

Sec. 41. Sections 261.45, 281.2, and 299.1, Code 1989, are amended by striking the word "certified" and inserting in lieu thereof the word "licensed".

Sec. 42. Sections 261.51, 261.52, and 279.19B, Code 1989, are amended by striking the words "certificate" and "certificates" and inserting in lieu thereof the word "license" or "licenses".

Sec. 43. REPEALS. Sections 256.31, 260.12, 260.14, 260.15, 260.19, 260.20, 260.21, 260.23, 260.27, 260.28, and 294.2, and chapter 272A, Code 1989, are repealed.

Sec. 44. USE OF FUNDS. Funds appropriated to the department of education for the purpose of operating advisory committees for certification shall be made available by the department for use by the board of educational examiners created under this Act. Staff, office equipment and materials, records, and other assets currently held by the department for the purpose of carrying out the state board of education's duties as the board of educational examiners shall also be made available for use by the board created under this Act. Professional and nonprofessional staff employed on the effective date of this Act whose duties involve certification of practitioners shall be reassigned as employees of the department of education under the direction of the board created under this Act. However, the number of full-time equivalent positions currently assigned to duties involving the certification of practitioners shall not be reduced below the level maintained by the department as of January 1, 1989, for the board's operation after the effective date of this Act.

Approved May 31, 1989

CHAPTER 266

LICENSES AND PERMITS FOR YOUTHFUL DRIVERS

S.F. 157

AN ACT relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, changing time limits on use of a school license, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.178, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

"Student," for purposes of this section, means any a person between the ages of fifteen fourteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department.

Sec. 2. Section 321.194, unnumbered paragraphs 1, 2, and 3, Code 1989, are amended to read as follows:

Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a school license to a person between the ages of fourteen and eighteen years who has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules under chapter 17A defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant. The school license shall entitle entitles the holder, while having the license in immediate possession, to operate a motor vehicle

during the hours of 6 a.m. to 9 10:00 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at the schools or at any time when accompanied by a parent or guardian, member of the license holder's immediate family if the family member is at least twenty-one years of age, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a restricted license under section 321.178, subsection 2, or operator's license. Parental consent given for the issuance of a school license under this section shall not be deemed to be consent given under section 321.184 for the issuance of any other permit or license applied for by the school license applicant.

Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that the board and superintendent are not responsible for actions of the applicant which pertain to the use of the school license. The department of education shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a school license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima-facie evidence of the nonexistence of necessity for the issuance of a license. A school license shall not be issued for purposes of attending a public school in a school district other than the district of residence, or a district which is contiguous to the district of residence, of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under a law of this state. The department may also suspend a license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a license issued under this section and a permit issued under section 321.180 upon receiving a record of the licensee's conviction for one violation and. The department shall revoke the license and any permit issued under section 321.180 upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After revoking a license or permit under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the licensee's sixteenth birthday whichever is the longer period.

Sec. 3. Section 321A.17, subsection 5, Code 1989, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.210A, 321.216 or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 4. The education requirements for the issuance of school licenses provided in section 2 of this Act apply to school licenses issued on or after the effective date of this Act.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 31, 1989