

CHAPTER 1133

DRIVER LICENSING, AUTHORIZED EMERGENCY VEHICLES, AND MISCELLANEOUS MOTOR VEHICLE PROVISIONS

S.F. 2313

AN ACT relating to motor vehicles, including driver licensing, the use of child restraints and safety belts for children, owner liability for damages, and the designation of vehicles as authorized emergency vehicles, making a penalty applicable, and providing an effective date.

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

Section 1. Section 321.1, subsection 6, Code Supplement 1999, is amended to read as follows:

6. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, or any subdivision of this state, or any municipality of this state, and privately owned ambulances, and fire, rescue, or disaster vehicles as are designated or authorized by the director of transportation under section 321.451.

Sec. 2. Section 321.11, Code Supplement 1999, is amended to read as follows:

321.11 RECORDS OF DEPARTMENT.

1. All records of the department, other than those made confidential or not permitted to be open in accordance with 18 U.S.C. § 2721 et seq., adopted as of a specific date by rule of the department, shall be open to public inspection during office hours.

2. ~~Personal~~ Notwithstanding subsection 1, personal information shall not be disclosed to a requestor ~~if, except as provided in Pub. L. No. 106-69, § 350(b) or 18 U.S.C. § 2721, unless the individual person whose personal information is requested has not elected to prohibit disclosure of the information to the general public provided express written consent allowing disclosure of the person's personal information.~~ The department shall give notice in a clear and conspicuous manner on forms for issuance or renewal of driver's licenses, titles, registrations, or nonoperator's identification cards that personal information collected by the department may be disclosed to any person. The department shall provide in a clear and conspicuous manner on these forms an opportunity for an individual to prohibit disclosure of personal information to the general public. As used in this paragraph section, "personal information" means information that identifies a person, including a person's photograph, social security number, driver's license number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status or a person's zip code.

3. Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections and appeals in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, if the information is requested by the presentation of a registration plate number. In addition, an officer or employee of a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the officer or employee of the law enforcement agency believes that the release of the information is necessary in the performance of the officer's or employee's duties.

4. The department shall not sell personal information which is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph, regardless of whether ~~an individual a person has elected to prohibit~~ provided express written consent to disclosure of the information to the general public. This ~~paragraph subsection~~ does not prohibit the department from collecting reasonable fees for copies of records or other services provided pursuant to section 22.3, 321.10, or 622.46.

Sec. 3. Section 321.178, subsection 1, unnumbered paragraph 3, Code Supplement 1999, is amended to read as follows:

Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. Street or highway driving instruction may be provided by a person qualified as a classroom driver education instructor or a person certified by the department of transportation and authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department of transportation or authorized by the board of educational examiners to provide street or highway driving instruction. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor. The department of transportation shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department of transportation to provide street or highway driving instruction.

Sec. 4. Section 321.188, subsection 1, paragraph c, Code Supplement 1999, is amended to read as follows:

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H as adopted by rule by the department. Except as required under 49 C.F.R. part 383, subpart E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

Sec. 5. Section 321.196, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the

license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without written examination or penalty within a period of sixty days after its expiration date and without a driving test within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department, files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department, or is eligible for renewal by mail pursuant to rules adopted by the department. The department may assess an applicant a fee of no more than two dollars for administration and mailing expenses for providing for renewal of the applicant's driver's license by mail.

Sec. 6. Section 321.208, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Operating a commercial motor vehicle while any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

Sec. 7. Section 321.210D, subsection 2, Code 1999, is amended to read as follows:

2. Upon receiving notice from the clerk of the district court that an indictment or information has been filed charging an operator with homicide by vehicle under section 707.6A, subsection 1, ~~and if the person's license has not previously been suspended under chapter 321J, or under section 707.6A, subsection 2,~~ the department shall notify the person that the person's driver's license will be suspended effective ten days from the date of issuance of the notice. The department shall adopt rules relating to the suspension of the license of an operator pursuant to this section which shall include, but are not limited to, procedures for the surrender of the person's license to the department upon the effective date of the suspension.

Sec. 8. Section 321.215, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The department, on application, may issue a temporary restricted license to a person whose noncommercial driver's license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

Sec. 9. Section 321.215, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3, a person may petition the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. 10. Section 321.215, subsection 4, Code 1999, is amended to read as follows:

4. The temporary restricted license or permit is not valid to operate a commercial motor vehicle if a commercial driver's license is required for the person's operation of the commercial motor vehicle ~~and the person is disqualified to operate a commercial motor vehicle under section 321.208, subsection 1, 2, 3, or 4.~~

Sec. 11. Section 321.446, subsections 1 through 3, Code 1999, are amended to read as follows:

1. A child under three years of age who is being transported in a motor vehicle subject to registration, ~~which has a gross weight of ten thousand pounds or less as specified by the manufacturer,~~ except a school bus or motorcycle, shall be secured during transit by a child restraint system which meets federal motor vehicle safety standards and the system shall be used in accordance with the manufacturer's instructions.

2. A child at least three years of age but under six years of age who is being transported in a motor vehicle subject to registration, ~~which has a gross weight of ten thousand pounds or less as specified by the manufacturer,~~ except a school bus or motorcycle, shall be secured during transit by either a child restraint system that meets federal motor vehicle safety standards and is used in accordance with the manufacturer's instructions, or by a safety belt or safety harness of a type approved under section 321.445.

3. This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles, ~~or authorized emergency vehicles, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right.~~ This section does not apply to the transportation of a child who has been certified by a physician licensed under chapter 148, 150, or 150A as having a medical, physical, or mental condition which prevents or makes inadvisable securing the child in a child restraint system, safety belt or safety harness.

