

Reprinted 6/81

HOUSE FILE 796

BY COMMITTEE ON EDUCATION

MAR 31 1981

Place On Calendar

(Formerly House File 213)

Passed House, Date 4-9-81 (p. 1136) Passed Senate, Date 4-2-82 (R 998)

Vote: Ayes 85 Nays 1 Vote: Ayes 47 Nays 0

Approved 5/12/82
Motion to Reconsider (p. 1164)

A BILL FOR

1 An Act providing for the issuance of a restricted license
2 for certain persons between the ages of sixteen and
3 eighteen.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 796

H-3632

- 1 Amend House File 796 as follows:
- 2 1. Page 1, line 1, by inserting after the number
- 3 "321.178," the words and numbers "subsection 1,
- 4 unnumbered paragraph 1 and".
- 5 2. Page 1, line 1, by striking the word "is" and
- 6 inserting in lieu thereof the word "are".
- 7 3. Page 1, by inserting after line 2 the following:
- 8 "An approved driver education course as programmed
- 9 by the department of public instruction shall consist
- 10 of at least thirty clock hours of classroom
- 11 instruction, and six or more clock hours of laboratory
- 12 instruction of which at least three clock hours shall
- 13 consist of street or highway driving. After the
- 14 student has completed three clock hours of street
- 15 or highway driving and has demonstrated to the
- 16 instructor an ability to properly operate a motor
- 17 vehicle and upon written request of a parent or
- 18 guardian, the instructor may waive the remaining
- 19 required laboratory instruction."
- 20 4. Title page, line 3, by inserting after the
- 21 word "eighteen" the words "and relating to the hours
- 22 of laboratory instruction in an approved driver
- 23 education course".

H-3632 FILED APRIL 13, 1981

BY HUMMEL of Benton

1 Section 1. Section 321.178, subsection 2, Code 1981, is
2 amended to read as follows:

3 2. ~~YOUTHS-NOT-ATTENDING-SCHOOL--NO-DRIVER-EDUCATION~~
4 REQUIRED RESTRICTED LICENSE.

5 a. Any person between sixteen and eighteen years of age
6 who is not in ~~attendence~~ attendance at school or who is in
7 attendance in a public or private school where an approved
8 driver's education course is not offered or available, may
9 be issued a ~~one-year-prebationary-operator's~~ restricted license
10 only for travel to and from work at times specified in the
11 license without having completed an approved driver's education
12 course. The restricted license shall be issued by the
13 department only upon confirmation of the person's employment
14 and need for a restricted license to travel to and from work
15 and upon receipt of a written statement from the public or
16 private school that an approved course in driver's education
17 was not offered or available to the person, if applicable.
18 The employer may notify the department if the employment of

19 the student is terminated. Such The person shall not have
20 a ~~prebationary-operator's~~ restricted license revoked or
21 suspended upon re-entering school prior to age eighteen
22 provided the student enrolls in and completes the classroom
23 portion of an approved driver's education course as soon as
24 a course is available.

25 b. The department shall cancel a ~~prebationary-operator's~~
26 restricted license upon proof of a conviction for a moving
27 traffic violation.

28 EXPLANATION

29 The bill provides that if a student between the ages of
30 16 and 18 drops out of school without having passed an ap-
31 proved driver's education course, or a student enrolled in
32 school is unable to take an approved course in driver's
33 education, the student may be issued a restricted license
34 which will allow the person to operate a motor vehicle to
35 and from the person's place of employment without having taken

1 the course upon confirmation of employment. If the person
2 re-enters school, the person shall not have the restricted
3 license suspended or revoked if the person enrolls in and
4 passes the approved driver's education course at the first
5 opportunity that it is offered. The bill takes effect July
6 1 following enactment.

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HOUSE FILE 796

H-3430

1 Amend House File 796 as follows:

2 1. Page 1, by striking line 19 and inserting in
3 lieu thereof the following: "the person is terminated
4 before the person attains the age of eighteen. Such
5 The person shall not have".

