

### Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 301  
“Driver’s Privacy Protection—Motor Vehicle Records”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321A.3 and 321.11

State or federal law(s) implemented by the rulemaking: 18 U.S.C. §2721 et seq. and Iowa Code sections 321.1, 321.10, 321.11, 321.13 and 321A.3

#### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 11, 2024  
1 to 1:30 p.m.

[Microsoft Teams link](#)  
Or dial: 515.817.6093  
Conference ID: 785 942 699

#### *Public Comment*

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kasey Lee  
6310 SE Convenience Boulevard  
Ankeny, Iowa 50021  
Email: [kasey.lee@iowadot.us](mailto:kasey.lee@iowadot.us)

#### *Purpose and Summary*

The purpose of this proposed chapter is to implement Iowa Code section 321.11, which explains 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, including crash reports, vehicle information, and driver record information. This chapter also explains the requirements for obtaining bulk data that does not include personal information from the Department’s Motor Vehicle Division.

#### *Analysis of Impact*

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

The chapter provides guidance for individuals and entities requesting personal information and highly restricted personal information contained in motor vehicle records or bulk data that do not include personal information. Entities seeking bulk data, audio files, or other file types may incur reasonable costs to obtain that data. The costs are identified in rule 761—301.7(321) for clarity and transparency.

- Classes of persons that will benefit from the proposed rulemaking:

Persons or entities that request personal information and highly restricted personal information contained in motor vehicle records, persons who have their own personal information and highly restricted personal information securely contained within the Department’s records, and persons or

entities seeking bulk data from the Department's Motor Vehicle Division that do not contain personal information or highly restricted personal information will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

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.

- Qualitative description of impact:

Reorganizing, streamlining, and reducing redundancy in the proposed chapter will create a positive impact by producing a more user-friendly version of information the public relies on for understanding the requirements, procedures, and fees for requesting personal information, highly restricted personal information, or bulk data contained in motor vehicle records.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no additional implementation or enforcement costs in the proposed rules that were not already required as a result of the underlying statutes. The statute requires the Department to adopt rules regarding the disclosure of personal information and highly restricted personal information contained within motor vehicle records and requires the Department to furnish operating records and crash reports to eligible requesters.

- Anticipated effect on state revenues:

The Department estimates that approximately \$90,951.60 will be collected annually in bulk data request fees that are not among the authorized fees identified in statute for operating records and crash reports.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of the proposed chapter is consistency and transparency for standards for obtaining personal information and highly restricted personal information as well as the fees required to obtain bulk data. The cost of the proposed rules is the same as the cost required by the underlying statute.

The cost of inaction is the inability for the public to quickly and efficiently understand the standards required for the disclosure of personal information and highly restricted personal information contained within motor vehicle records as well as the fees required to obtain bulk data. There is no benefit of inaction.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no less costly or less intrusive methods to achieve the purpose of the proposed rules, which is to provide information quickly and efficiently to the public regarding the required standards for the release of personal information and highly restricted personal information contained within motor vehicle records.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered different fee amounts for the bulk data fees established in rule 761—301.8(321).

The Department did not consider alternatives for the proposed rules governing the release of personal information and highly restricted personal information. Requirements for the release of personal information and highly restricted personal information are contained within federal law and the Iowa Code.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The Department conducted a survey of fee amounts collected among other state departments of motor vehicles (DMVs) and found that the fees collected by the Department are consistent with or

lower than other peer agencies. Additionally, the Department has not received negative feedback from requesters that the fee amounts for data requests were too high.

*Small Business Impact*

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business. The proposed rules apply equally to all individuals, entities, or businesses that request personal information or highly restricted personal information contained within motor vehicle records.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 761—Chapter 301 and adopt the following **new** chapter in lieu thereof:

VEHICLES

CHAPTER 301

DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

**761—301.1(321) Applicability and adoption.** This chapter applies to personal information and highly restricted personal information in motor vehicle records of the department. The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. §2721 and 2725 effective as of October 23, 2000, and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994) for motor vehicle records. The department does not provide the waiver procedure described in the Driver's Privacy Protection Act (codified as 18 U.S.C. §2721(d) effective as of October 23, 2000).

This rule is intended to implement Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

**761—301.2(321) Definitions.** The definitions in Iowa Code section 321.1 and 18 U.S.C. §2725 effective as of October 23, 2000, are hereby adopted and incorporated. In addition:

“*Certified abstract of operating record*” means the same as described in Iowa Code section 321A.3(1).

“*Driver's license*” means the same as defined in Iowa Code section 321.1(20A).

“*Express written consent*” as used in Iowa Code section 321.11 means the same as “express consent” as defined in 18 U.S.C. §2725(5) effective as of October 23, 2000, and must either be notarized or accompanied by proof of identity of the requester.

