

321.194 Special minor's licenses.

1. *Persons eligible.* The department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years if all of the following apply:

a. The person's driving privileges have not been suspended, revoked, or barred under [this chapter](#) or [chapter 321J](#) during, and the person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license.

b. The person has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "*hardship*" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

c. The person's school has certified to the department that the person has a special need for the license pursuant to [subsection 3](#).

2. *Driving privileges.*

a. *Permitted operations.* The driver's license entitles the licensee, while having the license in immediate possession, to operate a motor vehicle, other than a commercial motor vehicle or as a chauffeur, during the times and for the purposes set forth in this paragraph.

(1) If the licensee attends a public school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows:

(a) Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district of enrollment.

(b) Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted under a sharing agreement with the licensee's school of enrollment or conducted at a site, facility, or school designated by the licensee's school district for the accommodation of the school's extracurricular activities, provided the site, facility, or school is within the licensee's school district of enrollment or is within a school district contiguous to the licensee's school district of enrollment.

(2) If the licensee attends an accredited nonpublic school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows:

(a) Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities, provided the driving distance between the point of origin and the destination is no more than twenty-five miles.

(b) Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted at a site, facility, or school designated by the licensee's school of enrollment for the accommodation of the school's extracurricular activities, provided the driving distance between the point of origin and the destination is no more than twenty-five miles.

(3) To a service station for the purpose of refueling, so long as the service station is the station closest to the route on which the licensee is traveling under subparagraph (1) or (2).

(4) At any time when the licensee is accompanied in accordance with [section 321.180B, subsection 1](#).

b. *Restrictions.*

(1) *Passengers.* Unless accompanied in accordance with [section 321.180B, subsection 1](#), a person issued a driver's license pursuant to [this section](#) must limit the number of unrelated minor passengers in the motor vehicle when the licensee is operating the motor vehicle to one. For purposes of [this section](#), "*unrelated minor passenger*" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver.

(2) *Electronic communication devices.* A person issued a driver's license under [this section](#) shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this subparagraph.

3. *Certification of need and issuance of license.*

a. Each application shall be accompanied by a statement from the applicant's school of enrollment. The statement shall be upon a form provided by the department and shall certify that a need exists for the license and that the person signing the statement is not responsible for actions of the applicant which pertain to the use of the driver's license.

(1) If the applicant attends a public school, the certification shall be made by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent.

(2) If the applicant attends an accredited nonpublic school, the certification shall be made by the authorities in charge of the accredited nonpublic school or a duly authorized representative of the authorities.

b. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license.

c. The school shall develop and adopt a policy establishing the criteria that the school shall use to approve or deny certification that a need exists for a license. If the school is a public school, the policy shall be developed and adopted by the school board. If the school is an accredited nonpublic school, the policy shall be developed and adopted according to procedures determined by the authorities in charge of the accredited nonpublic school.

d. A student enrolled in a public school may appeal to the school board the decision of a school district administrator to deny certification. A student enrolled in an accredited nonpublic school may appeal the school's decision to deny certification as permitted by the authorities in charge of the accredited nonpublic school. The decision of the school board or authorities in charge of the accredited nonpublic school is final.

e. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

(1) The district of residence of the parent or guardian of the student.

(2) A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under [section 282.18](#) or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in [chapter 282](#).

f. The driver's license shall not be issued for purposes of attending an accredited nonpublic school if the driving distance between the school and the residence of the parent or guardian of the student is more than twenty-five miles.

4. *Suspension and revocation.* A driver's license issued under [this section](#) is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may also suspend a driver's license issued under [this section](#) upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under [this section](#) upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in [section 321.210](#). After a person licensed under [this section](#) receives two or more convictions which require revocation of the person's license under [this](#)

section, the department shall not grant an application for a new driver's license until the expiration of thirty days.

5. *Citations for violation of restrictions.* A person who violates the restrictions imposed under subsection 2 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 2 shall not be considered a moving violation.

[C31, 35, §4960-d5; C39, §5013.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.194; 82 Acts, ch 1248, §3]

83 Acts, ch 49, §1, 4; 83 Acts, ch 101, §68; 84 Acts, ch 1022, §5; 84 Acts, ch 1219, §24; 89 Acts, ch 266, §2; 90 Acts, ch 1230, §40; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §8, 14, 16; 2001 Acts, ch 159, §17; 2005 Acts, ch 8, §18; 2009 Acts, ch 130, §7, 8; 2010 Acts, ch 1105, §3; 2011 Acts, ch 38, §15, 16; 2013 Acts, ch 80, §2, 3; 2014 Acts, ch 1025, §1, 2; 2014 Acts, ch 1092, §77; 2014 Acts, ch 1123, §14; 2016 Acts, ch 1098, §33; 2018 Acts, ch 1170, §5 – 7

Referred to in §321.177, 321.178, 321.180B, 321.191, 321.213, 321.482A, 321A.17, 805.8A(4)(g)

For applicable scheduled fine, see §805.8A, subsection 4

Additional penalties for violations causing injury or death, see §321.482A

For provisions relating to the period of revocation for certain persons whose driver's licenses were revoked effective on or after July 1, 2013, for having two or more convictions, see 2014 Acts, ch 1123, §24

For provisions relating to duty to maintain proof of financial responsibility arising from revocations that occurred prior to July 1, 2014, see 2014 Acts, ch 1123, §24

Subsection 1 amended

Subsection 2, paragraph a amended

Subsection 3 amended