may suspend a person’s license when the person is a habitual violator of the traffic laws. “Habitual violator” means that the person has been convicted of three or more moving violations committed within a 12-month period.

615.6(2) The minimum suspension periods are as follows unless reduced by a driver’s license hearing officer based on mitigating circumstances:

3 convictions in 12 months	90 days
4 convictions in 12 months	120 days
5 convictions in 12 months	150 days
6 convictions in 12 months	180 days
7 or more convictions in 12 months	1 year

615.6(3) In this rule, speeding violations specified in Iowa Code section 321.210(2) “d” and violations under Iowa Code section 321.276 are not included.

This rule is intended to implement Iowa Code section 321.210.

761—615.7(321) Suspension or denial for incapability. A person who is physically or mentally incapable of safely operating a motor vehicle is subject to license suspension or denial by the department.

615.7(1) Suspension or denial for incapability may be based on one or more of the following:

a. Receipt of a medical report or vision report stating that the person is not physically or mentally capable of safely operating a motor vehicle.

b. Failure of the person to appear for a required reexamination or failure to submit requested information within the specified time.

c. Ineligibility for licensing under Iowa Code sections 321.177(4) through 321.177(7).

615.7(2) A suspension or denial under this rule will remain in effect until the department receives satisfactory evidence that the licensee has been restored to capability.

615.7(3) A person whose license has been suspended or denied for incapability may be eligible for a special noncommercial instruction permit under rule 761—602.21(321).

615.7(4) A person who has a valid Iowa license that would otherwise be suspended for incapability shall, in lieu of a suspension, be denied further licensing if there is less than 30 days' validity on the license.

a. The denial will take effect when the license is no longer valid.

b. The license shall be surrendered to the department. The department shall issue a temporary driving permit that allows the person to drive until the effective date of the denial.

615.7(5) If a person who is denied licensing for incapability does not have a valid Iowa license, the department may refuse orally to issue a license, effective immediately, or may deny licensing in writing, effective on the date the denial notice is served.

This rule is intended to implement Iowa Code sections 321.177, 321.210, 321.212 and 321.216.

761—615.8(321) Suspension for unlawful use of a license. The department may suspend a person's license upon receipt of a conviction or written law enforcement report that the person has permitted unlawful or fraudulent use of the license. The suspension period will be at least 30 but no more than 60 days.

This rule is intended to implement Iowa Code sections 321.210, 321.212 and 321.216.

761—615.9(321) Suspension or revocation for out-of-state offense. The department may suspend or revoke a person's license when the department is notified by another state that the person committed an offense in that state that, if committed in Iowa, would be grounds for suspension or revocation. The notice may indicate either a conviction or a final administrative decision. The period of the suspension or revocation is to be the same as if the offense had occurred in Iowa.

This rule is intended to implement Iowa Code sections 321.205 and 321.210.

761—615.10(321) Suspension for a serious violation.

615.10(1) The department may suspend a person's license when the person has committed a serious violation of the motor vehicle laws.

615.10(2) "Serious violation" means that:

a. The person's conviction for a moving violation was accompanied by a written report from the arresting officer, the prosecuting attorney or the court indicating that the violation was unusually serious. The suspension period will be at least 60 days.

b. The person was convicted of a moving violation that contributed to a fatal motor vehicle accident. The suspension period will be at least 120 days.

c. The person was convicted for speeding 25 miles per hour (mph) or more above the legal limit. The minimum suspension period is as follows unless reduced by the department based on mitigating circumstances:

25 mph over the legal limit	60 days
26 mph over the legal limit	65 days
27 mph over the legal limit	70 days
28 mph over the legal limit	75 days
29 mph over the legal limit	80 days
30 mph over the legal limit	90 days
31 mph over the legal limit	100 days

32 mph over the legal limit	110 days
33 mph over the legal limit	120 days
34 mph over the legal limit	130 days
35 mph over the legal limit	140 days
36 mph over the legal limit	150 days
37 mph over the legal limit	160 days
38 mph over the legal limit	170 days
39 mph over the legal limit	180 days
40 mph over the legal limit	190 days
41 mph over the legal limit	210 days
42 mph over the legal limit	230 days
43 mph over the legal limit	250 days
44 mph over the legal limit	270 days
45 mph over the legal limit	290 days
46 mph over the legal limit	310 days
47 mph over the legal limit	330 days
48 mph over the legal limit	350 days
49 mph or more over the legal limit	one year

d. The person was convicted of violating Iowa Code section 321.372(3) or a similar ordinance of any political subdivision. The suspension period will be:

- (1) 30 days for a first conviction.
- (2) 90 days for a second conviction.
- (3) 180 days for a third or subsequent conviction.

e. The person was convicted of violating Iowa Code section 321.323A or a similar ordinance of any political subdivision. The suspension period is established in Iowa Code section 321.323A(4) "c." This rule is intended to implement Iowa Code sections 321.210, 321.323A, 321.372 and 321.491.

