

Senate File 439 - Introduced

SENATE FILE 439
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1181)

(COMPANION TO HF 435 BY
COMMITTEE ON PUBLIC SAFETY)

A BILL FOR

1 An Act relating to emergency contact information for use by
2 the department of transportation and law enforcement, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.197 **Emergency contact**
2 **information.**

3 1. The department shall include in the electronic
4 database used by the department and law enforcement to access
5 registration, titling, and driver's license information a
6 collection of emergency contact information for persons who
7 are issued a driver's license or nonoperator's identification
8 card. Emergency contact information in the database shall
9 be confidential and accessible only by employees of the
10 department or a law enforcement agency in the performance of
11 the employee's official duties, and shall not be considered a
12 public record under chapter 22.

13 2. *a.* At the time a person applies for issuance,
14 replacement, or renewal of a driver's license or nonoperator's
15 identification card, the department shall request that the
16 applicant voluntarily submit emergency contact information for
17 inclusion in the database. A person may provide the emergency
18 contact information along with or separate from an application
19 for issuance, replacement, or renewal of a driver's license or
20 nonoperator's identification card. The department shall not
21 require a person to submit emergency contact information as
22 part of the driver's license or nonoperator's identification
23 card issuance, replacement, or renewal process. The department
24 shall accept submitted information without payment of a fee.

25 *b.* The department shall allow a person to provide the name,
26 address, telephone number, and relationship to the person of no
27 more than two emergency contacts whom the person wishes to be
28 contacted if the person is involved in a motor vehicle accident
29 or emergency situation and the person dies or is seriously
30 injured or rendered unconscious and is unable to communicate
31 with the emergency contact. The department shall accept the
32 emergency contact information provided by a person, but has no
33 duty to verify any of the information provided.

34 *c.* The emergency contact need not be the next of kin of the
35 person, except that if the person is under eighteen years of

1 age and is not emancipated, the person shall include a parent,
2 guardian, or custodian of the person as an emergency contact.

3 3. In the event of a motor vehicle accident or emergency
4 situation in which a person dies or is seriously injured or
5 rendered unconscious and is unable to communicate with the
6 emergency contact specified in the database, an employee of a
7 law enforcement agency shall make a good-faith effort to notify
8 the emergency contact of the situation based on information in
9 the database, but the department, the law enforcement agency,
10 and the employee shall not be liable if the employee is not
11 able to notify the emergency contact.

12 4. The department shall adopt rules pursuant to chapter 17A
13 necessary to administer this section, including but not limited
14 to rules relating to all of the following:

15 a. The methods whereby a person who has submitted the
16 information of an emergency contact for inclusion in the
17 database may make changes to that entry.

18 b. The methods whereby a person may opt out of being listed
19 as an emergency contact in the database.

20 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
21 2022.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill requires the department of transportation (DOT)
26 to include in the electronic database used by the DOT and law
27 enforcement agencies (LEA) to access registration, titling, and
28 driver's license information a collection of emergency contact
29 information submitted by persons issued a driver's license or
30 nonoperator's identification card. In the event of a motor
31 vehicle accident or emergency situation in which a person who
32 provided emergency contact information to the DOT dies or is
33 seriously injured or rendered unconscious and is unable to
34 communicate with the emergency contact, LEA employees are
35 required to make a good-faith effort to notify the emergency

1 contact using the database.

2 Under the bill, when a person applies for issuance,
3 replacement, or renewal of a driver's license or nonoperator's
4 identification card, the DOT is required to request that the
5 applicant voluntarily submit emergency contact information for
6 inclusion in the database. A person may provide the emergency
7 contact information along with or separate from a driver's
8 license or nonoperator's identification card application.
9 The DOT is prohibited from requiring a person to submit
10 emergency contact information as part of the driver's license
11 or nonoperator's identification card issuance, replacement,
12 or renewal process. The DOT is required to accept submitted
13 information without payment of a fee.

14 The bill requires the DOT to allow a person to provide
15 the name, address, telephone number, and relationship to the
16 person of no more than two emergency contacts whom the person
17 wishes to be contacted if the person is involved in a motor
18 vehicle accident or emergency situation and the person dies or
19 is seriously injured or rendered unconscious and is unable to
20 communicate with the emergency contact. The DOT must accept
21 the emergency contact information provided by a person, but has
22 no duty to verify any of the information provided.

23 The emergency contact need not be the next of kin of the
24 person, except that if the person is under 18 years of age
25 and is not emancipated, the person shall include a parent,
26 guardian, or custodian of the person as an emergency contact.

27 Information in the database is confidential and only
28 accessible to DOT and LEA employees in the performance of the
29 employee's official duties and shall not be considered a public
30 record.

31 A person may opt out of being listed as an emergency contact
32 pursuant to rules adopted by the DOT.

33 The bill limits the liability of the DOT, LEAs, and LEA
34 employees who make a good-faith effort to notify the emergency
35 contact of the emergency situation but are unable to do so.

1 The bill takes effect January 1, 2022.