

JAN 10 2000

TRANSPORTATION

HOUSE FILE 2005
BY GRUNDBERG

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to physically and mentally disabled drivers,
2 establishing a driver's license medical advisory council, and
3 providing penalties.

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

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HF 2005

1 Section 1. Section 321.12, subsection 3, paragraph a, Code
2 1999, is amended to read as follows:

3 a. Records concerning suspensions authorized under section
4 321.210, subsection 1, paragraph "g", "f", and section
5 321.210A may be destroyed six months after the suspension is
6 terminated and the requirements of section 321.191 have been
7 satisfied.

8 Sec. 2. Section 321.180A, subsections 1 and 3, Code 1999,
9 are amended to read as follows:

10 1. Notwithstanding other provisions of this chapter, a
11 person with a physical or mental disability, who is not
12 suffering from a convulsive disorder and who can provide a
13 favorable medical report, whose license renewal has been
14 denied under section 321.177, subsection 6 or 7, or whose
15 ~~driver's license has been suspended under section 321.210,~~
16 ~~subsection 1, paragraph "c",~~ whose driver's license has been
17 denied, suspended, revoked, or limited under section 321.186B,
18 upon meeting the requirements of section 321.186, other than a
19 driving demonstration or the person's limitations which caused
20 the denial under section 321.177, subsection 6 or 7, or
21 ~~suspension under section 321.210, subsection 1, paragraph "c",~~
22 the denial, suspension, revocation, or limitation under
23 section 321.186B, and upon paying the fee required in section
24 321.191, shall be issued a special instruction permit by the
25 department. Upon issuance of the permit the denial, or
26 suspension, revocation, or limitation shall be stayed and the
27 stay shall remain in effect as long as the permit is valid.

28 3. The permittee may apply for a driver's license if
29 thirty days have elapsed since issuance of the special
30 instruction permit. The department shall issue a driver's
31 license if the permittee is qualified, passes all required
32 tests, including a driving test, and pays the required fees.
33 If the person has not obtained a driver's license before
34 expiration of the person's special instruction permit, the
35 person's former denial, or suspension, revocation, or

1 limitation under section 321.177, subsection 6 or 7, or
2 ~~section 321.210, subsection 1, paragraph "c"~~, section
3 321.186B, upon service of notice by the department, shall be
4 reinstated. A permit shall be reissued for one additional
5 six-month period if a permittee continues to meet the
6 qualifications of subsection 1 and has incurred no motor
7 vehicle violations.

8 Sec. 3. Section 321.186, Code Supplement 1999, is amended
9 to read as follows:

10 321.186 EXAMINATION OF NEW ~~OR-INCOMPETENT~~ OPERATORS OR
11 OPERATORS WITH POOR DRIVING RECORDS.

12 1. The department may examine every new applicant for a
13 driver's license or any person holding a valid driver's
14 license ~~when the department has reason to believe that the~~
15 ~~person may be physically or mentally incompetent to operate a~~
16 ~~motor vehicle,~~ or whose driving record appears to the
17 department to justify the examination. The examinations shall
18 be held in every county within periods not to exceed fifteen
19 days except that the driving skills test for a commercial
20 driver's license shall be given only at locations where
21 required driving skills may be adequately tested, including
22 pretrip and off-road examinations. The department shall make
23 every effort to accommodate a functionally illiterate
24 applicant when the applicant is taking a knowledge test. The
25 department shall make every effort to have an examiner conduct
26 the commercial driver's license driving skills tests at other
27 locations in this state where skills may be adequately tested
28 when requested by a person representing ten or more drivers
29 requiring driving skills testing.

30 2. The department shall make every effort to accommodate a
31 commercial driver's license applicant's need to arrange an
32 appointment for a driving skills test at an established test
33 site other than where the applicant passed the required
34 knowledge test. The department shall report to the governor
35 and the general assembly on any problems, extraordinary costs

1 and recommendations regarding the appointment scheduling
2 process.

3 3. The examination shall include a screening of the
4 applicant's eyesight, a test of the applicant's ability to
5 read and understand highway signs regulating, warning, and
6 directing traffic, a test of the applicant's knowledge of the
7 traffic laws of this state, an actual demonstration of ability
8 to exercise ordinary and reasonable control in the operation
9 of a motor vehicle and other physical and mental examinations
10 as the department finds necessary to determine the applicant's
11 fitness to operate a motor vehicle safely upon the highways.
12 However, an applicant for a new driver's license other than a
13 commercial driver's license need not pass a vision test
14 administered by the department if the applicant files with the
15 department a vision report in accordance with section 321.186A
16 which shows that the applicant's visual acuity level meets or
17 exceeds those required by the department.