761—615.11(321) Suspension under the nonresident violator compact. The department may suspend a person's license when a report is received from another state under the nonresident violator compact that an Iowa licensee has failed to comply with the terms of a traffic citation. The suspension will continue until the department receives evidence of compliance with the terms of the citation, at which point the department shall issue a notice terminating the suspension.

This rule is intended to implement Iowa Code sections 321.210 and 321.513.

761—615.12(17A,321) Suspension for a charge of vehicular homicide; hearing and appeal process.

615.12(1) The department shall suspend a person's license when the department receives notice from the clerk of the district court that an indictment or trial information has been filed charging the person with homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). The suspension takes effect ten days after the department's suspension notice is issued.

615.12(2) In a contested case hearing, the sole issue is whether there is a possibility of a judgment being rendered against the person for homicide by vehicle under Iowa Code section 707.6A(1) or 707.6A(2). A suspension under this subrule will be upheld if there is evidence in department records that the indictment or trial information was found or approved by a grand jury, magistrate, or judge.

This rule is intended to implement Iowa Code chapter 17A and section 321.210D.

761—615.13(307,321) Suspension of a special minor's restricted license and minor's restricted work license.

615.13(1) *Suspension of a special minor's restricted license.*

a. Suspensions issued under Iowa Code section 321.194(7) may be concurrent. Each suspension requires a separate three-month waiting period pursuant to Iowa Code section 321.194(7) "b."

b. A written report submitted to the department by a peace officer, parent, guardian, custodian, or appropriate school authority will constitute evidence that the licensee violated the restrictions of the license.

c. A suspension issued under this subrule terminates when the person attains age 18.

615.13(2) *Suspension of a minor's restricted work license.* The department may suspend a minor's restricted license for at least 30 days upon receiving notice of the licensee's conviction for one moving violation or evidence that the licensee has violated the license restrictions.

This rule is intended to implement Iowa Code sections 307.12(1)"j," 321.178 and 321.194 as amended by 2024 Iowa Acts, Senate File 2109, Sections 3 and 6.

761—615.14(321) Suspension for nonpayment of fine, penalty, surcharge or court costs.

615.14(1) A suspension issued by the department under Iowa Code section 321.210A shall continue until the department receives notice from a clerk of the district court that all appropriate payments have been made, the person has entered into an executed installment agreement under Iowa Code section 321.210B, or the notice to suspend was submitted in error. Upon receipt of such notice, the department shall terminate the suspension.

615.14(2) An informal settlement, hearing or appeal to contest the suspension is limited to a determination of whether the facts required by Iowa Code section 321.210A and this subrule are true. The merits of the conviction will not be considered.

This rule is intended to implement Iowa Code sections 321.210A and 321.210B.

761—615.15(232,299,307,321) Suspensions for juveniles.

615.15(1) *Suspension for juveniles adjudicated delinquent for certain offenses.*

a. Pursuant to Iowa Code section 321.213A, the department will suspend the license of a person for one year upon receipt of an adjudication and dispositional order from the clerk of the juvenile court.

b. The department may issue to a person suspended under this subrule a temporary restricted license in accordance with rule 761—615.28(321) if issuance is permitted under Iowa Code section 321.215 and the person is otherwise eligible for the license. To obtain a temporary restricted license that is valid for educational or employment purposes, the applicant must meet the requirements for issuance of a special minor's restricted license under Iowa Code section 321.194 and rule 761—602.26(321).

615.15(2) *Suspension for juvenile's failure to attend school.*

a. The department shall suspend the driver's license of a person of compulsory age upon receipt of notification from the appropriate school authority that the person is in violation of Iowa Code section 299.1B.

b. The suspension will continue until the person reaches the age of 18 or the department receives notification from the appropriate school authority that the person is no longer in violation of Iowa Code section 299.1B.

c. The department may issue to the person a minor's restricted work license pursuant to Iowa Code section 321.178 and rule 761—602.25(321) if the person is eligible for the license.

