

# 4. Protecting Your Driving Privileges

Driving on Iowa's streets and roads is a privilege many drivers take for granted. That privilege can be taken away if you abuse it. Protect your driving record by operating your motor vehicle according to Iowa laws and rules of the road.

The Driver & Identification Services in Ankeny keeps track of your license and your driving record. Your driving record shows all traffic violations and traffic accidents. The Driver & Identification Services tries to make sure only safe, responsible persons are driving on Iowa's roads. If you have too many accidents or traffic violations, your driving privileges may be limited or taken away.

There are six ways your driving privileges may be withdrawn: cancellation, suspension, revocation, barred, denial and disqualification (commercial license only - see Iowa's CDL Manual).

## Unlawful Use of Your License

Misusing your license is a misdemeanor punishable by fines, jail sentences and license suspensions. For your sake, don't. Here are some unlawful uses of your driver's license/permit that could get you into trouble:

- showing or having a canceled or fraudulent license or permit;
- lending your license or permit to anyone else;
- using anyone else's license or permit;
- keeping any license or permit if it is suspended, revoked or canceled, if the DOT has requested it be turned in;
- using a false or fictitious name;
- permitting any unlawful use of your license or permit; or
- altering your license or permit in any way.

## Cancellation

- Any existing license will be canceled if it should not have been issued in the first place.
- A moped permit will be canceled if you are convicted of a moving traffic violation.

## Suspension

Your license can be suspended for several reasons. These reasons include:

- habitual recklessness or negligence - having a combination of three or more moving violations and accidents, or contributing to three or more accidents in a 12-month period;
- habitual violator - three or more convictions for moving traffic violations within any 12-month period, or contributing to three or more accidents in a 12-month period;
- failure to pass an examination, or a mental or physical condition making you unable to drive safely;

- violation of license restriction;
- being a juvenile who a court has ruled delinquent for violating drug or alcohol laws;
- failure to pay a fine, penalty, surcharge or court costs resulting from a traffic ticket;
- conviction for excessive speeding, unlawful passing of a school bus, traffic violation(s) contributing to a fatality, or an arresting officer or court stating an unusually serious violation occurred;
- failure to attend an approved school if you are under age 18; or
- falsifying information on an application.

In any of these cases, you may request a hearing to talk about your suspension. Failure to pay child support or to satisfy debts owed to the state may result in suspension without the opportunity for a hearing.

## Minor's Restricted License and Minor's School License

The Iowa DOT can suspend your minor's restricted license or minor's school license for conviction of just one traffic violation.

It is important to note that a suspension or revocation of a minor's restricted license or a minor's school license also suspends or revokes your instruction permit and/or other driving privileges you hold.

## Mandatory Revocations

Your license will be taken away for any of the following:

- manslaughter resulting from driving a motor vehicle;
- using a motor vehicle when committing a felony;
- failure to stop and give aid at the scene of a personal injury or fatal accident in which you were involved;
- lying about the registration or operation of a motor vehicle;
- eluding or trying to elude a marked law enforcement vehicle driven by a uniformed peace officer after being signaled with lights or a siren to stop, and while doing that, going over the speed limit by 25 mph or more;
- driving a motor vehicle under the influence of an alcoholic beverage or other drug or a combination of such substances (see pages 46 and 47 for penalties);
- refusing to take a chemical test when requested by a peace officer;
- having an alcohol concentration of .08 or more (.02 or more if under age 21) in a chemical test;
- a second conviction for reckless driving;
- drag racing;
- conviction of an Iowa resident in a court in Iowa, or in another state or federal court, of certain drug-related offenses; or
- conviction, or juvenile court action, for drug/drug-related violations.

## Barred (Habitual Offender)

You may be ruled a habitual offender if you are convicted of three or more certain violations in a six-year period. Your operating privileges may be barred in accordance with the following point system:

Conviction	Points
• Perjury or making a false statement under oath to the Department of Public Safety .....	2
• Driving while under suspension, revocation, or denial .....	2
• Driving while under an alcohol or drug-related revocation .....	3
• Driving while barred .....	4
• Driving while under the influence of alcohol or a drug or having an alcohol concentration of .08 or more .....	4
• An offense punishable as a felony under motor vehicle laws or any felony in which a motor vehicle was used .....	5
• Failure to stop and leave information or render aid at an accident site .....	5
• Eluding or attempting to elude law enforcement.....	5
• Serious injury caused by the operation of a motor vehicle .....	5
• Manslaughter resulting from the operation of a motor vehicle .....	6

Points	Length of Bar
6-7	2 Years
8-9	3 Years
10-12	4 Years
13-15	5 Years
16 +	6 Years

Another way you may be considered a habitual offender is if you are convicted of six or more moving violations within two years. If the six moving violations include speeding, the speeds must be at least 15 mph over the legal speed limit. This may result in you being barred from operating a vehicle for one year. **IF YOU ARE CAUGHT DRIVING AFTER BEING BARRED AS A HABITUAL OFFENDER, YOU CAN BE IMPRISONED FOR AS LONG AS TWO YEARS.**

## Moving Violations

A moving traffic violation involves any traffic law violation except those involving:

- equipment (except brakes)
- city parking regulations
- expired licenses or permits
- failure to appear
- weights and measures
- disturbing the peace with a motor vehicle
- failure to display flag on moped
- seat belt violations
- child restraint violations

## Reinstatement

To get your driving privilege back after a suspension or revocation you must go through a reinstatement process which may include passing required tests and paying appropriate fees. If your driving privilege is taken away, you may have to show future proof of financial responsibility. (See page 48.)



