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Place On Calendar

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HOUSE FILE 2528  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 576)

Passed House, Date <sup>(P.773)</sup> 3-17-98 Passed Senate, Date <sup>(P.984)</sup> 3/31/98  
Vote: Ayes 69 Nays 31 Vote: Ayes 36 Nays 14  
Approved April 16, 1998

A BILL FOR

1 An Act establishing a graduated driver's license for young  
2 drivers, making penalties applicable, creating an interim  
3 study committee, and including an applicability provision and  
4 an effective date.

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

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HF 2528

1 Section 1. Section 321.177, subsection 1, Code 1997, is  
2 amended to read as follows:

3 1. To any person who is under the age of eighteen years,  
4 ~~without the person's first having successfully completed an~~  
5 ~~approved driver education course, in which case, the minimum~~  
6 ~~age is sixteen years~~ except as provided in section 321.180B.  
7 However, the department may issue a driver's license to  
8 certain minors as provided in section 321.178 or 321.194, an  
9 ~~instruction permit as provided in section 321.180, subsection~~  
10 ~~17~~ or a driver's license restricted to motorized bicycles as  
11 provided in section ~~321.189, subsection 8.~~

12 Sec. 2. Section 321.178, subsection 1, Code 1997, is  
13 amended to read as follows:

14 1. APPROVED COURSE. An approved driver education course  
15 as programmed by the department of education shall consist of  
16 at least thirty clock hours of classroom instruction, and six  
17 or more clock hours of laboratory instruction of which at  
18 least three clock hours shall consist of street or highway  
19 driving. Classroom instruction shall include all of the  
20 following:

21 a. A minimum of four hours of instruction concerning  
22 substance abuse.

23 b. A minimum of twenty minutes of instruction concerning  
24 railroad crossing safety.

25 c. Instruction relating to becoming an organ donor under  
26 the uniform anatomical gift Act.

27 ~~After the student has completed three clock hours of street~~  
28 ~~or highway driving and has demonstrated to the instructor an~~  
29 ~~ability to properly operate a motor vehicle and upon written~~  
30 ~~request of a parent or guardian, the instructor may waive the~~  
31 ~~remaining required laboratory instruction.~~

32 To be qualified as a classroom driver education instructor,  
33 a person shall have satisfied the educational requirements for  
34 a teaching license at the secondary level and hold a valid  
35 license to teach driver education in the public schools of

1 this state.

2 Every public school district in Iowa shall offer or make  
3 available to all students residing in the school district or  
4 Iowa students attending a nonpublic school in the district an  
5 approved course in driver education. The courses may be  
6 offered at sites other than at the public school, including  
7 nonpublic school facilities within the public school  
8 districts. An approved course offered during the summer  
9 months, on Saturdays, after regular school hours during the  
10 regular terms or partly in one term or summer vacation period  
11 and partly in the succeeding term or summer vacation period,  
12 as the case may be, shall satisfy the requirements of this  
13 section to the same extent as an approved course offered  
14 during the regular school hours of the school term. A  
15 student who successfully completes and obtains certification  
16 in an approved course in driver education or an approved  
17 course in motorcycle education may, upon proof of such fact,  
18 be excused from any field test which the student would  
19 otherwise be required to take in demonstrating the student's  
20 ability to operate a motor vehicle. A student shall not be  
21 excused from any field test if a parent, guardian, or  
22 instructor requests that a test be administered. Street or  
23 highway driving instruction may be provided by a person  
24 qualified as a classroom driver education instructor or a  
25 person certified by the department of transportation. The  
26 department of transportation shall adopt rules pursuant to  
27 chapter 17A to provide for certification of persons qualified  
28 to provide street or highway driving instruction and for  
29 administering requested field tests.

30 "Student," for purposes of this section, means a person  
31 between the ages of fourteen years and twenty-one years who  
32 resides in the public school district and who satisfies the  
33 preliminary licensing requirements of the department of  
34 transportation.

35 Any person who successfully completes an approved driver

1 education course at a private or commercial driver education  
2 school licensed by the department of transportation, shall  
3 likewise be eligible for a driver's license ~~at the age of~~  
4 ~~sixteen years, providing the instructor in charge of the~~  
5 ~~student's training has satisfied the educational requirements~~  
6 ~~for a teaching certificate at the secondary level and holds a~~  
7 ~~valid certificate to teach driver education in the public~~  
8 ~~schools of Iowa~~ as provided in section 321.180B or 321.194.

9 Sec. 3. NEW SECTION. 321.178A DRIVER EDUCATION --  
10 TEACHING PARENT.

11 1. TEACHING PARENT QUALIFICATIONS. As an alternative to  
12 section 321.178, a teaching parent may instruct a student in  
13 driver's education courses which meet the requirements of this  
14 section, and provides certified evidence that the requirements  
15 under this section have been met.

16 2. DEFINITIONS. For purposes of this section:

17 a. "Student" means a person within the custody and control  
18 of the teaching parent, who is between the ages of fourteen  
19 and twenty-one years of age and who satisfies preliminary  
20 licensing requirements of the department.

21 b. "Teaching parent" means a person who is the parent or  
22 guardian of a student, who holds a current valid Iowa license  
23 to operate a motor vehicle, and who is either a person  
24 providing competent instruction or competent private  
25 instruction pursuant to section 299A.2 or 299A.3.

26 3. COURSE OF INSTRUCTION. A driver education course  
27 administered by a teaching parent shall consist at a minimum  
28 of the following:

29 a. Thirty clock hours of classroom instruction.

30 b. Forty hours of street or highway driving including four  
31 hours of driving after sunset and before sunrise while  
32 accompanied by a parent or guardian.

33 c. Four hours of classroom instruction concerning  
34 substance abuse.

35 The content of the course of instruction required under

1 this subsection shall be equivalent to that required under  
2 section 321.178. However, the course requirements, reference  
3 and study materials, manuals, study aids, workbooks, physical  
4 requirements, classroom dimensions, type of chalkboards, extra  
5 vehicle safety equipment, extra foot brake, cut-off switches,  
6 and extra mirrors required for instruction under section  
7 321.178 shall not be required for the course of instruction  
8 provided under this section.

9 4. COURSE COMPLETION AND CERTIFICATION. Upon completion  
10 of a course under this section, the teaching parent shall  
11 document or provide evidence showing substantial statutory  
12 compliance with the requirements of subsection 3 and certify  
13 by affidavit to the department of education that the course  
14 has been completed. Documentation shall include the  
15 following:

16 a. An affidavit attesting to satisfactory completion of  
17 course work and street or highway driving instruction.

18 b. A listing of subjects presented in classroom training.

19 c. Copies of written tests completed by the student.

20 d. A statement of the number of classroom hours of  
21 instruction.

22 e. A log of street or highway driving instruction  
23 including the dates when the lessons were conducted, the  
24 student's and the parent's name and initials noted next to  
25 each entry, notes on driving activities, including a list of  
26 driving deficiencies and improvements, and the duration of the  
27 driving time for each session. If the department of education  
28 is satisfied that the course has been completed in accordance  
29 with this section, the department shall certify it as an  
30 approved driver's education course.

31 5. INTERMEDIATE LICENSE. Any student who successfully  
32 completes an approved driver education course as provided in  
33 this section and who passes a driving field test to be  
34 administered by the department and is otherwise qualified  
35 under section 321.180B, subsection 2, shall be eligible for an

1 intermediate license pursuant to section 321.180B. Such a  
2 student is not required to file an affidavit with the  
3 department regarding completion of street or highway driving  
4 with a parent or guardian under section 321.180B, subsection  
5 2, and the hours of driving required under subsection 3 shall  
6 substitute for any hours of driving required under section  
7 321.180B, subsection 2.

8 6. FULL LICENSE. A student must comply with section  
9 321.180B, subsection 4, to be eligible for a full driver's  
10 license pursuant to section 321.180B.

11 Sec. 4. Section 321.180, subsection 1, Code 1997, is  
12 amended to read as follows:

13 1. a. A person who is at least ~~fourteen~~ eighteen years of  
14 age and who, except for the person's lack of instruction in  
15 operating a motor vehicle, would be qualified to obtain a  
16 driver's license, shall, upon meeting the requirements of  
17 section 321.186 other than a driving demonstration, and upon  
18 paying the required fee, be issued an instruction permit by  
19 the department. Subject to the limitations in this  
20 subsection, an instruction permit entitles the permittee,  
21 while having the permit in the permittee's immediate  
22 possession, to operate a motor vehicle, other than a  
23 commercial motor vehicle or as a chauffeur or a motor vehicle  
24 with a gross vehicle weight rating of sixteen thousand one or  
25 more pounds, upon the highways for a period not to exceed two  
26 years from the licensee's birthday anniversary in the year of  
27 issuance. If the applicant for an instruction permit holds a  
28 driver's license issued in this state valid for the operation  
29 of a motorized bicycle or a motorcycle, the instruction permit  
30 shall be valid for such operation without the need of an  
31 accompanying person.

32 A permittee shall not be penalized for failing to have the  
33 instruction permit in immediate possession if the permittee  
34 produces in court, within a reasonable time, an instruction  
35 permit issued to the permittee and valid at the time of the

1 permittee's arrest or at the time the permittee was charged  
2 with failure to have the permit in the permittee's immediate  
3 possession.

4 b. Except as otherwise provided, a permittee who is  
5 sixteen eighteen years of age or older must be accompanied by  
6 a person issued a motor vehicle license valid for the vehicle  
7 operated who is a member of the permittee's immediate family  
8 if the family member is at least twenty-one years of age, an  
9 approved driver education instructor, a prospective driver  
10 education instructor who is enrolled in a practitioner  
11 preparation program with a safety education program approved  
12 by the state board of education, or a person at least eighteen  
13 twenty-five years of age, and who is actually occupying a seat  
14 beside the driver. ~~Except as otherwise provided, a permittee~~  
15 ~~who is less than sixteen years of age must be accompanied by a~~  
16 ~~person issued a motor vehicle license valid for the vehicle~~  
17 ~~operated who is the parent or guardian of the permittee,~~  
18 ~~member of the permittee's immediate family if the family~~  
19 ~~member is at least twenty-one years of age, an approved driver~~  
20 ~~education instructor, a prospective driver education~~  
21 ~~instructor who is enrolled in a practitioner preparation~~  
22 ~~program with a safety education program approved by the state~~  
23 ~~board of education, or a person who is twenty-five years of~~  
24 ~~age or more if written permission is granted by the parent or~~  
25 ~~guardian, and who is actually occupying a seat beside the~~  
26 ~~driver.~~

27 However, if the permittee is operating a motorcycle in  
28 accordance with this section or section 321.180B, the  
29 accompanying person must be within audible and visual  
30 communications distance from the permittee and be accompanying  
31 the permittee on or in a different motor vehicle. Only one  
32 permittee shall be under the immediate supervision of an  
33 accompanying qualified person, ~~unless the qualified person is~~  
34 ~~an approved motorcycle or driver education instructor or a~~  
35 ~~prospective motorcycle or driver education instructor who is~~

1 enrolled-in-a-practitioner-preparation-program-with-a-safety  
2 education-program-approved-by-the-state-board-of-education,  
3 and-the-permittee-is-enrolled-in-an-approved-motorcycle-or  
4 driver-education-course,-in-which-case-no-more-than-three  
5 students-shall-be-under-the-immediate-supervision-of-each  
6 instructor-while-on-the-highway.

7 Sec. 5. Section 321.180, Code 1997, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 5. A motorcycle instruction permit issued  
10 under this section is not renewable.

11 Sec. 6. NEW SECTION. 321.180B GRADUATED DRIVER'S  
12 LICENSES FOR PERSONS AGED FOURTEEN THROUGH SEVENTEEN.

13 Persons under age eighteen shall not be issued a license or  
14 permit to operate a motor vehicle except under the provisions  
15 of this section. However, the department may issue restricted  
16 and special driver's licenses to certain minors as provided in  
17 sections 321.178 and 321.194, and driver's licenses restricted  
18 to motorized bicycles as provided in section 321.189. A  
19 license or permit shall not be issued under this section or  
20 section 321.178 or 321.194 without the consent of a parent or  
21 guardian. An additional consent is required each time a  
22 license or permit is issued under this section or section  
23 321.178 or 321.194. The consent must be signed by at least  
24 one parent or guardian on an affidavit form provided by the  
25 department.

26 1. INSTRUCTION PERMIT. The department may issue an  
27 instruction permit to an applicant between the ages of  
28 fourteen and eighteen years if the applicant meets the  
29 requirements of sections 321.184 and 321.186, other than a  
30 driving demonstration, and pays the required fee. An  
31 instruction permit issued under this section shall be valid  
32 for a period not to exceed two years from the licensee's  
33 birthday anniversary in the year of issuance. A motorcycle  
34 instruction permit issued under this section is not renewable.

35 Subject to the limitations in this subsection, an



1 instruction permit entitles the permittee, while having the  
2 permit in the permittee's immediate possession, to operate a  
3 motor vehicle other than a commercial motor vehicle or as a  
4 chauffeur or a motor vehicle with a gross vehicle weight  
5 rating of sixteen thousand one or more pounds upon the  
6 highways.

7 Except as otherwise provided, a permittee who is less than  
8 eighteen years of age and who is operating a motor vehicle  
9 must be accompanied by a person issued a driver's license  
10 valid for the vehicle operated who is the parent or guardian  
11 of the permittee, member of the permittee's immediate family  
12 if the family member is at least twenty-one years of age, an  
13 approved driver education instructor, a prospective driver  
14 education instructor who is enrolled in a practitioner  
15 preparation program with a safety education program approved  
16 by the state board of education, or a person at least twenty-  
17 five years of age if written permission is granted by the  
18 parent or guardian, and who is actually occupying a seat  
19 beside the driver. A permittee shall not operate a motor  
20 vehicle if the number of passengers in the motor vehicle  
21 exceeds the number of passenger safety belts in the motor  
22 vehicle. If the applicant for an instruction permit holds a  
23 driver's license issued in this state valid for the operation  
24 of a motorized bicycle or a motorcycle, the instruction permit  
25 shall be valid for such operation without the requirement of  
26 an accompanying person.

27 However, if the permittee is operating a motorcycle in  
28 accordance with this section, the accompanying person must be  
29 within audible and visual communications distance from the  
30 permittee and be accompanying the permittee on or in a  
31 different motor vehicle. Only one permittee shall be under  
32 the immediate supervision of an accompanying qualified person.

33 A permittee shall not be penalized for failing to have the  
34 instruction permit in the permittee's immediate possession if  
35 the permittee produces in court, within a reasonable time, an

1 instruction permit issued to the permittee and valid at the  
2 time of the permittee's arrest or at the time the permittee  
3 was charged with failure to have the permit in the permittee's  
4 immediate possession.

5 2. INTERMEDIATE LICENSE. The department may issue an  
6 intermediate driver's license to a person sixteen or seventeen  
7 years of age who possesses an instruction permit issued under  
8 subsection 1 for a minimum of six months, and who presents an  
9 affidavit signed by a parent or guardian on a form to be  
10 provided by the department that the permittee has accumulated  
11 a total of twenty hours of street or highway driving of which  
12 two hours were conducted after sunset and before sunrise and  
13 the street or highway driving was with the permittee's parent,  
14 guardian, instructor, or a person at least twenty-five years  
15 of age who had written permission from a parent or guardian to  
16 accompany the permittee, and whose driving privileges have not  
17 been suspended, revoked, or barred under this chapter or  
18 chapter 321J during, and who has been accident and conviction  
19 free continuously for, the six-month period immediately  
20 preceding the application for an intermediate license. An  
21 applicant for an intermediate license must meet the  
22 requirements of section 321.186, including vision screening,  
23 an advanced knowledge examination, a driving demonstration,  
24 satisfactory completion of driver education as required in  
25 section 321.178, and payment of the required license fee  
26 before an intermediate license will be issued.

27 Except as otherwise provided, a person issued an  
28 intermediate license under this subsection who is operating a  
29 motor vehicle between the hours of twelve-thirty a.m. and five  
30 a.m. must limit the number of passengers in the motor vehicle  
31 to the number of passenger safety belts and must be  
32 accompanied by a person issued a driver's license valid for  
33 the vehicle operated who is the parent or guardian of the  
34 permittee, a member of the permittee's immediate family if the  
35 family member is at least twenty-one years of age, an approved

1 driver education instructor, a prospective driver education  
2 instructor who is enrolled in a practitioner preparation  
3 program with a safety education program approved by the state  
4 board of education, or a person at least twenty-five years of  
5 age if written permission is granted by the parent or  
6 guardian, and who is actually occupying a seat beside the  
7 driver. An accompanying driver is not required between the  
8 hours of five a.m. and twelve-thirty a.m.

9     3. REMEDIAL DRIVER IMPROVEMENT ACTION OR SUSPENSION OF  
10 PERMIT OR INTERMEDIATE LICENSE. A person who has been issued  
11 an instruction permit or an intermediate license under this  
12 section, upon conviction of a moving traffic violation or  
13 involvement in a motor vehicle accident which occurred during  
14 the term of the instruction permit or intermediate license,  
15 shall be subject to remedial driver improvement action or  
16 suspension of the permit or license. A person possessing an  
17 instruction permit who has been convicted of a moving traffic  
18 violation or has been involved in an accident shall not be  
19 issued an intermediate license until the person has completed  
20 the remedial driver improvement action and has been accident  
21 and conviction free continuously for the six-month period  
22 immediately preceding the application for the intermediate  
23 license. A person possessing an intermediate license who has  
24 been convicted of a moving traffic violation or has been  
25 involved in an accident shall not be issued a full driver's  
26 license until the person has completed the remedial driver  
27 improvement action and has been accident and conviction free  
28 continuously for the twelve-month period immediately preceding  
29 the application for a full driver's license.

30     4. FULL DRIVER'S LICENSE. A full driver's license may be  
31 issued to a person seventeen years of age who possesses an  
32 intermediate license issued under subsection 2 for a minimum  
33 of twelve months, and who presents an affidavit signed by a  
34 parent or guardian on a form to be provided by the department  
35 that the intermediate licensee has accumulated a total of ten

1 hours of street or highway driving of which two hours were  
2 conducted after sunset and before sunrise and the street or  
3 highway driving was with the licensee's parent, guardian,  
4 instructor, or a person at least twenty-five years of age who  
5 had written permission from a parent or guardian to accompany  
6 the licensee, whose driving privileges have not been  
7 suspended, revoked, or barred under this chapter or chapter  
8 321J during, and who has been accident and conviction free  
9 continuously for, the twelve-month period immediately  
10 preceding the application for a full driver's license, and who  
11 has paid the required license fee.

12 5. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under  
13 the age of eighteen applying for an intermediate or full  
14 driver's license valid for the operation of a motorcycle shall  
15 be required to successfully complete a motorcycle education  
16 course either approved and established by the department of  
17 transportation or from a private or commercial driver  
18 education school licensed by the department of transportation  
19 before the class M license will be issued. A public school  
20 district shall charge a student a fee which shall not exceed  
21 the actual cost of instruction minus moneys received by the  
22 school district under subsection 6.

