

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to driver’s license issuance
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 605, “License Issuance,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.182, 321.189, 321.193, 321.196 and 321.198.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.186A, 321.189, 321.193, 321.196 and 321.198, and 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).

Purpose and Summary

This proposed rule making aligns with existing legal authority and Department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern, electronic procedures and terminology. The proposed amendments:

- State that a person who may be physically or mentally incapable of operating a motor vehicle safely must submit either a medical or vision report (rather than only a medical report) and may also be required to pass the applicable license examinations required under Chapter 604 or Chapter 607 before the Department is permitted to issue a license.
- Clarify that when an applicant’s medical report indicates the applicant suffered a loss of consciousness, the person may be licensed without having to undergo a six-month episode-free waiting period if the report indicates the loss of consciousness was a single nonrecurring episode and that the person is not being treated for the loss of consciousness or a contributing health condition. Also, a definition of “single nonrecurring episode” of loss of consciousness is added to mean an incident that is not caused by a health condition if there is no history of prior episodes or no history of a health condition that may cause such an episode. For example, the exception to the six-month episode-free waiting period would not apply to a person who is being treated for diabetes and experienced a low blood sugar event that caused the loss of consciousness, but the exception would apply to a person whose loss of consciousness resulted from an incident of fainting from high temperatures or choking on a piece of food while driving.
- Add pertinent references to certain Iowa Code sections within two implementation sentences.
- Incorporate the applicable cross references to Chapter 601 within the rule concerning the contents of a license. Additionally, the proposed changes clarify that the contents of the license shall include the licensee’s height in feet and inches, rather than inches alone.
- Align the rule with the Department’s existing statutory authority concerning the conditions under which the Department may issue a “recall” restriction to require certain existing licensees to provide additional information or complete additional examination to retain the license. The proposed amendments also clarify that the restriction could entail completion of a follow-up medical report, additional examination, or other additional information. These proposed changes ease the burden on licensees whose restriction requires only submission of additional information rather than in-person re-examination by no longer requiring the licensee to appear in person.

- Restructure the paragraphs relating to the procedures for loss of consciousness or voluntary control and incorporate cross references in lieu of unnecessary verbiage. These proposed updates do not represent any change to the existing requirements or procedures outlined in the current paragraphs.
- Allow individuals who are 21 years old and hold a commercial driver’s license to qualify for the electronic license replacement option.
- Update the contact information and form number for submitting address changes to the Department and remove the reference to the “driver’s license kiosk,” as kiosks are no longer utilized by the Department.
- Modify the rule relating to a military license extension under Iowa Code section 321.198 to align with current Department practice to allow a qualified military member to apply for the electronic record of the person’s driver’s license extension in person or by submitting a form to the Department and outline the documentation that must be provided to demonstrate eligibility. Furthermore, the proposed amendments add language to state that license renewal following separation from military service requires fee payment or examination, if applicable, and add cross-references to the rules that establish knowledge and driving skills examination waivers for military service members.
- Explain the conditions under which the Department can renew a noncommercial license prior to expiration date, including that a REAL ID cannot be renewed more than 180 days prior to the expiration date if the renewal would result in noncompliance with federal requirements governing the eight-year maximum period of validity for a REAL ID.
- Eliminate a subrule that is outdated and does not align with current Department practice for renewing licenses past the expiration date.
- Remove the reference to the restriction “R—Maximum speed of 35mph” related to criteria for electronic renewal eligibility because the restriction is no longer issued by the Department.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

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 January 31, 2023. 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 February 2, 2023, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 31, 2023, 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. Amend rule 761—605.4(252J,321) as follows:

761—605.4(252J,321) Persons not to be licensed.

605.4(1) No change.

605.4(2) The department shall not knowingly license any person who is unable to operate a motor vehicle safely because of physical or mental disability until that person ~~has submitted~~ submits a medical report or vision report stating that the person is physically and mentally capable of operating a vehicle safely and passes the applicable examinations if required under 761—Chapter 604 or 607.

