

Motor Vehicle Division Policy Memo # 22-07

MVD guide to sovereign citizen requests

DATE: June 23, 2022

FROM: MVD Policy & Compliance Team

TO: All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurer's staff

SUBJECT

This memo explains the "sovereign citizen" ideology as it relates to MVD products and services, and gives direction to MVD staff on how to respond to sovereign citizen requests. This suggested guidance is also intended for county staff who issue MVD products and conduct vehicle transactions, but we encourage our county partners consult with their county attorneys as necessary.

SUMMARY

A "sovereign citizen" refers to a person who generally believes that the American government, including law enforcement, the judicial system, and executive branch agencies such as the DOT, are illegitimate. They hold that they are exempt from the oversight and authority of such fraudulent government institutions and are answerable only to their particular interpretations of law. Adherents to this ideology may believe that birth certificates, driver's licenses, and other credentials bind them to "corporate" citizenship, and that by renouncing those "contracts" they can reclaim their sovereign status and achieve freedom from traffic laws, driver's license requirements, vehicle registration, income taxation, and other government regulation. **This is a legally discredited ideology.**

Sovereign citizen interactions with the MVD and the counties often manifest through the sending of threatening correspondence with no actual transactional request. If they are transacting in-person, they may claim to be exempt from certain requirements, such as providing a valid signature or satisfying active sanctions, or become argumentative and wish to contest many aspects of the licensing or registration process. An owner of a personal vehicle may claim to be exempt from vehicle registration requirements since they do not operate in commerce or for any commercial purpose, and may even construct their own "license plate" with phrases such as "DOT exempt," "personal use only," or "not for hire." Please note that this situation should not be confused with motor carrier customers discussing International Registration Plan (IRP) or International Fuel Tax Agreement (IFTA) requirements, or with any legitimate questions related to requirements for commercial vehicles.

Responding to sovereign citizen correspondence. Unless the person is specifically asking for a response to an MVD service-related question, we do not need to respond to correspondence received by sovereign citizens, and should simply file the correspondence in ERMS. In general, a sovereign citizen letter or email can be identified by:

- Nonsensical, pseudo-legal language
- The person's fingerprint and/or image
- Reference to him/herself as the "flesh and blood" person, a "living soul," a "vessel," or a "state national"
- Reference to the Uniform Commercial Code (UCC)
- Copying various public officials on the correspondence, such as the U.S. or Iowa Attorney General, U.S. Secretary of Treasury, U.S. Secretary of State, the President, or congressional representatives

- Making claims to large amounts of money and property

Responding to in-person sovereign citizen requests. We recognize it can be intimidating to speak with a person who holds these beliefs. If a customer questions our decisions or requirements or believes they are being discriminated against, we should kindly let them know that as a government agency we must adhere to state and federal laws and procedures. They are not entitled to treatment or services different than any other customer and must adhere to the same procedures that all Iowans follow. **Again, a “sovereign citizen” must adhere to all standard requirements of the law and our policies if they wish to obtain MVD products or services.**

Common sovereign citizen requests and MVD responses:

- A customer indicates they wish to surrender their driver’s license or license plates.
 - o They are entitled to do so but should know that they may be subject to enforcement action for failing to have a particular product while operating a vehicle. To surrender a driver’s license, we must receive the physical card accompanied by a properly completed voluntary surrender form 430103 before we will end-date their credential. To surrender license plates, they must return the license plates to the applicable county treasurer or to MVD.
- A customer asks to be deleted from MVD driver or vehicle records.
 - o This is not possible. MVD retains driver’s license and vehicle registration records in accordance with federal and state law and national guidelines.
- A customer wishes to no longer receive official MVD correspondence (even going so far as to serve a sort of “cease and desist” order).
 - o This is not possible. MVD is legally required to provide notice to a person whenever we take action on their driving or vehicle registration privileges. There is no legal mechanism to “opt out” of receiving these legally required notices.

BUSINESS IMPACT

This information will not change how MVD conducts business. It is intended to be a reference when interacting with customers claiming to be sovereign citizens or determining whether sovereign citizen letters merit a response.

Counties may choose to adhere to this guidance for county vehicle transactions, but if a county/treasurer has questions about their office being required to adhere to this policy, they should consult with their county attorney.

QUESTIONS AND ANSWERS

The following questions and answers provide additional information to you and to customers.

CAN A SOVEREIGN CITIZEN SIGN THEIR NAME ON THEIR DL OR ID CARD “WITHOUT PREJUDICE”?

No. 761 Iowa Administrative Code 601.1(7) requires a person’s signature on their license or ID card to be “without qualification” and to “contain only the applicant’s usual signature without any other titles, characters, or symbols.” This rule is constructed to comply with Iowa law as well as national card design standards adopted by the American Association of Motor Vehicle Administrators.

It is imperative that the signature on the license or ID application includes only the person’s actual name and meets the above requirements for several reason: 1) it is a legal certification

that the applicant provided truthful statements concerning Iowa residency and eligibility for the license, 2) it confirms the applicant's agreement to certain conditions (e.g., they will notify the DOT of a change of mailing address within 30 days, that by obtaining an Iowa card they are surrendering driving privileges from any other state, etc.) and 3) it serves as a fraud and identity theft deterrent because it can be used to forensically prove whether another person is attempting to steal or has stolen a cardholder's identity.

