

**Motor Vehicle Division Informational Memo # 21-18**  
***2021 Legislation – Emergency contact information for driver’s license and identification card holders – revised 4.22.22***

**ORIGINAL ISSUE DATE:** May 25, 2021

**REVISED ISSUE DATE:** December 13, 2021; December 22, 2021; April 22, 2022

**FROM:** MVD Policy & Compliance Team

**TO:** All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurer’s staff that issue driver’s licenses and non-operator’s identification cards

**SUBJECT**

This informational memo explains a bill enacted during the 2021 legislative session which required the DOT to begin accepting and adding emergency contact information to a customer’s record. This memo is most applicable to staff that issue driver’s licenses (DL) or non-operator identification cards (ID) to customers, who will process customer requests to add or remove emergency contact information, and who answer questions about issuance of a DL and ID.

**SUMMARY**

House File 435 requires us to request emergency contact information from every customer during a DL or ID transaction. The legislation also gives customers the option of providing us with emergency contact information outside of a DL or ID transaction. Additionally, the legislation does the following:

- Provides that disclosure of the information by the customer is completely voluntary. We will not stop issuance of a DL or ID because a customer chooses not to submit emergency contact information or submits incomplete information.
- Requires us to make available a customer’s emergency contact information in the database that law enforcement uses for both driver’s license and vehicle lookups.
- Directs that the customer may provide, and we must store (if provided), the name, address, phone number, and relationship to the customer for no more than two emergency contacts. We have no duty to verify any of the emergency contact information provided.
- Requires a customer under 18 to list one parent or guardian as an emergency contact (if they choose to provide an emergency contact at all), but again, we have no duty to verify the emergency contact information.
- Provides we must be able to delete or change the emergency contact information for a customer if requested to do so.
- Ensures a customer listed as an emergency contact for another person may send a request to us to opt-out of that responsibility.

**The legislation is effective as of January 1, 2022; and we will begin requesting and storing emergency contact information on the next available business day, i.e., January 3, 2022. The myMVD functionality will be available April 28, 2022.**

## **LINK TO LEGISLATION**

<https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=hf435>

## **CURRENT**

Under current law, we do not collect, store, or share emergency contact information for DL and ID customers.

## **NEW**

As stated above, effective January 3, 2022, we must request emergency contact information from every customer during a DL or ID transaction and allow customers to provide that information to us voluntarily, even outside of a DL or ID transaction.

## **BUSINESS IMPACT**

This legislation will impact MVD business processes related to DL and ID issuance, emergency contact forms processing and ERMS queue work, customer inquiries, and myMVD. Below is a breakdown of the ways a customer can submit emergency contact information to us, what type of emergency contact information may be submitted, how emergency contact information may be changed or removed from the record, an explanation of the opt-out and opt-in processes, and how law enforcement intends to access and use emergency contact information.

## **QUESTIONS AND ANSWERS**

The following summaries and questions and answers provide information regarding new procedures for emergency contact information. This information will be helpful as you process transactions for customers seeking to add or change emergency contact information on their record and answer customer questions regarding emergency contact information. The questions and answers are broken down into the following categories: Emergency contact information submission options, types of emergency contact information, change or removal of emergency contact information, opt-out and opt-in process and law enforcement access and use of emergency contact information.

## **EMERGENCY CONTACT INFORMATION SUBMISSION OPTIONS**

A customer has three choices if they want to submit emergency contact information to be included in their DOT record:

- 1) The customer may provide us with the information during a DL or ID transaction;
- 2) The customer may complete and submit Form [430305](#) to have the emergency contact information added to their record later; or
- 3) The customer may use myMVD to enter and change their own emergency contact information. The myMVD programming will be ready April 28, 2022.

**Submission at the DL or ID transaction.** If a customer chooses to submit emergency contact information to us as part of their DL or ID transaction, we can take the emergency contact information from the customer verbally and enter it into ARTS during the transaction. If the customer wants to provide us with emergency contact information, but isn't sure of the accuracy of the information they want to provide, we should encourage the customer to visit the DOT website to complete and submit Form

430305 at a later time or enter their own emergency contact information on myMVD as we cannot use our DOT records to verify the accuracy of or supply missing information for the purposes of adding emergency contact information to the record.

