

## IOWA'S OWI LAW

Iowa's OWI (operating while intoxicated) law states that it is unlawful to operate a motor vehicle in Iowa in any of the following conditions.

- While under the influence of an alcoholic beverage or other drug or a combination of such substances
- While having an alcohol concentration of .08 or more
- While having any amount of a controlled substance in one's body

Iowa's implied consent law means that any person who operates a motor vehicle in the state agrees to have a blood, breath and/or urine test performed to determine alcohol level or presence of drugs, whenever a peace officer has reasonable grounds to believe the person is operating under the influence.

Driver's License Revocation		
Administrative - driver's license revocation due to chemical test failure		
Situation	Description	Period of revocation
<b>*First offense</b>	<p>When a chemical test indicates an alcohol level of .08 or more or the presence of a controlled substance, and the person has had no OWI-related revocations in the previous 12 years, the person may apply for a temporary restricted license.</p> <p>If an accident occurred or their blood alcohol content (BAC) level was greater than .15, the person must wait 30 days from the effective date of the sanction.</p> <p>An individual must install an ignition interlock device, if the BAC level was greater than .10 or an accident occurred.</p> <p>*Persons under age 21 are ineligible for a temporary restricted license until 60 days have passed from the effective date of the sanction.</p>	180 days
<b>Second offense</b>	The person is not eligible for a temporary restricted license for	1 year

<p><b>or one or more driver's license revocations in the previous 12 years</b></p>	<p>45 days.</p>	
<p><b>Under age 18</b></p>	<p>If a driver is under the age of 18 and his or her driver's license or operating privileges are revoked administratively or by a court order, the revocation continues until the revocation expires or until the person reaches 18, whichever is later.</p>	<p>Until the revocation expires or person reaches age 18, whichever is later.</p>
<p><b>Upon conviction in a court of law if the license has not otherwise been revoked administratively</b></p>		
<p><b>Situation</b></p>	<p><b>Description</b></p>	<p><b>Period of revocation</b></p>
<p><b>*First offense</b></p>	<p>Upon conviction, and if he or she has no convictions or revocations in the preceding 12 years, the person may apply for a temporary restricted license.</p> <p>If an accident occurred or the BAC level was greater than .15, the person must wait 30 days from the effective date of the sanction.</p> <p>The individual must install an ignition interlock device, if their BAC level was greater than .10 or an accident occurred.</p> <p>The person must wait 90 days from the effective date of the sanction to apply for a temporary restricted license, if he or she refused the test.</p> <p>*If the individual is under age 21, he or she is ineligible for a temporary restricted license until 60 days have passed from the effective date of the sanction.</p>	<p>180 days</p>
<p><b>Second offense or one or more revocations in the preceding 12 years</b></p>	<p>The person is not eligible for a temporary restricted license for 45 days.</p>	<p>1 year</p>

<p><b>*Deferred judgment</b></p>	<p>If the driver's license is not otherwise revoked and the court defers judgment on the sentencing, the person may apply for a temporary restricted license.</p> <p>If an accident occurred or the BAC level was greater than .15, the individual must wait 30 days from the effective date of the sanction.</p> <p>An individual must install an ignition interlock device, if their BAC level was greater than .10 or if an accident occurred. The individual must wait 90 days from the effective date of the sanction if he or she refused the test.</p> <p>* If the individual is under age 21, he or she is ineligible for a temporary restricted license until 60 days have passed from the effective date of the sanction.</p>	<p>90 days</p>
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**Court-ordered revocation, in addition to another administrative or court-ordered revocation**

<b>Situation</b>	<b>Description</b>	<b>Period of revocation</b>
<p><b>Third offense</b></p>	<p>The person may apply for a temporary restricted license after one year, if ignition interlock devices are installed on all vehicles.</p>	<p>6 years</p>
<p><b>Any level of offense involving personal injury caused by OWI</b></p>	<p>The person may apply for a temporary restricted license when otherwise permitted by the period of the other revocation. Ignition interlock devices must be installed on all vehicles.</p>	<p>1 year, in addition to the period of any other revocation</p>
<p><b>Any level of offense involving a death caused by OWI</b></p>	<p>The person is not eligible for a temporary restricted license for two years.</p>	<p>6 years</p>

**.02/ "Zero Tolerance" Administrative driver's license revocations for drivers under age 21**

The driver's license of a person under age 21 who submits to a chemical test that indicates an alcohol level of .02 or more, but less than .08, will be revoked for 60 days on a first violation and 90 days on subsequent violations. If a

person is suspected of operating a motor vehicle with an alcohol level of .02 or more, and refuses chemical testing, the driver's license revocation will be one year for a first violation and two years on a second or subsequent violation. These revocations (.02/"zero tolerance") are administrative and are not dependent upon criminal charges being filed. If a driver's license is revoked for a .02/"zero tolerance" violation, the driver is not eligible for a temporary restricted license at any time during the revocation period.

### **Driving while revoked**

A person who drives while their driver's license is revoked under the OWI law (whether the revocation is administrative or court ordered, and whether for an OWI or for a .02 violation) commits a serious misdemeanor and must pay a fine of \$1,000. Law enforcement officers may impound vehicles, if the individual's driver's license is revoked for an OWI. If a driver is convicted of a second or subsequent offense of driving with a revoked license, the vehicle that is being operated must be seized and forfeited to the state. The owner of a vehicle who lends the vehicle to a person whose license is revoked for an OWI commits a simple misdemeanor and is jointly liable for any damages the driver causes, if the owner knew, should have known or gave consent to the operation of the vehicle by a driver with a revoked license.

### **Vehicle impoundment/immobilization**

A person arrested for second or subsequent OWI offense, or for driving while their driver's license is revoked for an OWI, may have the motor vehicle they are operating seized and impounded immediately upon arrest. The impoundment (or immobilization) continues for at least 180 days, or until the driver's license revocation is completed, whichever period is longer. If the vehicle is not impounded at the time of arrest, it must be impounded or immobilized upon conviction for the second or subsequent OWI offense. If a vehicle is operated in violation of an order of impoundment or immobilization, it shall be seized and forfeited to the state, and operation of the vehicle is a serious misdemeanor.

### **Reinstating a driver's license**

If a driver's license or non-resident operating privilege has been revoked for any OWI offense under Iowa Code chapter 321J (whether as a result of a court order or administrative action), the license or privilege may not be reinstated until the person:

Pays a \$200 civil penalty.

Presents proof of completion of a course for drinking drivers.

Presents proof of completion of a substance abuse evaluation and treatment or rehabilitation services.

Complies with financial responsibility law, if applicable.

## Criminal Penalties for OWI

Criminal penalties for OWI offenses are determined by the court.