WHAT IF WE DISCOVER AN INCORRECT SIGNATURE ON A DL/ID APPLICATION AFTER THE CUSTOMER HAS ALREADY LEFT AND BEEN ISSUED A CREDENTIAL?

We should send the customer a correction letter and require them to come back into a service center to update their signature, or their card will be cancelled. At the end of this memo is sample language you can include within the correction letter explaining why we need the customer to return and re-do their signature.

WHAT IF A SOVEREIGN CITIZEN CONTINUES TO SEND IN DOCUMENTATION ASSERTING THEIR BELIEFS BUT NONE OF THE DOCUMENTS OR CORRESPONDENCE ACTUALLY ASK ANY QUESTIONS ABOUT AN MVD PRODUCT OR SERVICE?

Sovereign citizens are known for committing "paper terrorism" and one of their tactics can be to send voluminous amounts of paperwork, none of which ask a question about an MVD-related product or service. As noted above, if a customer continues to send in paperwork of this nature, you can simply file it in the customer's ERMS file and you do not need to respond.

ARE WE INFRINGING ON A PERSON'S FIRST AMENDMENT RIGHT BY NOT ALLOWING A SOVEREIGN CITIZEN TO SIGN A DRIVER'S LICENSE AS THEY PLEASE?

No. Even if a sovereign citizen asserts that they can sign a certain way for religious reasons, federal courts have held that driver's license regulations will be upheld and may be enforced, even if they are contrary to a particular individual's religious beliefs, if they are a valid and neutral requirement of general applicability.

Our rule prohibiting extraneous qualifications, titles, characters or symbols is valid, neutral, and generally applicable to all applicants for a license or ID, regardless of religious belief, and is therefore defensible under First Amendment standards.

ARE WE INFRINGING ON A PERSON'S FIRST AMENDMENT RIGHT BY REQUIRING A SOCIAL SECURITY NUMBER AS PART OF MVD TRANSACTION APPLICATIONS?

No, for the same reasons noted above. The Iowa laws requiring an applicant to provide a Social Security number to obtain a license, ID card, and other MVD products is valid, neutral, and generally applicable to all applicants, regardless of religious belief, and is therefore defensible under First Amendment standards.

WHO CAN I CONTACT IF I AM WORKING WITH A SOVEREIGN CITIZEN WHO IS PERSISTENT IN THEIR OBJECTIONS TO OUR REQUIREMENTS?

Please reach out to your supervisor, the ACE team (driver questions), or county.vehicle@iowadot.us (vehicle questions), who may confer with the MVD Policy & Compliance team as necessary. County treasurer staff may also wish to consult with their county attorney.

IS THERE TRUTH TO THE BELIEF THAT A PERSONAL VEHICLE CAN BE EXEMPT FROM TITLE AND REGISTRATION REQUIREMENTS?

No. While a customer may qualify to be exempt from certain fees related to the title and registration requirements, Iowa Code section 321.18 requires that every motor vehicle used on public roadways in Iowa be subject to titling and registration. Iowa Code section 321.37 further requires that a registration plate shall be attached to the front and rear of the vehicle. If a person does not wish to be subject to vehicle registration requirements, they may sell the vehicle and not operate any vehicle on public roadways. Any other choice may subject a person to enforcement action.

HOW SHOULD WE RESPOND IF A CUSTOMER REQUESTS A “NOT FOR HIRE, “DOT EXEMPT,” OR “PRIVATE” LICENSE PLATE OR SOME VARIATION RELATED TO SHOWING THE CUSTOMER IS EXEMPT FROM REGISTRATION REQUIREMENTS?

Iowa does not authorize or produce such a plate and any plate a customer obtains, uses, or fabricates with these messages is illegal, per Iowa Code section 321.100.

You may inform the customer that the Iowa DOT website lists all license plates that are available to the general public for display on an Iowa-registered vehicle. All license plate requests other than the non-personalized county standard license plate require an application form. We encourage customers to review the website and fill out an application as appropriate for a requested license plate.

WHAT IF WE SEE A FRAUDULENT LICENSE PLATE?

Please report information about the vehicle to the DOT Bureau of Investigation and Identity Protection by emailing invbureau@iowadot.us. Here is an example of a fraudulent license plate:



TEMPLATE: DL/ID correction letter language for signature correction:

The Iowa DOT's authority to require a signature is contained in Iowa Code section 321.182(1)(a), which governs the content of the application for a driver's license and includes the requirement that the license application include the applicant's signature, and 716 Iowa Administrative Code 601.1(7), which describes the signature that must be provided by the applicant and includes the requirement that the signature "be without qualification and shall contain only the applicant's usual signature without any other titles, characters, or symbols." Additionally, Iowa Code section 321.189, which governs the content of Iowa driver's licenses, specifically provides that appearing on the face of the license shall be "the usual signature of the licensee." Our rule as cited implements both sections 321.182(1)(a) and 321.189(2)(a).

We will be happy to issue you an Iowa driver's license or nonoperator's identification card upon signing the application with your legal name and without any qualifications or extraneous symbols. Unfortunately, without a valid signature that meets the requirements listed above, we are unable to issue you a credential and will be required to cancel your existing credential.