18 ~~A physician licensed under chapter 148, 150, or 150A, or an~~
19 ~~optometrist licensed under chapter 154, may report to the~~
20 ~~department the identity of a person who has been diagnosed as~~
21 ~~having a physical or mental condition which would render the~~
22 ~~person physically or mentally incompetent to operate a motor~~
23 ~~vehicle in a safe manner.--The physician or optometrist shall~~
24 ~~make reasonable efforts to notify the person who is the~~
25 ~~subject of the report, in writing.--The written notification~~
26 ~~shall state the nature of the disclosure and the reason for~~
27 ~~the disclosure.--A physician or optometrist making a report~~
28 ~~under this section shall be immune from any liability, civil~~
29 ~~or criminal, which might otherwise be incurred or imposed as a~~
30 ~~result of the report.--A physician or optometrist has no duty~~
31 ~~to make a report or to warn third parties with regard to any~~
32 ~~knowledge concerning a person's mental or physical competency~~
33 ~~to operate a motor vehicle in a safe manner.--Any report~~
34 ~~received by the department from a physician or optometrist~~
35 ~~under this section shall be kept confidential.--Information~~

1 ~~regulated-by-chapter-141A-shall-be-subject-to-the~~
2 ~~confidentiality-provisions-and-remedies-of-that-chapter-~~

3 Sec. 4. NEW SECTION. 321.186B EXAMINATION OF PHYSICALLY
4 OR MENTALLY DISABLED OPERATORS -- REPORTS -- PENALTIES.

5 1. a. The department may examine any person holding a
6 valid driver's license when the department has good cause to
7 believe that the person, by reason of physical or mental
8 disability, is unable to operate a motor vehicle safely after
9 giving ten days' notice to the person in writing by certified
10 mail to the person's last known address. The department may
11 deny, suspend, or revoke a person's driver's license if the
12 person refuses or neglects to submit to the examination within
13 thirty days after receipt of notice.

14 b. The examination may include any or all of the tests and
15 demonstrations listed in section 321.186, subsection 3, as
16 determined necessary by the department, in consultation with
17 the driver's license medical advisory council established in
18 section 321.186C. Upon conclusion of the examination, the
19 department may allow the person to retain the person's
20 driver's license or may deny, suspend, revoke, or place
21 limitations on the person's driver's license.

22 2. The department shall have good cause to believe that a
23 person holding a valid driver's license, by reason of physical
24 or mental disability, is unable to operate a motor vehicle
25 safely on the basis of, but not limited to, a report by any of
26 the following:

27 a. A peace officer.

28 b. A physician licensed under chapter 148, 150, or 150A, a
29 chiropractor licensed under chapter 151, a registered nurse
30 licensed under chapter 152, an optometrist licensed under
31 chapter 154, a psychologist licensed under chapter 154B, or a
32 social worker licensed under chapter 154C.

33 c. A member of the operator's family within three degrees
34 of consanguinity, or the operator's spouse, who has reached
35 the age of eighteen years, except that a person shall not

1 report the same family member more than once during a twelve-
2 month period.

3 3. A report submitted pursuant to subsection 2 must state
4 that the person reasonably and in good faith believes the
5 licensee cannot safely operate a motor vehicle and must be
6 based upon personal observation or knowledge, physical
7 evidence, or an investigation by a peace officer. The basis
8 of the report shall be described in the report. The report
9 shall include the name, address, telephone number, and
10 signature of the person making the report and shall be
11 submitted to the department in the form prescribed by the
12 department.

13 4. a. A physician licensed under chapter 148, 150, or
14 150A, a chiropractor licensed under chapter 151, a registered
15 nurse licensed under chapter 152, an optometrist licensed
16 under chapter 154, a psychologist licensed under chapter 154B,
17 or a social worker licensed under chapter 154C may report to
18 the department, pursuant to subsections 2 and 3, the identity
19 of a person who has been diagnosed as having a physical or
20 mental disability which would render the person physically or
21 mentally unable to operate a motor vehicle safely. The report
22 shall state the diagnosis and whether the condition is
23 permanent or temporary. The existence of a physician-patient
24 relationship shall not prevent the making of a report.

25 b. A person making a report pursuant to this subsection
26 shall make reasonable efforts to notify the person who is the
27 subject of the report in writing. The written notification
28 shall state the nature of the disclosure and the reason for
29 the disclosure.