This rule is intended to implement Iowa Code sections 232.52(2); 299.1B; 307.12(1)"j"; 321.178 as amended by 2024 Iowa Acts, Senate File 2109, Section 3; 321.213, 321.213A, 321.213B and 321.215.

761—615.16(252J) Suspension upon receipt of a certificate of noncompliance.

615.16(1) *From child support recovery unit.*

a. The department shall suspend a person's Iowa-issued driver's license upon receipt of a certificate of noncompliance from the child support recovery unit.

b. The suspension shall continue until receipt of a withdrawal of the certificate of noncompliance from the child support recovery unit.

c. The filing of an application pursuant to Iowa Code section 252J.9 stays the suspension pending the outcome of the district court hearing.

615.16(2) Reserved.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8 and 252J.9.

761—615.17(307,321) Suspension for violation of a license restriction. The department may suspend a person's license when the department receives satisfactory evidence of a violation of a restriction imposed on the license. The suspension period is at least 30 days for the first violation and at least 90 days for subsequent violations.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321.193.

761—615.18(307,321,707) Mandatory revocation.

615.18(1) A revocation issued by the department pursuant to Iowa Code section 321.209 shall be at least one year except as provided in Iowa Code section 321.212.

615.18(2) For purposes of issuing a revocation under Iowa Code section 321.209(2), "felony" includes a conviction that meets at least one of the following criteria:

- a.* The record provides specific factual findings by the court that a motor vehicle was used in the commission of the offense,
- b.* The record is accompanied by information from the prosecuting attorney indicating that a motor vehicle was used in the commission of the crime, or
- c.* The record indicates that the elements of the offense actually required the use of a motor vehicle.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 321.209, 321.212, 321.261 and 707.6A.

761—615.19(307,321J) Extension of suspension or revocation period under Iowa Code chapter 321J. The department is to extend the period of license suspension or revocation for an additional like period when the person is convicted of operating a motor vehicle while the person's license is suspended or revoked under Iowa Code chapter 321J.

This rule is intended to implement Iowa Code sections 307.12(1) "j" and 321J.21.

761—615.20(321) Effective date of sanction. Unless otherwise specified by statute or rule, a suspension, revocation, disqualification or bar shall begin 30 days after the department's notice of such action is served. However, a cancellation issued by the department under Iowa Code section 321.184, 321.185, 321.189, 321.191, or 321.201 will take effect ten days after the department's notice of cancellation is served.

This rule is intended to implement Iowa Code sections 321.208, 321.209, 321.210 and 321.556.

761—615.21(321,321J,331) Service of notice.

615.21(1) The department shall send a notice of a sanction by first-class mail to the person's mailing address as shown on departmental records.

615.21(2) In lieu of service by mail, the notice may be delivered by a peace officer, a departmental employee, or any person over 18 years of age.

a. The person serving the notice shall prepare a certificate of personal service certifying delivery, specifying the name of the receiver, the address and the date, or certifying nondelivery.

b. The department will pay fees for personal service of notice by a sheriff as specified in Iowa Code section 331.655. The department may also contract for personal service of notice when the department determines that it is in the best interests of the state.

615.21(3) The sanction shall become effective on the date specified in the notice.

615.21(4) The department may prepare an affidavit of mailing verifying the fact that a notice was mailed by first-class mail. To verify the mailing of a notice, the department may use its records in

conjunction with U.S. Postal Service records available to the department. The department's affidavit of mailing may be attested to and certified in accordance with Iowa Code section 622.1.

This rule is intended to implement Iowa Code sections 321.16, 321.211, 321.211A, 321.556, 321J.9, 321J.12 and 331.655.

761—615.22(17A,321,321J) Hearing and appeal process.

615.22(1) *Applicability.* This rule applies to:

a. License denials, cancellations and suspensions under Iowa Code sections 321.177 through 321.215 and 321A.4 through 321A.11 except suspensions under Iowa Code sections 321.213A and 321.213B.

b. License suspensions and revocations under Iowa Code sections 321.218 and 321J.21.

c. License revocations under Iowa Code sections 321.193 and 321.205.

d. Disqualifications from operating a commercial motor vehicle under Iowa Code section 321.208.

e. License bars under Iowa Code section 321.556.

615.22(2) *Submission of request.*

a. A person subject to a sanction listed in subrule 615.22(1) may contest the action by following the provisions of 761—Chapter 13 as supplemented by this rule.

b. A person may request an informal settlement, a contested case hearing, or an appeal of a presiding officer's decision by submitting a request in writing to the motor vehicle division at the address in rule 761—615.3(17A).

c. The request is to include the person's name, date of birth, driver's license or permit number, mailing address and telephone number and the name, address and telephone number of the person's attorney, if any.

d. A request for an informal settlement or a request for a contested case hearing will be deemed timely submitted if it is delivered to the motor vehicle division or postmarked within the time period specified in the department's notice of the sanction.

