

# House Study Bill 616 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON QUIRK)

## A BILL FOR

1 An Act relating to intermediate driver's licenses and special  
2 minor's licenses, making a penalty applicable, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.180B, subsections 2 and 3, Code  
2 Supplement 2009, are amended to read as follows:

3 2. *Intermediate license.*

4 a. The department may issue an intermediate driver's license  
5 to a person sixteen or seventeen years of age who possesses an  
6 instruction permit issued under subsection 1 or a comparable  
7 instruction permit issued by another state for a minimum of  
8 ~~six~~ twelve months immediately preceding application, and  
9 who presents an affidavit signed by a parent, guardian, or  
10 custodian on a form to be provided by the department that the  
11 permittee has accumulated a total of twenty hours of street  
12 or highway driving of which two hours were conducted after  
13 sunset and before sunrise and the street or highway driving was  
14 with the permittee's parent, guardian, custodian, instructor,  
15 a person certified by the department, or a person at least  
16 twenty-five years of age who had written permission from a  
17 parent, guardian, or custodian to accompany the permittee, and  
18 whose driving privileges have not been suspended, revoked,  
19 or barred under this chapter or chapter 321J during, and  
20 who has been accident and violation free continuously for,  
21 the ~~six-month~~ twelve-month period immediately preceding the  
22 application for an intermediate license. An applicant for an  
23 intermediate license must meet the requirements of section  
24 321.186, including satisfactory completion of driver education  
25 as required in section 321.178, and payment of the required  
26 license fee before an intermediate license will be issued.  
27 A Unless accompanied in accordance with subsection 1, a person  
28 issued an intermediate license must limit the number of  
29 unrelated minor passengers in the motor vehicle when the  
30 intermediate licensee is operating the motor vehicle to the  
31 number of passenger safety belts one. For purposes of this  
32 subsection, "unrelated minor passenger" means a passenger who is  
33 under twenty-one years of age and who is not a sibling of the  
34 driver, a stepsibling of the driver, or a child who resides in  
35 the same household as the driver.

1     b. Except as otherwise provided, a person issued an  
2 intermediate license under this subsection who is operating  
3 a motor vehicle between the hours of ~~twelve-thirty a.m.~~ ten  
4 p.m. and five a.m. must be accompanied by a person issued a  
5 driver's license valid for the vehicle operated who is the  
6 parent, guardian, or custodian of the permittee intermediate  
7 licensee, a member of the permittee's intermediate  
8 licensee's immediate family if the family member is at  
9 least twenty-one years of age, an approved driver education  
10 instructor, a prospective driver education instructor who  
11 is enrolled in a practitioner preparation program with a  
12 safety education program approved by the state board of  
13 education, or a person at least twenty-five years of age if  
14 written permission is granted by the parent, guardian, or  
15 custodian, and who is actually occupying a seat beside the  
16 driver. However, a licensee may operate a vehicle to and from  
17 school-related extracurricular activities and work without an  
18 accompanying driver between the hours of ~~twelve-thirty a.m.~~ ten  
19 p.m. and five a.m. if ~~such~~ the licensee possesses a waiver  
20 on a form to be provided by the department. An accompanying  
21 driver is not required between the hours of five a.m. and  
22 ~~twelve-thirty a.m.~~ ten p.m.

23     3. *Remedial driver improvement action — suspension of*  
24 *permit, intermediate license, or full license.* A person who has  
25 been issued an instruction permit, an intermediate license, or  
26 a full driver's license under this section, upon conviction of  
27 a moving traffic violation or involvement in a motor vehicle  
28 accident which occurred during the term of the instruction  
29 permit or intermediate license, shall be subject to remedial  
30 driver improvement action or suspension of the permit or  
31 current license. A person possessing an instruction permit who  
32 has been convicted of a moving traffic violation or has been  
33 involved in an accident shall not be issued an intermediate  
34 license until the person has completed the remedial driver  
35 improvement action and has been accident and violation free

1 continuously for the ~~six-month~~ twelve-month period immediately  
2 preceding the application for the intermediate license. A  
3 person possessing an intermediate license who has been  
4 convicted of a moving traffic violation or has been involved in  
5 an accident shall not be issued a full driver's license until  
6 the person has completed the remedial driver improvement action  
7 and has been accident and violation free continuously for the  
8 twelve-month period immediately preceding the application for a  
9 full driver's license.

10 Sec. 2. Section 321.194, subsection 1, Code Supplement  
11 2009, is amended by adding the following new paragraph:

12 NEW PARAGRAPH. *Ob.* Unless accompanied in accordance with  
13 section 321.180B, subsection 1, a person issued a driver's  
14 license pursuant to this section must limit the number of  
15 unrelated minor passengers in the motor vehicle when the  
16 licensee is operating the motor vehicle to one. For purposes  
17 of this section, "*unrelated minor passenger*" means a passenger  
18 who is under twenty-one years of age and who is not a sibling of  
19 the driver, a stepsibling of the driver, or a child who resides  
20 in the same household as the driver.

21 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,  
22 2011.

23 EXPLANATION

24 This bill amends provisions relating to intermediate  
25 driver's licenses under the graduated driver licensing program  
26 and to special minor's licenses issued for travel to and from  
27 school.

28 Under the graduated driver licensing program, a person who  
29 is 16 or 17 years of age must possess an instruction permit  
30 for a minimum of six months and be accident and violation  
31 free continuously during that six-month period to qualify for  
32 an intermediate license. The bill increases the required  
33 period of possession of an instruction permit to 12 months  
34 and requires the person to be accident and violation free  
35 continuously during that 12-month period. The bill requires

1 that a person with an intermediate license who is operating a  
2 motor vehicle between the hours of 10:00 p.m. and 5:00 a.m.  
3 be accompanied by a person licensed to drive the vehicle  
4 operated who is the parent, guardian, or custodian of the  
5 intermediate licensee, a family member who is at least 21  
6 years of age, an approved driver education instructor, a  
7 prospective driver education instructor who is enrolled in  
8 a qualifying practitioner preparation program, or a person  
9 at least 25 years of age with the written permission of the  
10 parent, guardian, or custodian of the intermediate licensee and  
11 who is occupying a seat beside the driver. If the intermediate  
12 licensee is operating a motorcycle, the accompanying person  
13 must be on or in a different motor vehicle and be within  
14 audible and visual communication distance from the intermediate  
15 licensee. Existing law requires an intermediate licensee to be  
16 accompanied when driving between the hours of 12:30 a.m. and  
17 5:00 a.m.

18 Under current law, an intermediate licensee may transport  
19 as many passengers as there are seatbelts in the vehicle, but  
20 there is no passenger restriction specified for a driver with  
21 a special minor's license. The bill imposes new passenger  
22 restrictions for licensees in both categories. Unless  
23 accompanied by a licensed driver as described above, a person  
24 with an intermediate license or a special minor's license may  
25 not operate a motor vehicle with more than one unrelated minor  
26 passenger in the vehicle. The bill defines "unrelated minor  
27 passenger" as a passenger under 21 years of age who is not a  
28 sibling or stepsibling of the driver or a child who resides in  
29 the same household as the driver.

30 A violation of intermediate driver's license restrictions or  
31 special minor's license restrictions is a simple misdemeanor  
32 punishable by a scheduled fine of \$30.

33 The bill takes effect January 1, 2011.