30 5. A person who makes a report in good faith pursuant to
31 this section is immune from any liability, civil or criminal,
32 which might otherwise be incurred or imposed as a result of
33 the report. The department shall keep a report submitted
34 pursuant to this section confidential. Information regulated
35 by chapter 141A shall be subject to the confidentiality

1 provisions and remedies of that chapter.

2 6. A person who does either of the following is guilty of
3 a simple misdemeanor and shall be liable for damages which
4 proximately result from the person's actions:

5 a. Intentionally files a false report under this section.

6 b. Knowingly violates a confidentiality provision of this
7 section or knowingly permits or encourages the unauthorized
8 use of a report or reporting person's name in violation of
9 this section.

10 7. The department shall, in consultation with the driver's
11 license medical advisory council, develop a standardized
12 reporting form and adopt rules for the filing of reports
13 pursuant to this section. The department shall also adopt
14 rules, in consultation with the driver's license medical
15 advisory council, when necessary, to administer the other
16 provisions of this section.

17 Sec. 5. NEW SECTION. 321.186C DRIVER'S LICENSE MEDICAL
18 ADVISORY COUNCIL.

19 1. A driver's license medical advisory council is
20 established within the department. The council shall consist
21 of seven members appointed by the director, in consultation
22 with the director of public health. Appointments to the
23 council are subject to the requirements of sections 69.16 and
24 69.16A. Two members of the council shall be physicians
25 licensed under chapter 148, 150, or 150A, one member shall be
26 a chiropractor licensed under chapter 151, one member shall be
27 a registered nurse licensed under chapter 152, one member
28 shall be an optometrist licensed under chapter 154, one member
29 shall be a psychologist licensed under chapter 154B, and one
30 member shall be a social worker licensed under chapter 154C.

31 2. The initial members of the council shall serve
32 staggered terms, with two members serving one-year terms, two
33 members serving two-year terms, and three members serving
34 three-year terms. Subsequent members shall serve three-year
35 terms. Terms shall commence on July 1 of the year of

1 appointment. The council shall select a chairperson from its
2 membership. The department shall reimburse each member for
3 actual expenses incurred by the member in performance of the
4 member's duties on the council.

5 3. a. The council shall advise the state department of
6 transportation regarding physical and mental disabilities
7 which would render a person physically or mentally unable to
8 operate a motor vehicle safely, the types of examinations
9 necessary to evaluate a person's physical or mental ability to
10 operate a motor vehicle, and limitations which could be
11 imposed on a person's driver's license to allow a person with
12 a physical or mental disability to operate a motor vehicle
13 safely.

14 b. The council shall also advise the department in
15 developing a standardized reporting form and adopting rules
16 for the reporting of cases of physical or mental disability to
17 operate a motor vehicle pursuant to section 321.186B.

18 Sec. 6. Section 321.190, subsection 1, paragraph d,
19 unnumbered paragraph 1, Code 1999, is amended to read as
20 follows:

21 The fee for a nonoperator's identification card shall be
22 five dollars and the card shall be valid for a period of four
23 years from the date of issuance. No issuance fee shall be
24 charged for a person whose driver's license or driving
25 privilege has been suspended or revoked under section ~~321.2107~~
26 ~~subsection-17-paragraph-"c"~~ 321.186B.

27 Sec. 7. Section 321.191, subsection 9, Code 1999, is
28 amended to read as follows:

29 9. DRIVER'S LICENSE REINSTATEMENTS. The fee for
30 reinstatement of a driver's license shall be twenty dollars
31 for a license which is, after notice and opportunity for
32 hearing, canceled, suspended, revoked, or barred. ~~However,~~
33 ~~reinstatement-of-the-privilege-suspended-under-section~~
34 ~~321.2107-subsection-17-paragraph-"c", shall-be-without-fee.~~
35 The fee for reinstatement of the privilege to operate a

1 commercial motor vehicle after a period of disqualification
2 shall be twenty dollars.

