

SUPREME COURT OF IOWA

Voss v. Iowa Department of Transportation, Motor Vehicle Division

621 N.W.2d 208 (Iowa 2001) · Decided January 18, 2001

SUMMARY

The Iowa Supreme Court held that Iowa Code section 321J.8 does not require an implied consent advisory to be reread before each additional chemical test requested after an initial test. Because the advisory given to Voss adequately explained the consequences of refusing or failing a chemical test and the officer answered his questions, the court upheld the license revocation and remanded for affirmance of the agency decision.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus
JURISDICTION	Iowa
DECIDED	January 18, 2001
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Iowa Department of Transportation revoked Voss's driver's license after a urine test detected THC. The agency ruled that the implied consent advisory did not have to be reread before the second chemical test. The district court reversed the agency, and the Iowa Court of Appeals affirmed. The Iowa Supreme Court granted further review.
STANDARD OF REVIEW	Review of the DOT's license-revocation decision under the Iowa Administrative Procedure Act, Iowa Code chapter 17A. The Supreme Court determines whether its conclusions are the same as those reached by the district court and reverses when the district court incorrectly applied the law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Iowa Department of Transportation, Motor Vehicle Division v. Ryan Voss

TOPICS

judicial review of agency action

administrative law

statutory interpretation

legislative intent

plain meaning rule

PRACTICE AREAS

administrative law

driver's license revocation

implied consent

statutory interpretation

criminal procedure

QUESTIONS PRESENTED

1. Whether Iowa Code section 321J.8 requires an officer to reread the implied consent advisory before administering each additional chemical test.
2. Whether the DOT correctly determined that the officer complied with section 321J.8 when the advisory was given before the breath test, the officer answered questions about the later urine test, and the advisory was not reread.

HOLDINGS

1. Section 321J.8 does not impose a rigid requirement that the implied consent advisory be reread before every additional chemical test. When the original advisory adequately informs the person of the consequences applicable to the requested tests and the statutory purpose is otherwise accomplished, rereading is unnecessary.
2. The DOT correctly determined that the officer complied with Iowa Code section 321J.8, and Voss's license revocation was proper.

KEY QUOTATIONS

“The clear intent of section 321J.8 is to provide a person who has been required to submit [to] a chemical test a basis for evaluation and decision-making in regard to either submitting or not submitting to the test.” (212)

“No useful purpose would be served by a rigid requirement that the implied consent advisory be reread when multiple chemical tests are requested.” (213)

FACTUAL BACKGROUND

On October 31, 1998, a state trooper arrested Ryan Voss for operating while intoxicated and read him the implied consent advisory before administering a breath test, which showed an alcohol concentration of .101. After marijuana-related items were discovered in Voss's vehicle and on his person, the trooper requested a urine test at 1:50 a.m. without rereading the advisory; Voss consented, and the urine test was positive for THC. The DOT revoked Voss's license, and the dispute concerned whether the failure to reread the advisory required rescission of the revocation.

PROCEDURAL HISTORY

After Voss was arrested for operating while intoxicated, he submitted to a breath test and later, without a rereading of the implied consent advisory, consented to a urine test after officers discovered evidence suggesting drug use. The DOT revoked his license based on the positive THC result. An administrative law judge rescinded

the revocation, but the DOT reversed that decision on internal appeal. The district court reversed the DOT, the court of appeals affirmed, and the Iowa Supreme Court vacated the court of appeals decision, reversed the district court, and remanded for entry of an order affirming the agency decision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court vacated the court of appeals decision, reversed the district court judgment rescinding the revocation, and remanded for entry of an order affirming the agency's decision.

CASES CITED

- Scott v. Iowa Department of Transportation, 604 N.W.2d 617, 619 (Iowa 2000)
- State v. Green, 470 N.W.2d 15, 18 (Iowa 1991)
- Horsman v. Wahl, 551 N.W.2d 619, 620-21 (Iowa 1996)
- State v. Fortman, 493 N.W.2d 599, 601 (Minn. Ct. App. 1992)
- Hansen v. Commissioner of Public Safety, 393 N.W.2d 702, 705 (Minn. Ct. App. 1986)