605.4(3) No change.

605.4(4) The department shall not knowingly license any person who suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has not had an episode of loss of consciousness or loss of voluntary control for six months, and then only upon receipt of a medical report favorable toward licensing.

a. to c. No change.

d. If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, ~~and~~ the qualified medical professional is not treating the person for the episode or a contributing health condition, and the qualified medical professional believes ~~that~~ the episode is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a qualified medical professional. As used in this paragraph, a “single nonrecurring episode” means an incident that is not caused by a health condition and there is no history of prior episodes or a health condition that may cause such an episode.

605.4(5) to 605.4(8) No change.

This rule is intended to implement Iowa Code sections 252J.8, 252J.9, 321.13, 321.177, 321.186, 321.193, 321.210, and 321.212.

ITEM 2. Amend subrule 605.5(2) as follows:

605.5(2) *Current residential address.* The licensee's current residential address shall be listed as established according to the requirements of 761 —subrule 601.1(6) and 761—subrule 601.5(3).

ITEM 3. Amend subrule 605.5(3) as follows:

605.5(3) Physical description. The physical description of the licensee on the face of the driver's license shall include the following as established according to the requirements of 761—subrule 601.1(5):

- a. No change.
- b. The licensee's height in feet and inches.

ITEM 4. Amend rule **761—605.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) ~~as amended by 2021 Iowa Acts, House File 389, 321.180, and 321.189.~~

ITEM 5. Amend subrule 605.8(6) as follows:

605.8(6) Additional information.

a. ~~Reexamination or report~~ Recall of current licensees. ~~The~~ Based on information disclosed by the applicant to the department, or the department's knowledge of a licensee's physical or mental condition, the department may issue a restriction requiring a person to reappear complete additional examination or submit additional information at a specified time for examination to retain a valid license. The department may require a medical report to be submitted. The department shall send Form 430029 430511 as a reminder to appear submit the requested information or appear for examination.

b. Loss of consciousness or voluntary control.

(1) If a person is licensed pursuant to ~~subrule 605.4(4), paragraphs 605.4(4) "a," "b," or "c,"~~ the department shall issue the first driver's license with a restriction stating: "Medical report to be furnished at the end of six months."

(2) No change.

~~(3) If the latest medical report indicates the person experienced only a single nonrecurring episode, the cause has been identified, and the qualified medical professional is not treating or has not treated the person for the episode and believes it is unlikely to recur, the department may waive the medical report requirement upon receipt of a favorable recommendation from a qualified medical professional.~~

(4) ~~(3)~~ The department may remove the medical report requirement and issue a full-term driver's license if recommended by a qualified medical professional and if the latest medical information on file with the department indicates that either of the following are true:

1. ~~the~~ The person has not had an episode of loss of consciousness or voluntary control and has not been prescribed medications to control such episodes during the 24-month period immediately preceding application for a license.

2. The person has not had an episode of loss of consciousness or voluntary control during the ten-year period immediately preceding application for a license.

~~(5) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a qualified medical professional and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control during the 10-year period immediately preceding application for a license.~~

c. and d. No change.

ITEM 6. Amend rule **761—605.8(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 321A and sections 321.177, 321.178, 321.180, 321.180A, 321.180B, 321.186, 321.188, 321.189, 321.193, 321.194, 321.215, 321J.4, and 321J.20.

ITEM 7. Amend paragraph **605.11(3)"a,"** introductory paragraph, as follows:

a. Except for the requirements in subparagraphs 605.25(7)"a"(1) and 605.25(7)"a"(2), the licensee must meet the eligibility requirements listed in paragraph 605.25(7)"a" or paragraph 605.25(8)"a" to replace the license electronically and must also meet the following criteria:

ITEM 8. Amend subrule 605.12(1) as follows:

605.12(1) A licensee shall notify the department of a change in the licensee's mailing address within 30 days of the change. Notice shall be given by:

a. Submitting the address change ~~in writing~~ to the ~~Driver and Identification Services Bureau Motor Vehicle Division~~, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, using Form 430012 or a written and signed statement listing the licensee's full name, date of birth, driver's license number and new mailing address; or

b. Completing the address change on the department's website at www.iowadot.gov ~~or at a driver's license kiosk~~; or

c. No change.