23 6. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider  
24 education fund is established in the office of the treasurer  
25 of state. The moneys credited to the fund are appropriated to  
26 the state department of transportation to be used to establish  
27 new motorcycle rider education courses and reimburse sponsors  
28 of motorcycle rider education courses for the costs of  
29 providing motorcycle rider education courses approved and  
30 established by the department. The department shall adopt  
31 rules under chapter 17A providing for the distribution of  
32 moneys to sponsors of motorcycle rider education courses based  
33 upon the cost of providing the education courses.

34 7. RULES. The department may adopt rules pursuant to  
35 chapter 17A to administer this section.

1     Sec. 7. Section 321.189, subsection 6, Code Supplement  
2 1997, is amended to read as follows:

3     6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A  
4 motor vehicle license issued to a person under eighteen years  
5 of age shall be identical in form to any other motor vehicle  
6 license except that the words "under eighteen" shall appear  
7 prominently on the face of the license. A motor vehicle  
8 license issued to a person eighteen years of age or older but  
9 less than twenty-one years of age shall be identical in form  
10 to any other motor vehicle license except that the words  
11 "under twenty-one" shall appear prominently on the face of the  
12 license. Upon attaining the age of eighteen or upon attaining  
13 the age of twenty-one, and upon payment of a one dollar fee,  
14 the person shall be entitled to a new motor vehicle license or  
15 nonoperator's identification card for the unexpired months of  
16 the motor vehicle license or card. An instruction permit or  
17 intermediate license issued under section 321.180B, subsection  
18 1 or 2, shall include a distinctive color bar. An  
19 intermediate license issued under section 321.180B, subsection  
20 2, shall include the words "intermediate license" printed  
21 prominently on the face of the license.

22     Sec. 8. Section 321.189, subsections 7 and 9, Code  
23 Supplement 1997, are amended by striking the subsections.

24     Sec. 9. Section 321.194, Code 1997, is amended to read as  
25 follows:

26     321.194 SPECIAL MINORS' LICENSES.

27     1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.  
28 Upon certification of a special need by the school board, or  
29 the superintendent of the applicant's school, or principal, if  
30 authorized by the superintendent, the department may issue a  
31 class C or M driver's license to a person between the ages of  
32 fourteen fifteen and eighteen years whose driving privileges  
33 have not been suspended, revoked, or barred under this chapter  
34 or chapter 321J during, and who has not been convicted of a  
35 moving traffic violation or involved in a motor vehicle

1 accident for, the six-month period immediately preceding the  
2 application for the special minor's license and who has  
3 successfully completes completed an approved driver education  
4 course. However, the completion of a course is not required  
5 if the applicant demonstrates to the satisfaction of the  
6 department that completion of the course would impose a  
7 hardship upon the applicant. The department shall adopt rules  
8 defining the term "hardship" and establish procedures for the  
9 demonstration and determination of when completion of the  
10 course would impose a hardship upon an applicant.

11 a. The driver's license entitles the holder, while having  
12 the license in immediate possession, to operate a motor  
13 vehicle other than a commercial motor vehicle or as a  
14 chauffeur:

15 (1) During the hours of 6 a.m. to 10 p.m. over the most  
16 direct and accessible route between the licensee's residence  
17 and schools of enrollment and between schools of enrollment  
18 for the purpose of attending duly scheduled courses of  
19 instruction and extracurricular activities ~~at-the-schools~~  
20 within the school district.

21 (2) At any time when the licensee is accompanied in  
22 accordance with section ~~321.180~~ 321.180B, subsection 1,  
23 ~~paragraph-"b".~~

24 b. Each application shall be accompanied by a statement  
25 from the school board, or superintendent, or principal, if  
26 authorized by the superintendent, of the applicant's school.  
27 The statement shall be upon a form provided by the department.  
28 The school board, or superintendent, or principal, if  
29 authorized by the superintendent, shall certify that a need  
30 exists for the license and that the board, and superintendent,  
31 and a principal authorized by the superintendent are not  
32 responsible for actions of the applicant which pertain to the  
33 use of the driver's license. The department of education  
34 shall adopt rules establishing criteria for issuing a  
35 statement of necessity. Upon receipt of a statement of

1 necessity, the department shall issue the driver's license.  
2 The fact that the applicant resides at a distance less than  
3 one mile from the applicant's schools of enrollment is prima  
4 facie evidence of the nonexistence of necessity for the  
5 issuance of a license. The driver's license shall not be  
6 issued for purposes of attending a public school in a school  
7 district other than either of the following:

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

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

17 c. A person who has been issued a driver's license  
18 pursuant to the section shall not operate a motor vehicle in  
19 this state unless a decal is attached to the rear license  
20 plate indicating that the operator may be a student. The  
21 decal shall be issued by the department without a fee. The  
22 department shall adopt rules pursuant to chapter 17A to  
23 administer this paragraph.

24 2. SUSPENSION AND REVOCATION. A driver's license issued  
25 under this section is subject to suspension or revocation for  
26 the same reasons and in the same manner as suspension or  
27 revocation of any other driver's license. The department may  
28 also suspend a driver's license issued under this section upon  
29 receiving satisfactory evidence that the licensee has violated  
30 the restrictions of the license or has been involved in one or  
31 more accidents chargeable to the licensee. The department may  
32 suspend a driver's license issued under this section upon  
33 receiving a record of the licensee's conviction for one  
34 violation. The department shall revoke the license upon  
35 receiving a record of conviction for two or more violations of

1 a law of this state or a city ordinance regulating the  
2 operation of motor vehicles on highways other than parking  
3 violations as defined in section 321.210. After a person  
4 licensed under this section receives two or more convictions  
5 which require revocation of the person's license under this  
6 section, the department shall not grant an application for a  
7 new motor vehicle license until the expiration of one year or  
8 ~~until the licensee's sixteenth birthday, whichever is the~~  
9 ~~longer period.~~

10 Sec. 10. Section 321.196, unnumbered paragraph 1, Code  
11 1997, is amended to read as follows:

12 Except as otherwise provided, a motor vehicle license,  
13 other than an instruction permit, chauffeur's instruction  
14 permit, or commercial driver's instruction permit issued under  
15 section 321.180, expires, at the option of the applicant, two  
16 or four years from the licensee's birthday anniversary  
17 occurring in the year of issuance if the licensee is between  
18 the ages of seventeen years eleven months and seventy years on  
19 the date of issuance of the license. If the licensee is under  
20 the age of seventeen years eleven months or age seventy or  
21 over, the license is effective for a period of two years from  
22 the licensee's birthday anniversary occurring in the year of  
23 issuance. Except as required in section 321.188, and except  
24 for a motorcycle instruction permit issued in accordance with  
25 section 321.180 or 321.180B, a motor vehicle license is  
26 renewable without written examination or penalty within a  
27 period of sixty days after its expiration date. A person  
28 shall not be considered to be driving with an invalid license  
29 during a period of sixty days following the license expiration  
30 date. However, for a license renewed within the sixty-day  
31 period, the date of issuance shall be considered to be the  
32 previous birthday anniversary on which it expired. Applicants  
33 whose licenses are restricted due to vision or other physical  
34 deficiencies may be required to renew their licenses every two  
35 years. For the purposes of this section the birthday



1 anniversary of a person born on February 29 shall be deemed to  
2 occur on March 1. The department in its discretion may  
3 authorize the renewal of a valid motor vehicle license other  
4 than a commercial driver's license upon application without an  
5 examination provided that the applicant satisfactorily passes  
6 a vision test as prescribed by the department, files a vision  
7 report in accordance with section 321.186A which shows that  
8 the applicant's visual acuity level meets or exceeds those  
9 required by the department, or is eligible for renewal by mail  
10 pursuant to rules adopted by the department. The department  
11 may assess an applicant a fee of no more than two dollars for  
12 administration and mailing expenses for providing for renewal  
13 of the applicant's driver's license by mail.

14 Sec. 11. NEW SECTION. 321.210C PROBATION PERIOD.

15 A person whose driver's license or operating privileges  
16 have been suspended, revoked, or barred under chapter 321 for  
17 a conviction of a moving traffic violation, or suspended,  
18 revoked, or barred under section 321.205 or section 321.210,  
19 subsection 1, paragraph "e", or chapter 321J, must  
20 satisfactorily complete a twelve-month probation period  
21 beginning immediately after the end of the period of  
22 suspension, revocation, or bar. Upon conviction of a moving  
23 traffic violation which occurred during the probation period,  
24 the department may suspend the driver's license or operating  
25 privileges for an additional period equal in duration to the  
26 original period of suspension, revocation, or bar, or for one  
27 year, whichever is the shorter period.

28 Sec. 12. Section 321.218A, Code Supplement 1997, is  
29 amended to read as follows:

30 321.218A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

31 When the department suspends, revokes, or bars a person's  
32 motor vehicle license or nonresident operating privilege for a  
33 conviction under this chapter, the department shall assess the  
34 person a civil penalty of two hundred dollars. However, for  
35 persons age nineteen or under, the civil penalty assessed

1 shall be fifty dollars. The civil penalty does not apply to a  
2 suspension issued for a violation of section 321.180B. The  
3 money collected by the department under this section shall be  
4 transmitted to the treasurer of state who shall deposit the  
5 money in the general fund of the state. A temporary  
6 restricted license shall not be issued or a motor vehicle  
7 license or nonresident operating privilege reinstated until  
8 the civil penalty has been paid.

9 Sec. 13. Section 321A.17, subsection 5, Code 1997, is  
10 amended to read as follows:

11 5. An individual applying for a motor vehicle license  
12 following a period of suspension or revocation pursuant to a  
13 dispositional order issued under section 232.52, subsection 2,  
14 paragraph "a", or under section 321.180B, section 321.210,  
15 subsection 1, paragraph "d", or section 321.210A, 321.213A,  
16 321.213B, 321.216B, or 321.513, following a period of  
17 suspension under section 321.194, or following a period of  
18 revocation pursuant to a court order issued under section  
19 901.5, subsection 10, or under section 321J.2A, is not  
20 required to maintain proof of financial responsibility under  
21 this section.

22 Sec. 14. Section 805.8, subsection 2, paragraph f, Code  
23 Supplement 1997, is amended to read as follows:

24 f. For violations of the conditions or restrictions of a  
25 motor vehicle license under sections 321.180, 321.180B,  
26 321.193, and 321.194, the scheduled fine is twenty dollars.

27 Sec. 15. APPLICABILITY. The provisions of this Act  
28 relating to the issuance of any individual type of driver's  
29 permit or license to operate a motor vehicle and to the  
30 operation of a motor vehicle under that permit or license  
31 shall be applied only to a person who meets the minimum age  
32 qualification for the particular permit or license on or after  
33 the effective date of this Act.

34 Sec. 16. DRIVER'S EDUCATION CURRICULUM -- STUDY.

35 The legislative council is requested to establish an

1 interim study committee consisting of members of both  
2 political parties administered throughout the state. The  
3 study may include but is not limited to driver's education  
4 curriculum, costs to students and to schools, privatizing  
5 driver's education, expansion of behind-the-wheel training and  
6 effects on insurance rates. The committee may consult with  
7 the department of transportation, department of education,  
8 parents, educators, insurance executives, and other persons  
9 the committee may believe relevant to the study of driver's  
10 education. The committee is directed to submit its findings,  
11 together with any recommendations, in a report to the general  
12 assembly which convenes in January 1999.

13 Sec. 17. EFFECTIVE DATE. This Act takes effect January 1,  
14 1999.

#### 15 EXPLANATION

16 This bill establishes a graduated driver's license for  
17 young drivers and makes penalties applicable.

18 Code section 321.180B is created to control the issuance of  
19 all permits and licenses to persons under age 18. The new  
20 Code section directly regulates the issuance of instruction  
21 permits to persons between the ages of 14 and 18, intermediate  
22 licenses to persons 16 or 17 years of age, and full driver's  
23 licenses to persons 17 years of age. The new Code section  
24 generally requires the consent of a parent or guardian each  
25 time any type of license or permit is issued to a person under  
26 18 years of age. The new Code section also references the  
27 following Code sections:

28 Restricted Licenses. Code section 321.178, which is not  
29 amended substantively and continues to regulate the issuance  
30 of restricted licenses to persons between the ages of 16 and  
31 18, who have not completed an approved driver's education  
32 course, to allow the persons to travel to and from work or to  
33 transport dependents to and from temporary care facilities.

34 Motorized Bicycle Licenses. Code section 321.189, which is  
35 not amended substantively and continues to regulate the

1 issuance of a motorized bicycle driver's license to persons 14  
2 years of age and older.

3 Special Minor's School License. Code section 321.194,  
4 which is amended substantively. Currently, a special minor's  
5 license may be issued to persons between the ages of 14 and 18  
6 for the operation of a noncommercial motor vehicle or  
7 motorcycle to and from school and extracurricular activities  
8 between the hours of 6 a.m. and 10 p.m., if they have  
9 completed an approved driver education course or demonstrate  
10 that requiring such completion would impose a hardship. The  
11 amendment to the Code section only allows issuance to a person  
12 aged 15 or older and only if the person has the consent of a  
13 parent or guardian and has not had the person's driving  
14 privileges suspended, revoked, or barred under Code chapter  
15 321 or 321J during, and who has not been convicted of a moving  
16 traffic violation or involved in a motor vehicle accident for,  
17 the six-month period immediately preceding the date of  
18 application for the special minor's license. After revocation  
19 of the license for two or more serious violations, a new  
20 license cannot be issued for one year. Driving under the  
21 school license between schools of enrollment for courses and  
22 extracurricular activities is limited to within the school  
23 district. A driver with this license may only operate a motor  
24 vehicle if a decal is attached to the rear license plate  
25 indicating that the operator may be a student. A school  
26 principal, with the superintendent's authorization, may also  
27 certify special need to allow issuance of a school license.

28 Instruction Permits. New Code section 321.180B(1)  
29 regulates the issuance of instruction permits to persons  
30 between the ages of 14 and 18. Currently, a permittee 14 or  
31 15 years of age must be accompanied by a driver who is a  
32 parent or guardian, an immediate family member at least 21  
33 years of age, an approved driver education instructor or one  
34 in approved training, or a person at least 25 years of age  
35 with the written permission of the person's parent or

1 guardian. Currently, a permittee 16 years of age or older  
2 must be accompanied by a driver 18 years of age. The new Code  
3 section applies the qualifications currently applicable to  
4 drivers accompanying 14-year-olds or 15-year-olds to drivers  
5 accompanying 16-year-olds or 17-year-olds. The new Code  
6 section also prohibits a permittee from operating a motor  
7 vehicle if the number of passengers exceeds the number of  
8 passenger safety belts in the motor vehicle. Code section  
9 321.189(1) is also similarly amended with respect to persons  
10 accompanying drivers possessing a special minor's school  
11 license during hours other than 6 a.m. to 10 p.m. or on routes  
12 not to and from school or extracurricular activities.

13 Current Code section 321.180(1) is amended to require that  
14 a person with an instruction permit who is 18 years of age or  
15 older be accompanied by an immediate family member at least 21  
16 years of age, an approved driver education instructor or one  
17 in approved training, or a person at least 25 years of age.  
18 Only one motorcycle instruction permittee may be supervised by  
19 an accompanying person at any one time.

20 Current Code section 321.180 is amended to provide and new  
21 Code section 321.180B provides that whereas other instruction  
22 permits are valid for two years and are renewable, motorcycle  
23 instruction permits issued under those sections are not  
24 renewable.

25 Intermediate Licenses. New Code section 321.180B(2)  
26 regulates the issuance of intermediate licenses to persons 16  
27 or 17 years of age. An intermediate license may only be  
28 issued to such a person who possesses an instruction permit  
29 for at least six months, has the consent of a parent or  
30 guardian, presents an affidavit showing at least 20 hours of  
31 qualified street or highway driving of which two hours were  
32 conducted after sunset and before sunrise, and has not had the  
33 person's driving privileges suspended, revoked, or barred  
34 under Code chapter 321 or 321J during, and has been accident  
35 and conviction free continuously for, six months. The

1 applicant must also be competent to operate a motor vehicle,  
2 and pass the vision test, an advanced knowledge examination,  
3 and a driving demonstration, and must have satisfactorily  
4 completed an approved driver education course. A driver  
5 issued an intermediate license may drive without an  
6 accompanying driver between the hours of 5 a.m. and 12:30  
7 a.m., but, between the hours of 12:30 a.m. and 5 a.m., must be  
8 accompanied by a driver who is a parent or guardian, an  
9 immediate family member at least 21 years of age, an approved  
10 driver education instructor or one in approved training, or a  
11 person at least 25 years of age with the written permission of  
12 the person's parent or guardian, the same accompanying drivers  
13 who are required to accompany persons under age 18 with  
14 instruction permits under new Code section 321.180B.  
15 Passengers cannot exceed the number of passenger seat belts in  
16 the motor vehicle operated by the person with the intermediate  
17 license.

18 Remedial Driver Improvement Action or Suspension of  
19 Instruction Permit or Intermediate License. New Code section  
20 321.180B(3) provides that upon conviction of a moving traffic  
21 violation or involvement in a motor vehicle accident, a person  
22 possessing an instruction permit or intermediate license shall  
23 be subject to remedial driver improvement action or suspension  
24 of the permit or license. In addition such a person  
25 possessing an instruction permit shall not be issued an  
26 intermediate license until the person has completed the  
27 remedial driver improvement action and has the consent of a  
28 parent or guardian and has not had the person's driving  
29 privileges suspended, revoked, or barred under Code chapter  
30 321 or 321J during, and has been accident and conviction free  
31 for, six months. Such a person possessing an intermediate  
32 license shall not be issued a full driver's license until the  
33 person has been accident and conviction free for 12 months.

34 Civil Penalty and Financial Responsibility. Code section  
35 321.218A is amended to provide that a suspension issued for a

1 violation of new Code section 321.180B does not carry the  
2 civil penalty of \$50 applicable to other suspensions under  
3 Code chapter 321. Code section 321A.17 is amended to provide  
4 that a person who has violated new Code section 321.180B and  
5 whose driver's license or operating privileges have been  
6 suspended or revoked is not required to maintain proof of  
7 financial responsibility under Code chapter 321A. Code  
8 section 805.8(2)(f) is amended to apply a \$20 scheduled fine  
9 to operating a motor vehicle in violation of the conditions or  
10 restrictions of Code section 321.180B.

11 Full Driver's Licenses. New Code section 321.180B(4)  
12 provides that an unrestricted or full license may be issued to  
13 a person 17 years of age who possesses an intermediate license  
14 for at least 12 months and has the consent of a parent or  
15 guardian, presents an affidavit showing at least 10 hours of  
16 qualified street or highway driving of which two hours were  
17 conducted after sunset and before sunrise, and has not had the  
18 person's driving privileges suspended, revoked, or barred  
19 under Code chapter 321 or 321J during, and who has been  
20 accident and conviction free for, 12 months.

21 Motorcycle Education. New Code section 321.180B(5)  
22 provides, and current Code section 321.189(7) is amended  
23 correspondingly, to provide that the motorcycle education  
24 requirements currently applicable to persons under 18 years of  
25 age applying for a driver's license valid for the operation of  
26 a motorcycle will apply to persons under 18 years of age  
27 applying for either an intermediate or a full driver's license  
28 valid for the operation of a motorcycle.