Sec. 12. Section 321.451, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

321.451 EMERGENCY VEHICLES — CERTIFICATE OF DESIGNATION.

1. The director or the director's designee may designate a privately owned vehicle as an authorized emergency vehicle and issue a certificate of designation for the vehicle, upon written request being made on forms provided by the department and showing necessity for the designation. A certificate of designation may be issued for the following privately owned vehicles:

- a. An ambulance or fire or rescue vehicle.
- b. A state or county medical examiner vehicle.
- c. A vehicle owned by a sheriff or full-time paid deputy sheriff if the authorized emergency vehicle designation is requested by the sheriff.
- d. A vehicle owned by a chief of police or any officer of the police department if the authorized emergency vehicle designation is requested by the chief of police.
- e. A vehicle owned by a chief of a full-time paid fire department if the authorized emergency vehicle designation is requested by the chief of the fire department.

2. The application for a certificate of designation must include the name and occupation of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, a description of the use of the vehicle when its red light is flashing, and a photograph showing a side view of the vehicle.

3. The certificate of designation shall at all times be carried with the registration receipt for the vehicle to which the certificate refers. The certificate may be revoked by the director upon a showing of abuse.

Sec. 13. Section 321.556, subsection 1, Code 1999, is amended to read as follows:

1. If, upon review of the record of convictions of any person, the department determines that the person appears to be a habitual offender, the department shall immediately notify

the person in writing and afford the licensee an opportunity for a hearing. ~~The notice shall direct the person named in the notice to appear for hearing and show cause why the person should not be barred from operating a motor vehicle on the highways of this state.~~ The notice shall meet the requirements of section 17A.12 and shall be served in the manner provided in that section. Service of notice on any nonresident of this state may be made in the same manner as provided in sections 321.498 through 321.506. A peace officer stopping a person for whom a notice ~~to appear for hearing~~ has been issued under ~~the provisions of~~ this section may personally serve the notice upon forms approved by the department to satisfy the notice requirements of this section. A peace officer may confiscate the driver's license of a person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required.

Sec. 14. Section 321G.18, Code 1999, is amended to read as follows:
321G.18 NEGLIGENCE.

The owner and operator of an all-terrain vehicle or snowmobile are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle or snowmobile. The owner of an all-terrain vehicle or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle or snowmobile at the time the injury or damage occurred.

Sec. 15. Section 321J.4, subsection 9, Code Supplement 1999, is amended to read as follows:

9. A person whose noncommercial driver's license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter, and who is not eligible for a temporary restricted license under this chapter may petition the court upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under this section or section 321J.9, 321J.12, or 321J.20 for an order to the department to require the department to issue a temporary restricted license to the person notwithstanding section 321.560. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. Upon the filing of a petition for a temporary restricted license under this section, the clerk of the district court in the county where the violation that resulted in the revocation occurred shall send notice of the petition to the department and the prosecuting attorney. The department and the prosecuting attorney shall each be given an opportunity to respond to and request a hearing on the petition. The court shall determine if the temporary restricted license is necessary for the person to maintain the person's present employment. However, a temporary restricted license shall not be ordered or issued for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under this section or section 321J.9 or 321J.12. If the court determines that the temporary restricted license is necessary for the person to maintain the person's present employment, and that the minimum period of ineligibility for receipt of a temporary license has expired, the court shall order the department to issue to the person a temporary restricted license conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person's present employment. Section 321.561 does not apply to a person operating a motor vehicle in the manner permitted under this subsection. If the person operates a motor vehicle which does not have an approved ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked. A person holding a temporary restricted license issued under this subsection shall not operate a commercial motor vehicle, as defined in section 321.1, on a highway if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Notwithstanding any provision of this chapter to the contrary, the court may order the department to issue a temporary restricted license to a person otherwise eligible for a

temporary restricted license under this subsection, whose period of revocation under this chapter has expired, but who has not met all requirements for reinstatement of the person's noncommercial driver's license or nonresident operating privileges.

Sec. 16. Section 321J.13, subsection 1, Code Supplement 1999, is amended to read as follows:

1. Notice of revocation of a person's noncommercial driver's license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person only wishes to request a temporary restricted license after the mandatory ineligibility period for issuance of a temporary restricted license has ended, or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

Sec. 17. Section 321J.20, subsections 1 and 4, Code 1999, are amended to read as follows:

1. The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, and court-ordered community service responsibilities if the person's driver's license has not been revoked previously under section 321J.4, 321J.9, or 321J.12 and if any of the following apply:

a. The person's noncommercial driver's license is revoked under section 321J.4 and the minimum period of ineligibility for issuance of a temporary restricted license has expired. This subsection shall not apply to a revocation ordered under section 321J.4 resulting from a plea or verdict of guilty of a violation of section 321J.2 that involved a death.

b. The person's noncommercial driver's license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's driver's license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

c. The person's noncommercial driver's license is revoked under section 321J.12, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

However, a temporary restricted license may be issued if the person's noncommercial driver's license is revoked under section 321J.9, and the revocation is a second revocation under this chapter, and the first three hundred and sixty-five days of the revocation have expired.

4. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license is required for the person's operation of the commercial motor vehicle. ~~However, this subsection does not apply if the temporary restricted license was issued as a result of a violation of this chapter while the person was operating a vehicle other than a commercial motor vehicle.~~

Sec. 18. EFFECTIVE DATE. The section of this Act amending section 321.11, being deemed of immediate importance, takes effect upon enactment.