ITEM 9. Amend rule 761—605.16(321) as follows:

761—605.16(321) Military extension.

~~605.16(1) Form 430028 Application.~~ A person who qualifies for a military extension of a valid license ~~should request~~ under Iowa Code section 321.198 and who wishes to have a record of the person's military service extension recorded in the department's computerized issuance system shall apply to the department in person by presentation of the person's unexpired Armed Forces of the United States Geneva Conventions identification card, also known as a common access card (CAC), or by submitting Form 430028 from the department and carry it with the license for verification to peace officers. Form 430028 explains 430081 to the department at the address in paragraph 605.12(1) "a." The form shall be signed by the person's commanding officer to verify the military service and be accompanied by a copy of the person's CAC or current active duty orders. Upon approval, the department shall update the department's electronic records with the person's military exception status and issue the person a letter explaining the provisions of Iowa Code section 321.198 regarding military extensions.

~~605.16(2) Request for retention of record.~~ A person with a military extension may request that the department retain the record of license issuance for the duration of the extension or reenter the record if it has been removed from department records. The request may be made by letter or by using Form 430081. The letter or Form 430081 shall be signed by the person's commanding officer to verify the military service and shall be submitted to the department at the address in paragraph 605.12(1) "a."

~~605.16(3) 605.16(2) Renewal of license after military extension.~~ When an applicant renews a license after a military extension, the department may require the applicant to provide documentation of both the military service and the date of separation from military service. In accordance with Iowa Code section 321.198(1) "b," the applicant shall pay all applicable fees to renew the license. The applicant may also be waived from the applicable knowledge or driving skills examination in accordance with the provisions of 761—paragraphs 604.21(2) "c" and 604.31(2) "e" and 761—subrules 607.27(5) and 607.28(6).

~~605.16(4) 605.16(3) Reinstatement after sanction.~~ A person with a military extension whose license has been canceled, suspended or revoked shall comply with the requirements of rule 761—615.40(321) to reinstate the license.

This rule is intended to implement Iowa Code section 321.198.

ITEM 10. Amend rule 761—605.25(321) as follows:

761—605.25(321) License renewal.

605.25(1) No change.

605.25(2) A valid noncommercial license may be renewed within 180 days before the expiration date. ~~If this is impractical, the~~ The department for good cause may renew a noncommercial license earlier, except the department shall not renew a REAL ID driver's license issued under rule 761—601.7(321) earlier than 180 days before the expiration date if such a renewal would result in noncompliance under 6 CFR Section 37.5(a).

~~605.25(3) A valid license may be renewed within 60 days after the expiration date, unless otherwise specified.~~

605.25(4) No change.

605.25(5) A licensee who has not previously been issued a license that may be accepted for federal identification purposes under 6 CFR Part 37 (a REAL ID license) and wishes to obtain a REAL ID license

upon renewal must comply with the requirements of rule 761—601.5(321) to obtain a REAL ID license upon renewal.

605.25(6) No change.

605.25(7) The department may determine means or methods for electronic renewal of a noncommercial driver's license.

a. An applicant who meets the following criteria may apply for electronic renewal:

(1) to (9) No change.

(10) The applicant is not subject to any of the following restrictions:

G—No driving when headlights required

J—Restrictions on the back of card

T—Medical report required at renewal

8—Special instruction permit

Q—No interstate or freeway driving

~~R—Maximum speed of 35 mph~~

b. to d. No change.

605.25(8) No change.

This rule is intended to implement Iowa Code sections 321.186₂, 321.188 as amended by 2021 Iowa Acts, House File 280, section 1; and 321.196 as amended by 2021 Iowa Acts, House File 280, section 2; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note); and 6 CFR Part 37.