“*Law enforcement agency*” includes, but is not limited to, county attorneys, federal district attorneys, attorneys general, state and federal departments of justice, and a division or unit of a governmental agency if the division's or unit's primary responsibility is to prevent or detect crime or enforce criminal laws.

“*Motor vehicle record*” as used in the Driver’s Privacy Protection Act and this chapter means any record that pertains to a driver’s license, nonoperator’s identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer. This also includes information on individuals who do not currently hold a driver’s license or nonoperator’s identification card, including but not limited to operating records and records of driver sanctions.

“*Proof of identity*” means a copy of the individual’s driver’s license or nonoperator’s identification card issued by the department or another state, the document discriminator number of a driver’s license or nonoperator’s identification card issued by the department, or an alternate form approved by the department.

“*Requester*” means an individual, organization or entity that seeks from the department access to personal information or highly restricted personal information contained in a motor vehicle record. A requester does not include an individual who is an authorized employee of the department or a county treasurer acting within the scope of the employee’s office or employment.

“*Sanction*” means the same as defined in rule 761—615.1(321).

This rule is intended to implement Iowa Code sections 321.1 and 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

**761—301.3(321) Information and addresses.** Information and forms for records pertaining to motor vehicle records may be obtained at any driver’s license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3110; by email at [privacy.agreements@iowadot.us](mailto:privacy.agreements@iowadot.us); or on the department’s website at [www.iowadot.gov/mvd/vehicleregistration/records](http://www.iowadot.gov/mvd/vehicleregistration/records) for vehicle records and [www.iowadot.gov/mvd/driverslicense/records](http://www.iowadot.gov/mvd/driverslicense/records) for driving records.

This rule is intended to implement Iowa Code section 321.11.

**761—301.4(321) Requirements and procedures.**

**301.4(1)** A requester seeking personal information or highly restricted personal information is required to:

*a.* Complete Form 431069, “Privacy Act Agreement for Request of Motor Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.3(321). Requests for information about another individual require completion of Parts A, B (if applicable), C, and D of Form 431069. Requests for an individual’s own information require completion of Part A.

*b.* Provide proof of identity and proof of eligibility to access the information. The department may request additional information to confirm that the requester is eligible under Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; 18 U.S.C. §2722 through 2724 effective as of September 13, 1994; and this chapter to access the information.

**301.4(2)** A law enforcement agency that requests personal information or highly restricted personal information is to either follow the process in subrule 301.4(1) or complete and submit Form 431200, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to any driver’s license service center or the motor vehicle division at the address in rule 761—301.3(321). Alternately, a law enforcement agency may enter into a memorandum of understanding with the department for the purposes of requesting personal information or highly restricted personal information.

**301.4(3)** Personal information and highly restricted personal information, except for an individual’s photograph or image, may be disclosed with the express written consent of the individual or vehicle owner to whom such information applies. When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, “Privacy Act Agreement for Request of Motor

Vehicle Records,” and submit the form to any driver’s license service center or the motor vehicle division at the address in rule 761—301.3(321).

**301.4(4)** The statutory fee, if applicable, is due at the time the request for a motor vehicle record is submitted.

**301.4(5)** Requested information will be provided to the requester electronically unless the requester specifies otherwise. The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

**301.4(6)** All requesters who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.10, 321.11 and 321.13; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

**761—301.5(321) Online motor vehicle records access.** Online access to motor vehicle records may be available to recurring authorized requesters upon approval by the department and upon payment of any applicable fees. The requester must complete and submit Form 430030 using a method provided for in rule 761—301.3(321), including any required attachments.

This rule is intended to implement Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

**761—301.6(321,321A) Certified abstract of operating records.**

**301.6(1)** A certified abstract of the operating record includes the information that is on the face of an individual’s driver’s license, plus information on the individual’s sanctions, reportable vehicle accidents, and convictions. The certified abstract of operating record does not include the individual’s photograph, social security number, or medical or disability information.

*a.* In accordance with Iowa Code section 321A.3, a certified abstract of operating record can be obtained by following the process outlined in rule 761—301.4(321).

*b.* The statutory fee, if applicable, is due at the time of the request.

**301.6(2)** The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

**301.6(3)** Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 321.13 and 321A.3; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; and 18 U.S.C. §2722 through 2724 effective as of September 13, 1994.

**761—301.7(321) Fees for records.** In addition to the statutory fees, the following fees related to motor vehicle records of the department provided pursuant to Iowa Code section 321.10 or 321.11 may include:

**301.7(1)** A \$5 fee for an audio recording of a contested case hearing.

**301.7(2)** A \$0.0003-per-record or -line of data bulk data request fee. However, no fee will be assessed to requesters that are government entities.

**301.7(3)** A one-time programming set-up fee for online data access or electronic data transfers, not to exceed the costs incurred in the set-up.

**301.7(4)** Fees commensurate with file size and complexity for other data file requests.

This rule is intended to implement Iowa Code sections 321.10 and 321.11.