29 Motorcycle Rider Education Fund. The current Code  
30 provision establishing the motorcycle rider education fund is  
31 moved from current Code section 321.189(9) to new Code section  
32 321.180B(6).

33 Driver Education Courses. Code section 321.178 is amended  
34 to allow, unless requested by a parent, guardian, or  
35 instructor, the excusal from a field test demonstrating a

1 student's ability to operate a motor vehicle for persons  
2 successfully completing an approved driver education course,  
3 and to allow the department of transportation to certify  
4 persons to provide street or highway driving instruction other  
5 than persons qualified as classroom driver education  
6 instructors.

7 Teaching Parent Driver's Education. New Code section  
8 321.178A allows a parent or guardian to teach driver's  
9 education and allows a student who successfully completes the  
10 teaching parent instruction to obtain a driver's license. To  
11 qualify as a teaching parent, the person must hold a teaching  
12 certificate at the secondary level and a valid certificate to  
13 teach driver's education, or comply with the definition of a  
14 teaching parent, and provide certified evidence that all the  
15 requirements in the section have been met.

16 The section defines "student" as a person within the  
17 custody and control of the teaching parent, who is between the  
18 ages of 14 and 21 years of age and who satisfies the state  
19 department of transportation's preliminary licensing  
20 requirements, and "teaching parent" as a person who is the  
21 parent or guardian of a student, who holds a current valid  
22 Iowa license to operate a motor vehicle, and who is providing  
23 competent or competent private instruction under Code chapter  
24 299A.

25 The section provides that a driver education course  
26 administered by a teaching parent shall consist of 30 clock  
27 hours of classroom instruction, 40 hours of street or highway  
28 driving of which four hours are after sunset and before  
29 sunrise, and four hours of classroom instruction concerning  
30 substance abuse. The content of the parental instruction  
31 shall be equivalent to that required under Code section  
32 321.178. The course requirements, reference and study  
33 materials, manuals, study aids, workbooks, physical  
34 requirements, classroom dimensions, type of chalkboards, extra  
35 vehicle safety equipment, extra foot brake, cut-off switches,



1 and extra mirrors are not required for a course of instruction  
2 under the section.

3 When the course is completed, the teaching parent must  
4 document or provide evidence showing substantial statutory  
5 compliance and certify that information by affidavit to the  
6 department. Documentation includes an affidavit attesting to  
7 satisfactory completion of course work and street or highway  
8 driving instruction, a listing of subjects presented in  
9 classroom training, copies of written tests completed by the  
10 student, a statement of the number of classroom hours, and a  
11 log of street or highway driving instruction including the  
12 dates when the lessons were conducted, the student's name and  
13 initials, the parent's name and initials, notes on driving  
14 activities, including deficiencies and improvements, and the  
15 driving time for each session. If the department of education  
16 is satisfied that the course has been completed as required in  
17 accordance with the section, the department of education shall  
18 certify the course as an approved driver's education course.  
19 A student who successfully completes an approved driver's  
20 education course is eligible for an intermediate driver's  
21 license at 16 years of age and a full driver's license at age  
22 17 under the bill.

23 Distinctive Features on Permits and Intermediate Licenses.  
24 Code section 321.189(6) is amended to provide that instruction  
25 permits must be color bar coded and that intermediate licenses  
26 must be color bar coded and must contain the words  
27 "intermediate license" printed on the face of the licenses.

28 Probation Period. New Code section 321.210C is created to  
29 require a probation period for any person whose driver's  
30 license or operating privileges have been suspended, revoked,  
31 or barred under Code chapter 321 for a moving traffic  
32 violation, or suspended or revoked under Code section 321.205  
33 or 321.210 for a violation in another state, or suspended,  
34 revoked, or barred under Code chapter 321J relating to  
35 operating a motor vehicle while intoxicated (OWI). If the

1 person is convicted of a moving traffic violation during the  
 2 probation period, the department is authorized to suspend the  
 3 driver's license or operating privileges of the person for an  
 4 additional period equal to the original period of suspension,  
 5 revocation, or bar, or for one year, whichever is shorter.

6 Legislative Study. The bill request the legislative  
 7 council to establish a study of driver's education.

8 The bill takes effect January 1, 1999, and applies to the  
 9 issuance of any individual type of driver's permit or license  
 10 and operation of a motor vehicle under that permit or license  
 11 to a person who meets the minimum age qualification for that  
 12 particular permit or license on or after the effective date of  
 13 the bill.

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**HOUSE FILE 2528  
FISCAL NOTE**

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A fiscal note for House File 2528 as amended and passed by the House is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2528 as amended and passed by the House establishes a graduated driver's license and permit issuance process for drivers between the ages of 14 and 18, creates a new intermediate license to be issued to persons 16 or 17 years of age who meet certain requirements, and allows for the issuance of a full driver's license to persons aged 17 who meet certain requirements.

The Bill requires parental consent for persons between the ages of 14 and 18 before an instruction permit or operators license may be issued. The Bill requires persons 14 to 17 years of age to attend a remedial driver improvement meeting with a Department of Transportation (DOT) official if convicted of a moving traffic violation or involved in a motor vehicle accident. However, a conviction for a speeding violation of not more than 10 miles per hour over the speed limit in speed zones between 34 and 56 miles per hour does not apply.

The Bill requires instruction permits and intermediate licenses to have a distinctive color bar printed on the face of the license, and the words "Intermediate License" printed on the face of an intermediate license.

The Bill increases the age of persons who are eligible to receive a special minor's license from 14 to 15 years of age and requires a special decal to be affixed to the vehicle indicating that the operator may be a student.

The Bill creates a probationary period of 12 months for persons who have had their license suspended which is effective immediately after the end of the period of suspension. The Bill also waives the civil penalty for license reinstatement for persons under the age of 19.

House File 2528 as amended and passed by the House takes effect on January 1, 1999.

**ASSUMPTIONS**

1. There are approximately 37,000 students that attend driver's education courses annually.
2. The DOT will be required to perform driving tests for students who complete driver's education through home schooling. The DOT will incorporate this testing into their current operations.
3. The number of licenses issued and the number of knowledge tests administered will increase by 37,000 annually. The DOT will be able to provide the additional testing with existing staff due to the phase-in of

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- the Graduated Driver's License Program and the automated testing upgrades.
4. The DOT leases the digitized photolicensing system at a cost of \$1.777 for each license issued. Increasing the number of licenses issued by 37,000 will result in an estimated increase of \$66,000 to the current lease.
  5. The cost associated with the requirement to provide distinctive markings on the instructional permits and intermediate licenses will increase the lease of the digitized photolicensing systems by an estimated \$20,000 during calendar year 1999 for software changes. Beginning January 1, 2000, the DOT will enter into a new contract for the digitized photolicensing system in which these cost will be incorporated.
  6. The cost for issuance of decals for vehicles operated by persons with a special minor's license is estimated at \$1,500 the first year and \$500 each year thereafter.
  7. The DOT estimates that 15,000 persons annually will attend a remedial driver improvement action. This will result in approximately two persons per day that each driver's license examining crew will process. The DOT will incorporate this into the current operations.
  8. Approximately 40 hours of programming will be required (at a cost of \$25 per hour) to automate the tracking of the new probation provisions of the Bill. This will result in a one-time cost of \$1,000 to the DOT operating budget.
  9. The DOT will process an estimated 9,400 probation violation notices annually which will require postage of \$0.27 per notice. This will result in an annual cost increase of \$2,500 to the DOT operating budget.

#### FISCAL IMPACT

It is estimated that HF 2528 as amended and passed by the House will result in an increased cost of \$91,000 to the Road Use Tax Fund during the first year of implementation. Beginning January 1, 2000, the DOT will enter into a new contract for the lease of the digitized photolicensing system. Due to advances in technology and changes in labor and maintenance costs since entering into the current contract, it is uncertain how the new contract will affect the cost of the Bill.

House File 2528 as amended and passed by the House will not have a significant fiscal impact on the Department of Education or local school districts.

#### SOURCES

Department of Transportation  
Department of Education

(LSB 3439hv.2, DLR)

FILED MARCH 23, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2528  
FISCAL NOTE

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A fiscal note for House File 2528 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2528 establishes a graduated driver's license and permit issuance process for drivers between the ages of 14 and 18. The Bill places new requirements on the issuance of instruction permits to persons between the ages of 14 and 18 years. The Bill also creates a new intermediate license to be issued to persons 16 or 17 years of age who meet certain requirements, and allows for the issuance of a full driver's license to persons aged 17 who meet certain requirements.

The Bill requires parental consent for persons between the ages of 14 and 18 before an instruction permit or operators license may be issued. The Bill requires persons 14 to 17 years of age to attend a remedial driver improvement action with a Department of Transportation (DOT) official for persons who have had an instruction permit or operators license suspended, revoked, or barred. The Bill requires instruction permits and intermediate licenses to have a distinctive color bar printed on the face of the license, and the words "Intermediate License" printed on the face of an intermediate license.

The Bill increases the age of persons who are eligible to receive a special minor's license from 14 to 15 years of age and requires a special decal to be affixed to license plates indicating that the operator may be a student.

The Bill creates a probationary period of 12 months for persons who have had their license suspended which is effective immediately after the end of the period of suspension. The Bill also waives the civil penalty for license reinstatement for persons under the age of 19.

House File 2528 takes effect on January 1, 1999.

**ASSUMPTIONS**

1. There are approximately 37,000 students that attend driver's education courses annually. Of these, approximately 310 are home-schooled students.
2. The DOT will be required to perform driving tests for students who complete driver's education through home schooling. The DOT will incorporate this testing into their current operations.
3. The number of licenses issued and the number of knowledge tests administered will increase by 37,000 annually. The DOT will be able to provide the additional testing with existing staff due to the phase-in of the Graduated Driver's License Program and the automated testing upgrades.
4. The DOT leases the digitized photolicensing system at a cost of \$1.777 for

-2-

each license issued. Increasing the number of licenses issued by 37,000 will result in an estimated increase of \$66,000 to the current lease.

5. The cost associated with the requirement to provide distinctive markings on the instructional permits and intermediate licenses will increase the lease of the digitized photolicensing systems by an estimated \$20,000 during calendar year 1999 for software changes. Beginning January 1, 2000, the DOT will enter into a new contract for the digitized photolicensing system in which these cost will be incorporated.
6. The cost for issuance of license plate decals for vehicles operated by persons with a special minor's license is estimated at \$1,500 the first year and \$500 each year thereafter.
7. The DOT estimates that 15,000 persons annually will attend a remedial driver improvement action. This will result in approximately two persons per day that each driver's license examining crew will process. The DOT will incorporate this into the current operations.
8. Approximately 40 hours of programming will be required (at a cost of \$25 per hour) to automate the tracking of the new probation provisions of the Bill. This will result in a one-time cost of \$1,000 to the DOT operating budget.
9. The DOT will process an estimated 9,400 probation violation notices annually which will require postage of \$0.27 per notice. This will result in an annual cost increase of \$2,500 to the DOT operating budget.

#### FISCAL IMPACT

It is estimated that House File 2528 will result in an increased cost of \$91,000 to the Road Use Tax Fund during the first year of implementation. Beginning January 1, 2000, the DOT will enter into a new contract for the lease of the digitized photolicensing system. Due to advances in technology and changes in labor and maintenance costs since entering into the current contract, it is uncertain how the new contract will affect the cost of the Bill.

House File 2528 will not have a significant fiscal impact on the Department of Education or local school districts.

#### SOURCES

Department of Transportation  
Department of Education

(LSB 3439hv, DLR)

FILED MARCH 17, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 2528

H-8421

1 Amend House File 2528 as follows:  
2 1. Page 3, by inserting after line 34 the  
3 following:  
4 "d. Twenty minutes of instruction concerning  
5 railroad crossing safety.  
6 e. Instruction relating to becoming an organ donor  
7 under the uniform anatomical gift Act."  
8 2. Page 4, line 2, by inserting after the figure  
9 "321.178." the following: "The department shall make  
10 available to a teaching parent, upon request, a model  
11 set of instruction materials relating to any  
12 examination administered pursuant to section 321.186."  
By CARROLL of Poweshiek

H-8421 FILED MARCH 16, 1998

*Adopted 3/12/98 (P.769)*

## HOUSE FILE 2528

H-8423

1 Amend House File 2528 as follows:  
2 1. Page 14, lines 19 and 20, by striking the  
3 words "attached to the rear license plate" and  
4 inserting the following: "affixed to the vehicle".  
By WELTER of Jones

H-8423 FILED MARCH 16, 1998

*Adopted 3/17/98 (P.773)*

## HOUSE FILE 2528

H-8433

1 Amend House File 2528 as follows:  
2 1. Page 3, line 25, by inserting after the figure  
3 "299A.3" the following: "and who has completed a six-  
4 hour driver's education instruction course approved by  
5 the department".

By RICHARDSON of Warren

H-8433 FILED MARCH 16, 1998

*Lost 3-17-98 (P.768)*

## HOUSE FILE 2528

H-8436

1 Amend House File 2528 as follows:  
2 1. Page 3, line 25, by inserting after the figure  
3 "299A.3" the following: "and who completes a driver's  
4 education instruction course approved by the  
5 department".

By COHOON of Des Moines  
CORMACK of Webster

H-8436 FILED MARCH 16, 1998

*Lost 3/17/98 (P.769)*

HOUSE FILE 2528

H-8367

- 1 Amend House File 2528 as follows:
- 2 1. Page 9, lines 22 and 23, by striking the words
- 3 "vision screening, an advanced knowledge examination,
- 4 a driving demonstration,".
- 5 2. Page 9, line 25, by inserting after the figure
- 6 "321.178" the following: "or 321.178A".
- 7 3. Page 9, line 26, by inserting after the word
- 8 "issued." the following: "A person issued an
- 9 intermediate license must limit the number of
- 10 passengers in the motor vehicle when the intermediate
- 11 licensee is operating the motor vehicle to the number
- 12 of passenger safety belts."
- 13 4. Page 9, lines 30 and 31, by striking the words
- 14 "must limit the number of passengers in the motor
- 15 vehicle to the number of passenger safety belts and".
- 16 5. By renumbering as necessary.

By HEATON of Henry

H-8367 FILED MARCH 12, 1998

*Adopted 3-17-97*

*(p.771)*

HOUSE FILE 2528

H-8371

- 1 Amend House File 2528 as follows:
- 2 1. Page 1, line 34, by inserting after the words
- 3 "at the" the following: "elementary or".

By SCHRADER of Marion

H-8371 FILED MARCH 12, 1998

*adopted 3-17-98 (p.773)*

HOUSE FILE 2528

H-8386

- 1 Amend House File 2528 as follows:
- 2 1. Page 12, line 32, by striking the words
- 3 "fourteen fifteen" and inserting the following:
- 4 "fourteen".

By EDDIE of Buena Vista  
DREES of Carroll

WEIDMAN of Cass  
WISE of Lee

H-8386 FILED MARCH 12, 1998

*lost 3/17/98 (p.772)*

HOUSE FILE 2528

H-8288

- 1 Amend House File 2528 as follows:
- 2 1. By striking page 3, line 9, through page 5,
- 3 line 10.
- 4 2. By renumbering as necessary.

By CORMACK of Webster

H-8288 FILED MARCH 10, 1998

*Adopted  
3/17/98  
(p.770)*



H-8440

1 Amend House File 2528 as follows:

- 2 1. Page 1, line 32, by inserting after the word  
 3 "classroom" the following: "or laboratory".  
 4 2. Page 2, lines 24 and 25, by striking the words  
 5 "or a person certified by the department of  
 6 transportation".  
 7 3. Page 2, lines 27 and 28 by striking the words  
 8 "for certification of persons qualified to provide  
 9 street or highway driving instruction and".  
 10 4. Page 8, line 16, by inserting after the word  
 11 "education," the following: "a person certified by  
 12 the department,".  
 13 5. Page 9, line 14, by inserting after the word  
 14 "instructor," the following: "a person certified by  
 15 the department,".

- 16 6. Page 18, line 4, by inserting after the word  
 17 "curriculum," the following: "certification of  
 18 persons by the department to provide classroom and  
 19 laboratory instruction,".  
 20 7. By renumbering as necessary.

By REYNOLDS-KNIGHT of Van Buren

H-8440 FILED MARCH 16, 1998

*A- Sent 3-17-98 (P.767)**B. Adopted 3-17-98 (P.773)*

HOUSE FILE 2528

H-8443

1 Amend House File 2528 as follows:

- 2 1. Page 10, line 7, by inserting after the word  
 3 "driver." the following: "However, a licensee may  
 4 operate a vehicle without an accompanying driver  
 5 between the hours of twelve-thirty a.m. and five a.m.  
 6 if such licensee possesses a waiver signed by a parent  
 7 or guardian on a form to be provided by the  
 8 department."

By KREIMAN of Davis

H-8443 FILED MARCH 16, 1998

*Order 3-17-97*

HOUSE FILE 2528

H-8413

1 Amend House File 2528 as follows:

- 2 1. By striking page 9, line 27, through page 10,  
 3 line 8.

By RICHARDSON of Warren

H-8413 FILED MARCH 16, 1998

*WITHDRAWN 3/17/98 (P.771)*

HOUSE FILE 2528

E-8414

1 Amend House File 2528 as follows:

- 2 1. Page 13, line 15, by striking the words and  
 3 figures "6 a.m. to 10 p.m." and inserting the  
 4 following: "five a.m. to twelve-thirty a.m."

By RICHARDSON of Warren

H-8414 FILED MARCH 16, 1998

**WITHDRAWN** 3/17/98

HOUSE FILE 2528

H-8415

1 Amend House File 2528 as follows:  
 2 1. Page 10, line 7, by inserting after the word  
 3 "driver." the following: "However, a licensee may  
 4 operate a vehicle to and from school-related  
 5 extracurricular activities and work without an  
 6 accompanying driver between the hours of twelve-thirty  
 7 a.m. and five a.m. if such licensee possesses a waiver  
 8 on a form to be provided by the department."

By RICHARDSON of Warren

H-8415 FILED MARCH 16, 1998

*Adopted 3-17-98 (p. 771)*

HOUSE FILE 2528

H-8416

1 Amend House File 2528 as follows:  
 2 1. Page 10, by striking lines 10 through 16 and  
 3 inserting the following: "PERMIT OR INTERMEDIATE  
 4 LICENSE. A person who has been issued an instruction  
 5 permit under this section shall be subject to remedial  
 6 driver improvement action or suspension of the permit  
 7 upon conviction of a moving traffic violation or  
 8 involvement in a motor vehicle accident which occurred  
 9 during the term of the instruction permit. A person  
 10 who has been issued an intermediate license under this  
 11 section shall be subject to remedial driver  
 12 improvement action or suspension of the license upon  
 13 conviction of a moving traffic violation, other than a  
 14 conviction of a violation described in section  
 15 321.210, subsection 2, paragraph "d", or if the person  
 16 was involved in a motor vehicle accident which  
 17 occurred during the term of the license. A person  
 18 possessing an".

