

FILED FEB 9 1998

TRANSPORTATION

SENATE FILE 2148

BY HORN and TINSMAN

(COMPANION TO LSB 3667HH

BY SCHERRMAN)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to certification of the need for minors' school
2 licenses.

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

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S.F. 2148

1 Section 1. Section 321.194, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. Driver's license issued for travel to and from school.
4 Upon certification of a special need by the school board, or
5 the superintendent, or principal of the applicant's school,
6 the department may issue a class C or M driver's license to a
7 person between the ages of fourteen and eighteen years who
8 successfully completes an approved driver education course.
9 However, the completion of a course is not required if the
10 applicant demonstrates to the satisfaction of the department
11 that completion of the course would impose a hardship upon the
12 applicant. The department shall adopt rules defining the term
13 "hardship" and establish procedures for the demonstration and
14 determination of when completion of the course would impose a
15 hardship upon an applicant.

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

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

25 (2) At any time when the licensee is accompanied in
26 accordance with section 321.180, subsection 1, paragraph "b".

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

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

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

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

18 EXPLANATION

19 Current law authorizes the issuance of a special minor's
20 license to allow students to drive to and from school or
21 school activities if a special need exists for the license and
22 that special need is certified by the school board or
23 superintendent. This bill allows a principal, in addition to
24 a school board or superintendent, to certify the need for a
25 school license for minor drivers.

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