

### Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 625  
“Driver’s Licenses for Undercover Law Enforcement Officers”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.189A

State or federal law(s) implemented by the rulemaking: 6 CFR 37.11 and Iowa Code sections 22.7, 80G.3, 321.189, 321.189A, and 321.196

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 14, 2025  
3 to 3:30 p.m.

[Microsoft Teams Link](#)  
Phone: 515.817.6093  
Conference ID: 940 294 593

### *Public Comment*

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Sara Siedsma  
6310 SE Convenience Boulevard  
Ankeny, Iowa 50021  
Email: [sara.siedsma@iowadot.us](mailto:sara.siedsma@iowadot.us)

### *Purpose and Summary*

The purpose of this proposed chapter is to comply with Iowa Code section 321.189A, which requires the Department to adopt rules to administer undercover driver’s licenses. An undercover driver’s license can be issued to peace officers for use in the line of duty when a fictitious identity is necessary.

### *Analysis of Impact*

**1. Persons affected by the proposed rulemaking:**

• **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs or fees associated with these rules beyond what is required by the underlying statute.

• **Classes of persons that will benefit from the proposed rulemaking:**

Persons seeking to obtain an undercover driver’s license will benefit from this chapter by knowing the eligibility criteria and application process.

**2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

• **Quantitative description of impact:**

There are no additional quantitative impacts that were not already anticipated as a result of the underlying statute.

• **Qualitative description of impact:**

Reorganizing, streamlining, and reducing redundancy in the chapter will create a positive impact by producing a more user-friendly version of the chapter that peace officers rely on for understanding how to obtain an undercover driver's license.

**3. Costs to the State:**

• **Implementation and enforcement costs borne by the agency or any other agency:**

There are no additional implementation or enforcement costs in the proposed rules that were not already required as a result of the underlying statute.

• **Anticipated effect on state revenues:**

There are no anticipated effects on state revenues beyond the underlying statute.

**4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit of the proposed rules is consistency and transparency on the processes and requirements for obtaining an undercover driver's license.

The cost of inaction is the inability for qualified applicants to understand quickly and efficiently what is required to obtain an undercover driver's license.

There is no benefit of inaction.

**5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

There are no less costly or less intrusive methods to achieve the purpose of the proposed rules.

**6. Alternative methods considered by the agency:**

• **Description of any alternative methods that were seriously considered by the agency:**

The Department did not consider alternatives for the proposed rules. The Department is required by the Iowa Code to adopt rules to administer undercover driver's licenses.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

There is no small business impact; undercover driver's licenses are only available to eligible peace officers.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 761—Chapter 625 and adopt the following **new** chapter in lieu thereof:

CHAPTER 625  
DRIVER'S LICENSES FOR UNDERCOVER LAW ENFORCEMENT OFFICERS

**761—625.1(321) Application.**

**625.1(1)** The application for an undercover driver's license must:

- a.* Be in writing.
- b.* Include a fictitious name as well as the applicant's true identity.
- c.* Include a statement of need.
- d.* Be signed by both the applicant and the head of the law enforcement agency employing the applicant.
- e.* Be submitted to the Motor Vehicle Division, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021.

**625.1(2)** All applications will be investigated by the department. An investigation will include but not be limited to a 50-state check of the fictitious name and verification of the applicant's employment with the sponsoring law enforcement agency.

**625.1(3)** The department will determine if the undercover license is necessary.

**625.1(4)** The department may approve or deny the application, based on the results of the investigation and the determination of necessity.

**625.1(5)** An applicant employed by a state or local law enforcement agency that is located in a state other than Iowa is not eligible for an undercover driver's license issued under this chapter.

**761—625.2(321) Issuance and cancellation.**

**625.2(1)** To obtain an undercover license after the application is approved, the applicant is to appear at the Motor Vehicle Division offices, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa, with all applicable documents necessary for the issuance of an undercover license.

**625.2(2)** In accordance with the provisions in 6 CFR Section 37.11, effective as of January 1, 2024, the requirements under rule 761—601.5(321) are waived for the issuance of an undercover license.

**625.2(3)** An undercover license may not be renewed. The department may issue a subsequent new undercover license to an applicant who submits a new application and continues to meet the requirements of rule 761—625.1(321).

**625.2(4)** When the need for an undercover license no longer exists or if the licensee ceases to be employed by the sponsoring law enforcement agency, the licensee shall surrender the undercover license to the motor vehicle division for cancellation.

**761—625.3(22,80G,321) Records.**

**625.3(1)** Applications, forms and other records of the department that establish the true identity of an applicant or licensee under this chapter are confidential public records under Iowa Code sections 22.7, 80G.3 and 321.189A. The fictitious license information itself is not confidential, except as provided in Iowa Code section 321.11.

**625.3(2)** The open public records of the department will not contain any information or indicator that would distinguish any undercover license issued under this chapter from any other driver's license issued by the department.

**625.3(3)** An undercover license issued under this chapter will appear on the driver's license record system.

These rules are intended to implement Iowa Code sections 22.7, 80G.3, 321.189, 321.189A and 321.196 and 6 CFR Section 37.11 effective as of January 1, 2024.