H-3430 FILED APRIL 1, 1981

BY SPEAR of Lee

Adopted 4/9/81 (p. 1136)

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S. Transportation 11/2/82
HOUSE FILE 796

No. passed per 5184
2/2 (ref. 575)

Transportation
Hutchins, Chairperson
Murray
Nyström

HOUSE FILE 796

BY COMMITTEE ON EDUCATION

(As Amended and Passed by the House)

Re Passed House, Date 4-13-82 (p. 1433) Passed Senate, Date 4-2-82 (p. 998)

Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0

Approved May 13, 1982

A BILL FOR

1 An Act providing for the issuance of a restricted license
2 for certain persons between the ages of sixteen and
3 eighteen.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 321.178, subsection 2, Code 1981, is
2 amended to read as follows:

3 2. ~~YOUTHS-NOT-ATTENDING-SCHOOL--NO-DRIVER-EDUCATION~~
4 REQUIRED RESTRICTED LICENSE.

5 a. Any person between sixteen and eighteen years of age
6 who is not in ~~attendence~~ attendance at school or who is in
7 attendance in a public or private school where an approved
8 driver's education course is not offered or available, may
9 be issued a ~~one-year-probationary-operator's~~ restricted license
10 only for travel to and from work at times specified in the
11 license without having completed an approved driver's education
12 course. The restricted license shall be issued by the
13 department only upon confirmation of the person's employment
14 and need for a restricted license to travel to and from work
15 and upon receipt of a written statement from the public or
16 private school that an approved course in driver's education
17 was not offered or available to the person, if applicable.
18 The employer may notify the department if the employment of
19 the person is terminated before the person attains the age
20 of eighteen. Such The person shall not have a probationary
21 operator's restricted license revoked or suspended upon re-
22 entering school prior to age eighteen provided the student
23 enrolls in and completes the classroom portion of an approved
24 driver's education course as soon as a course is available.
25 b. The department shall cancel a ~~probationary-operator's~~
26 restricted license upon proof of a conviction for a moving
27 traffic violation.

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S-5184

1 Amend House File 796, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 321.178, subsection 2, Code
6 1981, is amended to read as follows:

7 2. ~~YOUTHS-NOT-ATTENDING-SCHOOL--NO-DRIVER-EDUCATION~~
8 ~~REQUIRED RESTRICTED LICENSE.~~

9 a. Any person between sixteen and eighteen years
10 of age who is not in ~~attendence~~ attendance at school
11 or who is in attendance in a public or private school
12 where an approved driver's education course is not
13 offered or available, may be issued a ~~one-year~~
14 ~~probationary-operator's~~ restricted license only for
15 travel to and from work without having completed an
16 approved driver's education course. The restricted
17 license shall be issued by the department only upon
18 confirmation of the person's employment and need for
19 a restricted license to travel to and from work and
20 upon receipt of a written statement from the public
21 or private school that an approved course in driver's
22 education was not offered or available to the person,
23 if applicable. The employer shall notify the
24 department if the employment of the person is
25 terminated before the person attains the age of
26 eighteen. ~~Such~~ The person shall not have a
27 ~~probationary-operator's~~ restricted license revoked
28 or suspended upon re-entering school prior to age
29 eighteen provided the student enrolls in and completes
30 the classroom portion of an approved driver's education
31 course as soon as a course is available.

32 b. The department ~~shall cancel~~ may suspend a
33 ~~probationary-operator's~~ restricted license upon proof
34 ~~of a conviction for a moving traffic violation~~ issued
35 under this section upon receiving a record of the
36 person's conviction for one violation and shall revoke
37 the license upon receiving a record of conviction
38 for two or more violations of any law of this state
39 or city ordinance, other than parking regulations,
40 regulating the operation of motor vehicles on highways
41 and after revoking a license under this section the
42 department shall not grant application for any new
43 license or permit until the expiration of one year
44 or until the person attains his or her eighteenth
45 birthday whichever is the longer period.

46 Sec. 2. Section 321.184, Code 1981, is amended
47 to read as follows:

48 321.184 APPLICATIONS OF UNMARRIED MINORS. The
49 application of any unmarried person under the age
50 of eighteen years for an instruction permit, operator's

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PAGE 2

1 license, motorized bicycle license, or permit issued
2 under section 321.194 shall contain the verified
3 consent and confirmation of applicant's birthday by
4 either parent of the applicant, ~~if neither parent~~
5 ~~is living~~, the guardian or ~~either~~ a person having
6 custody ~~or the employer of such~~ of the minor under
7 chapter 600A may consent. Officers and employees
8 of the department are hereby authorized to administer
9 such the oaths without charge.