19 2. Page 10, line 24, by inserting after the word  
 20 "violation" the following: ", other than a conviction  
 21 of a violation described in section 321.210,  
 22 subsection 2, paragraph "d",".

23 3. Page 11, line 11, by inserting after the word  
 24 "fee." the following: "A conviction of a violation  
 25 described in section 321.210, subsection 2, paragraph  
 26 "d", does not apply to this subsection."

27 4. By renumbering as necessary.

By WEIDMAN of Cass  
LAMBERTI of Polk

H-8416 FILED MARCH 16, 1998

*Adopted 3/17/98 (p. 772)*

HOUSE FILE 2528

H-8417

1 Amend House File 2528 as follows:  
 2 1. Page 10, by striking lines 9 through 29.

By LAMBERTI of Polk  
WEIDMAN of Cass

H-8417 FILED MARCH 16, 1998

*W/D 3/17/98 (p. 772)*

## HOUSE FILE 2528

H-8461

- 1 Amend the amendment, H-8443, to House File 2528 as  
2 follows:
- 3 1. Page 1, by inserting after line 1 the  
4 following:  
5 "\_\_\_\_. Page 9, lines 18 and 19, by striking the  
6 words "and who has been accident and conviction free  
7 continuously for," and inserting the following: "and  
8 who has not been found to be at fault for an  
9 accident and who has been conviction free continuously  
10 for,"."
- 11 2. Page 1, by striking lines 2 through 8 and  
12 inserting the following:  
13 "\_\_\_\_. Page 10, line 7, by inserting after the  
14 word "driver." the following: "However, a licensee  
15 may operate a vehicle without an accompanying driver  
16 between the hours of twelve-thirty a.m. and five a.m.  
17 if such licensee possesses a waiver signed by a parent  
18 or guardian on a form to be provided by the  
19 department.""
- 20 3. Page 1, by inserting before line 9 the  
21 following:  
22 "\_\_\_\_. Page 10, line 13, by inserting after the  
23 word "accident" the following: "for which the person  
24 was found to be at fault,".
- 25 \_\_\_\_\_. Page 10, line 18, by inserting after the  
26 word "accident" the following: "for which the person  
27 was found to be at fault,".
- 28 \_\_\_\_\_. Page 10, lines 20 and 21, by striking the  
29 words "and has been accident and conviction free  
30 continuously" and inserting the following: "and has  
31 not been found to be at fault for an accident and has  
32 been conviction free continuously".
- 33 \_\_\_\_\_. Page 10, line 25, by inserting after the  
34 word "accident" the following: "for which the person  
35 was found to be at fault,".
- 36 \_\_\_\_\_. Page 10, line 27 by striking the words "and  
37 has been accident and conviction free" and inserting  
38 the following: "and has not been found to be at fault  
39 for an accident and has been conviction free".
- 40 \_\_\_\_\_. Page 11, line 8 by striking the words "and  
41 who has been accident and conviction free" and  
42 inserting the following: "and who has not been found  
43 to be at fault for an accident and has been conviction  
44 free".
- 45 \_\_\_\_\_. Page 13, line 1, by inserting after the word  
46 "accident" the following: "for which the person was  
47 found to be at fault."
- 48 4. By renumbering as necessary.

By KREIMAN of Davis

H-8461 FILED MARCH 17, 1998  
OUT OF ORDER3/17/98  
(P. 771)

H-8458

- 1 Amend the amendment, H-8433, to House File 2528 as  
2 follows:  
3 1. Page 1, by striking lines 2 through 5 and  
4 inserting the following:  
5 "\_\_\_\_". Page 3, line 23, by striking the word  
6 "and".  
7 \_\_\_\_\_. Page 3, line 25, by inserting after the  
8 figure "299A.3" the following: "and who has completed  
9 a six-hour driver's education instruction course  
10 approved by the department of education. The  
11 department of education shall adopt rules pursuant to  
12 chapter 17A to establish and administer the six-hour  
13 driver's education instruction course".  
14 2. By renumbering as necessary.

By RICHARDSON of Warren

H-8458 FILED MARCH 17, 1998

ADOPTED

(p. 768)

## HOUSE FILE 2528

H-8460

- 1 Amend the amendment, H-8436, to House File 2528 as  
2 follows:  
3 1. Page 1, by striking lines 2 through 5 and  
4 inserting the following:  
5 "\_\_\_\_". Page 3, line 23, by striking the word  
6 "who".  
7 \_\_\_\_\_. Page 3, line 25, by inserting after the  
8 figure "299A.3" the following: ", and who completes a  
9 driver's education instruction course established  
10 pursuant to rule of and approved by the department of  
11 education".  
12 2. By renumbering as necessary.

By COHOON of Des Moines  
CORMACK of Webster

H-8460 FILED MARCH 17, 1998

ADOPTED

(p. 769)

5-3/18/98 Transportation  
5-3/18/98 Do Pass  
5-3/24/98 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 2528  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 576)

(As Amended and Passed by the House, March 17, 1998)

Passed House, Date <sup>(P. 1286)</sup> 4-6-98 Passed Senate, Date <sup>(P. 984)</sup> 3/31/98  
Vote: Ayes 74 Nays 26 Vote: Ayes 36 Nays 14  
Approved April 16, 1998

A BILL FOR

1 An Act establishing a graduated driver's license for young  
2 drivers, making penalties applicable, creating an interim  
3 study committee, and including an applicability provision and  
4 an effective date.

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

6  
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20

New Language \_\_\_\_\_

Deleted Language \*

1 Section 1. Section 321.177, subsection 1, Code 1997, is  
 2 amended to read as follows:

3 1. To any person who is under the age of eighteen years,  
 4 ~~without the person's first having successfully completed an~~  
 5 ~~approved driver education course, in which case, the minimum~~  
 6 ~~age is sixteen years~~ except as provided in section 321.180B.  
 7 However, the department may issue a driver's license to  
 8 certain minors as provided in section 321.178 or 321.194, an  
 9 ~~instruction permit as provided in section 321.180, subsection~~  
 10 ~~17,~~ or a driver's license restricted to motorized bicycles as  
 11 provided in section 321.189, ~~subsection 8.~~

12 Sec. 2. Section 321.178, subsection 1, Code 1997, is  
 13 amended to read as follows:

14 1. APPROVED COURSE. An approved driver education course  
 15 as programmed by the department of education shall consist of  
 16 at least thirty clock hours of classroom instruction, and six  
 17 or more clock hours of laboratory instruction of which at  
 18 least three clock hours shall consist of street or highway  
 19 driving. Classroom instruction shall include all of the  
 20 following:

- 21 a. A minimum of four hours of instruction concerning
- 22 substance abuse.
- 23 b. A minimum of twenty minutes of instruction concerning
- 24 railroad crossing safety.
- 25 c. Instruction relating to becoming an organ donor under
- 26 the uniform anatomical gift Act.

27 ~~After the student has completed three clock hours of street~~  
 28 ~~or highway driving and has demonstrated to the instructor an~~  
 29 ~~ability to properly operate a motor vehicle and upon written~~  
 30 ~~request of a parent or guardian, the instructor may waive the~~  
 31 ~~remaining required laboratory instruction.~~

32 To be qualified as a classroom driver education instructor,  
 33 a person shall have satisfied the educational requirements for  
 34 a teaching license at the elementary or secondary level and  
 35 hold a valid license to teach driver education in the public

1 schools of this state.

2 Every public school district in Iowa shall offer or make  
3 available to all students residing in the school district or  
4 Iowa students attending a nonpublic school in the district an  
5 approved course in driver education. The courses may be  
6 offered at sites other than at the public school, including  
7 nonpublic school facilities within the public school  
8 districts. An approved course offered during the summer  
9 months, on Saturdays, after regular school hours during the  
10 regular terms or partly in one term or summer vacation period  
11 and partly in the succeeding term or summer vacation period,  
12 as the case may be, shall satisfy the requirements of this  
13 section to the same extent as an approved course offered  
14 during the regular school hours of the school term. A  
15 student who successfully completes and obtains certification  
16 in an approved course in driver education or an approved  
17 course in motorcycle education may, upon proof of such fact,  
18 be excused from any field test which the student would  
19 otherwise be required to take in demonstrating the student's  
20 ability to operate a motor vehicle. A student shall not be  
21 excused from any field test if a parent, guardian, or  
22 instructor requests that a test be administered. Street or  
23 highway driving instruction may be provided by a person  
24 qualified as a classroom driver education instructor or a  
25 person certified by the department of transportation. The  
26 department of transportation shall adopt rules pursuant to  
27 chapter 17A to provide for certification of persons qualified  
28 to provide street or highway driving instruction and for  
29 administering requested field tests.

30 "Student," for purposes of this section, means a person  
31 between the ages of fourteen years and twenty-one years who  
32 resides in the public school district and who satisfies the  
33 preliminary licensing requirements of the department of  
34 transportation.

35 Any person who successfully completes an approved driver

1 education course at a private or commercial driver education  
2 school licensed by the department of transportation, shall  
3 likewise be eligible for a driver's license ~~at-the-age-of~~  
4 ~~sixteen-years,~~ ~~providing-the-instructor-in-charge-of-the~~  
5 ~~student's-training-has-satisfied-the-educational-requirements~~  
6 ~~for-a-teaching-certificate-at-the-secondary-level-and-holds-a~~  
7 ~~valid-certificate-to-teach-driver-education-in-the-public~~  
8 ~~schools-of-Iowa~~ as provided in section 321.180B or 321.194.

\* 9 Sec. 3. Section 321.180, subsection 1, Code 1997, is  
10 amended to read as follows:

11 1. a. A person who is at least ~~fourteen~~ eighteen years of  
12 age and who, except for the person's lack of instruction in  
13 operating a motor vehicle, would be qualified to obtain a  
14 driver's license, shall, upon meeting the requirements of  
15 section 321.186 other than a driving demonstration, and upon  
16 paying the required fee, be issued an instruction permit by  
17 the department. Subject to the limitations in this  
18 subsection, an instruction permit entitles the permittee,  
19 while having the permit in the permittee's immediate  
20 possession, to operate a motor vehicle, other than a  
21 commercial motor vehicle or as a chauffeur or a motor vehicle  
22 with a gross vehicle weight rating of sixteen thousand one or  
23 more pounds, upon the highways for a period not to exceed two  
24 years from the licensee's birthday anniversary in the year of  
25 issuance. If the applicant for an instruction permit holds a  
26 driver's license issued in this state valid for the operation  
27 of a motorized bicycle or a motorcycle, the instruction permit  
28 shall be valid for such operation without the need of an  
29 accompanying person.

30 A permittee shall not be penalized for failing to have the  
31 instruction permit in immediate possession if the permittee  
32 produces in court, within a reasonable time, an instruction  
33 permit issued to the permittee and valid at the time of the  
34 permittee's arrest or at the time the permittee was charged  
35 with failure to have the permit in the permittee's immediate



1 possession.

2 b. Except as otherwise provided, a permittee who is  
3 sixteen eighteen years of age or older must be accompanied by  
4 a person issued a motor vehicle license valid for the vehicle  
5 operated who is a member of the permittee's immediate family  
6 if the family member is at least twenty-one years of age, an  
7 approved driver education instructor, a prospective driver  
8 education instructor who is enrolled in a practitioner  
9 preparation program with a safety education program approved  
10 by the state board of education, or a person at least eighteen  
11 twenty-five years of age, and who is actually occupying a seat  
12 beside the driver. ~~Except as otherwise provided, a permittee~~  
13 ~~who is less than sixteen years of age must be accompanied by a~~  
14 ~~person issued a motor vehicle license valid for the vehicle~~  
15 ~~operated who is the parent or guardian of the permittee,~~  
16 ~~member of the permittee's immediate family if the family~~  
17 ~~member is at least twenty-one years of age, an approved driver~~  
18 ~~education instructor, a prospective driver education~~  
19 ~~instructor who is enrolled in a practitioner preparation~~  
20 ~~program with a safety education program approved by the state~~  
21 ~~board of education, or a person who is twenty-five years of~~  
22 ~~age or more if written permission is granted by the parent or~~  
23 ~~guardian, and who is actually occupying a seat beside the~~  
24 ~~driver.~~

25 However, if the permittee is operating a motorcycle in  
26 accordance with this section or section 321.180B, the  
27 accompanying person must be within audible and visual  
28 communications distance from the permittee and be accompanying  
29 the permittee on or in a different motor vehicle. Only one  
30 permittee shall be under the immediate supervision of an  
31 accompanying qualified person, ~~unless the qualified person is~~  
32 ~~an approved motorcycle or driver education instructor or a~~  
33 ~~prospective motorcycle or driver education instructor who is~~  
34 ~~enrolled in a practitioner preparation program with a safety~~  
35 ~~education program approved by the state board of education,~~

~~1 and the permittee is enrolled in an approved motorcycle or  
2 driver education course, in which case no more than three  
3 students shall be under the immediate supervision of each  
4 instructor while on the highway.~~

5 Sec. 4. Section 321.180, Code 1997, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 5. A motorcycle instruction permit issued  
8 under this section is not renewable.

9 Sec. 5. NEW SECTION. 321.180B GRADUATED DRIVER'S  
10 LICENSES FOR PERSONS AGED FOURTEEN THROUGH SEVENTEEN.

11 Persons under age eighteen shall not be issued a license or  
12 permit to operate a motor vehicle except under the provisions  
13 of this section. However, the department may issue restricted  
14 and special driver's licenses to certain minors as provided in  
15 sections 321.178 and 321.194, and driver's licenses restricted  
16 to motorized bicycles as provided in section 321.189. A  
17 license or permit shall not be issued under this section or  
18 section 321.178 or 321.194 without the consent of a parent or  
19 guardian. An additional consent is required each time a  
20 license or permit is issued under this section or section  
21 321.178 or 321.194. The consent must be signed by at least  
22 one parent or guardian on an affidavit form provided by the  
23 department.

24 1. INSTRUCTION PERMIT. The department may issue an  
25 instruction permit to an applicant between the ages of  
26 fourteen and eighteen years if the applicant meets the  
27 requirements of sections 321.184 and 321.186, other than a  
28 driving demonstration, and pays the required fee. An  
29 instruction permit issued under this section shall be valid  
30 for a period not to exceed two years from the licensee's  
31 birthday anniversary in the year of issuance. A motorcycle  
32 instruction permit issued under this section is not renewable.

33 Subject to the limitations in this subsection, an  
34 instruction permit entitles the permittee, while having the  
35 permit in the permittee's immediate possession, to operate a

1 motor vehicle other than a commercial motor vehicle or as a  
2 chauffeur or a motor vehicle with a gross vehicle weight  
3 rating of sixteen thousand one or more pounds upon the  
4 highways.

5 Except as otherwise provided, a permittee who is less than  
6 eighteen years of age and who is operating a motor vehicle  
7 must be accompanied by a person issued a driver's license  
8 valid for the vehicle operated who is the parent or guardian  
9 of the permittee, member of the permittee's immediate family  
10 if the family member is at least twenty-one years of age, an  
11 approved driver education instructor, a prospective driver  
12 education instructor who is enrolled in a practitioner  
13 preparation program with a safety education program approved  
14 by the state board of education, or a person at least twenty-  
15 five years of age if written permission is granted by the  
16 parent or guardian, and who is actually occupying a seat  
17 beside the driver. A permittee shall not operate a motor  
18 vehicle if the number of passengers in the motor vehicle  
19 exceeds the number of passenger safety belts in the motor  
20 vehicle. If the applicant for an instruction permit holds a  
21 driver's license issued in this state valid for the operation  
22 of a motorized bicycle or a motorcycle, the instruction permit  
23 shall be valid for such operation without the requirement of  
24 an accompanying person.

25 However, if the permittee is operating a motorcycle in  
26 accordance with this section, the accompanying person must be  
27 within audible and visual communications distance from the  
28 permittee and be accompanying the permittee on or in a  
29 different motor vehicle. Only one permittee shall be under  
30 the immediate supervision of an accompanying qualified person.

31 A permittee shall not be penalized for failing to have the  
32 instruction permit in the permittee's immediate possession if  
33 the permittee produces in court, within a reasonable time, an  
34 instruction permit issued to the permittee and valid at the  
35 time of the permittee's arrest or at the time the permittee

1 was charged with failure to have the permit in the permittee's  
2 immediate possession.

3 2. INTERMEDIATE LICENSE. The department may issue an  
4 intermediate driver's license to a person sixteen or seventeen  
5 years of age who possesses an instruction permit issued under  
6 subsection 1 for a minimum of six months, and who presents an  
7 affidavit signed by a parent or guardian on a form to be  
8 provided by the department that the permittee has accumulated  
9 a total of twenty hours of street or highway driving of which  
10 two hours were conducted after sunset and before sunrise and  
11 the street or highway driving was with the permittee's parent,  
12 guardian, instructor, or a person at least twenty-five years  
13 of age who had written permission from a parent or guardian to  
14 accompany the permittee, and whose driving privileges have not  
15 been suspended, revoked, or barred under this chapter or  
16 chapter 321J during, and who has been accident and conviction  
17 free continuously for, the six-month period immediately  
18 preceding the application for an intermediate license. An  
19 applicant for an intermediate license must meet the

\* 20 requirements of section 321.186, including satisfactory  
21 completion of driver education as required in section 321.178  
22 or 321.178A, and payment of the required license fee before an  
23 intermediate license will be issued. A person issued an  
24 intermediate license must limit the number of passengers in  
25 the motor vehicle when the intermediate licensee is operating  
26 the motor vehicle to the number of passenger safety belts.

27 Except as otherwise provided, a person issued an  
28 intermediate license under this subsection who is operating a  
29 motor vehicle between the hours of twelve-thirty a.m. and five  
\* 30 a.m. must be accompanied by a person issued a driver's license  
31 valid for the vehicle operated who is the parent or guardian  
32 of the permittee, a member of the permittee's immediate family  
33 if the family member is at least twenty-one years of age, an  
34 approved driver education instructor, a prospective driver  
35 education instructor who is enrolled in a practitioner

1 preparation program with a safety education program approved  
2 by the state board of education, or a person at least twenty-  
3 five years of age if written permission is granted by the  
4 parent or guardian, and who is actually occupying a seat  
5 beside the driver. However, a licensee may operate a vehicle  
6 to and from school-related extracurricular activities and work  
7 without an accompanying driver between the hours of twelve-  
8 thirty a.m. and five a.m. if such licensee possesses a waiver  
9 on a form to be provided by the department. An accompanying  
10 driver is not required between the hours of five a.m. and  
11 twelve-thirty a.m.

