

## Motor Vehicle Division Information Memo # 23-09

### *Chapter 605, driver's license issuance, administrative rules update*

**DATE:** May 9, 2023

**FROM:** Kathleen Meradith-Eyers, MVD Director of Operations and Policy

**TO:** All Motor Vehicle Division staff, county treasurer staff who issue driver's licenses and nonoperator identification cards

#### **SUBJECT**

This informational memo explains updates to administrative rule chapter 605, driver's license issuance.

#### **SUMMARY**

MVD reviews each administrative rule chapter every 5 years for any updates, revisions, or clarifications needed. Chapter 605, driver's license issuance, was recently reviewed in consultation with division staff and stakeholders. Several changes were identified to align the rule with existing legal authority and department practice and to remove several outdated and obsolete requirements. Specifically, the revised rule does the following:

- **REAL ID renewal earlier than 180 days:** specifies that a REAL ID cannot be renewed more than 180 days prior to the expiration date if the renewal would result in noncompliance with federal requirements governing the eight-year maximum period of validity for a REAL ID in 6 CFR 37.5. See further explanation below.
- **Military license extensions under Iowa Code section 321.198:** aligns with current practice to allow a qualified military member to apply for the electronic record of the person's driver's license extension in person or by submitting a form to the DOT, outlines the documentation that must be provided to demonstrate eligibility, and adds that license renewal following separation from military service requires fee payment or examination, if applicable.
- **Incapable medical/vision reports:** states that a person who may be physically or mentally incapable of operating a motor vehicle safely must submit either a medical or vision report (previously, the rule included medical reports only, not vision reports) and that the person may also be required to pass the applicable license examinations required under Chapter 604 or Chapter 607 before a license is issued.
- **Loss of consciousness clarifications:** clarifies that when an applicant's medical report indicates the applicant suffered a loss of consciousness, we can waive the six-month episode-free waiting period if the report indicates the loss of consciousness was a *single nonrecurring episode* and that the person is not being treated for the loss of consciousness or a possible contributing health condition; defines "single nonrecurring episode" of loss of consciousness to mean an incident that is not caused by a health condition if there is no history of prior episodes or no history of a health condition that may cause such an episode. *For example, the exception to the six-month episode-free waiting period would not apply to a person who is being treated for diabetes and experienced a low blood sugar event that caused the loss of consciousness, but the exception would apply to a person whose loss of consciousness resulted from an incident of fainting from high temperatures or choking on a piece of food while driving if the person is not receiving further treatment for the incident.*
- **Recall restrictions:** clarifies the conditions under which we may issue a "recall" restriction to require existing licensees to provide additional information or complete additional examination to retain the license; clarifies that the restriction could entail completion of a follow-up medical

report, additional examination, or other additional information and that this can be accomplished via mail or email, rather than in-person, if applicable.

- **21-year old replacement licenses:** allows individuals who are 21 years old and hold a commercial driver's license to qualify for the electronic license replacement option. *NOTE: this programming is not complete but the rule gives us the flexibility to add this function in the future.*
- **Technical changes:** updates the contact information and form number for submitting address changes to the Department, removes the reference to the "driver's license kiosk," and removes the reference to the restriction "R—Maximum speed of 35mph" related to criteria for electronic renewal eligibility because the restriction is no longer issued by the Department.

**The administrative rule amendments are effective May 10, 2023.**

#### **LINK TO ADMINISTRATIVE RULES**

<https://www.legis.iowa.gov/docs/aco/arc/6969C.pdf>

#### **CURRENT**

Administrative rule chapter 761—607 currently addresses driver's license issuance requirements, but does not fully align with current department practices.

#### **NEW**

As of May 10, 2023, the rules will align with current department practices related to the driver's license issuance as outlined in the summary above.

#### **BUSINESS IMPACT**

These changes do not have a significant impact, as the amended rule reflects policies that should already be in practice throughout MVD and county treasurers offices. However, it is important for staff to be aware of this administrative rule update and review all of these policies to ensure that they are being correctly followed.

#### **QUESTIONS AND ANSWERS**

##### **IS THE RULE REGARDING EARLY RENEWAL OF A REAL ID A CHANGE FROM CURRENT PRACTICE?**

No, this policy already exists and the examiner's manual (section B) already indicates when certain customers can renew earlier than 180 days. This rulemaking simply updates the rule with this existing policy that non-military customers with an 8-year REAL ID cannot renew earlier than 180 days, because it would result in the license being noncompliant with federal REAL ID regulations. Notably, exceptions can be made for certain military personnel. See page B-45:

## Early Renewals

Customers are encouraged to renew their license early. Any customer can renew up to 180 days early. The new expiration date will be calculated from the expiration date of the current license. Depending on what type of license the customer has, they may be eligible to renew earlier than 180 days:

- Non-military customer with 8-year REAL ID: in no case can they renew more than 180 days early
- Military customer\* with 8-year REAL ID: may renew more than 180 days early with the proper documentation
- Customer with any term non-REAL ID: may renew more than 180 days early for “good cause” (including COVID-19 reasons)
- Customer with 2- to 7-year REAL ID: may renew more than 180 days early for “good cause” (including COVID-19 reasons)

\*For customers who are active duty military or spouse, children or wards of the military personnel renewing more than 180 days early: the license application box ‘Renew early w/Document’ must be marked. Documents required are a United State Department of Defense common access card or Military Dependent ID card.}