

321J.12 Test result revocation.

1. Upon certification, subject to penalty for perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of [section 321J.2](#), that there existed one or more of the necessary conditions for chemical testing described in [section 321J.6, subsection 1](#), and that the person submitted to chemical testing and the test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by [section 321J.2](#), or a combination of alcohol and another drug in violation of [section 321J.2](#), the department shall revoke the person's driver's license or nonresident operating privilege for the following periods of time:

- a. One hundred eighty days if the person has had no revocation under [this chapter](#).
- b. One year if the person has had a previous revocation under [this chapter](#).

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. The effective date of the revocation shall be ten days after the department has mailed notice of revocation to the person by first class mail, notwithstanding [chapter 17A](#). The peace officer who requested or directed the administration of the chemical test may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by [section 321J.2](#), or a combination of alcohol and another controlled substance or drug in violation of [section 321J.2](#).

4. If the peace officer serves that immediate notice, the peace officer shall take the person's Iowa license or permit, if any, and issue a temporary license valid only for ten days. The peace officer shall immediately send the person's driver's license to the department along with the officer's certificate indicating that the test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by [section 321J.2](#).

5. Upon certification, subject to penalty of perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of [section 321J.2A](#), that there existed one or more of the necessary conditions for chemical testing described in [section 321J.6, subsection 1](#), and that the person submitted to chemical testing and the test results indicated an alcohol concentration of .02 or more but less than .08, the department shall revoke the person's driver's license or operating privilege for a period of sixty days if the person has had no previous revocation under [this chapter](#), and for a period of ninety days if the person has had a previous revocation under [this chapter](#).

6. The results of a chemical test may not be used as the basis for a revocation of a person's driver's license or nonresident operating privilege if the alcohol or drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test is not equal to or in excess of the level prohibited by [section 321J.2](#) or [321J.2A](#).

86 Acts, ch 1220, §12; 95 Acts, ch 48, §17; 95 Acts, ch 143, §12; 96 Acts, ch 1090, §12; 97 Acts, ch 177, §15, 16; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §20; 2001 Acts, ch 32, §48; 2003 Acts, ch 60, §5, 6; 2003 Acts, ch 179, §123; 2010 Acts, ch 1097, §9; 2018 Acts, ch 1110, §6, 9

Referred to in [§321.211A](#), [321J.2](#), [321J.2A](#), [321J.4](#), [321J.8](#), [321J.13](#), [321J.17](#), [915.80](#)

2018 amendment applies to all persons who apply for or are issued a temporary restricted license under chapter 321J on or after July 1, 2018; 2018 Acts, ch 1110, §9

Subsection 2 amended