



Iowa General Assembly

2005 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

DRIVER'S LICENSE REVOCATION – OWI

Filed by the Iowa Supreme Court
March 4, 2005

Jason Michael Lee v. Iowa Department of Transportation, Motor Vehicle Division

<http://www.judicial.state.ia.us/supreme/opinions/20050304/04-0565.asp>

Background Facts. On July 17, 2003, police stopped the defendant in this case, Jason Lee, for speeding. According to the arresting officer, Lee had a strong odor of alcohol, bloodshot eyes, and slurred speech. Lee stated he had consumed four to five beers that evening. The officer performed three field sobriety tests and a preliminary breath test on Lee, all of which he failed. Lee was arrested for the criminal offense of operating while intoxicated (OWI), first offense. A subsequent breath test performed on Lee at the police station indicated Lee had alcohol concentrations of .155 and .156, nearly twice the legal limit.

Procedure. Lee was prosecuted for the criminal offense of OWI, first offense, in violation of Iowa Code §321J.2. Lee pled guilty to this charge and received a deferred judgment. In conjunction with this same set of facts which led to Lee's arrest in this case, the Iowa Department of Transportation (IDOT) brought a civil administrative action against Lee to revoke his driver's license for 180 days pursuant to Iowa Code §321J.12. In addition, Lee was barred from applying for a temporary restricted license (TRL) until 30 days of the revocation period had passed. Lee appealed his license revocation to IDOT twice and his appeal was unsuccessful both times. Lee pursued district court review of this administrative matter. The district court held that because of Lee's deferred judgment in the criminal case, IDOT could only revoke his license for 90 days instead of 180 days, but the district court affirmed the ruling on the 30-day TRL ruling. IDOT appealed the 90-day revocation period and Lee cross-appealed the TRL ruling.

Issue. On appeal, the Iowa Supreme Court (Court) considered whether the district court was correct in reducing the length of Lee's license revocation period and whether Lee was immediately eligible for temporary restricted driving privileges. This case involves judicial review of agency action under Iowa Code Chapter 17A.

Analysis and Conclusion. The Court stated that the district court erroneously confused the purpose, nature, and consequences of Iowa Code §321J.4, the statutory authority which allows IDOT to revoke a person's license when the person has been convicted of an OWI offense, and Iowa Code §321J.12, the statutory authority that allows IDOT to revoke a person's license when the person has failed a chemical test at the time of arrest for OWI. Section 321J.4 provides, in relevant part, that a person convicted of an OWI and receiving a deferred judgment shall be subject to a license suspension period of at least 30 days but not more than 90 days. Iowa Code §321J.12 provides, in relevant part, that a person who submitted to chemical testing in a suspected OWI case and who failed the chemical test is subject to a 180-day license suspension period. The Court noted that the 180-day license revocation period in this case was based upon an administrative proceeding brought pursuant to Iowa Code §321J.12 and that the deferred judgment which resulted from the criminal prosecution was of no consequence to this case, although both actions arose out of the same set of facts. The Court concluded that the district court erred when it ruled otherwise and when it read both statutes together in reducing Lee's revocation period. The Court further concluded that Lee's argument concerning his eligibility for a temporary restricted license was based upon a similar confusion of the criminal and administrative proceedings contained in Chapter 321J and affirmed IDOT's ruling barring Lee from applying for a temporary restricted license until 30 days of the revocation period had passed.

Note: Senate File 345, by Committee on Judiciary, which dealt with the reinstatement of a person's driver's license or nonresident operating privilege following a prosecution for an OWI offense that did not result in a conviction, passed the Senate on March 15, 2005, and was assigned to the House Judiciary Subcommittee on March 17, 2005.

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