3 Sec. 8. Section 321.196, unnumbered paragraph 1, Code
4 1999, is amended to read as follows:

5 Except as otherwise provided, a driver's license, other
6 than an instruction permit, chauffeur's instruction permit, or
7 commercial driver's instruction permit issued under section
8 321.180, expires, at the option of the applicant, two or four
9 years from the licensee's birthday anniversary occurring in
10 the year of issuance if the licensee is between the ages of
11 seventeen years eleven months and seventy years on the date of
12 issuance of the license. If the licensee is under the age of
13 seventeen years eleven months or age seventy or over, the
14 license is effective for a period of two years from the
15 licensee's birthday anniversary occurring in the year of
16 issuance. Except as required in section 321.188, and except
17 for a motorcycle instruction permit issued in accordance with
18 section 321.180 or 321.180B, a driver's license is renewable
19 without written examination or penalty within a period of
20 sixty days after its expiration date. A person shall not be
21 considered to be driving with an invalid license during a
22 period of sixty days following the license expiration date.
23 However, for a license renewed within the sixty-day period,
24 the date of issuance shall be considered to be the previous
25 birthday anniversary on which it expired. Applicants whose
26 licenses are restricted or limited due to vision or other
27 physical or mental deficiencies or disabilities may be
28 required to renew their licenses every two years. For the
29 purposes of this section the birthday anniversary of a person
30 born on February 29 shall be deemed to occur on March 1. The
31 department in its discretion may authorize the renewal of a
32 valid driver's license other than a commercial driver's
33 license upon application without an examination provided that
34 the applicant satisfactorily passes a vision test as
35 prescribed by the department, files a vision report in

1 accordance with section 321.186A which shows that the
2 applicant's visual acuity level meets or exceeds those
3 required by the department, or is eligible for renewal by mail
4 pursuant to rules adopted by the department. The department
5 may assess an applicant a fee of no more than two dollars for
6 administration and mailing expenses for providing for renewal
7 of the applicant's driver's license by mail.

8 Sec. 9. Section 321.198, unnumbered paragraph 1, Code
9 1999, is amended to read as follows:

10 The effective date of a valid driver's license to the
11 extent that it permits the operation of a motor vehicle other
12 than a commercial motor vehicle and other than as a chauffeur,
13 issued under the laws of this state, held by any person at the
14 time of entering the military service of the United States or
15 of the state of Iowa notwithstanding the expiration of the
16 license according to its terms, is hereby extended without fee
17 until six months following the initial separation from active
18 duty of the person from the military service, provided the
19 person is not suffering from physical or mental disabilities
20 which impair the person's competency as an operator and
21 provided further that the licensee shall upon demand of any
22 peace officer furnish satisfactory evidence of the person's
23 military service. However, a person entitled to the benefits
24 of this section, charged with operating a motor vehicle
25 without an operator's license, shall not be convicted if the
26 person produces in court, within a reasonable time, a valid
27 driver's license previously issued to that person along with
28 evidence of the person's military service as above mentioned.

29 Sec. 10. Section 321.210, subsection 1, Code 1999, is
30 amended to read as follows:

31 1. The department is authorized to establish rules
32 providing for the suspension of the license of an operator
33 upon thirty days' notice and without preliminary hearing upon
34 a showing by its records or other sufficient evidence that the
35 licensee:

1 a. Is an habitually reckless or negligent driver of a
2 motor vehicle.

3 b. Is an habitual violator of the traffic laws.

4 ~~c. Is physically or mentally incapable of safely operating~~
5 ~~a motor vehicle.~~

6 ~~d. c.~~ Has permitted an unlawful or fraudulent use of the
7 license.

8 ~~e. d.~~ Has committed an offense or acted in a manner in
9 another state or foreign jurisdiction which in this state
10 would be grounds for suspension or revocation.

11 ~~f. e.~~ Has committed a serious violation of the motor
12 vehicle laws of this state.

13 ~~g. f.~~ Is subject to a license suspension under section
14 321.513.

15 Prior to a suspension taking effect under paragraph "a",
16 "b", "c", "d", or "e", ~~or "f"~~, the licensee shall have
17 received thirty days' advance notice of the effective date of
18 the suspension. Notwithstanding the terms of the Iowa
19 administrative procedure Act, chapter 17A, the filing of a
20 petition for judicial review shall, ~~except for suspensions~~
21 ~~under paragraph "e"~~, operate to stay the suspension pending
22 the determination by the district court.

23 Sec. 11. Section 321.210C, Code 1999, is amended to read
24 as follows:

25 321.210C PROBATION PERIOD.

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

1 privileges for an additional period equal in duration to the
2 original period of suspension, revocation, or bar, or for one
3 year, whichever is the shorter period.

4 Sec. 12. Section 321.212, subsection 1, paragraph a,
5 unnumbered paragraph 2, Code 1999, is amended to read as
6 follows:

7 A suspension under section 321.210, subsection 1, paragraph
8 "d", "c", for a violation of section 321.216B shall not exceed
9 six months. As soon as practicable after the period of
10 suspension has expired, but not later than six months after
11 the date of expiration, the department shall expunge
12 information regarding the suspension from the person's driving
13 record.

