

## VEHICLES

## CHAPTER 301

## DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

**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. 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; 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.

[ARC 9132C, IAB 4/16/25, effective 5/21/25]

**761—301.2(321) Definitions.** The definitions in Iowa Code section 321.1 and 18 U.S.C. §2725 effective as of October 23, 2000, are hereby adopted and incorporated. In addition:

*"Certified abstract of operating record"* means the same as described in Iowa Code section 321A.3(1).

*"Driver's license"* means the same as defined in Iowa Code section 321.1(20A).

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

*"Law enforcement agency"* includes but is not limited to county attorneys, federal district attorneys, attorneys general, state and federal departments of justice, and a division or unit of a governmental agency if the division's or unit's primary responsibility is to prevent or detect crime or enforce criminal laws.

*"Motor vehicle record"* as used in the Driver's Privacy Protection Act and this chapter means any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer. This also includes information on individuals who do not currently hold a driver's license or nonoperator's identification card, including but not limited to operating records and records of driver sanctions.

*"Proof of identity"* means a copy of the individual's driver's license or nonoperator's identification card issued by the department or another state, the document discriminator number of a driver's license or nonoperator's identification card issued by the department, or an alternate form approved by the department.

*"Requester"* means an individual, organization or entity that seeks from the department access to personal information or highly restricted personal information contained in a motor vehicle record. A requester does not include an individual who is an authorized employee of the department or a county treasurer acting within the scope of the employee's office or employment.

*"Sanction"* means the same as defined in rule 761—615.1(321).

This rule is intended to implement Iowa Code sections 321.1 and 321.11; 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.

[ARC 9132C, IAB 4/16/25, effective 5/21/25]

**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 by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.237.3110; by email at [privacy.agreements@iowadot.us](mailto:privacy.agreements@iowadot.us); or on the department's website at [www.iowadot.gov/mvd/vehicleregistration/records](http://www.iowadot.gov/mvd/vehicleregistration/records) for vehicle records and [www.iowadot.gov/mvd/driverslicense/records](http://www.iowadot.gov/mvd/driverslicense/records) for driving records.

This rule is intended to implement Iowa Code section 321.11.

[ARC 9132C, IAB 4/16/25, effective 5/21/25]

**761—301.4(321) Requirements and procedures.**

**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 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.* Provide proof of identity and proof of eligibility to access the information. The department may request additional information to confirm that the requester is eligible under Iowa Code section 321.11; 18 U.S.C. §2721 and 2725 effective as of October 23, 2000; 18 U.S.C. §2722 through 2724 effective as of September 13, 1994; and this chapter to access the information.

**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, “Certified Motor Vehicle Record Request Form for Use by County Attorney’s Offices and Law Enforcement Agencies,” to 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 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)** The statutory fee, if applicable, is due at the time the request for a motor vehicle record is submitted.

**301.4(5)** Requested information will be provided to the requester electronically unless the requester specifies otherwise. The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

**301.4(6)** All requesters who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver’s Privacy Protection Act.

**301.4(7)** The department may also enter into a memorandum of understanding with an authorized requester for purposes of disclosing personal information or highly restricted personal information.

This rule is intended to implement Iowa Code sections 321.10, 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.

[ARC 9132C, IAB 4/16/25, effective 5/21/25]

**761—301.5(321) Online motor vehicle records access.** Online access to motor vehicle records may be available to recurring authorized requesters upon approval by the department and upon payment of any applicable fees. The requester must complete and submit Form 430030 using a method provided for in rule 761—301.3(321), including any required attachments.

This rule is intended to implement Iowa Code section 321.11; 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.

[ARC 9132C, IAB 4/16/25, effective 5/21/25]

**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 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)** The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

**301.6(3)** Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 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.

[ARC 9132C, IAB 4/16/25, effective 5/21/25]

**761—301.7(321) Fees for records.** In addition to the statutory fees, the following fees related to motor vehicle records of the department provided pursuant to Iowa Code section 321.10 or 321.11 may include:

**301.7(1)** A \$5 fee for an audio recording of a contested case hearing.

**301.7(2)** A \$0.0003-per-record or -line of data bulk data request fee. However, no fee will be assessed to requesters that are government entities.

**301.7(3)** A one-time programming set-up fee for online data access or electronic data transfers, not to exceed the costs incurred in the set-up.

**301.7(4)** Fees commensurate with file size and complexity for other data file requests.

This rule is intended to implement Iowa Code sections 321.10 and 321.11.

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