

761—601.5(321) Proofs submitted with application. A person who applies for a new Iowa driver's license or nonoperator's identification card, including a person who currently holds a license or card issued by another state or foreign jurisdiction, shall submit proof of identity, date of birth, social security number, Iowa residency and current residential address, and lawful status in the United States.

601.5(1) Verification of identity and date of birth. To establish identity and date of birth, an applicant must submit at least one of the following documents. The department may require additional documentation if the department believes that the documentation submitted is questionable or if the department has reason to believe that the person is not who the person claims to be.

- a. A valid, unexpired U.S. passport or U.S. passport card.
- b. A certified copy of a birth certificate and, if applicable, a certified amended or new birth certificate showing a change in name, date of birth, or sex, filed with a state office of vital statistics or equivalent agency in the applicant's state of birth. The birth certificate must bear the issuing authority's certification of authenticity. A hospital-issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- c. A Consular Report of Birth Abroad issued by the U.S. Department of State (Form FS-240, DS-1350 or FS-545).
- d. A valid, unexpired Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security or U.S. Immigration and Naturalization Service.
- e. An unexpired employment authorization document issued by the U.S. Department of Homeland Security (Form I-766 or Form I-688B).
- f. An unexpired foreign passport with a U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.
- g. A Certificate of Naturalization issued by the U.S. Department of Homeland Security (Form N-550 or Form N-570).
- h. A Certificate of Citizenship (Form N-560 or Form N-561) issued by the U.S. Department of Homeland Security.
- i. A REAL ID driver's license or identification card issued in compliance with the standards established by 6 CFR Part 37.
- j. Such other documents as the U.S. Department of Homeland Security may designate as acceptable proof of identity and date of birth for REAL ID purposes by notice published in the Federal Register.
- k. An Inmate Descriptor Inquiry, Client Information Inquiry or Offender Snapshot document issued by the Iowa department of corrections or the United States District Court, Northern and Southern Districts of Iowa. The document must contain the applicant's full legal name and date of birth and be notarized. An applicant who provides only a document listed in this paragraph shall not be eligible for a driver's license or nonoperator's identification card marked as acceptable for federal purposes under 6 CFR Part 37.

601.5(2) Verification of social security number.

- a. Except as provided in paragraph 601.5(2) "b," an applicant must present proof of the applicant's Social Security Administration's account number.
- b. An applicant who establishes identity by presenting the identity document listed in paragraph 601.5(1) "f" (unexpired foreign passport with a valid, unexpired U.S. visa affixed and accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States) must present proof of the applicant's social security number or demonstrate non-work authorized status.

601.5(3) Verification of Iowa residency and current residential address.

- a. To document Iowa residency and current residential address, an applicant must present two documents that include the applicant's name and current Iowa residential address and that demonstrate residency in the state of Iowa. Acceptable documents are documents issued by a person, organization, or entity other than the applicant, that include the issuer's name and address, include the applicant's name and current residential address, and demonstrate residency in the state of Iowa. The documents must be reasonable, authentic documents capable of verification by the department.

b. The address must be a street or highway address, and may not be a post office box. In areas where a number and street name have not been assigned, an address convention used by the U.S. Postal Service is acceptable. The current residence of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit under Iowa Code chapter 425, if applicable.

c. An applicant who is a member of the armed forces and is an Iowa resident stationed in another state may use the applicant's address in the state of station as the applicant's current residential address if the applicant does not maintain an Iowa residence during the applicant's deployment outside the state of Iowa. The applicant must provide official documentation confirming the applicant's residential address in the state of station and that the applicant is stationed in that state. The applicant's mailing address may be the applicant's current residential address or another address at which the applicant receives mail.

d. An applicant who is a dependent family member of and resides with a member of the armed forces who is an Iowa resident stationed in another state may use the applicant's address in the state of station as the applicant's current residential address if the applicant does not maintain an Iowa residence during the applicant's deployment outside the state of Iowa. The applicant must provide official documentation confirming the applicant's residential address in the state of station and that the applicant is a dependent family member of a member of the armed forces stationed in that state. The applicant's mailing address may be the applicant's current residential address or another address at which the applicant receives mail.

601.5(4) Verification of lawful status in the United States.

a. If an applicant presents one of the identity documents listed under subrule 601.5(1), the department's verification of that identity document is satisfactory evidence of lawful status.

b. An applicant who presents only a document listed under subrule 601.5(1), paragraph "e," "f," or "i," is not eligible to receive a driver's license or nonoperator's identification card marked as REAL ID compliant unless the applicant also provides one of the other documents listed in subrule 601.5(1), or another United States Department of Homeland Security-approved document.

