

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to the time allowed for completion of the laboratory portion of driver’s education courses and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 634, “Driver Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.178.

Purpose and Summary

This proposed rule making updates Chapter 634 to build flexibility into the rule related to the timing of the completion of the classroom and laboratory portions of a driver’s education course.

The current administrative rule requires the laboratory portion of the course to conclude no later than 30 days after the classroom portion of the course has been completed. However, during the COVID-19 pandemic, and in other situations of medical necessity unrelated to COVID-19 that are beyond the student’s control, it has become a somewhat regular occurrence for students to need additional time beyond the 30-day time period allowed in the current rule to complete the laboratory portion of the course. An example of this kind of medical necessity is a sports injury when a student’s right foot is broken and is required to be in a cast for eight weeks followed by two to four weeks of recovery during which the student cannot drive because the right foot is needed to depress the gas and brake pedals. To address these circumstances, the proposed amendment allows the laboratory portion of the course to conclude within 45 days after classroom instruction has been completed, or if the driver’s education course provider determines there is good cause for delay, within 90 days after the classroom instruction has been completed. In the Department’s experience, most students are able to fully complete the remainder of the laboratory instruction within a 90-day time frame, most often during the provider’s next available course offering.

Other proposed amendments remove references to 2021 Iowa Acts, House File 380 and Senate File 546, because this legislation has been codified.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held on April 28, 2022, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on April 26, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **634.4(2)“b”** as follows:

b. Each student shall be scheduled to receive classroom or laboratory instruction each week of the course ~~but in no case shall~~. Except upon showing of good cause, laboratory instruction shall not conclude later than 30 45 days after classroom instruction is has been completed. When the driver education course provider determines there is good cause, the laboratory instruction shall not conclude later than 90 days after classroom instruction has been completed. For the purpose of this paragraph, “good cause” means an unanticipated event causing a delay in the student’s ability to complete the laboratory instruction if the event is beyond the student’s control.

ITEM 2. Amend subrule **634.11(1)**, definition of “Teaching parent,” as follows:

“*Teaching parent*” means the same as defined in Iowa Code section 321.178A ~~as amended by 2021 Iowa Acts, Senate File 546, section 10.~~

ITEM 3. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, ~~as amended by 2021 Iowa Acts, House File 380, section 1, and Senate File 546, section 9;~~ 321.178A, ~~as amended by 2021 Iowa Acts, House File 380, section 2, and Senate File 546, sections 10 to 15;~~ 321.180B and 321.194.