(1) Unless a longer time period is specified in the notice or another time period is specified by statute or rule, the time period will be 20 days after the notice is served.

(2) However, a request to appeal a sanction under rule 761—615.7(321) or a denial of a license may be submitted at any time.

615.22(3) *Informal settlement or hearing.*

a. The person may request an informal settlement. Following an unsuccessful informal settlement procedure, or instead of that procedure, the person may request a contested case hearing.

b. Notwithstanding paragraph 615.22(3)“a,” a request received from a person who has participated in a driver improvement interview on the same matter shall be deemed a request for a contested case hearing.

615.22(4) *Appeal.* A request to appeal a presiding officer's decision shall be submitted in accordance with 761—subrule 13.5(3).

615.22(5) *Stay of sanction.*

a. Upon receipt of a properly submitted, timely request under this rule, the department will review its records to determine whether the sanction may be stayed pending the outcome of the settlement, hearing or appeal unless prohibited by statute or rule or unless otherwise requested by the requester/appellant.

(1) If the stay is granted, the department will send a notice indicating the effective date of the stay. The notice allows the person to drive while the sanction is stayed if the license is valid and no other sanction is in effect.

(2) A person whose stay authorizes driving privileges shall carry the notice of stay at all times while driving.

b. Of the sanctions listed in subrule 615.22(1), the department shall not stay the following, and the person's driving privileges do not continue:

- (1) A suspension for incapability.
- (2) A denial.
- (3) A disqualification from operating a commercial motor vehicle.
- (4) A suspension under Iowa Code section 321.180B.
- (5) A suspension or revocation under Iowa Code section 321.218 or 321J.21.

This rule is intended to implement Iowa Code chapter 17A and sections 321.177 through 321.215, 321.218, 321.556, 321A.4 through 321A.11 and 321J.21.

761—615.23(307,321,321A) Surrender of license. A person whose Iowa license has been sanctioned shall surrender the license to the designated representative of the department on or before the effective date of the sanction.

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.201, 321.208, 321.210D, 321.212, 321.216, 321.556 and 321A.31.

761—615.24(321,321A,321J) License reinstatement or reissue. The department may reinstate the license when the sanction has ended if the person is otherwise eligible for issuance of the license and the person has:

615.24(1) Filed proof of financial responsibility under Iowa Code chapter 321A, when required, for all vehicles to be operated. Only the motor vehicles covered under the proof of financial responsibility filed by the applicant may be operated.

615.24(2) Paid the civil penalty when required by Iowa Code section 321J.17.

615.24(3) Complied with the specific instructions given in the department’s notice terminating the sanction.

615.24(4) Successfully completed any required driver license examinations.

615.24(5) Paid the reinstatement fee under Iowa Code section 321.191 when required.

615.24(6) Paid the appropriate license fee or duplicate license fee under Iowa Code sections 321.191 and 321.195.

This rule is intended to implement Iowa Code sections 321.186, 321.191, 321.195, 321.208, 321.212, 321A.17 and 321J.17.

761—615.25(321) Investigation of convictions based on fraud. A person requesting investigation of fraudulent use of a person’s name or other fraudulent identification that resulted in a record of conviction for a scheduled violation under Iowa Code chapter 321 and listed in Iowa Code section 805.8A may submit a written application to the department using Form 420049. The department will review the application and determine whether investigation is warranted under Iowa Code section 321.200A.

This rule is intended to implement Iowa Code section 321.200A.

761—615.26(321) Remedial driver improvement.

615.26(1) Pursuant to Iowa Code section 321.180B(3) “a,” remedial driver improvement action means any or all of the following as determined by the department: suspension, safety advisory letter, additional restriction(s), safety consultation, educational program, knowledge examination, or driving examination.

615.26(2) A suspension period under Iowa Code section 321.180B(3) shall be at least 30 days for the first violation, at least 60 days for the second violation, and at least 90 days for a third or subsequent violation. A person whose driving privilege has been suspended under this rule is not eligible for a temporary restricted license.

615.26(3) Any action under this rule terminates when a person attains the age of 18.

This rule is intended to implement Iowa Code section 321.180B.

761—615.27(307,321) Driver improvement program.

