FILED
OCT 21 1980
CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN RE THE MATTER OF WILLIAM JOSEPH KNIGHT,	)	
Plaintiff-Appellant,	)	Filed October 21, 1980
vs.	)	
THE DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE DIVISION,	)	0-262 2-64127
Defendant-Appellee.	)	

Appeal from Woodbury District Court - George F. Davis, Judge.

Plaintiff appeals from the district court decision upholding defendant agency's revocation of his driver's license. - AFFIRMED.

Thomas A. Vakulskas, Sioux City, for plaintiff-appellant.

David A. Ferree, Assistant Attorney General, Department of Transportation, for defendant-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Plaintiff, William Knight, appeals district court decision upholding defendant agency's revocation of his driver's license pursuant to chapter 321B, The Code. He asserts the evidence was insufficient to show his refusal to submit to a chemical test. We affirm.

Plaintiff was arrested on August 12, 1978, for various traffic violations. After administering certain field sobriety tests, the officer arrested Knight for O.M.V.U.I. and took him into custody. The officer explained the implied consent procedure. At the police station, the officer requested, orally and in writing, that Knight submit to a breath test. Knight refused and revocation procedures followed pursuant to section 321B.7. An appeal in this case is authorized under section 17A.20. Our review is limited to the record before us to determine if substantial rights of the plaintiff have been prejudiced by violative agency action. Hoffman v. Iowa Department of Transportation, 257 N.W.2d 22 (Iowa 1977).

Plaintiff asserts he thought he was refusing a blood test request. Section 321B.3 provides a right to refuse a blood test but not a right to refuse any other approved chemical test requested by an officer. We find the evidence establishes the officer's request for a breath, not blood, test. The affidavit of the arresting officer and the form showing the breath test request and procedures employed support this finding.

Further, we find the officer did not contribute to any confusion on Knight's part. See Janssen v. Sellers, 207 N.W.2d 746, 747 (Iowa 1973). Knight was orally read the form and given the opportunity to read it for himself. If any confusion was in Knight's mind, it was because he chose not to cooperate or avail himself of this procedure. Following a phone call to his mother and after being repeatedly informed of revocation consequences, Knight refused the requested breath test. Such refusal activates the revocation provisions of section 321B.7. We therefore affirm the lower court's decision.

AFFIRMED.