

123.48 Seizure of false or altered driver's license or nonoperator's identification card.

1. If a retail alcohol licensee or an employee of the licensee has a reasonable belief based on factual evidence that a driver's license as defined in [section 321.1](#), [subsection 20A](#), or nonoperator's identification card issued pursuant to [section 321.190](#) offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee or employee may retain the driver's license or nonoperator's identification card. Within twenty-four hours, the license or card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed premises is located. When the license or card is delivered to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the license or card was retained. The local law enforcement agency may investigate whether a violation of [section 321.216](#), [321.216A](#), or [321.216B](#) has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the driver's license or nonoperator's identification card shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the license or card with the report to the department of transportation for investigation, in which case, the department may investigate whether a violation of [section 321.216](#), [321.216A](#), or [321.216B](#) has occurred. The department of transportation shall return the license or card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established.

2. Upon taking possession of a driver's license or nonoperator's identification card as provided in [subsection 1](#), a receipt for the license or card with the date and hour of seizure noted shall be provided to the person from whom the license or card was seized.

3. A retail alcohol licensee or an employee of the licensee is not subject to criminal prosecution for, or to civil liability for damages alleged to have resulted from, the retention and delivery of a driver's license or a nonoperator's identification card which is taken pursuant to [subsections 1 and 2](#). [This section](#) shall not be construed to relieve a licensee or employee of the licensee from civil liability for damages resulting from the use of unreasonable force in obtaining the altered or falsified driver's license or nonoperator's identification card or the driver's license or nonoperator's identification card believed to belong to another person.

[94 Acts, ch 1105, §3](#); [96 Acts, ch 1090, §1](#); [98 Acts, ch 1073, §9, 12](#); [2016 Acts, ch 1073, §32](#); [2022 Acts, ch 1099, §44, 88](#)

2022 amendment to subsections 1 and 3 effective January 1, 2023; 2022 Acts, ch 1099, §88
Subsections 1 and 3 amended