

TRANSPORTATION DEPARTMENT[761]

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 301
“Motor Vehicle Records—Driver’s Privacy Protection and Electronic Communications”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321A.3, 321.11 and 321.16A
State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.11 and 321.16A

Public Hearing

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

June 23, 2026
1 to 1:30 p.m.

[Microsoft Teams](#)
Or dial: 515.817.6093
Conference ID: 202 653 103#

Public Comment

Any interested person may submit written comments concerning this regulatory analysis, which 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:

Sara Siedsma
6310 SE Convenience Boulevard
Ankeny, Iowa 50021
Email: Sara.Siedsma@iowadot.us

Purpose and Summary

The purpose of the proposed amendments is to align with 2026 Iowa Acts, Senate File 2088, sections 30 and 31, which classify phone numbers and email addresses as personal information under Iowa Code section 321.11, and to support electronic communication with Motor Vehicle Division customers through the Department’s new information technology (IT) system. Receiving electronic communications through the new system is voluntary and may be in the form of text or email notifications, or documents accessible through the system. The rules provide that the terms of accessing and receiving electronic communications from the Department will be made available to review prior to signing up. The proposed amendments also clarify the definition of “express written consent” and incorporate a 50-cent per record fee for issuing noncertified copies of motor vehicle records as authorized under Iowa Code section 321.11(4). This fee matches the fee charged in Iowa Code section 321.491 for noncertified copies of certain records provided by the clerk of the district court, which are transferred to the Department as appropriated receipts.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

• **Classes of persons that will bear the costs of the proposed rulemaking:**

Iowa Code section 321.11(4) authorizes the Department to collect reasonable fees for the provision of records. Under the proposed rule, persons requesting noncertified copies of motor vehicle records may incur a 50-cent per record fee.

• **Classes of persons that will benefit from the proposed rulemaking:**

Persons intending to receive electronic communications from the Department's new system will benefit from having the chapter reflect and expand on the process authorized in statute.

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:**

Persons requesting noncertified copies of motor vehicle records may incur a 50-cent per record fee.

• **Qualitative description of impact:**

There are no qualitative impacts.

3. Costs to the State:

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

There are no implementation or enforcement costs beyond those of the underlying statute.

• **Anticipated effect on State revenues:**

The Department estimates collecting approximately \$3,678.75 in fees annually for the noncertified record fee.

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

The benefit of the proposed amendments is consistency and transparency for those receiving electronic communications from the Department and requesting noncertified copies of motor vehicle records. The cost of inaction is the inability for the public to be fully informed regarding the electronic communications process and noncertified record fee.

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 rulemaking, which allows the Department to communicate via electronic methods and collect reasonable fees for provision of motor vehicle records.

6. Alternative methods considered by the agency:

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

The Department did not consider alternatives for the proposed rules. The 50-cent noncertified record fee matches the fee charged in Iowa Code section 321.491 for noncertified copies of certain records provided by the clerk of the district court, which are transferred to the Department as appropriated receipts.

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

Not applicable.

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 small business impact from the proposed rulemaking.

Text of Proposed Rulemaking

ITEM 1. Amend **761—Chapter 301**, title, as follows:

~~DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS—DRIVER'S PRIVACY~~
PROTECTION AND ELECTRONIC COMMUNICATIONS

ITEM 2. Amend rule 761—301.1(321) as follows:

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 and electronic communications from the department's records system. 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 and section 321.16A as enacted by 2026 Iowa Acts, Senate File 2088, section 31; 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.

ITEM 3. Amend rule **761—301.2(321)**, definition of "Express written consent," as follows:

"*Express written consent*" as used in Iowa Code section 321.11 means the same as "express consent" as used and defined in 18 U.S.C. §2721 and §2725(5) effective as of October 23, 2000, and must either be notarized or accompanied by proof of identity of the ~~requester~~ individual or vehicle owner to whom the information applies.

ITEM 4. Amend rule 761—301.3(321) as follows:

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~~ electronically from the department's records system; by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at any driver's license service center or 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3110; by email at privacy.agreements@iowadot.us; or on the department's website at www.iowadot.gov/mvd/vehicleregistration/records for vehicle records and www.iowadot.gov/mvd/driverslicense/records for driving records.

This rule is intended to implement Iowa Code section 321.11 and section 321.16A as enacted by 2026 Iowa Acts, Senate File 2088, section 31.

ITEM 5. Amend rule 761—301.4(321) as follows:

761—301.4(321) Requirements and procedures—requesting access to motor vehicle records.

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 the department's records system, 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. No change.

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 432069, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to the department’s records system, 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 email address, telephone number and 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) to 301.4(7) No change.

This rule is intended to implement Iowa Code sections 321.10, 321.11 as amended by 2026 Iowa Acts, Senate File 2088, section 30, 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.

ITEM 6. Amend rule 761—301.6(321,321A) as follows:

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 email address, telephone number, 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) and 301.6(3) No change.

This rule is intended to implement Iowa Code sections 321.11 as amended by 2026 Iowa Acts, Senate File 2088, section 30, 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.

ITEM 7. Adopt the following **new** subrule 301.7(5):

301.7(5) A \$0.50 per record fee for noncertified copies of motor vehicle records.

ITEM 8. Adopt the following **new** rule 761—301.8(321,321A):

761—301.8(321,321A) Electronic communications.

301.8(1) Pursuant to Iowa Code section 321.16A as enacted by 2026 Iowa Acts, Senate File 2088, section 31, a person may consent to access and receive electronic communications and documents from the department through the department’s records system.

301.8(2) Prior to giving consent, the department will make information available through the department’s records system, website or other appropriate method as determined by the department regarding the terms of accessing and receiving electronic communications from the department, including the procedures for withdrawing consent.

301.8(3) Personal information and highly restricted personal information will be used and disclosed only as permitted under Iowa Code sections 321.11 and 321.16A and this chapter.

This rule is intended to implement Iowa Code section 321.16A as enacted by 2026 Iowa Acts, Senate File 2088, section 31.