If your license is suspended or revoked due to a conviction(s) or for reasons relating to financial responsibility, you will have to pay a \$200 civil penalty prior to reinstatement. However, for persons age 19 or under, the civil penalty will be \$50.

## OWI - Operating While Intoxicated or Drugged

Iowa has tough laws against driving under the influence of alcohol or other drugs. The OWI law makes it illegal to drive under the influence of an alcoholic beverage, another drug, or any combination of such drugs.

**Iowa also has an Implied Consent Law. Under this law, any peace officer can ask you to submit to a breath test, urine test or blood test if the officer feels you may be driving under the influence of alcohol or drugs. This applies to both resident and non-resident drivers.**

**If you take the test and fail, or refuse to take the test, your license can be taken away on the spot.**

If the tests show an alcohol concentration of .08 or more, you will be considered legally intoxicated.

### Test Failure

- Immediate notice of revocation
- Ten-day temporary driving permit
- Six months to one year revocation, depending on prior record
- Course for drinking drivers
- Substance abuse evaluation and/or treatment

### Test Refusal

- Immediate notice of revocation
- Ten-day temporary driving permit
- One to two year revocation depending on prior record
- Course for drinking drivers
- Substance abuse evaluation and/or treatment

### Court Conviction For OWI

- 48-hour jail sentence, first offense
- Seven-day jail sentence, second offense
- Course for drinking drivers
- Substance abuse evaluation and/or treatment
- Other penalty

## Under Age 21

- Alcohol concentration level of greater than .02 and less than .08
- Immediate notice of revocation
- Ten-day temporary driving permit
- Sixty-day revocation
- Course for drinking drivers
- Substance abuse evaluation and/or treatment

It is a serious misdemeanor to drive while your license is revoked. This could result in fines up to \$1,000. Law enforcement officers may impound a vehicle if it is being driven by a person whose driver's license is revoked for an OWI.

The law also requires you to show proof of financial responsibility before you can get your license back. This is usually done through special insurance. The insurance form SR-22 must be filed by your insurance company with the Driver & Identification Services. A person under the age of 21 whose license was revoked because he/she tested .02 or more but less than .08 is not required to file an SR-22.

Substance abuse evaluation and treatment, as well as a course for drinking drivers, is also required for offenders. This course must be taken at their own expense.

## Open Container Law

It is illegal in Iowa to drive with an open container of beer or any other alcoholic beverage if the open beverage container is in the passenger compartment of any car or truck, including the glove compartment. This applies to both drivers and passengers.

## Civil Penalty (Victim Reparation)

If your license is revoked for refusing to submit to a chemical test for OWI, having an alcohol concentration of .08 or greater (.02 if under 21), or a conviction of operating while intoxicated or drugged, you will have to pay a \$200 civil penalty in addition to other reinstatement fees.

## Accidents - Financial Responsibility and Reporting Requirements

The Financial and Safety Responsibility Act law protects you by suspending the driving and registration privileges of anyone who has not been able to show financial responsibility following an accident. It also makes sure that anyone who has had his/her driving privileges suspended or revoked because of certain convictions, an unsatisfied judgment, or a violation of implied consent laws will be able to financially compensate others for future damages or injuries that the driver may cause.

### At the Scene

- If you are in an accident, you are required to stop as close to the accident scene as possible without blocking traffic. You must supply the driver of the other vehicle your name, address and the registration number of your motor vehicle. You must also show the other driver your driver's license if asked to do so.

- If anyone is hurt in the accident, you must help get medical attention if the injured person asks for assistance. If anyone is seriously hurt and cannot ask for help, be sure to summon an ambulance or medical assistance immediately.
- When someone is hurt or killed in an accident you must immediately report that accident to the nearest law enforcement agency. If the accident happened in a city of 15,000 or more people, contact the chief of police in that city.
- Leaving the scene of a personal injury accident in which you were involved is a serious misdemeanor. Punishment could be one year in jail and/or a fine up to \$1,500. If someone was killed in the accident, it is an aggravated misdemeanor and can be punished by two years in jail and/or a \$5,000 fine.
- If someone is hurt or killed, or if there is more than \$1,500 in property damage, you must also file an accident report with the Iowa DOT's Driver & Identification Services. You can get these report forms from most peace officers. You must file the report within 72 hours of the accident or your license may be suspended. However, if a peace officer investigates the accident and files an Investigating Officer's Report, you do not have to file a report.
- If the accident investigation shows you contributed to the accident, you must prove your financial responsibility or your license will be suspended.

