

## COUNTY ISSUANCE OF DRIVER'S LICENSES

### **321M.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "*Commercial driver's license*" means a driver's license valid for the operation of a commercial motor vehicle, as regulated by chapter 321.
2. "*County issuance*" means the system or process of issuing driver's licenses, nonoperator identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department.
3. "*Department*" means the state department of transportation.
4. "*Digitized photolicensing equipment*" means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of driver's licenses and nonoperator identification cards.
5. "*Driver's license*" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, or temporary permit.
6. "*Issuing county*" means a county that is participating in county issuance.
7. "*Motor vehicle*" means a vehicle which is self-propelled, including but not limited to automobiles, cars, motor trucks, semitrailers, motorcycles, and similar vehicles regulated under chapter 321.
8. "*Nonoperator identification card*" means the card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle.
9. "*Persons with disabilities identification devices*" means those devices issued pursuant to chapter 321L.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §1, 26; 2001 Acts, ch 132, §17; 2002 Acts, ch 1032, §2

### **321M.2 Relation to other laws.**

Notwithstanding provisions of chapter 321 or 321L that grant sole authority to the department for the issuance of driver's licenses, nonoperator identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices, according to the requirements of this chapter.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §2, 26

### **321M.3 Authorization to issue licenses.**

Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien,

Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright counties shall be authorized to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices on a permanent basis, provided that such counties continue to meet the department's standards for issuance.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §3, 26; 2002 Acts, ch 1032, §3

#### **321M.4 Termination of authorization failure to meet standards.**

1. If a county is subject to termination of its county issuance authorization for failure to meet the department's standards for issuance, the county shall not issue driver's licenses, nonoperator identification cards, or persons with disabilities identification devices until the county has been reauthorized by the department.
2. The department is not obligated to provide service in a county for issuance of driver's licenses, nonoperator identification cards, or persons with disabilities identification devices if the county fails to meet the department's standards for issuance.

98 Acts, ch 1143, §4; 2002 Acts, ch 1032, §4

#### **321M.5 Agreement between the department and issuing counties.**

1. The department and each county participating in county issuance shall execute an agreement pursuant to chapter 28E, detailing the relative responsibilities and liabilities of each party to the agreement.
2. The agreement required by subsection 1 shall specifically address the following issues, in addition to other issues that may be required by chapter 28E or that may otherwise be deemed necessary for inclusion in the agreement by the parties to the agreement:
  - a. Responsibility for collection of, and accounting for, any fees and penalties associated with the licensing process.
  - b. Oversight guidelines.
  - c. Performance standards.
  - d. Progressive discipline standards and measures, including appeals.
3. An addendum to such an agreement may be executed by the parties, in accordance with chapter 28E.

98 Acts, ch 1143, §5; 2002 Acts, ch 1032, §5; 2005 Acts, ch 54, §7, 12

#### **321M.6 Certification of commercial driver's license issuance.**

1. A county shall be authorized to issue commercial driver's licenses if certified to do so by the department.
2. The department shall certify the commercial driver's license issuance in a county authorized to issue licenses pursuant to section 321M.3 if all of the following conditions are met:
  - a. The driving skills test is the same as that which would otherwise be administered by the state.
  - b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75, as adopted by rule by the department.

c. The department provides supervision over the issuance of commercial driver's licenses, including the administration of written and driving skills tests by the office of the county treasurer. However, the failure of the department to provide appropriate supervision shall not alone be used as a reason to deny certification.

d. The county otherwise complies with the procedures for issuance of commercial driver's licenses as provided in chapter 321.

3. If a county fails to meet the standards for certification under this section, and fails to correct deficiencies according to the department's operating standards, the county's right to issue commercial driver's licenses shall be terminated, and the county shall cease issuing commercial driver's licenses. Procedures and conditions for recertification shall be addressed in the operating standards for the department.

4. The department is not obligated to provide service in a county for issuance of commercial driver's licenses if the county fails to meet certification standards under this section.

