

IN THE COURT OF APPEALS OF IOWA

No. 7-085 / 96-0482

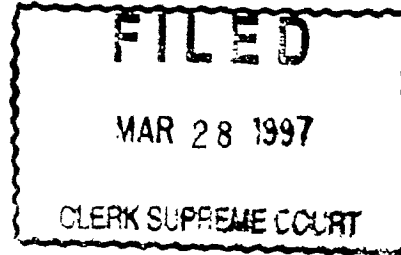
STATE OF IOWA,

Plaintiff-Appellee,

vs.

KENNETH L. BRADFORD,

Defendant-Appellant.



Appeal from the Iowa District Court for Black Hawk County, James D. Coil,
Judge.

Kenneth Bradford appeals the judgment and sentence entered upon his
conviction of driving while license suspended for nonpayment of fines. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Annette L. Hitchcock,
Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Julie H. Brown, Assistant Attorney
General, Thomas J. Ferguson, County Attorney, and Renee Sneitzer, Assistant County
Attorney, for appellee.

Considered by Sackett, P.J., and Huitink and Vogel, JJ.

PER CURIAM

Kenneth Bradford appeals his conviction for driving while license suspended for nonpayment of fines, in violation of Iowa Code section 321.218 (1995). We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Bradford, a resident of Waterloo, has never been issued a driver's license in Iowa. On January 24, 1995, the Iowa Department of Transportation (DOT) notified Bradford that pursuant to section 321.210A, his privilege to operate a motor vehicle was suspended for failure to pay a fine. On July 31, 1995, a police officer stopped Bradford for making a left turn at a red light. Bradford was then charged with driving while license suspended.

Bradford filed a motion for adjudication of law points claiming he could not be found guilty of driving while license suspended because he did not have an Iowa driver's license and, therefore, it could not be suspended. The court concluded an individual could violate section 321.210A without having had an Iowa driver's license. The case proceeded to trial and Bradford was found guilty. He now appeals.

Bradford claims the district court erred in its ruling on his motion to adjudicate law points. Section 321.218(1) provides:

A person whose motor vehicle license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked commits a simple misdemeanor.

In relevant part, section 321.210A provides:

The department shall suspend the motor vehicle license of a person who, upon conviction of violating a law regulating the operation of a motor vehicle, has failed to pay the criminal fine or penalty, surcharge or court costs . . .

Bradford claims that because section 321.210A provides only for the suspension of a motor vehicle license, and not the suspension of driving privileges, it cannot apply to him.

The definition of “motor vehicle license” found in section 321.1(43), includes the privilege to drive. Section 321.1(43) states:

For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, “*motor vehicle license*” includes any privilege to operate a motor vehicle.

We conclude the DOT properly suspended Bradford’s privilege to operate a motor vehicle in this state due to his failure to pay a fine. When Bradford subsequently operated a motor vehicle, he violated section 321.218 by driving while his operating privilege had been suspended.

We affirm Bradford’s conviction for driving while license suspended. Costs of this appeal are assessed to Bradford.

AFFIRMED.