10 Sec. 3. Section 321.194, Code 1981, is amended
11 to read as follows:

12 321.194 MINORS' SCHOOL LICENSES. Upon
13 certification of a special need by the school board
14 or the superintendent of the applicant's school, the
15 department may issue a restricted license to any
16 person between the ages of fourteen and eighteen years
17 which license shall entitle the holder, while having
18 the license in his or her immediate possession, to
19 operate a motor vehicle during the hours of 6 a.m.
20 to 9 p.m. over the most direct and accessible route
21 between the licensee's residence and school of
22 enrollment for the purpose of attending duly scheduled
23 courses of instruction and extracurricular activities
24 at such school or at any time when accompanied by
25 a parent or guardian, driver education instructor,
26 or prospective driver education instructor who is
27 a holder of a valid operator's or chauffeur's license,
28 and who is actually occupying a seat beside the driver.
29 The license shall expire on the licensee's eighteenth
30 birthday or upon issuance of a probationary operator's
31 or operator's license. Each application shall be
32 accompanied by a statement from the school board or
33 superintendent of the applicant's school. The
34 statement shall be upon a form provided by the
35 department. The school board or superintendent shall
36 certify that a need exists for the license and that
37 they are not responsible for any actions of the
38 applicant as it pertains to the use of the restricted
39 license. The department of public instruction shall
40 adopt rules pursuant to chapter 17A establishing
41 criteria for issuing a statement of necessity. Upon
42 receipt of a statement of necessity, the department
43 shall issue a restricted license. The fact that the
44 applicant resides at a distance less than one mile
45 from his or her school is prima-facie evidence of
46 the nonexistence of necessity for the issuance of
47 such a license. A license issued under this section
48 is subject to suspension or revocation in like manner
49 as any other license or permit issued under any law
50 of this state and the department may also suspend

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Page 3

1 such license upon receiving satisfactory evidence
2 that the licensee has violated the restrictions of
3 the license or has been involved in one or more
4 accidents chargeable to the licensee. The department
5 may suspend any license issued under this section
6 upon receiving a record of the licensee's conviction
7 for one violation and shall revoke the license upon
8 receiving a record of conviction for two or more
9 violations of any law of this state or city ordinance,
10 other than parking regulations, regulating the
11 operation of motor vehicles on highways and after
12 revoking a license under this section the department
13 shall not grant application for any new license or
14 permit until the expiration of one year or until the
15 licensee attains his or her sixteenth birthday
16 whichever is the longer period."

17 2. Amend the title, lines 1 and 2 by striking the words
18 "a restricted license for certain persons between
19 the ages of sixteen" and inserting in lieu thereof
20 the words "certain restricted licenses to persons
21 between the ages of fourteen".

S-5184 FILED BY COMMITTEE ON TRANSPORTATION
MARCH 3, 1982 RICHARD F. DRAKE, CHAIR
*Adopted as amended by S-5205
4/2 (p. 998)*

HOUSE FILE 796

S-5205

1 Amend the Committee on Transportation amendment,
2 S-5184, to House File 796, as amended, passed, and
3 reprinted by the House, as follows:
4 1. Page 2, line 1, by inserting after the words
5 "motorized bicycle license," the words "restricted
6 license".

BY DONALD V. DOYLE

S-5205 FILED
MARCH 8, 1982
Adopted 4/2 (p. 998)

SENATE AMENDMENT TO HOUSE FILE 796

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1 Amend House File 796, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 321.178, subsection 2, Code
6 1981, is amended to read as follows:

7 2. ~~YOUTH-NOT-ATTENDING-SCHOOL--NO-DRIVER-EDUCATION~~
8 ~~REQUIRED RESTRICTED LICENSE.~~

9 a. Any person between sixteen and eighteen years
10 of age who is not in attendance attendance at school
11 or who is in attendance in a public or private school
12 where an approved driver's education course is not
13 offered or available, may be issued a one-year
14 probationary-operator's restricted license only for
15 travel to and from work without having completed an
16 approved driver's education course. The restricted
17 license shall be issued by the department only upon
18 confirmation of the person's employment and need for
19 a restricted license to travel to and from work and
20 upon receipt of a written statement from the public
21 or private school that an approved course in driver's
22 education was not offered or available to the person,
23 if applicable. The employer shall notify the
24 department if the employment of the person is
25 terminated before the person attains the age of
26 eighteen. Such The person shall not have a
27 probationary-operator's restricted license revoked
28 or suspended upon re-entering school prior to age
29 eighteen provided the student enrolls in and completes
30 the classroom portion of an approved driver's education
31 course as soon as a course is available.

