

Dear Senators OKUNIEWICZ, Den Hartog, Rabe, and
Representatives PALMER, Mitchell, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.02.75 - Rules Governing Names on Drivers' Licenses and Identification Cards - Proposed
Rule (Docket No. 39-0275-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 12/02/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/30/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Division Manager - Matt Drake

DATE: November 13, 2024

SUBJECT: Idaho Transportation Department

IDAPA 39.02.75 - Rules Governing Names on Drivers' Licenses and Identification Cards - Proposed Rule
(Docket No. 39-0275-2401)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits Notice of Rulemaking regarding the Rules Governing Names on Drivers' Licenses and Identification Cards. The Department states that the rule is intended to provide standardization with respect to record and format names for credentials. The Department further states that the rule changes align the recording of an individual's name with their verified identity documentation. Finally, the Department states that the rule removes unnecessary language.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated fiscal impact.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Department in Sections 49-201, 49-319, and 49-2444, Idaho Code.

cc: Idaho Transportation Department
Brendan Floyd

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

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IDAHA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.75 – RULES GOVERNING NAMES ON DRIVERS' LICENSES AND IDENTIFICATION CARDS

DOCKET NO. 39-0275-2401

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 49-201(1), 49-319(5), and 49-2444(15), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule provides standardization to record and format names for credentials. The proposed changes align the recording of an individual's name with their verified identity documentation and remove unnecessary and prohibitive language.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2024, Idaho Administrative Bulletin, [Vol. 24-5, pages 236-237](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2024.

DATED this 30th day of August, 2024.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0275-2401
(Only Those Sections With Amendments Are Shown.)

39.02.75 – RULES GOVERNING NAMES ON DRIVERS' LICENSES AND IDENTIFICATION CARDS

001. ~~TITLE AND SCOPE~~ **PURPOSE.**

~~01. Title. This rule is titled IDAPA 39.02.75 “Rules Governing Names on Drivers’ Licenses and Identification Cards,” IDAPA 39, Title 02, Chapter 75.~~ (3-31-22)

~~02. Scope. The purpose of t~~This rule ~~is to~~ provides procedures and criteria for County Sheriffs and the Idaho Transportation Department to record and format names, ~~and to allow surnames and hyphenated names~~ on drivers’ licenses and identification cards. (3-31-22)(____)

002. -- 099. (RESERVED)

100. GENERAL PROVISIONS.

01. **Punctuation Marks.** The only punctuation marks which may be used in a name are ~~the comma (,); apostrophe (’); and the hyphen (-). A hyphen is allowed in the last name only, and may occur once. A comma can only be used between the last name and the first name~~ those allowed by the North American Card Design Standard. (3-31-22)(____)

02. **Full Name Requirements.** If a full name has more characters than the department automated system allows, the last name and first name must be written out fully. ~~The, and the~~ middle name can be initialized ~~and then the full middle name entered on the comment line of the application.~~ If there is a designator, it will follow the middle initial. If the name still has more characters than the department automated system allows, the first and middle names can be initialized ~~and the full first and middle names entered on the comment line of the application.~~ (3-31-22)(____)

101. -- 199. (RESERVED)

200. CRITERIA.

01. **Legal Name.** The name on the certified original birth certificate will be used unless a name changes due to: (3-31-22)

- a. Marriage; (3-31-22)
- b. Divorce; or (3-31-22)
- c. Court Order. (3-31-22)

~~02. Stepparents’ Name. An applicant is not allowed to use a stepparent’s last name, except by court order or other documents may be accepted to change a name, on approval by the Idaho Transportation Department.~~ (3-31-22)

~~03.~~ **Driver’s License and Identification Card Names.** The name printed on the driver’s license or identification card will be maintained in the Idaho Transportation Department records in the following order: (1) Last name, (2) First name, (3) Middle name, (4) Designator ~~(if applicable (see Subsection 200.04)).~~ An applicant may not have a driver’s license and an identification card in different names. An applicant may add a middle name by providing a certified original copy of the applicant’s: (3-31-22)(____)

- a. Birth Certificate; (3-31-22)
- b. Court Order; or (3-31-22)
- c. Divorce Decree. (3-31-22)

