Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 23
"Behind-the-Wheel Authorization"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.146 and 321

State or federal law(s) implemented by the rulemaking: Iowa Code section 256.146 and chapter 321

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 11, 2024 9 a.m.	Board Room, Suite A 701 East Court Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Board of Educational Examiners no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Beth Myers, Attorney
Board of Educational Examiners
701 East Court Avenue, Suite A
Des Moines, Iowa 50309
Phone: 515.242.6506
Email: beth.myers@iowa.gov

Purpose and Summary

This proposed chapter provides procedures for the issuance of behind-the-wheel authorizations. The Board proposes removing duplicative statutory language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Required fees are paid by applicants.

- Classes of persons that will benefit from the proposed rulemaking:

Iowans in general will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Required fees are paid by applicants. Fees are required for all Board operations.

- Qualitative description of impact:

The Board discerns no qualitative impact.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Board bears the cost of compliance.

- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

This chapter provides required procedures for the issuance of behind-the-wheel authorizations.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board bears the cost of compliance. Rules for licensure are required.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board determined that the chapter is required but that the language could be significantly reduced.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The public benefits from having information about licensure requirements.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 282—Chapter 23 and adopt the following **new** chapter in lieu thereof:

CHAPTER 23
BEHIND-THE-WHEEL DRIVING INSTRUCTOR AUTHORIZATION

282—23.1(256,321) Requirements.

23.1(1) Applicants for the behind-the-wheel driving instructor authorization will meet the requirements set forth by the department of transportation pursuant to rule 761—634.6(321).

23.1(2) To be eligible to provide classroom instruction, holders of the behind-the-wheel driving instructor authorization will additionally hold a valid or expired initial, standard, exchange, or master educator license with a teaching endorsement for 5-12 driver and safety education.

282—23.2(256,321) Validity. The behind-the-wheel driving instructor authorization is valid for one year from the date of issuance. The behind-the-wheel driving instructor authorization is valid only if the holder continues to be qualified under subrule 23.1(1).

282—23.3(256,321) Approval of courses. Each institution of higher education, private college or university, community college, or area education agency wishing to offer the behind-the-wheel driving instructor authorization will submit course descriptions to the department of transportation for approval. After initial approval, any changes by agencies or institutions in course offerings will be filed with the department of transportation.

These rules are intended to implement Iowa Code chapters 256 and 321.