**Submission by form.** If a customer chooses to complete and submit Form 430305 to add emergency contact information to their record, that is a Seamless form which is stored in an ERMS queue to be worked by designated team members. Those designated team members will process the form and add the emergency contact information to the customer's record. The customer will also have the option to print off the Seamless form and mail it to us. Mailed forms will also be routed to the emergency contact ERMS queue.

**Submission by myMVD.** The customer has the option to enter and change their own emergency contact information on myMVD. The customer will need to log in to myMVD the same way as if they were going to renew their driver's license online. The customer will need to have the DD number printed on the bottom of their license or ID card available to use myMVD to enter or change emergency contact information. Customers will not be able to use myMVD to opt-out or opt-in from being listed as an emergency contact. The only way for a person to opt-out or opt-in is to complete and submit Form 430306, which is discussed in further detail below. The myMVD website will also do a check if a customer is attempting to add an "opted-out" person as an emergency contact and if a match with an opted-out person occurs, myMVD will not allow the opted-out person to be added and will direct the person to submit their emergency contact request via the form.

#### **WHY IS THE CHANGE BEING MADE?**

The legislature chose to adopt this legislation to align with other states which already require their state driver's license agencies to collect and store emergency contact information. We also know that the law enforcement community supports having this information in the driver's license and vehicle look up databases for those times when there is an emergency situation and they need to know who to contact. This was not a department proposal.

#### **WHEN MAY CUSTOMERS BEGIN SUBMITTING EMERGENCY CONTACT INFORMATION TO US?**

We are ready to begin requesting and storing emergency contact information for customers on January 3, 2022.

#### **WILL I HAVE TO ASK EVERY CUSTOMER IF THEY WANT TO SUBMIT EMERGENCY CONTACT INFORMATION?**

Yes. The legislation requires us to request customers voluntarily provide this information at each DL or ID transaction. Customers are not required to provide us with this information and may choose to provide us with emergency contact information later by submitting Form 430305 or using myMVD. If a customer chooses not to provide us with emergency contact information, that is acceptable, you can proceed with the rest of the DL or ID transaction.

### **WHEN WILL EMERGENCY CONTACT INFORMATION BE READY FOR LAW ENFORCEMENT USE?**

The DOT programming to make emergency contact information available to law enforcement is complete, and the Department of Public Safety (DPS) has made the required changes to their programming to display this information to law enforcement.

### **TYPES OF EMERGENCY CONTACT INFORMATION**

A customer may provide, and we must store in our records (if provided), the name, address, phone number, and relationship to the customer for no more than two emergency contacts. We have no duty to verify any of the emergency contact information provided. Below are additional guidelines for collecting the emergency contact information:

- We cannot use our DOT records to supply a customer with missing information or verify the accuracy of the information they are providing.
- A customer may choose to provide only one emergency contact person but may not have more than two emergency contacts listed on their record at a time.
- The customer may provide only the emergency contact person's last name, but we will not accept a first name only. In addition to providing the emergency contact person's last name at a minimum, the customer must also provide the relationship to the emergency contact and either the emergency contact person's phone number or address but does not need to provide both the phone number and address. To make the information effective for law enforcement use, at the very minimum we need to supply them with a last name, relationship and phone number or address for the emergency contact person.
- We can accept and store international phone numbers and addresses for emergency contacts.
- If the customer is under 18 and is not emancipated, the law requires them to list at minimum one parent, guardian, or custodian as one of their emergency contacts. We have no duty to verify that the minor listed one parent, guardian, or custodian, but we should inform the minor of the legal requirement to do so.