12 3. REMEDIAL DRIVER IMPROVEMENT ACTION OR SUSPENSION OF  
13 PERMIT OR INTERMEDIATE LICENSE. A person who has been issued  
14 an instruction permit under this section shall be subject to  
15 remedial driver improvement action or suspension of the permit  
16 upon conviction of a moving traffic violation or involvement  
17 in a motor vehicle accident which occurred during the term of  
18 the instruction permit. A person who has been issued an  
19 intermediate license under this section shall be subject to  
20 remedial driver improvement action or suspension of the  
21 license upon conviction of a moving traffic violation, other  
22 than a conviction of a violation described in section 321.210,  
23 subsection 2, paragraph "d", or if the person was involved in  
24 a motor vehicle accident which occurred during the term of the  
25 license. A person possessing an instruction permit who has  
26 been convicted of a moving traffic violation or has been  
27 involved in an accident shall not be issued an intermediate  
28 license until the person has completed the remedial driver  
29 improvement action and has been accident and conviction free  
30 continuously for the six-month period immediately preceding  
31 the application for the intermediate license. A person  
32 possessing an intermediate license who has been convicted of a  
33 moving traffic violation, other than a conviction of a  
34 violation described in section 321.210, subsection 2,  
35 paragraph "d", or has been involved in an accident shall not

1 be issued a full driver's license until the person has  
2 completed the remedial driver improvement action and has been  
3 accident and conviction free continuously for the twelve-month  
4 period immediately preceding the application for a full  
5 driver's license.

6 4. FULL DRIVER'S LICENSE. A full driver's license may be  
7 issued to a person seventeen years of age who possesses an  
8 intermediate license issued under subsection 2 for a minimum  
9 of twelve months, and who presents an affidavit signed by a  
10 parent or guardian on a form to be provided by the department  
11 that the intermediate licensee has accumulated a total of ten  
12 hours of street or highway driving of which two hours were  
13 conducted after sunset and before sunrise and the street or  
14 highway driving was with the licensee's parent, guardian,  
15 instructor, or a person at least twenty-five years of age who  
16 had written permission from a parent or guardian to accompany  
17 the licensee, whose driving privileges have not been  
18 suspended, revoked, or barred under this chapter or chapter  
19 321J during, and who has been accident and conviction free  
20 continuously for, the twelve-month period immediately  
21 preceding the application for a full driver's license, and who  
22 has paid the required license fee. A conviction of a  
23 violation described in section 321.210, subsection 2,  
24 paragraph "d", does not apply to this subsection.

25 5. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under  
26 the age of eighteen applying for an intermediate or full  
27 driver's license valid for the operation of a motorcycle shall  
28 be required to successfully complete a motorcycle education  
29 course either approved and established by the department of  
30 transportation or from a private or commercial driver  
31 education school licensed by the department of transportation  
32 before the class M license will be issued. A public school  
33 district shall charge a student a fee which shall not exceed  
34 the actual cost of instruction minus moneys received by the  
35 school district under subsection 6.

1 6. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider  
2 education fund is established in the office of the treasurer  
3 of state. The moneys credited to the fund are appropriated to  
4 the state department of transportation to be used to establish  
5 new motorcycle rider education courses and reimburse sponsors  
6 of motorcycle rider education courses for the costs of  
7 providing motorcycle rider education courses approved and  
8 established by the department. The department shall adopt  
9 rules under chapter 17A providing for the distribution of  
10 moneys to sponsors of motorcycle rider education courses based  
11 upon the cost of providing the education courses.

12 7. RULES. The department may adopt rules pursuant to  
13 chapter 17A to administer this section.

14 Sec. 6. Section 321.189, subsection 6, Code Supplement  
15 1997, is amended to read as follows:

16 6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A  
17 motor vehicle license issued to a person under eighteen years  
18 of age shall be identical in form to any other motor vehicle  
19 license except that the words "under eighteen" shall appear  
20 prominently on the face of the license. A motor vehicle  
21 license issued to a person eighteen years of age or older but  
22 less than twenty-one years of age shall be identical in form  
23 to any other motor vehicle license except that the words  
24 "under twenty-one" shall appear prominently on the face of the  
25 license. Upon attaining the age of eighteen or upon attaining  
26 the age of twenty-one, and upon payment of a one dollar fee,  
27 the person shall be entitled to a new motor vehicle license or  
28 nonoperator's identification card for the unexpired months of  
29 the motor vehicle license or card. An instruction permit or  
30 intermediate license issued under section 321.180B, subsection  
31 1 or 2, shall include a distinctive color bar. An  
32 intermediate license issued under section 321.180B, subsection  
33 2, shall include the words "intermediate license" printed  
34 prominently on the face of the license.

35 Sec. 7. Section 321.189, subsections 7 and 9, Code

1 Supplement 1997, are amended by striking the subsections.

2 Sec. 8. Section 321.194, Code 1997, is amended to read as  
3 follows:

4 321.194 SPECIAL MINORS' LICENSES.

5 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

6 Upon certification of a special need by the school board, or  
7 the superintendent of the applicant's school, or principal, if  
8 authorized by the superintendent, the department may issue a  
9 class C or M driver's license to a person between the ages of  
10, fourteen fifteen and eighteen years whose driving privileges  
11 have not been suspended, revoked, or barred under this chapter  
12 or chapter 321J during, and who has not been convicted of a  
13 moving traffic violation or involved in a motor vehicle  
14 accident for, the six-month period immediately preceding the  
15 application for the special minor's license and who has  
16 successfully completes completed an approved driver education  
17 course. However, the completion of a course is not required  
18 if the applicant demonstrates to the satisfaction of the  
19 department that completion of the course would impose a  
20 hardship upon the applicant. The department shall adopt rules  
21 defining the term "hardship" and establish procedures for the  
22 demonstration and determination of when completion of the  
23 course would impose a hardship upon an applicant.

24 a. The driver's license entitles the holder, while having  
25 the license in immediate possession, to operate a motor  
26 vehicle other than a commercial motor vehicle or as a  
27 chauffeur:

28 (1) During the hours of 6 a.m. to 10 p.m. over the most  
29 direct and accessible route between the licensee's residence  
30 and schools of enrollment and between schools of enrollment  
31 for the purpose of attending duly scheduled courses of  
32 instruction and extracurricular activities ~~at-the-schools~~  
33 within the school district.

34 (2) At any time when the licensee is accompanied in  
35 accordance with section ~~321.180~~ 321.180B, subsection 17



1 paragraph-"b".

2 b. Each application shall be accompanied by a statement  
3 from the school board, ~~or~~ superintendent, or principal, if  
4 authorized by the superintendent, of the applicant's school.  
5 The statement shall be upon a form provided by the department.  
6 The school board, ~~or~~ superintendent, or principal, if  
7 authorized by the superintendent, shall certify that a need  
8 exists for the license and that the board, ~~and~~ superintendent,  
9 and a principal authorized by the superintendent are not  
10 responsible for actions of the applicant which pertain to the  
11 use of the driver's license. The department of education  
12 shall adopt rules establishing criteria for issuing a  
13 statement of necessity. Upon receipt of a statement of  
14 necessity, the department shall issue the driver's license.  
15 The fact that the applicant resides at a distance less than  
16 one mile from the applicant's schools of enrollment is prima  
17 facie evidence of the nonexistence of necessity for the  
18 issuance of a license. The driver's license shall not be  
19 issued for purposes of attending a public school in a school  
20 district other than either of the following:

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

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

30 c. A person who has been issued a driver's license  
31 pursuant to the section shall not operate a motor vehicle in  
32 this state unless a decal is affixed to the vehicle indicating  
33 that the operator may be a student. The decal shall be issued  
34 by the department without a fee. The department shall adopt  
35 rules pursuant to chapter 17A to administer this paragraph.

1        2.   SUSPENSION AND REVOCATION.   A driver's license issued  
2 under this section is subject to suspension or revocation for  
3 the same reasons and in the same manner as suspension or  
4 revocation of any other driver's license.   The department may  
5 also suspend a driver's license issued under this section upon  
6 receiving satisfactory evidence that the licensee has violated  
7 the restrictions of the license or has been involved in one or  
8 more accidents chargeable to the licensee.   The department may  
9 suspend a driver's license issued under this section upon  
10 receiving a record of the licensee's conviction for one  
11 violation.   The department shall revoke the license upon  
12 receiving a record of conviction for two or more violations of  
13 a law of this state or a city ordinance regulating the  
14 operation of motor vehicles on highways other than parking  
15 violations as defined in section 321.210.   After a person  
16 licensed under this section receives two or more convictions  
17 which require revocation of the person's license under this  
18 section, the department shall not grant an application for a  
19 new motor vehicle license until the expiration of one year or  
20 ~~until the licensee's sixteenth birthday, whichever is the~~  
21 ~~longer period.~~

22        Sec. 9.   Section 321.196, unnumbered paragraph 1, Code  
23 1997, is amended to read as follows:

24        Except as otherwise provided, a motor vehicle license,  
25 other than an instruction permit, chauffeur's instruction  
26 permit, or commercial driver's instruction permit issued under  
27 section 321.180, expires, at the option of the applicant, two  
28 or four years from the licensee's birthday anniversary  
29 occurring in the year of issuance if the licensee is between  
30 the ages of seventeen years eleven months and seventy years on  
31 the date of issuance of the license.   If the licensee is under  
32 the age of seventeen years eleven months or age seventy or  
33 over, the license is effective for a period of two years from  
34 the licensee's birthday anniversary occurring in the year of  
35 issuance.   Except as required in section 321.188, and except

1 for a motorcycle instruction permit issued in accordance with  
2 section 321.180 or 321.180B, a motor vehicle license is  
3 renewable without written examination or penalty within a  
4 period of sixty days after its expiration date. A person  
5 shall not be considered to be driving with an invalid license  
6 during a period of sixty days following the license expiration  
7 date. However, for a license renewed within the sixty-day  
8 period, the date of issuance shall be considered to be the  
9 previous birthday anniversary on which it expired. Applicants  
10 whose licenses are restricted due to vision or other physical  
11 deficiencies may be required to renew their licenses every two  
12 years. For the purposes of this section the birthday  
13 anniversary of a person born on February 29 shall be deemed to  
14 occur on March 1. The department in its discretion may  
15 authorize the renewal of a valid motor vehicle license other  
16 than a commercial driver's license upon application without an  
17 examination provided that the applicant satisfactorily passes  
18 a vision test as prescribed by the department, files a vision  
19 report in accordance with section 321.186A which shows that  
20 the applicant's visual acuity level meets or exceeds those  
21 required by the department, or is eligible for renewal by mail  
22 pursuant to rules adopted by the department. The department  
23 may assess an applicant a fee of no more than two dollars for  
24 administration and mailing expenses for providing for renewal  
25 of the applicant's driver's license by mail.

26 Sec. 10. NEW SECTION. 321.210C PROBATION PERIOD.

27 A person whose driver's license or operating privileges  
28 have been suspended, revoked, or barred under chapter 321 for  
29 a conviction of a moving traffic violation, or suspended,  
30 revoked, or barred under section 321.205 or section 321.210,  
31 subsection 1, paragraph "e", or chapter 321J, must  
32 satisfactorily complete a twelve-month probation period  
33 beginning immediately after the end of the period of  
34 suspension, revocation, or bar. Upon conviction of a moving  
35 traffic violation which occurred during the probation period,

1 the department may suspend the driver's license or operating  
2 privileges for an additional period equal in duration to the  
3 original period of suspension, revocation, or bar, or for one  
4 year, whichever is the shorter period.

5 Sec. 11. Section 321.218A, Code Supplement 1997, is  
6 amended to read as follows:

7 321.218A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

8 When the department suspends, revokes, or bars a person's  
9 motor vehicle license or nonresident operating privilege for a  
10 conviction under this chapter, the department shall assess the  
11 person a civil penalty of two hundred dollars. However, for  
12 persons age nineteen or under, the civil penalty assessed  
13 shall be fifty dollars. The civil penalty does not apply to a  
14 suspension issued for a violation of section 321.180B. The  
15 money collected by the department under this section shall be  
16 transmitted to the treasurer of state who shall deposit the  
17 money in the general fund of the state. A temporary  
18 restricted license shall not be issued or a motor vehicle  
19 license or nonresident operating privilege reinstated until  
20 the civil penalty has been paid.

21 Sec. 12. Section 321A.17, subsection 5, Code 1997, is  
22 amended to read as follows:

23 5. An individual applying for a motor vehicle license  
24 following a period of suspension or revocation pursuant to a  
25 dispositional order issued under section 232.52, subsection 2,  
26 paragraph "a", or under section 321.180B, section 321.210,  
27 subsection 1, paragraph "d", or section 321.210A, 321.213A,  
28 321.213B, 321.216B, or 321.513, following a period of  
29 suspension under section 321.194, or following a period of  
30 revocation pursuant to a court order issued under section  
31 901.5, subsection 10, or under section 321J.2A, is not  
32 required to maintain proof of financial responsibility under  
33 this section.

34 Sec. 13. Section 805.8, subsection 2, paragraph f, Code  
35 Supplement 1997, is amended to read as follows:

1 f. For violations of the conditions or restrictions of a  
2 motor vehicle license under sections 321.180, 321.180B,  
3 321.193, and 321.194, the scheduled fine is twenty dollars.

4 Sec. 14. APPLICABILITY. The provisions of this Act  
5 relating to the issuance of any individual type of driver's  
6 permit or license to operate a motor vehicle and to the  
7 operation of a motor vehicle under that permit or license  
8 shall be applied only to a person who meets the minimum age  
9 qualification for the particular permit or license on or after  
10 the effective date of this Act.

11 Sec. 15. DRIVER'S EDUCATION CURRICULUM -- STUDY.

12 The legislative council is requested to establish an  
13 interim study committee consisting of members of both  
14 political parties administered throughout the state. The  
15 study may include but is not limited to driver's education  
16 curriculum, certification of persons by the department to  
17 provide classroom and laboratory instruction, costs to  
18 students and to schools, privatizing driver's education,  
19 expansion of behind-the-wheel training and effects on  
20 insurance rates. The committee may consult with the  
21 department of transportation, department of education,  
22 parents, educators, insurance executives, and other persons  
23 the committee may believe relevant to the study of driver's  
24 education. The committee is directed to submit its findings,  
25 together with any recommendations, in a report to the general  
26 assembly which convenes in January 1999.

27 Sec. 16. EFFECTIVE DATE. This Act takes effect January 1,  
28 1999.

29  
30  
31  
32  
33  
34  
35

HOUSE FILE 2528

5417

1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 8 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 321.178A DRIVER  
6 EDUCATION -- TEACHING PARENT.

7 1. TEACHING PARENT QUALIFICATIONS. As an  
8 alternative to section 321.178, a teaching parent may  
9 instruct a student in driver's education courses which  
10 meet the requirements of this section, and provides  
11 certified evidence that the requirements under this  
12 section have been met.

13 2. DEFINITIONS. For purposes of this section:

14 a. "Student" means a person within the custody and  
15 control of the teaching parent, who is between the  
16 ages of fourteen and twenty-one years of age and who  
17 satisfies preliminary licensing requirements of the  
18 department.

19 b. "Teaching parent" means a person who is the  
20 parent or guardian of a student, who holds a current  
21 valid Iowa license to operate a motor vehicle, and who  
22 is either a person providing competent instruction or  
23 competent private instruction pursuant to section  
24 299A.2 or 299A.3.

25 3. COURSE OF INSTRUCTION. A driver education  
26 course administered by a teaching parent shall consist  
27 at a minimum of the following:

28 a. Thirty clock hours of classroom instruction.

29 b. Forty hours of street or highway driving  
30 including four hours of driving after sunset and  
31 before sunrise while accompanied by a parent or  
32 guardian.

33 c. Four hours of classroom instruction concerning  
34 substance abuse.

35 d. Twenty minutes of instruction concerning  
36 railroad crossing safety.

37 e. Instruction relating to becoming an organ donor  
38 under the uniform anatomical gift Act.

39 The content of the course of instruction required  
40 under this subsection shall be equivalent to that  
41 required under section 321.178. However, the course  
42 requirements, reference and study materials, manuals,  
43 study aids, workbooks, physical requirements,  
44 classroom dimensions, type of chalkboards, extra  
45 vehicle safety equipment, extra foot brake, cut-off  
46 switches, and extra mirrors required for instruction  
47 under section 321.178 shall not be required for the  
48 course of instruction provided under this section.

49 4. COURSE COMPLETION AND CERTIFICATION. Upon  
50 completion of a course under this section, the

5417

17 MAC 4711

S-5417

Page 2

1 teaching parent shall document or provide evidence  
2 showing substantial statutory compliance with the  
3 requirements of subsection 3 and certify by affidavit  
4 to the department of education that the course has  
5 been completed. Documentation shall include the  
6 following:  
7 a. An affidavit attesting to satisfactory  
8 completion of course work and street or highway  
9 driving instruction.  
10 b. A listing of subjects presented in classroom  
11 training.  
12 c. Copies of written tests completed by the  
13 student.  
14 d. A statement of the number of classroom hours of  
15 instruction.  
16 e. A log of street or highway driving instruction  
17 including the dates when the lessons were conducted,  
18 the student's and the parent's name and initials noted  
19 next to each entry, notes on driving activities,  
20 including a list of driving deficiencies and  
21 improvements, and the duration of the driving time for  
22 each session. If the department of education is  
23 satisfied that the course has been completed in  
24 accordance with this section, the department shall  
25 certify it as an approved driver's education course.  
26 5. INTERMEDIATE LICENSE. Any student who  
27 successfully completes an approved driver education  
28 course as provided in this section and who passes a  
29 driving skills test to be administered by the  
30 department and is otherwise qualified under section  
31 321.180B, subsection 2, shall be eligible for an  
32 intermediate license pursuant to section 321.180B.  
33 Such a student is not required to file an affidavit  
34 with the department regarding completion of street or  
35 highway driving with a parent or guardian under  
36 section 321.180B, subsection 2, and the hours of  
37 driving required under subsection 3 shall substitute  
38 for any hours of driving required under section  
39 321.180B, subsection 2.  
40 6. FULL LICENSE. A student must comply with  
41 section 321.180B, subsection 4, to be eligible for a  
42 full driver's license pursuant to section 321.180B."  
43 2. Title page, line 1, by inserting before the  
44 word "establishing" the following: "providing for  
45 driver education by teaching parents,".  
46 3. By renumbering as necessary.

By ALLEN BORLAUG  
STEVE KING  
NANCY BOETTGER  
NEAL SCHUERER  
JERRY BEHN

JEFF ANGELO  
JOHN W. JENSEN  
SHELDON RITTMER  
H. KAY HEDGE

S-5417 FILED MARCH 30, 1998

**WITHDRAWN**

3/31/98

(p.477)

## HOUSE FILE 2528

S-5438

- 1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House as follows:
- 3 1. Page 11, lines 6 through 8 by striking the  
4 words "school board, or the superintendent of the  
5 applicant's school, or principal, if authorized by the  
6 superintendent, the department may issue" and  
7 inserting the following: "~~school-board-or-the~~  
8 ~~superintendent-of-the-applicant's-school,-the~~  
9 ~~department-may-issue~~ department,".
- 10 2. Page 11, line 9, by inserting after the word  
11 "license" the following: "may be issued by the  
12 department".
- 13 3. Page 12, by striking lines 2 through 11 and  
14 inserting the following:
- 15 "~~b. Each application shall be accompanied by a~~  
16 ~~statement from the school board or superintendent of~~  
17 ~~the applicant's school. The statement shall be upon a~~  
18 ~~form provided by the department. The school board or~~  
19 ~~superintendent shall certify that a need exists for~~  
20 ~~the license and that the board and superintendent are~~  
21 ~~not responsible for actions of the applicant which~~  
22 ~~pertain to the use of the driver's license. Each~~  
23 application by shall be accompanied by a statement  
24 from the student's parent or guardian. The  
25 application and statement shall be upon forms provided  
26 by the department. The department shall certify that  
27 a need exists for the license and the department shall  
28 not be responsible for actions of the applicant which  
29 pertain to the use of the driver's license. The  
30 department of education".
- 31 4. By renumbering as necessary.