32 b. The department ~~shall cancel~~ may suspend a
33 probationary-operator's restricted license upon proof
34 of a conviction for a moving-traffic-violation issued
35 under this section upon receiving a record of the
36 person's conviction for one violation and shall revoke
37 the license upon receiving a record of conviction
38 for two or more violations of any law of this state
39 or city ordinance, other than parking regulations,
40 regulating the operation of motor vehicles on highways
41 and after revoking a license under this section the
42 department shall not grant application for any new
43 license or permit until the expiration of one year
44 or until the person attains his or her eighteenth
45 birthday whichever is the longer period.

46 Sec. 2. Section 321.184, Code 1981, is amended
47 to read as follows:

48 321.184 APPLICATIONS OF UNMARRIED MINORS. The
49 application of any unmarried person under the age
50 of eighteen years for an instruction permit, operator's

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Two

1 license, motorized bicycle license, restricted license,
2 or permit issued under section 321.194 shall contain
3 the verified consent and confirmation of applicant's
4 birthday by either parent of the applicant, ~~if neither~~
5 ~~parent is living,~~ the guardian or other a person
6 having custody or the employer of such of the minor
7 under chapter 600A may consent. Officers and employees
8 of the department are hereby authorized to administer
9 such the oaths without charge.

10 Sec. 3. Section 321.194, Code 1981, is amended
11 to read as follows:

12 321.194 MINORS' SCHOOL LICENSES. Upon
13 certification of a special need by the school board
14 or the superintendent of the applicant's school, the
15 department may issue a restricted license to any
16 person between the ages of fourteen and eighteen years
17 which license shall entitle the holder, while having
18 the license in his or her immediate possession, to
19 operate a motor vehicle during the hours of 6 a.m.
20 to 9 p.m. over the most direct and accessible route
21 between the licensee's residence and school of
22 enrollment for the purpose of attending duly scheduled
23 courses of instruction and extracurricular activities
24 at such school or at any time when accompanied by
25 a parent or guardian, driver education instructor,
26 or prospective driver education instructor who is
27 a holder of a valid operator's or chauffeur's license,
28 and who is actually occupying a seat beside the driver.
29 The license shall expire on the licensee's eighteenth
30 birthday or upon issuance of a probationary operator's
31 or operator's license. Each application shall be
32 accompanied by a statement from the school board or
33 superintendent of the applicant's school. The
34 statement shall be upon a form provided by the
35 department. The school board or superintendent shall
36 certify that a need exists for the license and that
37 they are not responsible for any actions of the
38 applicant as it pertains to the use of the restricted
39 license. The department of public instruction shall
40 adopt rules pursuant to chapter 17A establishing
41 criteria for issuing a statement of necessity. Upon
42 receipt of a statement of necessity, the department
43 shall issue a restricted license. The fact that the
44 applicant resides at a distance less than one mile
45 from his or her school is prima-facie evidence of
46 the nonexistence of necessity for the issuance of
47 such a license. A license issued under this section
48 is subject to suspension or revocation in like manner
49 as any other license or permit issued under any law
50 of this state and the department may also suspend

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Page Three

1 such license upon receiving satisfactory evidence
2 that the licensee has violated the restrictions of
3 the license or has been involved in one or more
4 accidents chargeable to the licensee. The department
5 may suspend any license issued under this section
6 upon receiving a record of the licensee's conviction
7 for one violation and shall revoke the license upon
8 receiving a record of conviction for two or more
9 violations of any law of this state or city ordinance,
10 other than parking regulations, regulating the
11 operation of motor vehicles on highways and after
12 revoking a license under this section the department
13 shall not grant application for any new license or
14 permit until the expiration of one year or until the
15 licensee attains his or her sixteenth birthday
16 whichever is the longer period."

