ARC 0710D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to application for license and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 601, "Application for License," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)"j," 321.182 and 321.195.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.182, 321.184 and 321.195.

Purpose and Summary

The purpose of these proposed amendments is to align the rules with 2026 Iowa Acts, Senate Files 2088 and 2187. These bills, respectively, amend the Iowa Code to authorize the Department to provide electronic driver's license replacement services through its new information technology system and to accept certain documents submitted electronically and require verification of United States citizenship and lawful status in the United States as a condition of driver's license and nonoperator's identification card issuance and renewal. These proposed amendments also make technical citation changes throughout the chapter.

References to Iowa Code section 321.183A are to that Iowa Code section as enacted by 2026 Iowa Acts, Senate File 2187. The reference to Iowa Code section 321.195 is to that section as amended by 2026 Iowa Acts, Senate File 2088.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 13, 2026

The Department received no comments. The Department made two changes from the Regulatory Analysis. The first change authorizes the Department to establish a streamlined REAL ID exceptions process for children placed in foster care under Iowa Code chapter 232. This process will allow the Department, in coordination with the Department of Health and Human Services, to receive the necessary documentation to process these requests. The second change clarifies that the proof of identity document submitted by an applicant under paragraph 601.4(1)"k" must indicate the person's U.S. citizenship to meet the requirements set forth in 2026 Iowa Acts, Senate File 2187.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 1, 2026. Comments should be directed to:

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

December 1, 2026 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 447 760 327#
December 1, 2026 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 992 585 504#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend subrule 601.2(7) as follows:

601.2(7) *Surrender of license and nonoperator's identification card.* An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews or replaces a driver's license or nonoperator's identification card electronically pursuant to ~~761—subrule 605.25(7)~~ 761—Chapter 605 or 630 shall destroy the previous driver's license or nonoperator's identification card upon receipt of the renewed or replaced driver's license or nonoperator's identification card.

ITEM 2. Amend rule **761—601.2(321,321C)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.195, 321.196 and 321C.1 and 6 CFR Part 37.

ITEM 3. Amend paragraph **601.4(4)"a"** as follows:

a. If an applicant presents one of the identity documents listed under subrule ~~601.5(1)~~ 601.4(1), the department's verification of that identity document is satisfactory evidence of lawful status.

ITEM 4. Amend paragraph **601.4(5)"c"** as follows:

c. Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2) effective January 1, ~~2024~~ 2025.

ITEM 5. Amend subrule 601.4(8) as follows:

601.4(8) *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process) effective January 1, ~~2024~~ 2025, and notwithstanding any other provisions of this chapter or 761—Chapter 2504 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

a. To apply for an exception under this rule, an applicant is to submit a written request to the department at the address or email address listed in subrule 601.1(3) or in person at any driver's license service center containing all of the following:

(1) to (3) No change.

(4) Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13 effective January 1, ~~2024~~ 2025.

(5) No change.

b. to *d.* No change.

e. An alternate document accepted under this exception process to satisfy the provisions of subrule 601.4(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h) effective January 1, ~~2024~~ 2025.

f. No change.

g. Notwithstanding paragraph 601.4(8)*"a,"* a child placed in foster care pursuant to Iowa Code chapter 232 who requires an exception under this subrule is not required to submit a written request. The department may establish a separate exceptions process for foster children and may work directly with the department of health and human services or with the foster parent to obtain any documents or information necessary to determine eligibility for an exception under this subrule. Any exception considered or issued under this paragraph is subject to all applicable requirements and limitations in paragraphs 601.4(8)*"b"* through *"e."* The department may issue a driver's license or nonoperator's identification card or may issue a written denial, depending on whether the documentation obtained under this paragraph is determined by the department to be sufficient to meet the requirements of this subrule. The department will retain any documents or information obtained under this paragraph in the same manner as required for exception requests submitted under paragraph 601.4(8)*"a."*

~~*g.*~~ *h.* Nothing in this subrule requires the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible. The department reserves the right to modify or cancel an exception at any time if the department finds that anything in the exception application or accompanying documentation was based on fraud or misrepresentation by the applicant or if the modification or cancellation is necessary based on a change in circumstances of the applicant.

~~*h.*~~ *i.* An applicant whose request for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 2506. The request for a hearing may be submitted in writing to the motor vehicle division. The request is to include, as applicable, the applicant's name, driver's license or nonoperator's identification number, date of birth, complete address and telephone number. The request is to be submitted within 20 days after the date of the notice of exception denial.

ITEM 6. Renumber rules **761—601.5(321)** and **761—601.6(321)** as **761—601.6(321)** and **761—601.7(321)**.

ITEM 7. Adopt the following **new** rule 761—601.5(307,321):

761—601.5(307,321) Legal status authentication.

601.5(1) Except as provided in subrules 601.5(2) and 601.5(3), an applicant for an Iowa driver's license or nonoperator's identification card, including an applicant who currently holds an Iowa driver's license or nonoperator's identification card, for whom proof of the applicant's United States citizenship or lawful status in the United States under subrules 601.4(1) and 601.4(4) is not already contained in the applicant's file, shall, subject to the verification requirements of Iowa Code section 321.183A, submit proof of the applicant's United States citizenship, or, if not a United States citizen, proof of the applicant's lawful status in the United States by presenting a document in paragraphs 601.4(1)*"a"* through *"h"* or *"k."*

601.5(2) The department may utilize an applicant's name, date of birth and social security number, which shall be verified using the system identified in Iowa Code section 321.183A(2), to establish proof of the person's United States citizenship.

601.5(3) A document presented under paragraph 601.4(1)*"k"* shall indicate the person's United States citizenship to constitute acceptable proof under this subrule.

601.5(4) Subrule 601.4(5) applies to an applicant who presents a document in subrule 601.5(1) when the name listed on the document does not match the applicant's current legal name.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.13, 321.182, 321.183A, 321.189 and 321.190.

ITEM 8. Amend renumbered subrule 601.6(1) as follows:

601.6(1) Form 430018, Parent's, Guardian's or Custodian's Consent to Issue Driver's License or Permit, or its equivalent must be submitted <u>to the department</u> at the time of issuance or to the email address listed in subrule 601.1(3) <u>or electronically submitted through the department's records system</u>.

ITEM 9. Amend renumbered rule 761—601.7(321) as follows:

761—601.7(321) REAL ID driver's license. A person who seeks a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID driver's license") effective January 1, ~~2024~~ <u>2025</u>, must meet and comply with all lawful requirements for an Iowa driver's license and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID driver's license is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID driver's license may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver's license must include all information and markings required by 6 CFR Section 37.17. Nothing in this rule requires a person to obtain a REAL ID driver's license.

This rule is intended to implement Iowa Code chapter 321; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.