By MATT McCOY

S-5438 FILED MARCH 31, 1998

WITHDRAWN

(P. 966)



## HOUSE FILE 2528

-5435

- 1 Amend House File 2528, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, by striking lines 30 through 35.
- 4 2. By renumbering as necessary.

By MATT McCOY

S-5435 FILED MARCH 30, 1998

*Adopted 3/31/98 (P. 976)*

## HOUSE FILE 2528

S-5412

- 1 Amend House File 2528, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, line 10, by striking the words
- 4 "fourteen fifteen" and inserting the following:
- 5 "fourteen".

By MARY LOU FREEMAN

S-5412 FILED MARCH 30, 1998

*Adopted  
3/31/98  
(P. 976)*

## HOUSE FILE 2528

S-5441

- 1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 8, by striking lines 14 through 25 and  
4 inserting the following: "an instruction permit or an  
5 intermediate license under this section, upon  
6 conviction of a moving traffic violation or  
7 involvement in a motor vehicle accident which occurred  
8 during the term of the instruction permit or  
9 intermediate license, shall be subject to remedial  
10 driver improvement action or suspension of the permit  
11 or license. A person possessing an instruction permit  
12 who has".  
13 2. Page 8, lines 33 through 35, by striking the  
14 words ", other than a conviction of a violation  
15 described in section 321.210, subsection 2, paragraph  
16 "d",".  
17 3. Page 9, by striking lines 22 through 24 and  
18 inserting the following: "has paid the required fee."  
19 4. By renumbering as necessary.

By MATT McCOY

S-5441 FILED MARCH 31, 1998

ADOPTED (p 965)

## HOUSE FILE 2528

S-5443

- 1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 7, line 22, by striking the word and  
4 figure "or 321.178A".  
5 2. By renumbering as necessary.

By LARRY MCKIBBEN

S-5443 FILED MARCH 31, 1998

ADOPTED

(P. 977)

## HOUSE FILE 2528

S-5453

- 1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 32, by inserting after the word  
4 "classroom" the following: "or laboratory".  
5 2. Page 7, line 12, by inserting after the word  
6 "instructor," the following: "a person certified by  
7 the department,".  
8 3. Page 9, line 15, by inserting after the word  
9 "instructor," the following: "a person certified by  
10 the department,".  
11 4. By renumbering as necessary.

By MIKE CONNOLLY

S-5453 FILED MARCH 31, 1998

ADOPTED

(P. 983)

## HOUSE FILE 2528

## S-5440

1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 11, lines 6 through 8 by striking the  
4 words "school board, ~~or the~~ superintendent of the  
5 applicant's school, ~~or principal, if authorized by the~~  
6 superintendent, the department may issue" and  
7 inserting the following: "~~school-board-or-the~~  
8 ~~superintendent-of-the-applicant's-school, the~~  
9 ~~department-may-issue~~ department,".

10 2. Page 11, line 9, by inserting after the word  
11 "license" the following: "may be issued by the  
12 department".

13 3. Page 12, by striking lines 2 through 11 and  
14 inserting the following:

15 "~~b. Each application shall be accompanied by a~~  
16 ~~statement from the school board or superintendent of~~  
17 ~~the applicant's school. --The statement shall be upon a~~  
18 ~~form provided by the department. --The school board or~~  
19 ~~superintendent shall certify that a need exists for~~  
20 ~~the license and that the board and superintendent are~~  
21 ~~not responsible for actions of the applicant which~~  
22 ~~pertain to the use of the driver's license. Each~~  
23 application shall be accompanied by a statement from  
24 the student's parent or guardian. The application and  
25 statement shall be upon forms provided by the  
26 department. The department shall certify that a need  
27 exists for the license and the department shall not be  
28 responsible for actions of the applicant which pertain  
29 to the use of the driver's license. The department of  
30 education".

31 4. By renumbering as necessary.

By MATT McCOY

S-5440 FILED MARCH 31, 1998

LOST

(p. 967)

## HOUSE FILE 2528

S-5446

1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 8 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 321.178A DRIVER  
6 EDUCATION -- TEACHING PARENT.  
7 1. TEACHING PARENT QUALIFICATIONS. As an  
8 alternative to section 321.178, a teaching parent may  
9 instruct a student in driver's education courses which  
10 meet the requirements of this section, and provides  
11 certified evidence that the requirements under this  
12 section have been met.  
13 2. DEFINITIONS. For purposes of this section:  
14 a. "Student" means a person within the custody and  
15 control of the teaching parent, who is between the  
16 ages of fourteen and twenty-one years of age and who  
17 satisfies preliminary licensing requirements of the  
18 department.  
19 b. "Teaching parent" means a person who is the  
20 parent or guardian of a student, who holds a current  
21 valid Iowa license to operate a motor vehicle, and who  
22 has a student enrolled in an accredited nonpublic  
23 school that does not offer driver's education at such  
24 school or who is either a person providing competent  
25 instruction or competent private instruction pursuant  
26 to section 299A.2 or 299A.3.  
27 3. COURSE OF INSTRUCTION. A driver education  
28 course administered by a teaching parent shall consist  
29 at a minimum of the following:  
30 a. Thirty clock hours of classroom instruction.  
31 b. Forty hours of street or highway driving  
32 including four hours of driving after sunset and  
33 before sunrise while accompanied by a parent or  
34 guardian.  
35 c. Four hours of classroom instruction concerning  
36 substance abuse.  
37 d. Twenty minutes of instruction concerning  
38 railroad crossing safety.  
39 e. Instruction relating to becoming an organ donor  
40 under the uniform anatomical gift Act.  
41 The content of the course of instruction required  
42 under this subsection shall be equivalent to that  
43 required under section 321.178. However, the course  
44 requirements, reference and study materials, manuals,  
45 study aids, workbooks, physical requirements,  
46 classroom dimensions, type of chalkboards, extra  
47 vehicle safety equipment, extra foot brake, cut-off  
48 switches, and extra mirrors required for instruction  
49 under section 321.178 shall not be required for the  
50 course of instruction provided under this section.

S-5446

-1-

S-5446

Page 2

1 4. COURSE COMPLETION. Upon completion of a course  
2 under this section, the teaching parent shall document  
3 or provide evidence showing substantial statutory  
4 compliance with the requirements of subsection 3 and  
5 certify by affidavit to the department, or county  
6 treasurer when applicable, that the course has been  
7 completed. Documentation shall include the following:

8 a. An affidavit attesting to satisfactory  
9 completion of course work and street or highway  
10 driving instruction.

11 b. A listing of subjects presented in classroom  
12 training.

13 c. Copies of written tests completed by the  
14 student.

15 d. A statement of the number of classroom hours of  
16 instruction.

17 e. A log of street or highway driving instruction  
18 including the dates when the lessons were conducted,  
19 the student's and the parent's name and initials noted  
20 next to each entry, notes on driving activities,  
21 including a list of driving deficiencies and  
22 improvements, and the duration of the driving time for  
23 each session.

24 5. INTERMEDIATE LICENSE. Any student who  
25 successfully completes a driver education course as  
26 provided in this section and who passes a driving  
27 skills test to be administered by the department and  
28 is otherwise qualified under section 321.180B,  
29 subsection 2, shall be eligible for an intermediate  
30 license pursuant to section 321.180B. Such a student  
31 is not required to file an affidavit with the  
32 department regarding completion of street or highway  
33 driving with a parent or guardian under section  
34 321.180B, subsection 2, and the hours of driving  
35 required under subsection 3 shall substitute for any  
36 hours of driving required under section 321.180B,  
37 subsection 2.

38 6. FULL LICENSE. A student must comply with  
39 section 321.180B, subsection 4, to be eligible for a  
40 full driver's license pursuant to section 321.180B."

41 2. Title page, line 1, by inserting before the  
42 word "establishing" the following: "providing for  
43 driver education by teaching parents,".

44 3. By renumbering as necessary.

By ALLEN BORLAUG  
NEAL SCHUERER  
STEVE KING  
WILMER RENSINK  
JOHN W. JENSEN  
H. KAY HEDGE  
JEFF ANGELO

SHELDON RITTNER  
NANCY BOETTGER  
KITTY REHBERG  
LYLE E. ZIEMAN  
E. THURMAN GASKILL  
DERRYL McLAREN

S-5446 FILED MARCH 31, 1998  
RULED OUT OF ORDER (p. 97)

SENATE AMENDMENT TO HOUSE FILE 2528

H-8832

- 1 Amend House File 2528, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 32, by inserting after the word  
4 "classroom" the following: "or laboratory".  
5 2. Page 7, line 12, by inserting after the word  
6 "instructor," the following: "a person certified by  
7 the department,".  
8 3. Page 7, line 22, by striking the word and  
9 figure "or 321.178A".  
10 4. Page 8, by striking lines 14 through 25 and  
11 inserting the following: "an instruction permit or an  
12 intermediate license under this section, upon  
13 conviction of a moving traffic violation or  
14 involvement in a motor vehicle accident which occurred  
15 during the term of the instruction permit or  
16 intermediate license, shall be subject to remedial  
17 driver improvement action or suspension of the permit  
18 or license. A person possessing an instruction permit  
19 who has".  
20 5. Page 8, lines 33 through 35, by striking the  
21 words ", other than a conviction of a violation  
22 described in section 321.210, subsection 2, paragraph  
23 "d",".  
24 6. Page 9, line 15, by inserting after the word  
25 "instructor," the following: "a person certified by  
26 the department,".  
27 7. Page 9, by striking lines 22 through 24 and  
28 inserting the following: "has paid the required fee."  
29 8. Page 11, line 10, by striking the words  
30 "~~fourteen~~ fifteen" and inserting the following:  
31 "fourteen".  
32 9. Page 12, by striking lines 30 through 35.  
33 10. By renumbering, relettering, or redesignating  
34 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-8832 FILED MARCH 31, 1998

*House Concurred*  
*4-6-98*  
*(P. 1286)*

## HOUSE FILE 2528

## H-8910

1 Amend the Senate amendment, H-8832, to House File  
2 2528, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 4 the  
5 following:  
6 "\_\_\_\_. Page 3, by inserting after line 8 the  
7 following:  
8 "Sec. \_\_\_\_ . NEW SECTION. 321.178A DRIVER  
9 EDUCATION -- TEACHING PARENT.  
10 1. TEACHING PARENT QUALIFICATIONS. As an  
11 alternative to section 321.178, a teaching parent may  
12 instruct a student in driver's education courses which  
13 meet the requirements of this section, and provides  
14 certified evidence that the requirements under this  
15 section have been met.  
16 2. DEFINITIONS. For purposes of this section:  
17 a. "Student" means a person within the custody and  
18 control of the teaching parent, who is between the  
19 ages of fourteen and twenty-one years of age and who  
20 satisfies preliminary licensing requirements of the  
21 department.  
22 b. "Teaching parent" means a person who is the  
23 parent or guardian of a student, who holds a current  
24 valid Iowa license to operate a motor vehicle, and who  
25 is either a person providing competent instruction or  
26 competent private instruction pursuant to section  
27 299A.2 or 299A.3.  
28 3. COURSE OF INSTRUCTION. A driver education  
29 course administered by a teaching parent shall consist  
30 at a minimum of the following:  
31 a. Thirty clock hours of classroom instruction.  
32 b. Forty hours of street or highway driving  
33 including four hours of driving after sunset and  
34 before sunrise while accompanied by a parent or  
35 guardian.  
36 c. Four hours of classroom instruction concerning  
37 substance abuse.  
38 d. A minimum of twenty minute of instruction  
39 concerning railroad crossing safety.  
40 e. Instruction relating to becoming an organ donor  
41 under the uniform anatomical gift Act.  
42 The content of the course of instruction required  
43 under this subsection shall be equivalent to that  
44 required under section 321.178. However, the course  
45 requirements, reference and study materials, manuals,  
46 study aids, workbooks, physical requirements,  
47 classroom dimensions, type of chalkboards, extra  
48 vehicle safety equipment, extra foot brake, cut-off  
49 switches, and extra mirrors required for instruction  
50 under section 321.178 shall not be required for the  
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Page 2

1 course of instruction provided under this section.  
2 4. COURSE COMPLETION AND CERTIFICATION. Upon  
3 completion of a course under this section, the  
4 teaching parent shall document or provide evidence  
5 showing substantial statutory compliance with the  
6 requirements of subsection 3 and certify by affidavit  
7 to the department of education that the course has  
8 been completed. Documentation shall include the  
9 following:  
10 a. An affidavit attesting to satisfactory  
11 completion of course work and street or highway  
12 driving instruction.  
13 b. A listing of subjects presented in classroom  
14 training.  
15 c. Copies of written tests completed by the  
16 student.  
17 d. A statement of the number of classroom hours of  
18 instruction.  
19 e. A log of street or highway driving instruction  
20 including the dates when the lessons were conducted,  
21 the student's and the parent's name and initials noted  
22 next to each entry, notes on driving activities,  
23 including a list of driving deficiencies and  
24 improvements, and the duration of the driving time for  
25 each session. If the department of education is  
26 satisfied that the course has been completed in  
27 accordance with this section, the department shall  
28 certify it as an approved driver's education course.  
29 5. INTERMEDIATE LICENSE. Any student who  
30 successfully completes an approved driver education  
31 course as provided in this section and who passes a  
32 driving field test to be administered by the  
33 department and is otherwise qualified under section  
34 321.180B, subsection 2, shall be eligible for an  
35 intermediate license pursuant to section 321.180B.  
36 Such a student is not required to file an affidavit  
37 with the department regarding completion of street or  
38 highway driving with a parent or guardian under  
39 section 321.180B, subsection 2, and the hours of  
40 driving required under subsection 3 shall substitute  
41 for any hours of driving required under section  
42 321.180B, subsection 2.  
43 6. FULL LICENSE. A student must comply with  
44 section 321.180B, subsection 4, to be eligible for a  
45 full driver's license pursuant to section 321.180B."  
46 2. Page 1, by striking lines 8 and 9.  
47 3. By renumbering as necessary.

By MUNDIE of Webster

H-8910 FILED APRIL 3, 1998

*Not Done*  
*4-6-98*  
*(P. 1286)*



Heaton, Chair

Walter

Arnold

Luker

Coburn

HSB 576

TRANSPORTATION

Success | By

SENATE/HOUSE FILE 11 79

BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing a graduated driver's license for young  
2 drivers, making penalties applicable, and including an  
3 applicability provision and an effective date.

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

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1 Section 1. Section 321.177, subsection 1, Code 1997, is  
2 amended to read as follows:

3 1. To any person who is under the age of eighteen years,  
4 ~~without-the-person's-first-having-successfully-completed-an~~  
5 ~~approved-driver-education-course,-in-which-case,-the-minimum~~  
6 ~~age-is-sixteen-years~~ except as provided in section 321.180B.  
7 However, the department may issue a driver's license to  
8 certain minors as provided in section 321.178 or 321.194, an  
9 ~~instruction-permit-as-provided-in-section-321.180,-subsection~~  
10 ~~7~~ or a driver's license restricted to motorized bicycles as  
11 provided in section 321.189,-subsection-8.

12 Sec. 2. Section 321.178, subsection 1, Code 1997, is  
13 amended to read as follows:

14 1. APPROVED COURSE. An approved driver education course  
15 as programmed by the department of education shall consist of  
16 at least thirty clock hours of classroom instruction, and six  
17 twelve or more clock hours of ~~laboratory-instruction-of-which~~  
18 ~~at-least-three-clock-hours-shall-consist-of~~ street or highway  
19 driving. Classroom instruction shall include all of the  
20 following:

21 a. A minimum of four hours of instruction concerning  
22 substance abuse.

23 b. A minimum of twenty minutes of instruction concerning  
24 railroad crossing safety.

25 c. Instruction relating to becoming an organ donor under  
26 the uniform anatomical gift Act.

27 ~~After-the-student-has-completed-three-clock-hours-of-street~~  
28 ~~or-highway-driving-and-has-demonstrated-to-the-instructor-an~~  
29 ~~ability-to-properly-operate-a-motor-vehicle-and-upon-written~~  
30 ~~request-of-a-parent-or-guardian,-the-instructor-may-waive-the~~  
31 ~~remaining-required-laboratory-instruction.~~

32 To be qualified as a classroom driver education instructor,  
33 a person shall have satisfied the educational requirements for  
34 a teaching license at the secondary level and hold a valid  
35 license to teach driver education in the public schools of

1 this state.

2 Every public school district in Iowa shall offer or make  
3 available to all students residing in the school district or  
4 Iowa students attending a nonpublic school in the district an  
5 approved course in driver education. The courses may be  
6 offered at sites other than at the public school, including  
7 nonpublic school facilities within the public school  
8 districts. An approved course offered during the summer  
9 months, on Saturdays, after regular school hours during the  
10 regular terms or partly in one term or summer vacation period  
11 and partly in the succeeding term or summer vacation period,  
12 as the case may be, shall satisfy the requirements of this  
13 section to the same extent as an approved course offered  
14 during the regular school hours of the school term. ~~A student~~  
15 ~~who successfully completes and obtains certification in an~~  
16 ~~approved course in driver education or an approved course in~~  
17 ~~motorcycle education may, upon proof of such fact, be excused~~  
18 ~~from any field test which the student would otherwise be~~  
19 ~~required to take in demonstrating the student's ability to~~  
20 ~~operate a motor vehicle.~~ Street or highway driving  
21 instruction may be provided by a person qualified as a  
22 classroom driver education instructor or a person certified by  
23 the department of transportation. The department of  
24 transportation shall adopt rules pursuant to chapter 17A to  
25 provide for certification of persons qualified to provide  
26 street or highway driving instruction.

27 "Student," for purposes of this section, means a person  
28 between the ages of fourteen years and twenty-one years who  
29 resides in the public school district and who satisfies the  
30 preliminary licensing requirements of the department of  
31 transportation.

32 Any person who successfully completes an approved driver  
33 education course at a private or commercial driver education  
34 school licensed by the department of transportation, shall  
35 likewise be eligible for a driver's license ~~at the age of~~

1 sixteen-years, providing the instructor in charge of the  
2 student's training has satisfied the educational requirements  
3 for a teaching certificate at the secondary level and holds a  
4 valid certificate to teach driver education in the public  
5 schools of Iowa as provided in section 321.180B or 321.194.

6 Sec. 3. Section 321.180, subsection 1, Code 1997, is  
7 amended to read as follows:

8 1. a. A person who is at least fourteen eighteen years of  
9 age and who, except for the person's lack of instruction in  
10 operating a motor vehicle, would be qualified to obtain a  
11 driver's license, shall, upon meeting the requirements of  
12 section 321.186 other than a driving demonstration, and upon  
13 paying the required fee, be issued an instruction permit by  
14 the department. Subject to the limitations in this  
15 subsection, an instruction permit entitles the permittee,  
16 while having the permit in the permittee's immediate  
17 possession, to operate a motor vehicle, other than a  
18 commercial motor vehicle or as a chauffeur or a motor vehicle  
19 with a gross vehicle weight rating of sixteen thousand one or  
20 more pounds, upon the highways for a period not to exceed two  
21 years from the licensee's birthday anniversary in the year of  
22 issuance. If the applicant for an instruction permit holds a  
23 driver's license issued in this state valid for the operation  
24 of a motorized bicycle or a motorcycle, the instruction permit  
25 shall be valid for such operation without the need of an  
26 accompanying person.