601.5(5) Verification of name change. The name listed on the driver's license or nonoperator's identification card that is issued shall be identical to the name listed on the identity document submitted unless the applicant submits the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name under paragraph 601.5(5) "a" or "b." Alternatively, an applicant who is an existing Iowa licensee or cardholder may confirm the applicant's current legal name as displayed on the applicant's license or card under the requirements of paragraph 601.5(5) "c." The following documents are acceptable:

a. Court-ordered name change. A court order must contain the applicant's prior legal name, the applicant's court-ordered legal name, and the court's certification of authenticity. Acceptable court orders include orders under petition for name change, orders for name change set forth in a decree of dissolution, and orders for name change set forth in a decree of adoption.

b. Certified copy of marriage certificate. The marriage certificate must be filed with a state office of vital statistics or equivalent agency in the person's state or country of marriage. The certificate must bear the issuing authority's certification of authenticity. A church, chapel or similarly issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

c. Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2).

601.5(6) Verification of change of date of birth. The date of birth listed on the driver's license or nonoperator's identification card that is issued shall be identical to the date of birth listed on the identity document submitted unless the applicant submits a certified amended or new birth certificate that documents the change of date of birth and that meets the requirements of paragraph 601.5(1) "b."

601.5(7) Verification of change of sex designation. The sex designation listed on the driver's license or nonoperator's identification card that is issued shall be identical to the sex designation listed on the identity document submitted unless the applicant does one of the following:

a. Applicants born in Iowa. An applicant born in Iowa must submit a certified amended or new Iowa birth certificate that documents the change of sex designation and that meets the requirements of paragraph 601.5(1) "b."

b. Applicants born outside of Iowa.

(1) An applicant born outside of Iowa may document the change of sex designation by any of the following methods:

1. Submit a certified amended or new birth certificate from a state other than Iowa that documents the change of sex designation and that meets the requirements of paragraph 601.5(1) "b."

2. Submit an amended or new Consular Report of Birth Abroad that documents the change of sex designation and meets the requirements of paragraph 601.5(1) "c."

3. Submit an amended or new Certificate of Citizenship that documents the change of sex designation and meets the requirements of paragraph 601.5(1) "h."

4. Submit a notarized affidavit from a physician and surgeon or osteopathic physician and surgeon that documents all of the following:

- The physician and surgeon or osteopathic physician and surgeon completed sex designation treatment for the applicant.

- A description of the medical procedures that constituted the treatment.

- As a result of the treatment, the applicant's sex designation was permanently changed by surgery or other treatment.

- The physician and surgeon or osteopathic physician and surgeon's full name, address, state of medical license, and medical license number.

(2) Pursuant to Iowa Code section 321.13, the department may make further investigation or require further information necessary to determine whether a change of sex designation occurred.

c. Documentation. Documentation provided under this subrule shall be submitted to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204.

d. Name change. A change of sex designation shall not effect a name change unless the applicant verifies a name change pursuant to subrule 601.5(5).

601.5(8) Exception process. As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process), and notwithstanding any other provisions of this chapter or 761—Chapter 11 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

a. To apply for an exception under this rule, an applicant shall do all of the following:

(1) Submit an application to the department in a manner prescribed by the department. The application shall contain all of the following:

1. The applicant's name, address, date of birth and contact information.

2. Whether the applicant is applying for a driver's license or nonoperator's identification card.

3. A description of the necessary verification of identity and date of birth or verification of name change documents under this rule that the applicant is unable to provide and the reason why it is beyond the applicant's control to provide the document.

4. Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13.

5. Any other information or proof required by the department.

b. The motor vehicle division director or the director's designee may grant an exception under this rule if all of the following apply:

(1) The applicant has submitted an application with all of the required documentation under paragraph "a."

(2) The applicant, as determined by the department, has sufficiently demonstrated that the applicant is unable to provide a necessary document under this rule due to reasons beyond the applicant's control.

(3) The application of the subject rule will pose an undue hardship on the applicant, as determined by the department.

(4) Granting the exception will not prejudice the substantial legal rights of any person, as determined by the department.

c. The department may place any condition on an exception issued under this rule that the department finds necessary to carry out the department's functions under the REAL ID Act of 2005 as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X.

d. An exception under this subrule shall not apply to a required document under subrule 601.5(2).

e. An alternate document accepted under this exception process to satisfy the requirements of subrule 601.5(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h).

f. An applicant's inability to pay for a necessary document under this rule does not meet the criteria for an exception under this subrule.

g. Nothing in this subrule shall require the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible for a license or card. The department reserves the right to modify or cancel an exception at any time if the department finds that anything in the exception application or accompanying documentation was based on fraud or misrepresentation by the applicant, or if the modification or cancellation is necessary based on a change in circumstances of the applicant.

h. The application and documentation provided under this subrule shall be submitted to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204, or through electronic means determined by the department. The director of the motor vehicle division or the director's designee may, in response to an application submitted under this subrule, grant or deny an application for exception in accordance with this subrule.

i. An applicant whose application for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the motor vehicle division. The request shall include, as applicable, the applicant's name, driver's license or nonoperator's identification number, date of birth, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of exception denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.182 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

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