98 Acts, ch 1143, §6; 99 Acts, ch 96, §37; 2002 Acts, ch 1032, §6, 7

### **321M.7 Training.**

1. The department shall provide a minimum of eight weeks of initial training for county personnel participating in county issuance. The maximum class size for this initial training shall be twenty people.

2. The department shall also provide individualized additional training for county personnel within each participating county office following initial training.

3. The department shall periodically offer continuing education and training opportunities to county personnel.

4. The department shall not segregate training sessions for county personnel and department employees.

5. New county personnel, including new county treasurers, who will participate in county issuance, shall complete the initial training session prior to engaging in any licensing activities. A county treasurer shall use best efforts to complete initial training as soon as possible. A county treasurer who does not make reasonable attempts to begin initial training within three months of taking office may be subject to having the county issuance program in that county placed on probation.

98 Acts, ch 1143, §7

**321M.8 New or subsequent contracts opt-out period.** Repealed by 2002 Acts, ch 1032, §10.

### **321M.9 Financial responsibility.**

1. *Fees to counties.* Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321.218A or 321A.32A shall be retained for deposit in the county general fund. The county treasurer shall remit the balance of fees and all civil penalties to the department.

2. *Digitized photolicensing equipment.*

a. The department shall pay for all digitized photolicensing equipment, including that used by the department

and authorized for use by issuing counties under this subsection. Moneys from the road use tax fund shall be used, subject to appropriation by the general assembly, for payment of costs associated with the purchase or lease of digitized photolicensing equipment.

*b.* An issuing county shall be entitled to one set of digitized photolicensing equipment, unless the county was served at multiple sites by the department, in which case the county shall be entitled to two sets of digitized photolicensing equipment.

3. *Other equipment.* The department shall pay for all other equipment needed by a county to participate in county issuance, comparable to the equipment provided for issuance activities by a department itinerant team, with the exception of the following:

*a.* Office furniture.

*b.* Computer hardware needed to access department computer databases, facsimile machines used to transmit documents between the department and the county, and similar office equipment of a general nature that is not dedicated solely or primarily to the issuance process.

4. *Periodic fee adjustment.* The auditor of state, in consultation with the state department of transportation and the Iowa county treasurers association, shall conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the general assembly prior to January 1, 2006, and repeat the study and reporting every four years thereafter. The auditor of state's costs for conducting the study shall be paid by the department. The study shall include a comparison of the cumulative costs to issue driver's licenses and nonoperator's identification cards under both the state department of transportation program and the county issuance program. The study shall be based on those issuance activities that are common to both programs. Prior to the study period, the auditor of state shall meet with the department and the county treasurers association to determine the study methodology to ensure appropriate accounting for time and cost during the study. The findings and recommendations submitted by the auditor of state shall be considered by the general assembly in adjusting the amount of the fees retained by the county treasurers for issuance of driver's licenses and nonoperator's identification cards.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §9, 26; 2002 Acts, ch 1032, §8; 2003 Acts, ch 8, §21; 2004 Acts, ch 1139, § 1, 2; 2005 Acts, ch 54, §8, 12

#### **321M.10 Supervisory authority of department.**

1. The department shall retain all supervisory authority over the county driver's license issuance program. The county treasurers and their employees shall be considered agents of the department when performing driver's licensing functions.

2. Approximately one supervisor shall be assigned from the department to every six issuance sites participating in county issuance.

3. Approximately one technical computer support employee shall be assigned from the department to every twenty-four counties participating in county issuance.

4. The department shall provide issuing counties access to computer databases at a level equal to that provided to comparable department employees.

5. The department may adopt rules pursuant to chapter 17A as necessary to administer this chapter. The department may also develop operating standards as necessary to administer this chapter. The department shall consult with the Iowa county treasurers association in developing operating standards and proposed rules.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §10, 26; 2002 Acts, ch 1032, §9

**321M.11 Good faith efforts required.**

The department and issuing counties shall use their best good faith efforts to work in cooperation in implementing and maintaining an effective system of county issuance.

The department and all persons involved with administration of this chapter, department procedures, and related administrative rules shall use their best good faith efforts to ensure that the application of the laws, rules, and procedures related to county issuance shall not be used to impede county issuance.

98 Acts, ch 1143, §11