27 A permittee shall not be penalized for failing to have the  
28 instruction permit in immediate possession if the permittee  
29 produces in court, within a reasonable time, an instruction  
30 permit issued to the permittee and valid at the time of the  
31 permittee's arrest or at the time the permittee was charged  
32 with failure to have the permit in the permittee's immediate  
33 possession.

34 b. Except as otherwise provided, a permittee who is  
35 sixteen eighteen years of age or older must be accompanied by

1 a person issued a motor vehicle license valid for the vehicle  
2 operated who is a member of the permittee's immediate family  
3 if the family member is at least twenty-one years of age, an  
4 approved driver education instructor, a prospective driver  
5 education instructor who is enrolled in a practitioner  
6 preparation program with a safety education program approved  
7 by the state board of education, or a person at least eighteen  
8 twenty-five years of age, and who is actually occupying a seat  
9 beside the driver. ~~Except as otherwise provided, a permittee~~  
10 ~~who is less than sixteen years of age must be accompanied by a~~  
11 ~~person issued a motor vehicle license valid for the vehicle~~  
12 ~~operated who is the parent or guardian of the permittee,~~  
13 ~~member of the permittee's immediate family if the family~~  
14 ~~member is at least twenty-one years of age, an approved driver~~  
15 ~~education instructor, a prospective driver education~~  
16 ~~instructor who is enrolled in a practitioner preparation~~  
17 ~~program with a safety education program approved by the state~~  
18 ~~board of education, or a person who is twenty-five years of~~  
19 ~~age or more if written permission is granted by the parent or~~  
20 ~~guardian, and who is actually occupying a seat beside the~~  
21 ~~driver.~~

22 However, if the permittee is operating a motorcycle in  
23 accordance with this section or section 321.180B, the  
24 accompanying person must be within audible and visual  
25 communications distance from the permittee and be accompanying  
26 the permittee on or in a different motor vehicle. Only one  
27 permittee shall be under the immediate supervision of an  
28 accompanying qualified person, ~~unless the qualified person is~~  
29 ~~an approved motorcycle or driver education instructor or a~~  
30 ~~prospective motorcycle or driver education instructor who is~~  
31 ~~enrolled in a practitioner preparation program with a safety~~  
32 ~~education program approved by the state board of education,~~  
33 ~~and the permittee is enrolled in an approved motorcycle or~~  
34 ~~driver education course, in which case no more than three~~  
35 ~~students shall be under the immediate supervision of each~~

1 ~~instructor-while-on-the-highway.~~

2 Sec. 4. Section 321.180, Code 1997, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 5. A motorcycle instruction permit issued  
5 under this section is not renewable.

6 Sec. 5. NEW SECTION. 321.180B GRADUATED DRIVER'S  
7 LICENSES FOR PERSONS AGED FOURTEEN THROUGH SEVENTEEN.

8 Persons under age eighteen shall not be issued a license or  
9 permit to operate a motor vehicle except under the provisions  
10 of this section. However, the department may issue restricted  
11 and special driver's licenses to certain minors as provided in  
12 sections 321.178 and 321.194, and driver's licenses restricted  
13 to motorized bicycles as provided in section 321.189. A  
14 license or permit shall not be issued under this section or  
15 section 321.178 or 321.194 without the consent of a parent or  
16 guardian. An additional consent is required each time a  
17 license or permit is issued under this section or section  
18 321.178 or 321.194. The consent must be signed by at least  
19 one parent or guardian on an affidavit form provided by the  
20 department.

21 1. INSTRUCTION PERMIT. The department may issue an  
22 instruction permit to an applicant between the ages of  
23 fourteen and eighteen years if the applicant meets the  
24 requirements of sections 321.184 and 321.186, other than a  
25 driving demonstration, and pays the required fee. An  
26 instruction permit issued under this section shall be valid  
27 for a period not to exceed two years from the licensee's  
28 birthday anniversary in the year of issuance. A motorcycle  
29 instruction permit issued under this section is not renewable.

30 Subject to the limitations in this subsection, an  
31 instruction permit entitles the permittee, while having the  
32 permit in the permittee's immediate possession, to operate a  
33 motor vehicle other than a commercial motor vehicle or as a  
34 chauffeur or a motor vehicle with a gross vehicle weight  
35 rating of sixteen thousand one or more pounds upon the

1 highways.

2 Except as otherwise provided, a permittee who is less than  
3 eighteen years of age and who is operating a motor vehicle  
4 must be accompanied by a person issued a driver's license  
5 valid for the vehicle operated who is the parent or guardian  
6 of the permittee, member of the permittee's immediate family  
7 if the family member is at least twenty-one years of age, an  
8 approved driver education instructor, a prospective driver  
9 education instructor who is enrolled in a practitioner  
10 preparation program with a safety education program approved  
11 by the state board of education, or a person at least twenty-  
12 five years of age if written permission is granted by the  
13 parent or guardian, and who is actually occupying a seat  
14 beside the driver. If the applicant for an instruction permit  
15 holds a driver's license issued in this state valid for the  
16 operation of a motorized bicycle or a motorcycle, the  
17 instruction permit shall be valid for such operation without  
18 the requirement of an accompanying person.

19 However, if the permittee is operating a motorcycle in  
20 accordance with this section, the accompanying person must be  
21 within audible and visual communications distance from the  
22 permittee and be accompanying the permittee on or in a  
23 different motor vehicle. Only one permittee shall be under  
24 the immediate supervision of an accompanying qualified person.

25 A permittee shall not be penalized for failing to have the  
26 instruction permit in the permittee's immediate possession if  
27 the permittee produces in court, within a reasonable time, an  
28 instruction permit issued to the permittee and valid at the  
29 time of the permittee's arrest or at the time the permittee  
30 was charged with failure to have the permit in the permittee's  
31 immediate possession.

32 2. INTERMEDIATE LICENSE. The department may issue an  
33 intermediate driver's license to a person sixteen or seventeen  
34 years of age who possesses an instruction permit issued under  
35 subsection 1 for a minimum of six months, and whose driving

1 privileges have not been suspended, revoked, or barred under  
2 this chapter or chapter 321J during, and who has been accident  
3 and conviction free continuously for, the six-month period  
4 immediately preceding the application for an intermediate  
5 license. An applicant for an intermediate license must meet  
6 the requirements of section 321.186, including vision  
7 screening, an advanced knowledge examination, a driving  
8 demonstration, satisfactory completion of driver education as  
9 required in section 321.178, and payment of the required  
10 license fee before an intermediate license will be issued.

11 Except as otherwise provided, a person issued an  
12 intermediate license under this subsection who is operating a  
13 motor vehicle between the hours of midnight and six a.m. must  
14 be accompanied by a person issued a driver's license valid for  
15 the vehicle operated who is the parent or guardian of the  
16 permittee, a member of the permittee's immediate family if the  
17 family member is at least twenty-one years of age, an approved  
18 driver education instructor, a prospective driver education  
19 instructor who is enrolled in a practitioner preparation  
20 program with a safety education program approved by the state  
21 board of education, or a person at least twenty-five years of  
22 age if written permission is granted by the parent or  
23 guardian, and who is actually occupying a seat beside the  
24 driver. An accompanying driver is not required between the  
25 hours of six a.m. and midnight.

26 3. REMEDIAL DRIVER IMPROVEMENT ACTION OR SUSPENSION OF  
27 PERMIT OR INTERMEDIATE LICENSE. A person who has been issued  
28 an instruction permit or an intermediate license under this  
29 section, upon conviction of a moving traffic violation or  
30 involvement in a motor vehicle accident which occurred during  
31 the term of the instruction permit or intermediate license,  
32 shall be subject to remedial driver improvement action or  
33 suspension of the permit or license. A person possessing an  
34 instruction permit who has been convicted of a moving traffic  
35 violation or has been involved in an accident shall not be



1 issued an intermediate license until the person has completed  
2 the remedial driver improvement action and has been accident  
3 and conviction free continuously for the six-month period  
4 immediately preceding the application for the intermediate  
5 license. A person possessing an intermediate license who has  
6 been convicted of a moving traffic violation or has been  
7 involved in an accident shall not be issued a full driver's  
8 license until the person has completed the remedial driver  
9 improvement action and has been accident and conviction free  
10 continuously for the twelve-month period immediately preceding  
11 the application for a full driver's license.

12 4. FULL DRIVER'S LICENSE. A full driver's license may be  
13 issued to a person seventeen years of age who possesses an  
14 intermediate license issued under subsection 2 for a minimum  
15 of twelve months, whose driving privileges have not been  
16 suspended, revoked, or barred under this chapter or chapter  
17 321J during, and who has been accident and conviction free  
18 continuously for, the twelve-month period immediately  
19 preceding the application for a full driver's license, and who  
20 has paid the required license fee.

21 5. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under  
22 the age of eighteen applying for an intermediate or full  
23 driver's license valid for the operation of a motorcycle shall  
24 be required to successfully complete a motorcycle education  
25 course either approved and established by the department of  
26 transportation or from a private or commercial driver  
27 education school licensed by the department of transportation  
28 before the class M license will be issued. A public school  
29 district shall charge a student a fee which shall not exceed  
30 the actual cost of instruction minus moneys received by the  
31 school district under subsection 6.

32 6. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider  
33 education fund is established in the office of the treasurer  
34 of state. The moneys credited to the fund are appropriated to  
35 the state department of transportation to be used to establish

1 new motorcycle rider education courses and reimburse sponsors  
2 of motorcycle rider education courses for the costs of  
3 providing motorcycle rider education courses approved and  
4 established by the department. The department shall adopt  
5 rules under chapter 17A providing for the distribution of  
6 moneys to sponsors of motorcycle rider education courses based  
7 upon the cost of providing the education courses.

8 7. RULES. The department may adopt rules pursuant to  
9 chapter 17A to administer this section.

10 Sec. 6. Section 321.189, subsection 6, Code Supplement  
11 1997, is amended to read as follows:

12 6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A  
13 motor vehicle license issued to a person under eighteen years  
14 of age shall be identical in form to any other motor vehicle  
15 license except that the words "under eighteen" shall appear  
16 prominently on the face of the license. A motor vehicle  
17 license issued to a person eighteen years of age or older but  
18 less than twenty-one years of age shall be identical in form  
19 to any other motor vehicle license except that the words  
20 "under twenty-one" shall appear prominently on the face of the  
21 license. Upon attaining the age of eighteen or upon attaining  
22 the age of twenty-one, and upon payment of a one dollar fee,  
23 the person shall be entitled to a new motor vehicle license or  
24 nonoperator's identification card for the unexpired months of  
25 the motor vehicle license or card. An instruction permit or  
26 intermediate license issued under section 321.180B, subsection  
27 1 or 2, shall include a distinctive color bar. An  
28 intermediate license issued under section 321.180B, subsection  
29 2, shall include the words "intermediate license" printed  
30 prominently on the face of the license.

31 Sec. 7. Section 321.189, subsections 7 and 9, Code  
32 Supplement 1997, are amended by striking the subsections.

33 Sec. 8. Section 321.194, Code 1997, is amended to read as  
34 follows:

35 321.194 SPECIAL MINORS' LICENSES.

1 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.  
2 Upon certification of a special need by the school board or  
3 the superintendent of the applicant's school, the department  
4 may issue a class C or M driver's license to a person between  
5 the ages of fourteen fifteen and eighteen years whose driving  
6 privileges have not been suspended, revoked, or barred under  
7 this chapter or chapter 321J during, and who has not been  
8 convicted of a moving traffic violation or involved in a motor  
9 vehicle accident for, the six-month period immediately  
10 preceding the application for the special minor's license and  
11 who has successfully completes completed an approved driver  
12 education course. However, the completion of a course is not  
13 required if the applicant demonstrates to the satisfaction of  
14 the department that completion of the course would impose a  
15 hardship upon the applicant. The department shall adopt rules  
16 defining the term "hardship" and establish procedures for the  
17 demonstration and determination of when completion of the  
18 course would impose a hardship upon an applicant.

19 a. The driver's license entitles the holder, while having  
20 the license in immediate possession, to operate a motor  
21 vehicle other than a commercial motor vehicle or as a  
22 chauffeur:

23 (1) During the hours of 6 a.m. to 10 p.m. over the most  
24 direct and accessible route between the licensee's residence  
25 and schools of enrollment and between schools of enrollment  
26 for the purpose of attending duly scheduled courses of  
27 instruction and extracurricular activities at the schools.

28 (2) At any time when the licensee is accompanied in  
29 accordance with section ~~321.180~~ 321.180B, subsection 17  
30 paragraph-"b".

31 b. Each application shall be accompanied by a statement  
32 from the school board or superintendent of the applicant's  
33 school. The statement shall be upon a form provided by the  
34 department. The school board or superintendent shall certify  
35 that a need exists for the license and that the board and

1 superintendent are not responsible for actions of the  
2 applicant which pertain to the use of the driver's license.  
3 The department of education shall adopt rules establishing  
4 criteria for issuing a statement of necessity. Upon receipt  
5 of a statement of necessity, the department shall issue the  
6 driver's license. The fact that the applicant resides at a  
7 distance less than one mile from the applicant's schools of  
8 enrollment is prima facie evidence of the nonexistence of  
9 necessity for the issuance of a license. The driver's license  
10 shall not be issued for purposes of attending a public school  
11 in a school district other than either of the following:

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

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

21 2. SUSPENSION AND REVOCATION. A driver's license issued  
22 under this section is subject to suspension or revocation for  
23 the same reasons and in the same manner as suspension or  
24 revocation of any other driver's license. The department may  
25 also suspend a driver's license issued under this section upon  
26 receiving satisfactory evidence that the licensee has violated  
27 the restrictions of the license or has been involved in one or  
28 more accidents chargeable to the licensee. The department may  
29 suspend a driver's license issued under this section upon  
30 receiving a record of the licensee's conviction for one  
31 violation. The department shall revoke the license upon  
32 receiving a record of conviction for two or more violations of  
33 a law of this state or a city ordinance regulating the  
34 operation of motor vehicles on highways other than parking  
35 violations as defined in section 321.210. After a person

1 licensed under this section receives two or more convictions  
2 which require revocation of the person's license under this  
3 section, the department shall not grant an application for a  
4 new motor vehicle license until the expiration of one year or  
5 ~~until the licensee's sixteenth birthday, whichever is the~~  
6 longer period.

7 Sec. 9. Section 321.196, unnumbered paragraph 1, Code  
8 1997, is amended to read as follows:

9 Except as otherwise provided, a motor vehicle license,  
10 other than an instruction permit, chauffeur's instruction  
11 permit, or commercial driver's instruction permit issued under  
12 section 321.180, expires, at the option of the applicant, two  
13 or four years from the licensee's birthday anniversary  
14 occurring in the year of issuance if the licensee is between  
15 the ages of seventeen years eleven months and seventy years on  
16 the date of issuance of the license. If the licensee is under  
17 the age of seventeen years eleven months or age seventy or  
18 over, the license is effective for a period of two years from  
19 the licensee's birthday anniversary occurring in the year of  
20 issuance. Except as required in section 321.188, and except  
21 for a motorcycle instruction permit issued in accordance with  
22 section 321.180 or 321.180B, a motor vehicle license is  
23 renewable without written examination or penalty within a  
24 period of sixty days after its expiration date. A person  
25 shall not be considered to be driving with an invalid license  
26 during a period of sixty days following the license expiration  
27 date. However, for a license renewed within the sixty-day  
28 period, the date of issuance shall be considered to be the  
29 previous birthday anniversary on which it expired. Applicants  
30 whose licenses are restricted due to vision or other physical  
31 deficiencies may be required to renew their licenses every two  
32 years. For the purposes of this section the birthday  
33 anniversary of a person born on February 29 shall be deemed to  
34 occur on March 1. The department in its discretion may  
35 authorize the renewal of a valid motor vehicle license other

1 than a commercial driver's license upon application without an  
2 examination provided that the applicant satisfactorily passes  
3 a vision test as prescribed by the department, files a vision  
4 report in accordance with section 321.186A which shows that  
5 the applicant's visual acuity level meets or exceeds those  
6 required by the department, or is eligible for renewal by mail  
7 pursuant to rules adopted by the department. The department  
8 may assess an applicant a fee of no more than two dollars for  
9 administration and mailing expenses for providing for renewal  
10 of the applicant's driver's license by mail.

11 Sec. 10. NEW SECTION. 321.210C PROBATION PERIOD.

12 A person whose driver's license or operating privileges  
13 have been suspended, revoked, or barred under chapter 321 for  
14 a conviction of a moving traffic violation, or suspended,  
15 revoked, or barred under section 321.205 or section 321.210,  
16 subsection 1, paragraph "e", or chapter 321J, must  
17 satisfactorily complete a twelve-month probation period  
18 beginning immediately after the end of the period of  
19 suspension, revocation, or bar. Upon conviction of a moving  
20 traffic violation which occurred during the probation period,  
21 the department may suspend the driver's license or operating  
22 privileges for an additional period equal in duration to the  
23 original period of suspension, revocation, or bar, or for one  
24 year, whichever is the shorter period.

25 Sec. 11. Section 321.218A, Code Supplement 1997, is  
26 amended to read as follows:

27 321.218A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

28 When the department suspends, revokes, or bars a person's  
29 motor vehicle license or nonresident operating privilege for a  
30 conviction under this chapter, the department shall assess the  
31 person a civil penalty of two hundred dollars. However, for  
32 persons age nineteen or under, the civil penalty assessed  
33 shall be fifty dollars. The civil penalty does not apply to a  
34 suspension issued for a violation of section 321.180B. The  
35 money collected by the department under this section shall be

1 transmitted to the treasurer of state who shall deposit the  
2 money in the general fund of the state. A temporary  
3 restricted license shall not be issued or a motor vehicle  
4 license or nonresident operating privilege reinstated until  
5 the civil penalty has been paid.

6 Sec. 12. Section 321A.17, subsection 5, Code 1997, is  
7 amended to read as follows:

8 5. An individual applying for a motor vehicle license  
9 following a period of suspension or revocation pursuant to a  
10 dispositional order issued under section 232.52, subsection 2,  
11 paragraph "a", or under section 321.180B, section 321.210,  
12 subsection 1, paragraph "d", or section 321.210A, 321.213A,  
13 321.213B, 321.216B, or 321.513, following a period of  
14 suspension under section 321.194, or following a period of  
15 revocation pursuant to a court order issued under section  
16 901.5, subsection 10, or under section 321J.2A, is not  
17 required to maintain proof of financial responsibility under  
18 this section.

