

CHAPTER 1170
APPROPRIATIONS — TRANSPORTATION
H.F. 2494

AN ACT relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for other properly related matters, and including effective date provisions.

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

DIVISION I
 FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 164, section 3, is amended to read as follows:

SEC. 3. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in [section 312.1](#) to the department of transportation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in [section 321.1, subsection 20A](#):

	\$ 1,938,000
	<u>3,876,000</u>

Notwithstanding [section 8.33](#), moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. ~~Operations~~ Administrative services:

	\$ 3,350,073
	<u>6,677,758</u>

b. Planning:

	\$ 224,770
	<u>447,822</u>

c. Motor vehicles:

	\$ 18,005,103
	<u>25,962,748</u>

d. ~~Performance and technology~~ Strategic performance:

	\$ 262,670
	<u>671,369</u>

e. Highways:

	\$ 10,233,174
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3. For payments to the department of administrative services for utility services:

	\$ 129,780
	<u>259,560</u>

4. For unemployment compensation:

	\$ 3,500
	<u>7,000</u>

5. For payments to the department of administrative services for paying workers' compensation claims under [chapter 85](#) on behalf of employees of the department of transportation:

	\$ 87,740
	<u>175,748</u>

6. For payment to the general fund of the state for indirect cost recoveries:

	\$ 45,000
	<u>90,000</u>

7. For reimbursement to the auditor of state for audit expenses as provided in [section 11.5B](#):

.....	\$	43,659
		<u>87,318</u>
8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:		
.....	\$	703,000
		<u>1,406,000</u>
9. For costs associated with the participation in the Mississippi river parkway commission:		
.....	\$	20,000
		<u>40,000</u>
10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:		
.....	\$	150,000
		<u>300,000</u>
11. For motor vehicle division field facility maintenance projects at various locations:		
.....	\$	150,000
		<u>300,000</u>
For purposes of section 8.33 , unless specifically provided otherwise, moneys appropriated in subsection 11 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.		
12. For costs associated with the statewide interoperability network:		
.....	\$	497,191

Sec. 2. 2017 Iowa Acts, chapter 164, section 4, is amended to read as follows:

SEC. 4. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in [section 313.3](#) to the department of transportation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
a. Operations <u>Administrative services</u> :		
.....	\$	20,579,021
		<u>41,020,512</u>
.....	FTEs	<u>259.00</u>
		<u>250.00</u>
b. Planning:		
.....	\$	4,270,616
		<u>8,508,616</u>
.....	FTEs	<u>97.00</u>
		<u>94.00</u>
c. Highways:		
.....	\$	122,985,456
		<u>247,828,001</u>
.....	FTEs	<u>1,962.00</u>
		<u>2,056.00</u>
d. Motor vehicles:		
.....	\$	750,213
		<u>1,081,781</u>
.....	FTEs	<u>395.00</u>
		<u>281.00</u>
e. Performance and technology <u>Strategic performance</u> :		
.....	\$	1,611,825
		<u>4,124,123</u>
.....	FTEs	<u>35.00</u>

	<u>41,000</u>
2. For payments to the department of administrative services for utility services:	
..... \$	797,220
	<u>1,594,440</u>
3. For unemployment compensation:	
..... \$	69,000
	<u>138,000</u>
4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:	
..... \$	2,105,762
	<u>4,217,954</u>
5. For disposal of hazardous wastes from field locations and the central complex:	
..... \$	400,000
	<u>800,000</u>
6. For payment to the general fund of the state for indirect cost recoveries:	
..... \$	330,000
	<u>660,000</u>
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B :	
..... \$	268,191
	<u>536,382</u>
8. For costs associated with producing transportation maps:	
..... \$	121,000
	<u>242,000</u>
9. For inventory and equipment replacement:	
..... \$	5,232,500
	<u>10,465,000</u>
<u>9A. For costs associated with the statewide interoperability network:</u>	
..... \$	<u>3,054,172</u>
10. For utility improvements at various locations:	
..... \$	200,000
	<u>400,000</u>
11. For roofing projects at various locations:	
..... \$	250,000
	<u>500,000</u>
12. For heating, cooling, and exhaust system improvements at various locations:	
..... \$	350,000
	<u>700,000</u>
13. For deferred maintenance projects at field facilities throughout the state:	
..... \$	850,000
	<u>1,700,000</u>
14. For maintenance projects at rest area facilities throughout the state:	
..... \$	125,000
	<u>250,000</u>
15. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:	
..... \$	75,000
	<u>150,000</u>
16. For renovations to the Waterloo maintenance garage:	
..... \$	895,000
	<u>1,790,000</u>

For purposes of [section 8.33](#), unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are

completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
DEPARTMENT OF TRANSPORTATION EMPLOYEES DESIGNATED AS PEACE
OFFICERS

Sec. 3. 2017 Iowa Acts, chapter 149, section 4, is amended to read as follows:

SEC. 4. REPEAL. The section of this Act amending [section 321.477](#) is repealed July 1, 2018 2019.

