

## CHAPTER 321M

## COUNTY ISSUANCE OF DRIVER'S LICENSES

Referred to in [§48A.7](#), [48A.9](#), [48A.18](#), [48A.21](#), [48A.27](#), [307.27](#), [321.9](#), [321.151](#), [321.152](#), [321.153](#), [321J.17](#), [331.557A](#)

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**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, including a commercial learner's permit, as regulated by [chapter 321](#).

2. “*County issuance*” means the system or process of issuing driver's licenses, nonoperator's 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's 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 learner's, 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's 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](#); [2015 Acts, ch 123, §74](#); [2016 Acts, ch 1073, §107](#)

Referred to in [§452A.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's identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue driver's licenses, nonoperator's 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](#); [2016 Acts, ch 1073, §108](#)

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

Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, 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's 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](#); [2016 Acts, ch 1073, §109](#); [2017 Acts, ch 19, §1, 2](#)

Referred to in [§321M.6](#)

#### **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's 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's 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](#); [2016 Acts, ch 1073, §110](#)

#### **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](#)  
Referred to in [§321M.6A](#)

#### **321M.6A Commercial driver's license driving skills tests — fees.**

1. A county certified to issue commercial driver's licenses under [section 321M.6](#) may charge any of the following fees to a commercial driver's license applicant related to the administration of a driving skills test:

- a. A fee not to exceed twenty-five dollars to administer the pre-trip vehicle inspection test.
- b. A fee not to exceed twenty-five dollars to administer the basic vehicle control skills test.
- c. A fee not to exceed twenty-five dollars to administer the on-road driving skills test.

2. Fees authorized under [this section](#) may be assessed for each test and any fees collected are nonrefundable. The fee to administer the pre-trip vehicle inspection test is due at the time the appointment is scheduled. All other fees are due upon the completion of the test for which the fee was assessed. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled and no other fees shall be due. If the applicant fails one part of the driving skills test, no fees shall be due for subsequent parts of the test. A county shall not charge a fee under this section, other than the fee to administer the pre-trip vehicle inspection test, to an applicant who is an employee or volunteer of a government agency, as defined in [section 553.3](#), and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency, or that the fee is paid by the government agency. [This section](#) shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

3. All fees authorized in [this section](#) are in addition to any other fees imposed by law.

[2021 Acts, ch 135, §6, 8](#)

Referred to in [§321.187, 321M.9](#)

#### **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.*

a. 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 all of the following:

(1) 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.

(2) Twenty-five dollars of fees collected for each part of a commercial driver's license driving skills test pursuant to [section 321M.6A](#).

(3) The five dollar processing fee charged by a county treasurer for collection of a civil penalty under [section 321J.17](#).

(4) The ten-dollar convenience fee collected pursuant to [subsection 2](#).

b. The county treasurer shall remit the balance of fees and all civil penalties to the department.

2. *Convenience fee.* A county authorized to issue driver's licenses under [this chapter](#) may charge, in addition to any other fee imposed by law, a convenience fee for the issuance or renewal of a driver's license or nonoperator's identification card to a person who is not a resident of the county, unless that person pays property tax to the county and provides proof of payment such as a receipt as provided in [section 445.5](#), [subsection 6](#), or another form of proof as determined by the county. The convenience fee shall be ten dollars.

3. *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.

4. *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.

[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; 2008 Acts, ch 1018, §26, 31; 2013 Acts, ch 103, §18; 2020 Acts, ch 1074, §52, 93; 2021 Acts, ch 135, §7, 8; 2023 Acts, ch 71, §99, 100](#)

Subsection 1, paragraph a, NEW subparagraph (4)

NEW subsection 2 and former subsections 2 and 3 renumbered as 3 and 4

### **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.**

1. 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.

2. 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](#)