

## Motor Vehicle Division Policy Memo # 23-04

### *Surrender Requirements for Out of State Credentials*

**DATE:** March 22, 2023

**FROM:** Kasey Lee, MVD Compliance Officer

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

**EFFECTIVE:** Immediately

#### **SUBJECT**

This memo explains the MVD's policy on surrender requirements for out-of-state credentials received from new Iowa customers upon issuance of an Iowa credential.

#### **SUMMARY**

It has been common practice to require a customer to physically surrender an out-of-state non-commercial driver's license or ID card prior to being issued a new Iowa credential. This practice stemmed from state and federal regulations, which prohibit a customer from possessing more than one driver's license or ID card and require the customer to surrender a credential from their previous state of residence upon issuance of a credential in their new state of residence.

In closely reviewing these regulations, along with national best practices and existing online renewal practices, we have determined that the requirement to "surrender" credentials is met by electronically negating their prior credential through the Problem Driver Pointer System (PDPS) and the State-to-State verification service, as well as the customer physically destroying the old credential upon receipt of the new card in the mail. This applies to Iowa commercial or non-commercial licenses or IDs, and out-of-state non-commercial licenses or IDs.

However, federal regulations require the physical surrender of an out-of-state Commercial Driver's License or Commercial Learner's Permit.

**Staff should still request that the customer surrender an out-of-state credential upon issuance of a new Iowa credential. However, effective immediately, the customer may retain their prior out-of-state non-commercial driver's license or ID if they request it.** Customers are also permitted to retain their prior Iowa commercial, noncommercial, or ID card when they renew.

The following chart can be found in Section B of the Examiner's Manual summarizing which types of credentials must be physically surrendered by a customer:

Description	Physical Surrender (Yes or No)
Iowa Non-Commercial DL or ID	No
Iowa Commercial DL	No
Out-of-state Non-Commercial DL or ID	No
Out-of-state Commercial DL	Yes
Actively Sanctioned (all)	Yes
Canada (all)	Yes

Mexico (all)	Yes
South Korea (See page B-22)	No
Germany (See page B-21)	Yes
Taiwanese (See page B-22)	Yes
French (See page B-21)	Yes
International DL	No

### **CURRENT**

Currently, we require all new Iowa customers to physically surrender any out-of-state credentials in their possession prior to being issued an Iowa credential.

### **NEW**

Effective immediately, we will continue to ask new Iowa customers to physically surrender any out-of-state credentials in their possession upon issuance of an Iowa credential. However, if a customer requests, we can return their **non-commercial** out-of-state credential to the customer.

We will continue to retain **commercial** out-of-state credentials (CDLs and CLPs) per federal regulations.

We will continue to retain all **actively sanctioned** credentials. This includes Iowa and out-of-state, commercial and non-commercial driver's licenses that are suspended, revoked, barred, disqualified, etc., per Iowa regulations.

Upon returning a non-commercial out-of-state credential to a customer, we should explain that their out-of-state credential is invalid upon issuance of their new Iowa credential as we are electronically invalidating their previous credential. The paper interim we are handing them is considered their current and valid privilege.

We should also tell the customer that they must shred the out-of-state credential upon receipt of their new Iowa plastic credential in the mail.

## **QUESTIONS AND ANSWERS**

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

A review of state and federal regulations indicates that surrender requirements are met by electronically pulling the pointer of the out-of-state non-commercial credential. ARTS and State to State/PDPS are the official record of a license's validity and the physical card is just a representation of the electronically maintained privilege. Law enforcement and other relevant agencies verify whether a person's card is valid using electronic methods and do not rely solely on the physical card.

Furthermore, REAL ID and CDL regulations already permit electronic renewal of REAL IDs and CDLs. When renewing electronically, it is impossible to physically surrender the prior card – rather, the customer is required to destroy the old card upon receipt of the new. The letter mailed with the new card instructs them to do so.

### **WHAT ABOUT FOREIGN DRIVER'S LICENSES?**

We will still require customers to physically surrender a foreign driver's license as we do not have the ability to electronically invalidate a foreign driver's license.

The exception to this is if Iowa has an exchange agreement with a foreign country allowing the Iowa licensee to keep their foreign license. Currently, only South Korean customers are permitted to retain their South Korean license upon transfer to Iowa. Refer to Section B of the Examiners Manual for specific instructions on the exchange of a driver's license from foreign countries.

Iowa does not hold any exchange agreements with Canada or Mexico so we should retain any Canadian or Mexican driver's licenses a customer presents.

An International Driver's License (a translation of the customer's home country license, not to be confused with a license issued by a foreign country) and governmental licenses will be returned to the customer regardless of validity.

### **WHAT IF THE CUSTOMER IS DOWNGRADING OR THEIR LICENSE IS SANCTIONED?**

A customer is required to physically surrender an out-of-state CDL if they are downgrading to an Iowa non-commercial DL or ID.

Any customer whose license is suspended, revoked, disqualified, or barred is required to physically surrender the license to the DOT, law enforcement, or a court, even though the card is reflected as not valid in ARTS due to the sanction. This is because Iowa law is written differently to address these situations. This includes Iowa and Out of State credentials both commercial and non-commercial Driver's Licenses.

We know that some customers continue to keep their license even when they are sanctioned, and we cannot force someone to disclose whether they still have a copy of their license in their possession if they come in-person to apply for a TRL or ID card during their sanction. Be assured that law enforcement does not rely on a physical credential alone to verify driving privileges so customers could be ticketed if they are driving without a valid driving privilege.

### **WHAT ARE THE STATE AND FEDERAL REGULATIONS GOVERNING THIS PROCESS?**

- 6 CFR 37.29(b)(2) and 6 CFR 37.29(c)(2)
- 49 CFR 384.211
- 49 CFR 383.21
- 49 CFR 383.73(i)
- Iowa Code section 321.182(2)
- 761-601.1(3)"a"(3) and "c"
- 761-601.2 and 761-630.2(11)