

**321.180 Instruction permits, commercial learner's permits, and chauffeur's instruction permits.**

1. a. (1) A person who is at least eighteen years of age and who, except for the person's lack of instruction in operating a motor vehicle, would be qualified to obtain a driver's license, shall, upon meeting the requirements of [section 321.186](#) other than a driving demonstration, and upon paying the required fee, be issued an instruction permit by the department. Subject to the limitations in [this subsection](#), an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a motor vehicle, other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds, upon the highways for a period not to exceed four years from the licensee's birthday anniversary in the year of issuance. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the need of an accompanying person.

(2) A permittee shall not be penalized for failing to have the instruction permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

b. (1) Except as otherwise provided, a permittee who is eighteen years of age or older must be accompanied by a person issued a driver's license valid for the vehicle operated who is a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age, and who is actually occupying a seat beside the driver.

(2) However, if the permittee is operating a motorcycle in accordance with [this section](#) or [section 321.180B](#), the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

2. a. The department shall adopt rules to administer commercial learner's permits in compliance with the procedures set forth in [49 C.F.R. §383.73](#). An applicant for a commercial learner's permit must hold a valid class A, B, C, or D driver's license issued in this state, must be at least eighteen years of age, and must meet the qualifications to obtain a valid commercial driver's license, including the requirements set forth in [section 321.188](#), except for the required driving skills test.

b. A commercial learner's permit shall be a separate document from a commercial or noncommercial driver's license. A person operating a vehicle pursuant to a commercial learner's permit shall have both the commercial learner's permit and the commercial or noncommercial driver's license issued to the person within the person's possession.

c. A commercial learner's permit shall be valid for a period not to exceed the period provided in [49 C.F.R. §383.25\(c\)](#) and [49 C.F.R. §383.73\(a\)\(2\)\(iii\)](#).

d. A commercial learner's permit shall be valid for the operation of a commercial motor vehicle only when the permit holder is accompanied by a holder of a valid commercial driver's license with the proper commercial driver's license group designation and endorsements necessary to operate the commercial motor vehicle, and who is at all times physically present in the front passenger seat of the vehicle, or in the case of a passenger vehicle, directly behind or in the first row behind the permit holder in a position to directly observe and supervise the permit holder.

(1) When a commercial learner's permit is issued to the holder of a commercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle for which the permit holder's commercial driver's license is not valid.

(2) When a commercial learner's permit is issued to the holder of a noncommercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle.

e. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a driving skills test. The holder of a commercial learner's permit is not eligible to take a driving skills test required by [section 321.188](#) for the first fourteen days after the permit holder is issued the permit.

f. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials as defined in [49 C.F.R. §383.5](#).

3. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle, other than a commercial motor vehicle, as a chauffeur when the permittee is accompanied by a person, possessing a valid class D driver's license or commercial driver's license valid for the operation of the motor vehicle and the accompanying person is actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a class D driver's license, and must meet the requirements of [section 321.186](#) other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance and shall be returned to the department upon issuance of a class D driver's license or commercial driver's license. If the applicant for a chauffeur's instruction permit holds a driver's license issued under [this chapter](#), the chauffeur's instruction permit shall be valid in the same manner as the driver's license would be for the operation of motor vehicles without the need of an accompanying person.

4. The instruction permit, chauffeur's instruction permit, and commercial learner's permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license.

5. A motorcycle instruction permit issued under [this section](#) is not renewable.

[C31, 35, §4960-d23; C39, §**5013.06**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.180] [88 Acts, ch 1134, §67](#); [89 Acts, ch 265, §39](#); [90 Acts, ch 1230, §26](#); [98 Acts, ch 1073, §9](#); [98 Acts, ch 1112, §3, 4, 14, 16](#); [2006 Acts, ch 1068, §20, 21](#); [2010 Acts, ch 1061, §180](#); [2015 Acts, ch 123, §50, 51](#); [2017 Acts, ch 149, §1](#)

Referred to in [§321.196, §805.8A\(4\)\(d\)](#)

Fee, [§321.191](#)

For applicable scheduled fine, see [§805.8A](#), subsection 4

Subsection 2, paragraph c amended