### **WHAT IF A CUSTOMER WANTS US TO USE OUR DOT RECORDS TO SUPPLY MISSING INFORMATION?**

As stated above, we do not have the authority to use our DOT records to supply missing information for a customer about another customer. For example, if a customer wanted to list their brother as an emergency contact person but couldn't remember his house number, we cannot search ARTS to locate the brother's record and supply the missing house number. Keep in mind that personal customer information is protected by the Driver's Privacy Protection Act (DPPA) and using our records to supply another person with missing emergency contact information is not a permissible use of that information under the DPPA. If a person is unsure of the accuracy of the information they are submitting, encourage them to take a copy of Form 430305 and submit the information later once they've had a chance to verify it themselves.

### **WHY WON'T WE USE OUR DOT RECORDS TO VERIFY THE ACCURACY OF THE INFORMATION SUBMITTED?**

Under the law, we have no duty to verify the accuracy of the emergency contact information supplied by the customer. It is up to the customer to make sure they are supplying the correct information they want to be used in the event of an emergency. This is very similar to when a patient or employee submits emergency contact information to their doctor's office or employer, the duty is on the individual to supply the correct information to be used in the event of an emergency.

### **WHAT IF WE ARE ASSISTING A MINOR AND KNOW THAT THEY DID NOT LIST THEIR PARENT AS AN EMERGENCY CONTACT AS REQUIRED BY LAW?**

The duty for a minor to list their parent, guardian, or custodian as their emergency contact is a duty placed on the customer. We have no authority to verify or reject the transaction even if we know the minor listed someone other than their parent, guardian, or custodian as their emergency contact. We should let the minor know of this legal requirement. It is also important to keep in mind that when a person signs their DL or ID application, they are certifying under penalty of perjury that the information they are providing is true and correct. Form 430305 and myMVD also contain a penalty of perjury certification statement.

### **WHAT IF A CUSTOMER SUPPLIES WHAT WE SUSPECT TO BE FALSE EMERGENCY CONTACT INFORMATION?**

As stated above, we have no duty to verify the emergency contact information and we will accept the information provided if the customer provides at least the last name and phone number or address for the emergency contact person. It is ok, but not required, to remind the customer that they are certifying under penalty of perjury that the emergency contact information they are submitting is true and correct and that it is to the customer's benefit to share the most accurate information they can since this information will be shared with law enforcement in an emergency situation.

### **WILL EMERGENCY CONTACT INFORMATION BE LISTED ON A PERSON'S CERTIFIED DRIVING RECORD?**

No. The law authorizes us to collect and store this information, and then share it with law enforcement. Certified driving records can be utilized by entitled parties other than law enforcement so we will not be placing emergency contact information on the certified driving record.

### **CHANGE OR REMOVAL OF EMERGENCY CONTACT INFORMATION**

If a customer wants to change or remove emergency contact information from their record, they may do so during a DL or ID transaction, by submitting Form 430305 or entering the changes themselves on myMVD. If a customer cannot recall whom they originally listed as an emergency contact person on their record, it is ok to let them know that information or the customer can view that information themselves on myMVD.

### **WHAT IF A CUSTOMER CAN'T REMEMBER WHO THEY LISTED AS AN EMERGENCY CONTACT?**

In this situation, it is ok to let the customer know who is listed as an emergency contact on their record. This is ok to do because we are only supplying information back to the customer that the customer originally supplied to us.

### **OPT-OUT AND OPT-IN PROCESS**

The legislation requires us to establish a procedure allowing a person listed as another person's emergency contact to opt-out of that responsibility. We cannot use our DOT records to let a person know if anyone has listed them as an emergency contact, rather, the person seeking to opt-out must tell us who they believe listed them as an emergency contact and provide us with enough required information about that specific person so that we can locate the record and process the opt-out.

For example, if a person asks during their DL transaction for us to search our system to see if they are listed as anyone's emergency contact, you must tell them that if they believe they are listed as someone's emergency contact, the only way to be removed is to ask the original customer to remove them or to complete Form [430306](#), which will allow the person to opt-out of being listed as an emergency contact. The opt-out form 430306 is required every time a person wants to opt-out of being listed as an emergency contact, even if we can connect the two records based on the information being provided to us. As stated above, the opt-out features are not available on myMVD.

