IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Division of Motor Vehicles

39.02.75 – Rules Governing Names on Drivers' Licenses and Identification Cards

Who does this rule apply to?
All Idaho Driver License and Identification Card holders and applicants.

- All Idaho driver license and identification card holders; and
- All applicants for Idaho driver licenses or identification cards

What is the purpose of this rule?
This rule outlines the provisions used in formatting individuals' legal names on Idaho driver licenses and identification. The rule describes the process and documentation required when legal name changes occur and provides the order and formatting in which last names can be listed on driver licenses and identification cards; including former last name, current last name and how hyphenated names may be used upon marriage, divorce and/or court order.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

Motor Vehicles -
General:
- 49-201, Idaho Code – Duties of Board

Motor Vehicle Driver's License:
- 49-306, Idaho Code – Application for Driver's License, Instruction Permit, Commercial Learner's Permit or Restricted School Attendance Driving Permit
- 49-315, Idaho Code – Licenses Issued to Drivers
- 49-318, Idaho Code – Duplicate Driver Licenses and Substitute Permits
- 49-319, Idaho Code – Expiration and Renewal of Driver's License

Miscellaneous:
- 49-2443, Idaho Code – Application

Who do I contact for more information on this rule?

Idaho Transportation Department
Monday – Friday 8:00 am to 5:00 pm
P.O. Box 7129
Boise, ID 83707-1129
3311 West State Street
Phone: (208) 334-8000
itd.idaho.gov

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000. LEGAL AUTHORITY.
Under the authority of Sections 49-201, 49-306, 49-315, 49-318, 49-319, and 49-2443, Idaho Code, the Department adopts the following rule. (3-29-12)

001. TITLE AND SCOPE.

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. (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. -- 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. 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 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. (3-29-12)

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: (3-29-12)

a. Marriage; (5-13-91)

b. Divorce; or (5-13-91)

c. Court Order. (5-13-91)

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. (7-1-96)

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: (3-29-12)

a. Birth Certificate; (3-29-12)

b. Court Order; or (3-29-12)

c, Divorce Decree. (3-29-12)

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 Applicant's Name. (3-29-12)

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 any applicant have more than one (1) hyphen in their last name. (3-20-20)

b. Married applicants may choose to use different hyphenated last names. (3-20-20)

c. Married applicants who choose to have the same hyphenated last name may hyphenate their last names in any order. (3-20-20)

d. Married applicants who already have hyphenated last names may: (3-29-12)

i. Use the hyphenated name of their spouse or retain their own hyphenated name; or (3-20-20)

ii. Combine part of their own hyphenated name and part of the hyphenated name of their spouse. (3-20-20)

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 provide, as required by the department, the following: (3-29-12)

i. A certified copy of a birth certificate; and/or (3-29-12)

ii. A certified copy of a marriage certificate; and/or (3-29-12)

iii. A certified copy of a divorce decree; and/or (3-29-12)

iv. A certified copy of a death certificate. (3-29-12)

06. 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: (3-20-20)

a. Original certified copy of the birth certificate showing the original last name; or (3-20-20)

b. Original certified copies of the marriage certificate and the divorce decree, as evidence to change the name. (3-29-12)

07. Applicant's First Name. An applicant is not allowed to change their first name except by court order. (3-20-20)

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 includes: (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 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. (3-29-12)

10. Titles or Nicknames. An applicant is 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; (3-20-20)

d. Divorce decree (if applicable); (3-20-20)

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 (3-20-20)

f. A valid, unexpired passport. (3-20-20)

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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