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**IDAPA 39
TITLE 02
CHAPTER 75**

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

000. LEGAL AUTHORITY.

Under the authority of Sections 49-201, 49-306, 49-314, 49-315, 49-318, 49-319, 49-336, and 49-2443, Idaho Code, the Department adopts the following rule. (5-13-91)

001. TITLE AND SCOPE.

01. Title. This rule shall be known as IDAPA 39.02.75 "Rules Governing Names on Drivers' Licenses and Identification Cards," IDAPA 39, Title 02, Chapter 75. (4-2-08)

02. Scope. The purpose of this rule is to provide 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. (4-2-08)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (4-2-08)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-08)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-2-08)

005. OFFICE - OFFICE HOURS - MAILING AND STREET ADDRESS - PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise ID 83707-1129. (4-2-08)

02. Office Hours. Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-2-08)

03. Telephone and FAX numbers. The central office may be contacted during office hours by phone at 208-334-8735 or by fax at 208-334-8739. (4-2-08)

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (4-2-08)

007. -- 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. (4-2-08)

02. Full Name Requirements. Only twenty-six (26) characters, including the spaces and punctuation, can be used in the entire full name on the actual driver's license or identification card. If a full name has more than twenty-six (26) characters, the last name and first name must be written out fully. 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 is still more than twenty-six (26) characters, the first and middle names can be initialized and the full first and middle names entered on the comment line of the application. (5-13-91)

101. -- 199. (RESERVED).

200. CRITERIA.

- 01. Legal Name.** The name on the birth certificate will be used unless a name changes due to: (5-13-91)
- a.** Marriage; (5-13-91)
 - b.** Divorce; or (5-13-91)
 - c.** Court Order. (5-13-91)
- 02. Stepparents' Name.** Applicants are not allowed to use their stepparents' last name, except by court order or other documents may be accepted to change a name, on approval by the Idaho Transportation Department. (7-1-96)
- 03. Drivers 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). (7-1-96)
- 04. 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. (7-1-96)
- 05. Married Applicants' Names.** Married applicants are permitted to use the maiden name of the woman or surname of the man as the last name, or as the middle name, or hyphenate both surnames to form the last name. When married applicants choose to use different hyphenated names or only one applicant chooses to hyphenate their name, women will hyphenate their last name as "maiden-married" and men will hyphenate their last names as "surname-maiden" Married applicants who choose to have the same hyphenated last name may hyphenate their name as either "maiden-married" or "surname-maiden". (4-2-08)
- 06. Divorced Applicants' Names.** Divorced applicants who want to use their original surname, or a surname from a previous marriage, but do not have a divorce decree indicating the new name are allowed to submit the following documents to the County Sheriffs or the Idaho Transportation Department: (5-13-91)
- a.** Original certified copy of the birth certificate showing the original surname; (7-1-96)
 - b.** Original certified copies of the marriage license and the divorce decree, as evidence to change the name; or (7-1-96)
 - c.** Original certified copies of the marriage license and divorce decree (only required for applicants wanting to use a surname from a former marriage). (7-1-96)
- 07. Applicant's First Name.** Applicants are not allowed to change their first names except by court order. (5-13-91)
- 08. 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 shall include: (7-1-96)
- a.** The signatures of both the husband and the wife; (5-31-91)
 - b.** The date they became married under common law; and (5-13-91)

c. Other documents verifying the marriage (subject to the approval of the Idaho Transportation Department). (5-13-91)

09. Change of Name on Record. Once names are established in the Idaho Transportation Department records, a court order, marriage license, or divorce decree will be required to change the name and record. (An original certified copy of the document, which is dated after the date of record, will be required.) (7-1-96)

10. Titles or Nicknames. Applicants are not allowed to use titles or nicknames. (7-1-96)

201. -- 299. (RESERVED).

300. PROCEDURES.

01. Verification of Name. First-time applicants for a driver's license or identification card must provide the County Sheriff's issuing office with one (1) of the following in order to verify their name: (5-13-91)

a. Original certified copy of the birth certificate; (7-1-96)

b. Court order; (5-13-91)

c. Original certified copy of the marriage license; or (7-1-96)

d. Divorce decree (if applicable); or (7-1-96)

e. Driver's license from another state or country that is current or if expired, has been expired for less than five (5) years. (7-1-96)

02. Surrendering Driver's License or Identification Card. Applicants for license or identification card renewals must surrender the previous driver's license or identification card. Name changes are allowed if the criteria in Section 200 are met. (7-1-96)

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. (7-1-96)

04. Document Approval by the Department. Other documents may be accepted to change a name, on approval by the Idaho Transportation Department. (5-13-91)

301. -- 999. (RESERVED).

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