## How to Avoid Suspension Following an Accident

If you do not have liability insurance when you are involved in an accident, you must do one of the following:

- post cash, cashier's check, certified check, bank draft, surety bond or postal money order, payable to the Iowa Driver & Identification Services. This must be deposited with the Driver & Identification Services, P.O. Box 9204, Des Moines, IA 50306-9204. The money will be held by the state treasurer for one year. If you have not been sued in that time, the money will be returned to you.
- get written releases from all persons whose property was damaged and/or the injured parties. Forms are available from the Driver & Identification Services.
- get a court decision resulting from civil action that relieves you of all liability.
- file an agreement to pay for damages or injuries on the installment plan. Forms are available from the Driver & Identification Services.
- prove to the Driver & Identification Services that you have paid for all damages or injuries, or that the other parties have paid you for your damages or injuries.

## Failure to Meet Requirements

If you do not use one of the above methods to meet the requirements, your license can be suspended for one year from the date of the accident. **These requirements apply to both the driver and the owner of the vehicle.** If your motor vehicle was involved in an accident and you were not the driver, you still must show financial responsibility. Failure to do this may result in the suspension of your vehicle registration privileges.

The only exceptions to the requirements are if your car was legally stopped or parked, or if your vehicle was being used without your consent, or if damage or injury occurred only to you.

You will also have to show future proof after a revocation or suspension of your license for convictions or for operating while intoxicated. Future proof is required from the first day of your revocation or suspension and lasts two years. By immediately posting future proof you can avoid the suspension of your registrations. If you must show future proof, you may drive and register only those vehicles which are covered by your SR-22 insurance or other future proof filing. Violating these restrictions can result in fines of \$1,500 and/or a one-year prison term.

## Methods of Proving Financial Responsibility

- Have your Iowa-licensed insurance company submit Insurance Certificate Form SR-22 to the Driver & Identification Services. It must cover you on all vehicles you operate or register. It must provide for at least the following limits: \$20,000 for one death or injury; \$40,000 for two deaths or injuries; and \$15,000 for property damage.
- File a surety bond, cash or securities equal to \$55,000.
- Proof can also be given by your employer's insurance company if you operate a vehicle owned by your employer, or by the insurance company for the owner of the vehicle you drive if you are part of the owner's immediate family.
- If your employer owns a fleet of motor vehicles, your employer's insurance company can file Form SR-23. This covers you while operating any of the vehicles in the fleet.
- Proof can be given for you to operate a vehicle owned by a person who has a certificate of self-insurance from the Driver & Identification Services. The person must supply that office with a letter giving you permission to drive cars or trucks covered by that certificate.
- If you work for someone with truck operator authority granted by the Office of Motor Carrier Services of the Iowa Department of Transportation, the permit holder must send the Driver & Identification Services a letter giving you permission to drive the vehicles covered by the permit.

If you fail to maintain future proof during the two years, your driving and registration privileges will be suspended again. When your future proof requirements end, you will receive a notice explaining the reinstatement process. Licenses and registrations then will be issued without future proof requirements.

## Exemptions

Any vehicles owned by state, federal or local governments or political subdivisions are exempt from the financial responsibility requirements. Motor carriers, truck operators and liquid transport carriers regulated by the Iowa DOT's Office of Motor Carrier Services and interstate commerce carriers are also exempt.

## Mandatory Insurance Coverage - Proof Needed

Beginning January 1, 1998, drivers of vehicles registered in Iowa must carry with them an insurance card verifying liability coverage is currently in force. Failure to do so could result in fines and possible impoundment of the vehicle.

## Non-Resident Responsibility

Immediate and future proof rules apply to non-residents. A non-resident cannot drive or register a vehicle in Iowa until all of the requirements are met.

## Out-of-State Convictions

Traffic violations in other states apply to your Iowa record. If you are convicted in another state and the offense is grounds for suspension or revocation in Iowa, your license may be suspended or revoked.

## Work Permits

### (Temporary Restricted Licenses)

If your regular job depends on your being able to drive, and your driving privilege has been suspended or revoked, you may apply for a temporary restricted license (work permit).

Persons under the age of 18 are not eligible for work permits.

You may not be eligible for a work permit if you have been convicted of certain serious traffic offenses.

An ignition interlock device must be installed if you have repeat OWI offenses, were involved in an accident causing personal injury or property damage, refused the chemical breath test, or had a BAC of more than 0.10.

The work permit may be canceled for any moving traffic violations.

A work permit may not be issued for operation of a commercial motor vehicle.

If your license is revoked under the operating while intoxicated law because you were under age 21 and your alcohol concentration was .02 or more but less than .08, you cannot apply for a work permit.

If your license is revoked for an OWI offense, you cannot obtain a work permit until minimum periods of ineligibility have passed. Depending on your prior record, the minimum periods of ineligibility vary from 30 days to one year.