615.27(1) *When required.*

a. In lieu of suspension, the department may require the following persons to attend and successfully complete, at the person's own expense, a driver improvement program approved by the department:

- (1) A habitual violator.
- (2) A person who is convicted for speeding at least 25 but not more than 29 miles per hour over the legal limit.
- (3) A person whose license is subject to suspension under Iowa Code section 321.210C.
- (4) A person who is convicted of a first offense violation of Iowa Code section 321.372(3) or a similar ordinance of any political subdivision.

b. However, a person is not eligible to attend a driver improvement program in lieu of suspension more than once within a two-year period.

615.27(2) *Scheduling.* The department shall forward the person's contact information to the approved driver improvement program provider nearest the person's last known address. The provider will schedule the person's attendance at the provider's next available program opening.

a. One request for rescheduling may be granted by the provider if the program begins within 30 days of the originally scheduled date and if space is available.

b. A request to attend a program in another state may be granted if the curriculum is approved by the department.

615.27(3) *Probation.* When a person is required to attend and successfully complete a driver improvement program, the person must immediately thereafter complete a one-year probationary driving period. The department may suspend the person's license upon receipt of one conviction for a moving violation committed by the person during the probationary period. The suspension period will be for the length of the original underlying suspension.

615.27(4) *Failure to attend.* The department shall suspend the license of a person who is required to attend a driver improvement program and who does not attend, or does not successfully complete, the program. The suspension period will be for the length of the original underlying suspension.

This rule is intended to implement Iowa Code sections 307.12(1)“j,” 321.210, 321.210C and 321.372.

761—615.28(252J,307,321,321J) Temporary restricted license (work permit).

615.28(1) A person is not eligible for a temporary restricted license under Iowa Code section 321.215 if the person is subject to the following sanctions:

- a.* License denial or cancellation.
- b.* License suspension for incapability.
- c.* License suspension for noncompliance with the financial responsibility law.
- d.* Suspension or revocation of a special minor's restricted license or minor's restricted work license.
- e.* License revocation under Iowa Code section 321.209(1) through 321.209(4) or revocation for a second or subsequent conviction for drag racing.
- f.* License bar under Iowa Code section 321.560 unless the applicant is declared to be a habitual offender under Iowa Code section 321.555(1)“c” or 321.555(2).
- g.* License suspension under Iowa Code section 252J.8.
- h.* License suspension under Iowa Code section 321.180B(3).

615.28(2) Application for a temporary restricted license is to be made online at www.iowadot.gov/mvd/driverslicense/Suspensions-and-Revocations#TempRL or using Form 430100 and submitted to the motor vehicle division at the address in rule 761—615.3(17A).

615.28(3) The application is to be accompanied by supporting documentation signed by each entity able to attest to the applicant's eligibility for each requested purpose authorized under Iowa Code section 321.215(1)“a”(1) through 321.215(1)“a”(6). An applicant under Iowa Code section 321.215(1)“a”(5) must also submit a copy of the court order for community service. Acceptable

statements will explain the need for the license and list specific places and times for the activity that can be verified by the department.

615.28(4) A temporary restricted license issued for employment may include permission for the licensee to transport dependent children or adults between the licensee's residence and a child or dependent adult care location, provided the care is essential for continuation of the licensee's employment and the application includes a signed statement from the care provider.

615.28(5) An applicant for a temporary restricted license is also required to do all of the following:

a. File proof of financial responsibility under Iowa Code chapter 321A, if required, for all motor vehicles to be operated under the temporary restricted license.

b. Pay the civil penalty when required by Iowa Code section 321J.17.

c. Pass the appropriate examination for the type of vehicle to be operated under the temporary restricted license.

d. Pay any applicable reinstatement and license fees.

615.28(6) The department will determine the restrictions to be imposed by the temporary restricted license based on the documents submitted. The licensee may apply at any time to the department in writing with a justification for any requested change in license restrictions.

615.28(7) An applicant who has been denied a temporary restricted license or who contests the license restrictions imposed by the department may contest the decision in accordance with rule 761—615.22(321).

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8; 307.12(1)“j”; 321.177; 321.178 as amended by 2024 Iowa Acts, Senate File 2109, section 3; 321.184; 321.185; 321.186; 321.189; 321.191; 321.193; 321.194 as amended by 2024 Iowa Acts, Senate File 2109, section 6; 321.195; 321.201; 321.205; 321.209; 321.210; 321.210A; 321.212; 321.213A; 321.213B; 321.215; 321.218; 321.513; 321.560; and 321J.17.