14 Sec. 13. Section 321.218, subsection 3, unnumbered
15 paragraph 1, Code Supplement 1999, is amended to read as
16 follows:

17 The department, upon receiving the record of the conviction
18 of a person under this section upon a charge of operating a
19 motor vehicle while the license of the person is suspended or
20 revoked, shall, except for licenses suspended under section
21 252J.8, ~~321.210, subsection 1, paragraph "c", section~~
22 321.186B, 321.210A, 321.210B, or 321.513, extend the period of
23 suspension or revocation for an additional like period, and
24 the department shall not issue a new driver's license to the
25 person during the additional period.

26 Sec. 14. Section 321A.17, subsection 5, Code Supplement
27 1999, is amended to read as follows:

28 5. An individual applying for a driver's license following
29 a period of suspension or revocation pursuant to a
30 dispositional order issued under section 232.52, subsection 2,
31 paragraph "a", or under section 321.180B, section 321.210,
32 subsection 1, paragraph "d", "c", or section 321.210A,
33 321.213A, 321.213B, 321.216B, or 321.513, following a period
34 of suspension under section 321.194, or following a period of
35 revocation pursuant to a court order issued under section

1 901.5, subsection 10, or under section 321J.2A, is not
2 required to maintain proof of financial responsibility under
3 this section.

4 EXPLANATION

5 This bill creates new Code sections 321.186B and 321.186C,
6 providing for the examination of drivers who may be physically
7 or mentally unable to operate a motor vehicle and creating a
8 driver's license medical advisory council. The bill also
9 makes corresponding changes in Code section 321.186, relating
10 to the examination of new or incompetent operators; Code
11 sections 321.180A, 321.190, 321.191, 321.196, 321.198,
12 321.210, and 321.218, relating to special instruction permits,
13 issuance of nonoperator's identification cards, driver's
14 license fees, license renewal, military services exceptions,
15 suspension of driver's licenses, and operating without a valid
16 driver's license, respectively; and Code section 321.210,
17 relating to the authority of the state department of
18 transportation to adopt rules providing for the suspension of
19 driver's licenses. Additionally, the bill makes corresponding
20 reference changes in Code sections 321.12, 321.210C, 321.212,
21 and 321A.17.

22 New Code section 321.186B allows the state department of
23 transportation to examine a person holding a valid driver's
24 license when the department has good cause to believe the
25 person is physically or mentally unable to operate a motor
26 vehicle safely. The department has good cause to believe a
27 person is physically or mentally unable to operate a motor
28 vehicle safely on the basis of, but not limited to, a report
29 by a peace officer, a medical or other professional listed in
30 the bill, or a person closely related to the licensee. The
31 report must state that the person reasonably and in good faith
32 believes the licensee cannot safely operate a motor vehicle
33 and must be based upon personal observation or knowledge,
34 physical evidence, or an investigation by a peace officer, as
35 described in the report. The bill provides immunity for

1 persons making reports in good faith pursuant to new Code
2 section 321.186B and provides that the reports shall be kept
3 confidential.

4 New Code section 321.186B also provides that a person who
5 intentionally files a false report, knowingly violates a
6 confidentiality provision of the section, or knowingly permits
7 or encourages the unauthorized use of a report or reporting
8 person's name is guilty of a simple misdemeanor and shall be
9 liable for damages which proximately result from the person's
10 actions.

11 New Code section 321.186C establishes a driver's license
12 medical advisory council within the state department of
13 transportation. The seven members of the council are to be
14 appointed by the director of transportation, in consultation
15 with the director of the department of public health, and are
16 to include two licensed physicians, a licensed chiropractor, a
17 licensed registered nurse, a licensed optometrist, a licensed
18 psychologist, and a licensed social worker.

19 The advisory council is charged with advising the state
20 department of transportation regarding physical and mental
21 disabilities which would render a person physically or
22 mentally unable to operate a motor vehicle safely, the types
23 of examinations necessary to evaluate a person's physical or
24 mental ability to operate a motor vehicle, and limitations
25 which could be imposed on a person's driver's license to allow
26 a person with a physical or mental disability to operate a
27 motor vehicle safely. The advisory council is also required
28 to advise the department in developing a standardized
29 reporting form and adopting rules for the reporting of cases
30 of physical or mental inability to operate a motor vehicle
31 pursuant to new Code section 321.186B.

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