For purposes of explaining the opt-out and opt-in process, the "requesting customer" is the customer who is requesting to opt-out. The "original customer" is the customer who originally listed the requesting customer as an emergency contact. For example, if a person (requesting customer) states during their DL transaction that they know they are listed as an emergency contact person for their mom (original customer) and want to opt-out of that responsibility, and they are able to provide you with their mom's identifying information, we still cannot process the opt-out during the DL transaction. Rather, you can provide the requesting customer with a copy of Form 430306 and let them know the form can be mailed in or emailed to be processed outside of the DL transaction. You also have the option of taking the completed form from the customer and scanning it into the ECOPT queue in ERMS to be processed or, a county treasurer location can include the completed form with their packet of other daily work to be scanned into ERMS. Form 430306 is always required to be completed and scanned into the requesting customer's ERMS file when an opt-out request is processed, and we can never complete an opt-out based solely on verbal information.

A requesting customer who has opted-out of being listed as an emergency contact person cannot be re-added as an emergency contact by the original customer unless the requesting customer decides to opt back in to being listed at the original customer's emergency contact. In other words, a "flag" will be placed on the requesting customer's name when a staff person attempts to add anyone with a similar last name and relationship as the requesting customer. A warning message will also display at which time you should verify whether the emergency contact person you are attempting to add is the same as an emergency contact that has already opted out. A requesting customer who has opted-out must not be re-added as an emergency contact for the original customer unless the requesting customer fills out

the form to opt back in. A requesting customer may opt back in to being listed as an emergency contact by completing Form 430306.

**WHAT IF A CUSTOMER WANTS TO KNOW WHO HAS LISTED THEM AS AN EMERGENCY CONTACT?**

As mentioned above, we cannot search ARTS to tell a person if anyone has listed them as an emergency contact. We are not authorized to share personal information about other customers under the DPPA in this situation. A requesting customer seeking to opt-out of being listed as an emergency contact for an original customer must specifically know who that person is and be able to provide us with enough identifying information that we can process their request. We also cannot process generic requests to opt-out of ever being listed as anyone's emergency contact.

**WHAT IF A CUSTOMER KNOWS THEY ARE LISTED AS AN EMERGENCY CONTACT PERSON FOR ANOTHER PERSON BUT CANNOT PROVIDE US WITH ENOUGH IDENTIFYING INFORMATION TO ALLOW US TO PROCESS THE OPT-OUT?**

As mentioned above, we cannot search ARTS to supply missing information about another customer. We understand this process could become messy, but we are constrained by competing laws which require us to process opt-outs while at the same time abiding by confidentiality requirements. Abiding by strict confidentiality laws is a higher priority than being able to process opt-outs when the customer requesting the opt-out does not have the ability to provide all the required information about the original customer. Although it may not fully satisfy a customer in this situation, it may be helpful to remember that this information is only shared with law enforcement in the case of an emergency and is not otherwise shared by the DOT for any other reason. It can also be important to let a customer know that we cannot provide the information they are seeking due to confidentiality requirements.

**WILL WE NOTIFY THE ORIGINAL CUSTOMER WHEN THEIR EMERGENCY CONTACT OPTS-OUT?**

Yes, if you process an opt-out request, you will need to send the original customer [Form 430309](#) notifying them that a requesting customer has chosen to opt-out of being listed as their emergency contact. The original customer will need to reach out to the emergency contact person if they have questions about why the person opted out. The process to re-add a person who opted-out is explained in more detail in the next Q&A below.

**WHAT DO I TELL A CUSTOMER WHO WAS UNAWARE THAT THEIR EMERGENCY CONTACT FILED AN OPT-OUT REQUEST?**

If a customer asks to know who is listed as their emergency contacts, as noted above, we can release that information to the customer since it was originally provided by them when first adding the emergency contact information to their record. If an emergency contact has since opted-out, the original customer may or may not be aware of that, although they should have received form 430309 from us when the opt-out was processed. It is ok to tell the original customer that their record is showing that a previously listed emergency contact has since opted-out and it is ok to tell the customer the name of the person who opted-out. Beyond that,

we cannot share any other details of the opt-out with the original customer, only let them know that we received an opt-out request and that we processed it because we are required to do so under the law.

