

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to emergency contact information
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 601, “Application for License,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.197.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.197.

Purpose and Summary

This proposed rule making updates Chapters 601 and 630 to conform the rules with 2021 Iowa Acts, House File 435, which amended Iowa Code section 321.197. House File 435 requires the Department to request emergency contact information from every customer during a driver’s license or nonoperator’s identification card transaction. The legislation also gives customers the option of providing the Department with emergency contact information outside of during a driver’s license or nonoperator’s identification card transaction.

The proposed amendments outline the process for customers to submit emergency contact information to the Department to be used by law enforcement in the event of an accident or other emergency. Submission of emergency contact information is voluntary and is not a mandatory condition of processing a driver’s license or nonoperator’s identification card transaction. The proposed amendments allow the customer to submit information for up to two emergency contacts and require one of the emergency contacts to be the customer’s parent, guardian, or custodian if the customer is an unemancipated minor. Additionally, the amendments lay out the steps that a customer can take to change the customer’s emergency contact information or to request to opt out of being listed as an emergency contact for another person.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests

to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 15, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on March 17, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on March 15, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Adopt the following **new** rule 761—601.3(321):

761—601.3(321) Emergency contact information. Pursuant to Iowa Code section 321.197, a person may voluntarily provide the department with emergency contact information.

601.3(1) Form and submission.

a. Emergency contact information provided to the department shall meet the requirements and be used in the circumstances set forth in Iowa Code section 321.197(2)“*b.*”

b. Emergency contact information may be provided to the department through any of the following methods:

(1) By submitting Form 430305 via mail to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by email at emergencyinfo.contact@iowadot.us; or on the department's website at www.iowadot.gov.

(2) In person at a driver's license service center.

(3) In person at a county treasurer's office that issues driver's licenses under Iowa Code chapter 321M.

c. Pursuant to Iowa Code section 321.197(2)“*c.*” an unemancipated person under 18 years of age choosing to provide emergency contact information shall include a parent, guardian or custodian as an emergency contact.

d. The department shall not require submission of emergency contact information as a condition of issuing, renewing or replacing a driver's license.

e. In accordance with Iowa Code section 321.197(2)“b,” the department will not verify the emergency contact information provided.

601.3(2) Disclosure and use. Information provided to the department under subrule 601.3(1) shall be provided to and used by law enforcement in accordance with the provisions of Iowa Code section 321.197.

601.3(3) Modifications.

a. A person may request changes to the person’s emergency contact information by entering those changes on the department’s website or by submitting Form 430305 to the department using any of the methods provided in paragraph 601.3(1)“b.”

b. A person may request to be removed from being listed as an emergency contact by submitting Form 430306 to the department via mail at Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or by email at emergencyinfo.contact@iowadot.us. Any person removed from being listed as an emergency contact shall not be re-added as a potential emergency contact unless such person follows the opt-in process in paragraph 601.3(3)“c.”

c. A person who requested to be removed from being listed as an emergency contact under paragraph 601.3(3)“b” may request to again be listed as a person’s emergency contact by submitting Form 430306 to the department via mail at Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or by email at emergencyinfo.contact@iowadot.us.

This rule is intended to implement Iowa Code section 321.197.

ITEM 2. Amend subrule 630.2(2) as follows:

630.2(2) The applicant shall present proof of identity, date of birth, social security number, Iowa residency, current residential address and lawful status as required by rule 761—601.5(321). Submission If applicable, submission of a parent’s, guardian’s or custodian’s consent is also required in accordance with rule 761—601.6(321). The applicant or a current cardholder may provide the department with emergency contact information in accordance with rule 761—601.3(321).