

FILED

JUN 24 1980

243

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STEVEN DEANE JACOBSON,)

Petitioner-Appellant,)

Filed June 24, 1980

vs.)

DEPARTMENT OF TRANSPORTATION,)

STATE OF IOWA,)

0-184
2-64352

Respondent-Appellee.

Appeal from Polk District Court - A. V. Hass, Judge.

Petitioner appeals trial court affirmance of suspension of driver's license.
AFFIRMED.

Lad Grove, Ames, for petitioner-appellant.

Craig Gregersen, Assistant Attorney General, for respondent-appellee.

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

PER CURIAM

Petitioner, Steven Deane Jacobson, appeals trial court affirmance of suspension of his driver's license by respondent, Department of Transportation. We affirm.

Jacobson's driver's license was suspended by respondent pursuant to section 321.210(3), The Code 1979, on the ground he was an habitual violator of traffic laws. Jacobson initiated this action for judicial review of the suspension and alleged section 321.210(3) was an unconstitutional delegation of legislative authority to respondent. The trial court rejected that contention and Jacobson appeals. The only question for review concerns the issue of delegation of authority under section 310.210(3) and we review Jacobson's claim under the standards of section 17A.20, The Code.

Jacobson claims the statutory language of section 321.210(3), which permits respondent to establish a point system for violations of traffic laws and to suspend the driver's licenses of habitual violators, is an unconstitutional delegation of legislative authority. Claims of undue delegation are reviewed in light of the safeguards established to protect those affected by the exercise of administrative power. Iron Workers Local No. 67 v. Hart, 181 N.W.2d 758, 772 (Iowa 1971). The focus is on safeguards to protect those affected by the administrative action rather than the standards of delegation and both are not required to establish the constitutionality of a delegation of authority. See Warren County v. Judges of the Fifth Judicial District, 243 N.W.2d 894, 900 (Iowa 1976).

Attacks on the lack of standards for delegation of authority to suspend driver's licenses to the Department of Transportation have proved unsuccessful in the past. See Sueppel v. Eads, 261 Iowa 923, 156 N.W.2d 115 (1968). See also Danner v. Hass, 257 Iowa 654, 134 N.W.2d 354 (1965) (wherein the statute allowing suspension for a "serious violation" was upheld as a valid delegation of authority.) We find Sueppel controls resolution of Jacobson's claim since the same statutory language as that challenged here was upheld as not too vague or uncertain to stand as a lawful basis for suspension of a driver's license by administrative action. Sueppel, 261 Iowa at 923, 156 N.W.2d at 115. Further, in light of the safeguards of the Iowa Administrative Procedure Act, chapter 17A, and the review of claims of undue delegation under that act, we do not find the delegation here constitutes a violation of constitutional privileges. See § 17A.19(8)(a). The trial court correctly affirmed respondent's suspension action.

AFFIRMED.