Sec. 4. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
SPECIAL MINOR'S LICENSES

Sec. 5. [Section 321.194, subsection 1](#), Code 2018, is amended to read as follows:

1. ~~Persons eligible. Upon certification of a special need by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent, the~~ The department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years if all of the following apply:

a. The person's driving privileges have not been suspended, revoked, or barred under [this chapter](#) or [chapter 321J](#) during, and the person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license.

b. The person 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 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.

c. The person's school has certified to the department that the person has a special need for the license pursuant to [subsection 3](#).

Sec. 6. [Section 321.194, subsection 2](#), paragraph a, Code 2018, is amended to read as follows:

a. *Permitted operations.* The driver's license entitles the ~~holder~~ licensee, while having the license in immediate possession, to operate a motor vehicle, ~~other than a commercial motor vehicle or as a chauffeur;~~ during the times and for the purposes set forth in this paragraph.

(1) If the licensee attends a public school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows:

(a) ~~During the hours of 5:00 a.m. to 10:00 p.m. over~~ Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district of enrollment.

(2) ~~(b) During the hours of 5:00 a.m. to 10:00 p.m. over~~ Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted under a sharing agreement with the licensee's school of enrollment or conducted at a site, ~~or~~ facility, ~~or~~ school designated by the licensee's school district for the accommodation of the school's extracurricular activities, provided the site, facility, or school is within the licensee's school district of enrollment or is within a school district contiguous to the licensee's school district of enrollment.

(2) If the licensee attends an accredited nonpublic school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows:

(a) Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities, provided the driving distance between the point of origin and the destination is no more than twenty-five miles.

(b) Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted at a site, facility, or school designated by the licensee's school of enrollment for the accommodation of the school's extracurricular activities, provided the driving distance between the point of origin and the destination is no more than twenty-five miles.

(3) To a service station for the purpose of refueling, so long as the service station is the station closest to the route on which the licensee is traveling ~~on~~ under subparagraph (1) or (2).

(4) At any time when the licensee is accompanied in accordance with [section 321.180B, subsection 1](#).

Sec. 7. [Section 321.194, subsection 3](#), Code 2018, is amended to read as follows:

3. *Certification of need and issuance of license.*

a. Each application shall be accompanied by a statement from the ~~school board, superintendent, or principal, if authorized by the superintendent, of the applicant's school of enrollment.~~ The statement shall be upon a form provided by the department. ~~The school board, superintendent, or principal, if authorized by the superintendent, and shall certify that a need exists for the license and that the board, superintendent, or principal authorized by the superintendent~~ person signing the statement is not responsible for actions of the applicant which pertain to the use of the driver's license.

(1) If the applicant attends a public school, the certification shall be made by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent.

(2) If the applicant attends an accredited nonpublic school, the certification shall be made by the authorities in charge of the accredited nonpublic school or a duly authorized representative of the authorities.

b. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license.

c. The ~~school board~~ shall develop and adopt a policy establishing the criteria that ~~the school shall be used by a school district administrator use~~ to approve or deny certification that a need exists for a license. If the school is a public school, the policy shall be developed and adopted by the school board. If the school is an accredited nonpublic school, the policy shall be developed and adopted according to procedures determined by the authorities in charge of the accredited nonpublic school.

d. ~~The A student enrolled in a public school may appeal to the school board the decision of a school district administrator to deny certification. A student enrolled in an accredited nonpublic school may appeal the school's decision to deny certification as permitted by the authorities in charge of the accredited nonpublic school.~~ The decision of the school board or authorities in charge of the accredited nonpublic school is final.

e. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

a. (1) The district of residence of the parent or guardian of the student.

b. (2) 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](#).

f. The driver's license shall not be issued for purposes of attending an accredited nonpublic school if the driving distance between the school and the residence of the parent or guardian of the student is more than twenty-five miles.

Approved June 1, 2018