

761—301.7(321,321A) Certified abstract of operating records.

301.7(1) In accordance with Iowa Code section 321A.3, a certified abstract of the operating record of an individual is available. The record includes the information that is on the face of the 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.

301.7(2) To obtain a certified abstract of an operating record of another individual, a requester shall 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—301.4(17A). Form 431069 must be completed with all required attachments before the department will process a request for a certified abstract of an operating record of another individual. A requester must attach a legible photocopy of the requester's driver's license or nonoperator's identification card to the form.

a. Personal information and highly restricted personal information protected by Iowa Code section 321.11 and the Driver's Privacy Protection Act may be released only if all of the following apply:

(1) The requester has complied with each of the following requirements:

1. Completed and submitted Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including proof of authority to secure access to the personal information or highly restricted personal information.

2. Included all required attachments with the form, including a photocopy of the requester's driver's license or nonoperator's identification card.

3. Paid the statutory fee by the methods permitted under Iowa Code section 321A.3, if applicable, for the requested record.

(2) The department is satisfied with the genuineness, regularity, and legality of the application and in any statement made within the application and in any required attachments.

b. Reserved.

301.7(3) The department shall require a law enforcement agency that requests a certified abstract of an operating record to complete to either follow the process in subrule 301.7(2) or 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—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting information under this rule.

301.7(4) The department shall require a requester seeking the requester's own operating record to either:

a. Complete and submit Part A of Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including a photocopy of the requester's driver's license or nonoperator's identification card to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

b. Provide valid proof of the requester's identity to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

301.7(5) The statutory fee, if applicable, shall accompany the request for a certified abstract of the operating record. There is no fee for an individual to view the individual's own operating record. Pursuant to the authority in Iowa Code section 321A.3, the department shall comply with the requirements of 781—Chapter 8 for payments accepted by credit card.

301.7(6) 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).

301.7(7) 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 and 18 U.S.C. §2721 et seq.

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