19 Sec. 13. Section 805.8, subsection 2, paragraph f, Code  
20 Supplement 1997, is amended to read as follows:

21 f. For violations of the conditions or restrictions of a  
22 motor vehicle license under sections 321.180, 321.180B,  
23 321.193, and 321.194, the scheduled fine is twenty dollars.

24 Sec. 14. APPLICABILITY. The provisions of this Act  
25 relating to the issuance of any individual type of driver's  
26 permit or license to operate a motor vehicle and to the  
27 operation of a motor vehicle under that permit or license  
28 shall be applied only to a person who meets the minimum age  
29 qualification for the particular permit or license on or after  
30 the effective date of this Act.

31 Sec. 15. EFFECTIVE DATE. This Act takes effect January 1,  
32 1999.

33 EXPLANATION

34 This bill establishes a graduated driver's license for  
35 young drivers and makes penalties applicable.

1 Code section 321.180B is created to control the issuance of  
2 all permits and licenses to persons under age 18. The new  
3 Code section directly regulates the issuance of instruction  
4 permits to persons between the ages of 14 and 18, intermediate  
5 licenses to persons 16 or 17 years of age, and full driver's  
6 licenses to persons 17 years of age. The new Code section  
7 generally requires the consent of a parent or guardian each  
8 time any type of license or permit is issued to a person under  
9 18 years of age. The new Code section also references the  
10 following Code sections:

11 Restricted Licenses. Code section 321.178, which is not  
12 amended substantively and continues to regulate the issuance  
13 of restricted licenses to persons between the ages of 16 and  
14 18, who have not completed an approved driver's education  
15 course, to allow the persons to travel to and from work or to  
16 transport dependents to and from temporary care facilities.

17 Motorized Bicycle Licenses. Code section 321.189, which is  
18 not amended substantively and continues to regulate the  
19 issuance of a motorized bicycle driver's license to persons 14  
20 years of age and older.

21 Special Minor's School License. Code section 321.194,  
22 which is amended substantively. Currently, a special minor's  
23 license may be issued to persons between the ages of 14 and 18  
24 for the operation of a noncommercial motor vehicle or  
25 motorcycle to and from school and extracurricular activities  
26 between the hours of 6 a.m. and 10 p.m., if they have  
27 completed an approved driver education course or demonstrate  
28 that requiring such completion would impose a hardship. The  
29 amendment to the Code section only allows issuance to a person  
30 aged 15 or older and only if the person has the consent of a  
31 parent or guardian and has not had the person's driving  
32 privileges suspended, revoked, or barred under Code chapter  
33 321 or 321J during, and who has not been convicted of a moving  
34 traffic violation or involved in a motor vehicle accident for,  
35 the six-month period immediately preceding the date of



1 application for the special minor's license. After revocation  
2 of the license for two or more serious violations, a new  
3 license cannot be issued for one year.

4 Instruction Permits. New Code section 321.180B(1)  
5 regulates the issuance of instruction permits to persons  
6 between the ages of 14 and 18. Currently, a permittee 14 or  
7 15 years of age must be accompanied by a driver who is a  
8 parent or guardian, an immediate family member at least 21  
9 years of age, an approved driver education instructor or one  
10 in approved training, or a person at least 25 years of age  
11 with the written permission of the person's parent or  
12 guardian. Currently, a permittee 16 years of age or older  
13 must be accompanied by a driver 18 years of age. The new Code  
14 section applies the qualifications currently applicable to  
15 drivers accompanying 14-year-olds or 15-year-olds to drivers  
16 accompanying 16-year-olds or 17-year-olds. Code section  
17 321.189(1) is also similarly amended with respect to persons  
18 accompanying drivers possessing a special minor's school  
19 license during hours other than 6 a.m. to 10 p.m. or on routes  
20 not to and from school or extracurricular activities.

21 Current Code section 321.180(1) is amended to require that  
22 a person with an instruction permit who is 18 years of age or  
23 older be accompanied by an immediate family member at least 21  
24 years of age, an approved driver education instructor or one  
25 in approved training, or a person at least 25 years of age.  
26 Only one motorcycle instruction permittee may be supervised by  
27 an accompanying person at any one time.

28 Current Code section 321.180 is amended to provide and new  
29 Code section 321.180B provides that whereas other instruction  
30 permits are valid for two years and are renewable, motorcycle  
31 instruction permits issued under those sections are not  
32 renewable.

33 Intermediate Licenses. New Code section 321.180B(2)  
34 regulates the issuance of intermediate licenses to persons 16  
35 or 17 years of age. An intermediate license may only be

1 issued to such a person who possesses an instruction permit  
2 for at least six months, has the consent of a parent or  
3 guardian, and has not had the person's driving privileges  
4 suspended, revoked, or barred under Code chapter 321 or 321J  
5 during, and has been accident and conviction free continuously  
6 for, six months. The applicant must also be competent to  
7 operate a motor vehicle, and pass the vision test, an advanced  
8 knowledge examination, and a driving demonstration, and must  
9 have satisfactorily completed an approved driver education  
10 course. A driver issued an intermediate license may drive  
11 without an accompanying driver between the hours of 6 a.m. and  
12 midnight, but between the hours of midnight and 6 a.m. must be  
13 accompanied by a driver who is a parent or guardian, an  
14 immediate family member at least 21 years of age, an approved  
15 driver education instructor or one in approved training, or a  
16 person at least 25 years of age with the written permission of  
17 the person's parent or guardian, the same accompanying drivers  
18 who are required to accompany persons under age 18 with  
19 instruction permits under new Code section 321.180B.

20 Remedial Driver Improvement Action or Suspension of  
21 Instruction Permit or Intermediate License. New Code section  
22 321.180B(3) provides that upon conviction of a moving traffic  
23 violation or involvement in a motor vehicle accident, a person  
24 possessing an instruction permit or intermediate license shall  
25 be subject to remedial driver improvement action or suspension  
26 of the permit or license. In addition such a person  
27 possessing an instruction permit shall not be issued an  
28 intermediate license until the person has completed the  
29 remedial driver improvement action and has the consent of a  
30 parent or guardian and has not had the person's driving  
31 privileges suspended, revoked, or barred under Code chapter  
32 321 or 321J during, and has been accident and conviction free  
33 for, six months. Such a person possessing an intermediate  
34 license shall not be issued a full driver's license until the  
35 person has been accident and conviction free for 12 months.

1 Civil Penalty and Financial Responsibility. Code section  
2 321.218A is amended to provide that a suspension issued for a  
3 violation of new Code section 321.180B does not carry the  
4 civil penalty of \$50 applicable to other suspensions under  
5 Code chapter 321. Code section 321A.17 is amended to provide  
6 that a person who has violated new Code section 321.180B and  
7 whose driver's license or operating privileges have been  
8 suspended or revoked is not required to maintain proof of  
9 financial responsibility under Code chapter 321A. Code  
10 section 805.8(2)(f) is amended to apply a \$20 scheduled fine  
11 to operating a motor vehicle in violation of the conditions or  
12 restrictions of Code section 321.180B.

13 Full Driver's Licenses. New Code section 321.180B(4)  
14 provides that an unrestricted or full license may be issued to  
15 a person 17 years of age who possesses an intermediate license  
16 for at least 12 months and has the consent of a parent or  
17 guardian and has not had the person's driving privileges  
18 suspended, revoked, or barred under Code chapter 321 or 321J  
19 during, and who has been accident and conviction free for, 12  
20 months.

21 Motorcycle Education. New Code section 321.180B(5)  
22 provides, and current Code section 321.189(7) is amended  
23 correspondingly, to provide that the motorcycle education  
24 requirements currently applicable to persons under 18 years of  
25 age applying for a driver's license valid for the operation of  
26 a motorcycle will apply to persons under 18 years of age  
27 applying for either an intermediate or a full driver's license  
28 valid for the operation of a motorcycle.

29 Motorcycle Rider Education Fund. The current Code  
30 provision establishing the motorcycle rider education fund is  
31 moved from current Code section 321.189(9) to new Code section  
32 321.180B(6).

33 Driver Education Courses. Code section 321.178 is amended  
34 to increase the number of hours required for street or highway  
35 driving instruction from six to 12 hours, to strike the

1 excusal from certain extended hours of street or highway  
2 driving instruction and from a field test demonstrating a  
3 student's ability to operate a motor vehicle for persons  
4 successfully completing an approved driver education course,  
5 and to allow the department of transportation to certify  
6 persons to provide street or highway driving instruction other  
7 than persons qualified as classroom driver education  
8 instructors.

9       Distinctive Features on Permits and Intermediate Licenses.  
10 Code section 321.189(6) is amended to provide that instruction  
11 permits must be color bar coded and that intermediate licenses  
12 must be color bar coded and must contain the words  
13 "intermediate license" printed on the face of the licenses.

14       Probation Period. New Code section 321.210C is created to  
15 require a probation period for any person whose driver's  
16 license or operating privileges have been suspended, revoked,  
17 or barred under Code chapter 321 for a moving traffic  
18 violation, or suspended or revoked under Code section 321.205  
19 or 321.210 for a violation in another state, or suspended,  
20 revoked, or barred under Code chapter 321J relating to  
21 operating a motor vehicle while intoxicated (OWI). If the  
22 person is convicted of a moving traffic violation during the  
23 probation period, the department is authorized to suspend the  
24 driver's license or operating privileges of the person for an  
25 additional period equal to the original period of suspension,  
26 revocation, or bar, or for one year, whichever is shorter.

27       The bill takes effect January 1, 1999, and applies to the  
28 issuance of any individual type of driver's permit or license  
29 and operation of a motor vehicle under that permit or license  
30 to a person who meets the minimum age qualification for that  
31 particular permit or license on or after the effective date of  
32 the bill.

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HOUSE FILE 2528

AN ACT

ESTABLISHING A GRADUATED DRIVER'S LICENSE FOR YOUNG DRIVERS, MAKING PENALTIES APPLICABLE, CREATING AN INTERIM STUDY COMMITTEE, AND INCLUDING AN APPLICABILITY PROVISION AND AN EFFECTIVE DATE.

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

Section 1. Section 321.177, subsection 1, Code 1997, is amended to read as follows:

1. To any person who is under the age of eighteen years, ~~without the person's first having successfully completed an approved driver education course, in which case, the minimum age is sixteen years~~ except as provided in section 321.180B. However, the department may issue a driver's license to certain minors as provided in section 321.178 or 321.194, an ~~instruction permit as provided in section 321.189, subsection 1,~~ or a driver's license restricted to motorized bicycles as provided in section 321.189, subsection 6.

Sec. 2. Section 321.178, subsection 1, Code 1997, is amended to read as follows:

1. APPROVED COURSE. An approved driver education course as programmed by the department of education shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. Classroom instruction shall include all of the following:

- a. A minimum of four hours of instruction concerning substance abuse.
- b. A minimum of twenty minutes of instruction concerning railroad crossing safety.
- c. Instruction relating to becoming an organ donor under the uniform anatomical gift Act.

~~After the student has completed three clock hours of street or highway driving and has demonstrated to the instructor an ability to properly operate a motor vehicle and upon written request of a parent or guardian, the instructor may waive the remaining required laboratory instruction.~~

To be qualified as a classroom or laboratory driver education instructor, a person shall have satisfied the educational requirements for a teaching license at the elementary or secondary level and hold a valid license to teach driver education in the public schools of this state.

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. 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 and for administering requested field tests.

"Student," for purposes of this section, means a person between the ages of fourteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department of transportation.

Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department of transportation, shall likewise be eligible for a driver's license ~~at the age of sixteen years, providing the instructor in charge of the student's training has satisfied the educational requirements for a teaching certificate at the secondary level and holds a valid certificate to teach driver education in the public schools of Iowa as provided in section 321.180B or 321.194.~~

Sec. 3. Section 321.180, subsection 1, Code 1997, is amended to read as follows:

1. a. A person who is at least ~~fourteen~~ 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 two 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.

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. Except as otherwise provided, a permittee who is ~~sixteen~~ eighteen years of age or older must be accompanied by a person issued a motor vehicle 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 eighteen twenty-five years of age, and who is actually occupying a seat beside the driver. ~~Except as otherwise provided, a permittee who is less than sixteen years of age must be accompanied by a person issued a motor vehicle license valid for the vehicle operated who is the parent or guardian of the permittee, 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 who is twenty-five years of age or more if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver.~~

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, unless the qualified person is an approved motorcycle or driver education instructor or a prospective motorcycle or driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education and the permittee is enrolled in an approved motorcycle or driver education course in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.~~

Sec. 4. Section 321.180, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A motorcycle instruction permit issued under this section is not renewable.

Sec. 5. NEW SECTION. 321.180B GRADUATED DRIVER'S LICENSES FOR PERSONS AGED FOURTEEN THROUGH SEVENTEEN.

Persons under age eighteen shall not be issued a license or permit to operate a motor vehicle except under the provisions of this section. However, the department may issue restricted and special driver's licenses to certain minors as provided in sections 321.178 and 321.194, and driver's licenses restricted to motorized bicycles as provided in section 321.189. A license or permit shall not be issued under this section or section 321.178 or 321.194 without the consent of a parent or guardian. An additional consent is required each time a license or permit is issued under this section or section 321.178 or 321.194. The consent must be signed by at least one parent or guardian on an affidavit form provided by the department.

1. INSTRUCTION PERMIT. The department may issue an instruction permit to an applicant between the ages of fourteen and eighteen years if the applicant meets the requirements of sections 321.184 and 321.186, other than a driving demonstration, and pays the required fee. An instruction permit issued under this section shall be valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance. A motorcycle instruction permit issued under this section is not renewable.

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.

Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, 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 if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. 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 requirement of an accompanying person.

However, if the permittee is operating a motorcycle in accordance with this section, 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.

A permittee shall not be penalized for failing to have the instruction permit in the permittee's 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.

2. INTERMEDIATE LICENSE. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 for a minimum of six months, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and conviction free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of twelve-thirty a.m. and five a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, 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 if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of twelve-thirty a.m. and five a.m. if such licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve-thirty a.m.

3. REMEDIAL DRIVER IMPROVEMENT ACTION OR SUSPENSION OF PERMIT OR INTERMEDIATE LICENSE. A person who has been issued an instruction permit or an intermediate license under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and conviction free continuously for the six-month period immediately preceding the application for the intermediate license. A person possessing an intermediate license who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and conviction free continuously for the twelve-month period immediately preceding the application for a full driver's license.

4. FULL DRIVER'S LICENSE. A full driver's license may be issued to a person seventeen years of age who possesses an



intermediate license issued under subsection 2 for a minimum of twelve months, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the intermediate licensee has accumulated a total of ten hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the licensee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the licensee, whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and conviction free continuously for, the twelve-month period immediately preceding the application for a full driver's license, and who has paid the required fee.

5. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under the age of eighteen applying for an intermediate or full driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of transportation or from a private or commercial driver education school licensed by the department of transportation before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under subsection 6.

6. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the state department of transportation to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department. The department shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the cost of providing the education courses.

7. RULES. The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 6. Section 321.189, subsection 6, Code Supplement 1997, is amended to read as follows:

6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A motor vehicle license issued to a person under eighteen years of age shall be identical in form to any other motor vehicle license except that the words "under eighteen" shall appear prominently on the face of the license. A motor vehicle license issued to a person eighteen years of age or older but less than twenty-one years of age shall be identical in form to any other motor vehicle license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a one dollar fee, the person shall be entitled to a new motor vehicle license or nonoperator's identification card for the unexpired months of the motor vehicle license or card. An instruction permit or intermediate license issued under section 321.180B, subsection 1 or 2, shall include a distinctive color bar. An intermediate license issued under section 321.180B, subsection 2, shall include the words "intermediate license" printed prominently on the face of the license.

Sec. 7. Section 321.189, subsections 7 and 9, Code Supplement 1997, are amended by striking the subsections.

Sec. 8. Section 321.194, Code 1997, is amended to read as follows:

321.194 SPECIAL MINORS' LICENSES.

1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL. Upon certification of a special need by the school board, or the superintendent of the applicant's school, or principal, if authorized by the superintendent, the department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who 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 and who has successfully completes 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.

a. The driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at-the-schools within the school district.

(2) At any time when the licensee is accompanied in accordance with section ~~321.189~~ 321.180B, subsection 1, paragraph-"b".

b. Each application shall be accompanied by a statement from the school board, or superintendent, or principal, if authorized by the superintendent, of the applicant's school. The statement shall be upon a form provided by the department. The school board, or superintendent, or principal, if authorized by the superintendent, shall certify that a need exists for the license and that the board, and superintendent, and a principal authorized by the superintendent are not responsible for actions of the applicant which pertain to the use of the driver's license. The department of education shall adopt rules establishing criteria for issuing a statement of necessity. Upon receipt of a statement of

necessity, the department shall issue the driver's license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. 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.

2. 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 motor vehicle license until the expiration of one year or ~~until-the-licensee's-sixteenth-birthday, whichever-is-the longer-period.~~

Sec. 9. Section 321.196, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Except as otherwise provided, a motor vehicle 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 motor vehicle license is renewable without written examination or penalty within a period of sixty days 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 motor vehicle 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. 10. NEW SECTION. 321.210C PROBATION PERIOD.

A person whose driver's license or operating privileges have been suspended, revoked, or barred under chapter 321 for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "e", or chapter 321J, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

Sec. 11. Section 321.218A, Code Supplement 1997, is amended to read as follows:

321.218A CIVIL PENALTY -- DISPOSITION -- REINSTATEMENT.

When the department suspends, revokes, or bars a person's motor vehicle license or nonresident operating privilege for a conviction under this chapter, the department shall assess the person a civil penalty of two hundred dollars. However, for persons age nineteen or under, the civil penalty assessed shall be fifty dollars. The civil penalty does not apply to a suspension issued for a violation of section 321.180B. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in the general fund of the state. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 12. Section 321A.17, subsection 5, Code 1997, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

Sec. 13. Section 805.8, subsection 2, paragraph f, Code Supplement 1997, is amended to read as follows:

f. For violations of the conditions or restrictions of a motor vehicle license under sections 321.180, 321.180B, 321.193, and 321.194, the scheduled fine is twenty dollars.

Sec. 14. **APPLICABILITY.** The provisions of this Act relating to the issuance of any individual type of driver's permit or license to operate a motor vehicle and to the operation of a motor vehicle under that permit or license shall be applied only to a person who meets the minimum age qualification for the particular permit or license on or after the effective date of this Act.

Sec. 15. **DRIVER'S EDUCATION CURRICULUM -- STUDY.**

The legislative council is requested to establish an interim study committee consisting of members of both political parties administered throughout the state. The study may include but is not limited to driver's education curriculum, certification of persons by the department to provide classroom and laboratory instruction, costs to students and to schools, privatizing driver's education, expansion of behind-the-wheel training and effects on insurance rates. The committee may consult with the department of transportation, department of education, parents, educators, insurance executives, and other persons the committee may believe relevant to the study of driver's

education. The committee is directed to submit its findings, together with any recommendations, in a report to the general assembly which convenes in January 1999.

Sec. 16. **EFFECTIVE DATE.** This Act takes effect January 1, 1999.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2528, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 1998

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TERRY E. BRANSTAD  
Governor

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 16, 1998

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TERRY E. BRANSTAD  
Governor

**HF 2528**