17 2. Amend the title, lines 1 and 2, by striking
18 the words "a restricted license for certain persons
19 between the ages of sixteen" and inserting in lieu
20 thereof the words "certain restricted licenses to
21 persons between the ages of fourteen".

H-5709 FILED APRIL 6, 1982

RECEIVED FROM THE SENATE

House concurred 4/13 (p. 1433)

HOUSE FILE 796

H-5826

1 Amend amendment H-5709, the Senate amendment, to
2 House File 796, as amended, passed, and reprinted
3 by the House, as follows:
4 1. Page 2, line 44, by striking the word "one"
5 and inserting in lieu thereof the words "one two".

H-5826 FILED APRIL 13, 1982
LOST (*p. 1433*)

BY JOHNSON of Linn

HOUSE FILE 796

AN ACT

PROVIDING FOR THE ISSUANCE OF CERTAIN RESTRICTED LICENSES TO PERSONS BETWEEN THE AGES OF FOURTEEN AND EIGHTEEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.178, subsection 2, Code 1981, is amended to read as follows:

2. ~~YOUTH-NOT-ATTENDING-SCHOOL--NO-DRIVER-EDUCATION~~ REQUIRED RESTRICTED LICENSE.

a. Any person between sixteen and eighteen years of age who is not in attendance ~~attendance~~ at school or who is in attendance in a public or private school where an approved driver's education course is not offered or available, may be issued a ~~one-year-probationary-operator's~~ restricted license only for travel to and from work without having completed an approved driver's education course. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work and upon receipt of a written statement from the public or private school that an approved course in driver's education was not offered or available to the person, if applicable. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen. Such The person shall not have a ~~probationary-operator's~~ restricted license revoked or suspended upon re-entering school prior to age eighteen provided the student enrolls in and completes the classroom portion of an approved driver's education course as soon as a course is available.

b. ~~The department shall cancel~~ may suspend a probationary operator's ~~restricted license upon proof of a conviction for a moving traffic violation issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of any law of this state or city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and after revoking a license under this section the department shall not grant application for any new license or permit until the expiration of one year or until the person attains his or her eighteenth birthday whichever is the longer period.~~

Sec. 2. Section 321.184, Code 1981, is amended to read as follows:

321.184 APPLICATIONS OF UNMARRIED MINORS. The application of any unmarried person under the age of eighteen years for an instruction permit, operator's license, motorized bicycle license, restricted license, or permit issued under section 321.194 shall contain the verified consent and confirmation of applicant's birthday by either parent of the applicant; ~~if neither parent is living~~, the guardian or ~~other~~ a person having custody ~~or the employer of each of the minor under chapter 600A~~ may consent. Officers and employees of the department are ~~hereby~~ authorized to administer ~~such~~ the oaths without charge.

Sec. 3. Section 321.194, Code 1981, is amended to read as follows:

321.194 MINORS' SCHOOL LICENSES. Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a restricted license to any person between the ages of fourteen and eighteen years which license shall entitle the holder, while having the license in his or her immediate possession, to operate a motor vehicle during the hours of 6 a.m. to 9 p.m. over the most direct and accessible route between the licensee's

residence and school of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at such school or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a probationary operator's or operator's license. Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that they are not responsible for any actions of the applicant as it pertains to the use of the restricted license. The department of public instruction shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a restricted license. The fact that the applicant resides at a distance less than one mile from his or her school is prima-facie evidence of the nonexistence of necessity for the issuance of such a license. A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under any law of this state and the department may also suspend such license 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 any license issued under this section upon receiving a record of the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of any law of this state or city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and

after revoking a license under this section the department shall not grant application for any new license or permit until the expiration of one year or until the licensee attains his or her sixteenth birthday whichever is the longer period.

.....
 DELWYN STROMER
 Speaker of the House

.....
 TERRY E. BRANSTAD
 President of the Senate

I hereby certify that this bill originated in the House and is known as House File 796, Sixty-ninth General Assembly.

.....
 ELIZABETH A. ISAACSON
 Chief Clerk of the House

Approved 5/2 1962

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 ROBERT D. RAY
 Governor