If the original customer wants to re-add the person who opted-out, you must let them know that a person who opted-out cannot be re-added unless they complete and submit Form 430306 documenting their request to opt back in to being listed as an emergency contact. You cannot share a copy of the opt-out request form with the original customer because it will contain personal information about the opt-out requester. If a requesting customer chooses to opt back in to being an emergency contact for the original customer by submitting Form 430306, the “flag” will no longer show on the original customer’s ARTS record. At that time, the original customer will once again be able to add the requesting person back as an emergency contact on the original customer’s record.

#### **WHAT IF I AM PROCESSING AN OPT-OUT FORM AND THERE IS NOT ENOUGH INFORMATION TO PROCESS THE REQUEST?**

The opt-out form 430306 requires the requesting customer to provide identifying information about themselves as well as enough identifying information about the original customer who listed them as an emergency contact to allow us to locate the record and process the opt-out. If the form is incomplete, you can drop the request in the customer’s ERMS file with the comment “not enough information to process.” You must also send the customer [Form 430308](#) informing them we are unable to process their request due to insufficient information. The customer is always welcome to re-submit the form with additional or corrected information that would allow us to process the request.

#### **IN WHICH ERMS FILE DO I PLACE A COPY OF THE COMPLETED OPT-OUT OR OPT-IN FORM?**

If either the opt-out or opt-in section of Form 430306 is completed and processed, after you make the applicable entry in ARTS, place a copy of the form into the requesting customer’s ERMS file. Because the requesting customer seeking to opt-in or opt-out is providing their own personal information to process the form, we cannot place a copy of the opt-in or opt-out form in the original customer’s file.

#### **HOW IS THE OPT-OUT FLAG REMOVED WHEN A REQUESTING CUSTOMER HAS CHOSEN TO OPT BACK IN TO BEING LISTED AS AN EMERGENCY CONTACT?**

As noted above, a requesting customer who has opted-out of being listed as an original customer’s emergency contact is flagged so that the requesting customer is not re-added as an emergency contact against their wishes. However, if the requesting customer chooses to opt back in to being listed as an emergency contact for the original customer, once that opt-in request is processed, the requesting customer can once again be re-added as an emergency contact by the original customer.

If you are working the opt-in queue and receive a request to opt-in, you must match the requesting customer with the original customer. You must identify both customer numbers and



complete the web form (<https://iowadot.gov/mvd/Re-opt-in-EC>) to have the opt-out warning flag removed.

**HOW IS A REQUESTING CUSTOMER RE-ADDED AS AN EMERGENCY CONTACT AFTER THE OPT-IN FORM HAS BEEN PROCESSED?**

Once the opt-in request has been processed and IT has removed the “opt-out” flag from the original customer’s record, the original customer must re-add the requesting customer as their emergency contact. The original customer can re-add the requesting customer as their emergency contact through myMVD, by submitting Form 430305 or at their next DL/ID issuance transaction. Processing the opt-in request only removes the opt-out flag, it does not automatically re-add the requesting customer as an emergency contact to the original customer’s record. If an original customer requests to re-add an emergency contact before the opt-in process has been completed and the opt-out warning flag has been removed, you will need to wait to process this request until the opt-out flag has been removed from the customer’s record. Review ERMS for a request to opt back in as an emergency contact for the selected customer to ensure it has been processed, then put the request to re-add the emergency contact on hold for 5 days to allow time for the flag to be removed. Be sure to check the workflow history and notes of the request to opt back in as an emergency contact to ensure it had been processed and submitted to have the opt-out flag removed.

**LAW ENFORCEMENT ACCESS AND USE OF EMERGENCY CONTACT INFORMATION**

The legislation specifically authorizes law enforcement to have access to emergency contact information maintained by the DOT and to use the emergency contact information in the event of an accident or other emergency involving the customer. Other than providing emergency contact information to law enforcement, the DOT is not permitted to share emergency contact information for any other reason.