043. Designations of Names. The designations of I, II, III, etc., will become first (1st), second (2nd), third (3rd), etc., and will appear after the middle name. The designators of JR and SR (no periods allowed) will be permitted and will appear after the middle name. The JR and SR designators will be permitted only if there is proof that the other individual exists, by way of an original certified copy of a birth certificate. (3-31-22)

054. Married Applicant's Name. (3-31-22)

a. A married applicant is permitted ~~to use~~ to use either their birth last name or the birth last name of their spouse as the last name or as the middle name, or may hyphenate their current last name with their spouse's last name to form the last name. In no case ~~under any of these stated options shall~~ will any applicant have more than one (1) hyphen in their last name. (3-31-22)()

b. Married applicants may choose to use different hyphenated last names. (3-31-22)

c. Married applicants who choose to have the same hyphenated last name may hyphenate their last names in any order. (3-31-22)

d. Married applicants who already have hyphenated last names may: (3-31-22)

i. Use the hyphenated name of their spouse or retain their own hyphenated name; or (3-31-22)

ii. Combine part of their own hyphenated name and part of the hyphenated name of their spouse. (3-31-22)

e. An applicant who is established in department records with a hyphenated last name due to marriage and wants to drop the first part or the second part of the hyphenated name ~~must~~ will provide, ~~as required by the department,~~ the following: (3-31-22)()

i. A certified copy of a birth certificate; and/or (3-31-22)

ii. A certified copy of a marriage certificate; and/or (3-31-22)

iii. A certified copy of a divorce decree; and/or (3-31-22)

iv. A certified copy of a death certificate. (3-31-22)

065. Divorced Applicant's Name. A divorced applicant who wants to use their original birth last name, or a surname from a previous marriage, but does not have a divorce decree indicating the new name, is allowed to submit the following documents to the County Sheriff or the Idaho Transportation Department: (3-31-22)

a. Original certified copy of the birth certificate showing the original last name; or (3-31-22)

b. Original certified copies of the marriage certificate and the divorce decree, as evidence to change the name. (3-31-22)

076. Applicant's First Name. An applicant is not allowed to change their first name except by court order. (3-31-22)

087. Common Law Marriage. Common law marriages created prior to January 1, 1996 will, for the purposes of this rule, be treated as a valid marriage. An affidavit of agreement is required, which includes: (3-31-22)

- a. The signatures of both the husband and the wife; (3-31-22)
- b. The date they became married under common law; and (3-31-22)
- c. Other documents verifying the marriage (subject to the approval of the Idaho Transportation Department). (3-31-22)

098. Change of Name on Record. Once a name is established in the Idaho Transportation Department records, a court order, marriage license, or divorce decree will be required to change the name and record. (3-31-22)

409. Titles or Nicknames. An applicant is not allowed to use titles or nicknames. (3-31-22)

201. -- 299. (RESERVED)

300. PROCEDURES.

01. Verification of Name. First-time applicants for a driver's license or identification card ~~must~~ will provide the County Sheriff's issuing office with one (1) of the following in order to verify their name: (3-31-22)()

- a. Original certified copy of the birth certificate; (3-31-22)
- b. Court order; (3-31-22)
- c. Original certified copy of the marriage license; (3-31-22)
- d. Divorce decree (if applicable); (3-31-22)
- e. Driver's license from another state or country that is current or if expired, has been expired for less than five (5) years; or (3-31-22)
- f. A valid, unexpired passport. (3-31-22)

02. Surrendering Driver's License or Identification Card. Applicants for license or identification card renewals ~~must~~ or duplicates will surrender the previous driver's license or identification card. Name changes are allowed if the criteria in Section 200 are met. (3-31-22)()

~~**03. Surrendering Duplicate Driver's License or Identification Cards.** Applicants for duplicate drivers' licenses or identification cards must surrender the previous driver's license or identification card (if applicable). Name changes are allowed if the criteria in Section 200 are met. (3-31-22)~~

043. Document Approval by the Department. Other documents may be accepted to change a name, on approval by the Idaho Transportation Department. (3-31-22)

301. -- 999. (RESERVED)