

321J.4 Revocation of license — ignition interlock devices — temporary restricted license.

1. If a defendant is convicted of a violation of [section 321J.2](#) and the defendant's driver's license or nonresident operating privilege has not been revoked under [section 321J.9](#) or [321J.12](#) for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under [this chapter](#) and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under [this chapter](#). 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 operated by the defendant if the defendant seeks a temporary restricted license.

2. If a defendant is convicted of a violation of [section 321J.2](#), and the defendant's driver's license or nonresident operating privilege has not already been revoked under [section 321J.9](#) or [321J.12](#) for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant submitted to chemical testing and has had a previous conviction or revocation under [this chapter](#) and shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant refused to submit to chemical testing and has had a previous revocation under [this chapter](#). 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 restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. If the court defers judgment pursuant to [section 907.3](#) for a violation of [section 321J.2](#), and if the defendant's driver's license or nonresident operating privilege has not been revoked under [section 321J.9](#) or [321J.12](#), or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. 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 operated by the defendant if the defendant seeks a temporary restricted license.

4. Upon a plea or verdict of guilty of a third or subsequent violation of [section 321J.2](#), the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. 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 restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

5. Upon a plea or verdict of guilty of a violation of [section 321J.2](#) which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than the defendant and, if so, whether the defendant's conduct in violation of [section 321J.2](#) caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

6. Upon a plea or verdict of guilty of a violation of [section 321J.2](#) which involved a death, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a death occurred and, if so, whether the defendant's conduct in violation of [section 321J.2](#) caused the death. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be

eligible for any temporary restricted license for at least two years after the revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

7. If a license or permit to operate a motor vehicle is revoked or denied under [this section](#) or [section 321J.9](#) or [321J.12](#), the period of revocation or denial shall be the period provided for such a revocation or until the defendant reaches the age of eighteen whichever period is longer.

8. a. On a conviction for or as a condition of a deferred judgment for a violation of [section 321J.2](#), the court may order the defendant to install ignition interlock devices of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle with an alcohol concentration greater than a level set by rule of the commissioner of public safety. However, if the defendant has had no previous conviction or revocation under [this chapter](#), the court's order shall require the defendant to install approved ignition interlock devices only on all motor vehicles operated by the defendant.

b. The commissioner of public safety shall adopt rules to approve certain ignition interlock devices and the means of installation of the devices, and shall establish the level of alcohol concentration beyond which an ignition interlock device will not allow operation of the motor vehicle in which it is installed.

c. The order to install ignition interlock devices shall remain in effect for a period of time as determined by the court which shall not exceed the maximum term of imprisonment which the court could have imposed according to the nature of the violation. While the order is in effect, the defendant shall not operate a motor vehicle which does not have an approved ignition interlock device installed.

d. If the defendant's driver's license or nonresident operating privilege has been revoked, the department shall not issue a temporary permit or a driver's license to the person without certification that approved ignition interlock devices have been installed on all motor vehicles owned or operated by the defendant while the order is in effect. However, if the defendant has had no previous conviction or revocation under [this chapter](#), the department shall require certification that approved ignition interlock devices have been installed only on all motor vehicles operated by the defendant.

e. A defendant who fails within a reasonable time to comply with an order to install an approved ignition interlock device may be declared in contempt of court and punished accordingly.

f. A person who tampers with or circumvents an ignition interlock device installed under a court order while an order is in effect commits a serious misdemeanor.

[86 Acts, ch 1220, §4; 88 Acts, ch 1168, §1; 90 Acts, ch 1230, §84; 92 Acts, ch 1212, §29; 95 Acts, ch 48, §8 – 10; 95 Acts, ch 55, §12; 96 Acts, ch 1090, §9 – 11; 96 Acts, ch 1152, §22; 97 Acts, ch 177, §8 – 11; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1138, §4, 36, 37; 2000 Acts, ch 1133, §15; 2000 Acts, ch 1138, §3; 2003 Acts, ch 60, §3; 2003 Acts, ch 179, §121, 122; 2007 Acts, ch 143, §21; 2009 Acts, ch 130, §13; 2010 Acts, ch 1097, §4 – 7; 2018 Acts, ch 1110, §4, 9; 2021 Acts, ch 98, §3, 4](#)

Referred to in [§321.213](#), [321J.2](#), [321J.17](#), [321J.20](#)

For provisions relating to third offense OWI driver's license revocations and restoration of driving privileges, see [99 Acts, ch 153, §25](#) 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](#)

Subsections 1 and 3 amended

Subsection 8, paragraphs a and d amended