

## Red Tape Review Rule Report (Due: September 1, 2024)

<b>Department Name:</b>	Department of Transportation	<b>Date:</b>	7/2/24	<b>Total Rule Count:</b>	7
<b>IAC #:</b>	761	<b>Chapter/ SubChapter/ Rule(s):</b>	301	<b>Iowa Code Section Authorizing Rule:</b>	321A.3, 321.11
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

The intended benefit of this chapter is to implement Iowa Code chapter 321.11 and explain Iowa’s adoption of the federal Driver’s Privacy Protection Act of 1994 (18 U.S.C. §2721 et seq.), and Iowa Code section 321A.3, which requires the Department to provide operating record abstracts upon request. The chapter explains the requirements, procedures, and exceptions for requesting personal information and highly restricted personal information contained in motor vehicle records, as well as the procedures and fees for requesting bulk motor vehicle data and records.

Additionally, the benefit is to increase compliance with driver’s privacy protection laws, which are intended to ensure the security of personal information and highly restricted personal information.

**Is the benefit being achieved? Please provide evidence.**

The benefit is being achieved. The evidence for this benefit is demonstrated by the compliance of entities that regularly request personal information and highly restricted personal information contained in motor vehicle records. The Department has approximately 61 active agreements on file with entities that make regular requests for personal information and highly restricted personal information. Additionally, in 2023, the Department approved a total of 13,997 privacy agreements which includes one-time requests for certified driving records and motor vehicle records, as well as applications for online access to information contained in certified driving records and motor vehicle records.

**What are the costs incurred by the public to comply with the rule?**

Authorized entities requesting bulk data files incur a fee of \$0.0003 per line of data or, alternatively, a reasonable fee commensurate with the file size and complexity. The costs are identified in rule 761-301.7 for clarity and transparency.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

There are no costs to the Department to implement the rules beyond those that would otherwise be required to administer the statute.

**Do the costs justify the benefits achieved? Please explain.**

There are no costs to comply with the rules beyond those that would otherwise be required to administer the statute.

Are there less restrictive alternatives to accomplish the benefit?  YES  NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

There are no less restrictive alternatives available to accomplish the Department's responsibility under federal law and Iowa Code to establish parameters for the release of protected motor vehicle record information to authorized requesters, and assessment of reasonable fees for records and services under Iowa Code section 321.11. The rules outline the basic framework of what data is protected, methods of obtaining the data, and the procedures requirement to demonstrate authorized status.

The Department conducted a survey of other state agencies and found that the Department's reasonable fees for records and data under the rule 761-301.7(321) are consistent with, if not lower than, other state motor vehicle agencies.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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**301.1 Applicability.** This rule is revised because it is redundant. **301.2 Adoption.** This rule is deleted because its content will be combined with rule 301.1.

**301.3 Definitions.** This rule is revised to remove language duplicative of statutory language.

**301.5 Requirements and procedures.**

301.5(1) This subrule is revised to remove unnecessary and outdated language.

301.5(2) This subrule is revised to remove unnecessary language.

301.5(3) This subrule is deleted because it is redundant.

301.5(4) This subrule is deleted because it is redundant.

301.5(5) This subrule is revised to remove unnecessary language.

301.5(6) This subrule is revised because it is duplicative of statutory language.

301.5(7) This subrule is deleted because it is duplicative of statutory language.

301.5(8) This subrule is deleted because it is outdated.

**301.6 Electronic motor vehicle records files.** This rule is revised to remove redundant language.

**301.7 Certified abstract of operating records.**

301.7(1) This subrule is revised to remove unnecessary language.

301.7(2) This subrule is deleted because it is redundant.

301.7(3) This subrule is deleted because it is redundant.

301.7(4) This subrule is deleted because it is redundant.

301.7(5) This subrule is deleted because it is duplicative of statutory language.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

None.

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

301.1  
301.2  
301.3  
301.4  
301.5  
301.6  
301.7

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

**METRICS**

<b>Total number of rules repealed:</b>	<b>0</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>713</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>27</b>

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

No.