

FILED MAR 06 2006

SENATE FILE 2346
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3211)

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

A BILL FOR

1 An Act relating to driver education, graduated driver licensing
2 provisions, and passenger restraint requirements, and making a
3 penalty applicable.

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

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SC 2346

1 Section 1. Section 321.178, subsection 1, unnumbered
2 paragraph 1 and paragraphs a, b, and c, Code Supplement 2005,
3 are amended to read as follows:

4 An approved driver education course as programmed by the
5 department shall consist of at least thirty clock hours of
6 classroom instruction, of which no more than one hundred
7 eighty minutes shall be provided to a student in a single day,
8 and six or more clock hours of laboratory instruction ~~of which~~
9 ~~at least three clock hours shall consist of street or highway~~
10 driving.

11 a. Classroom instruction shall include all of the
12 following:

13 a- (1) A minimum of ~~four~~ twelve hours of instruction
14 concerning substance abuse, including the effects of alcohol
15 consumption on a person's driving skills.

16 b- (2) A minimum of twenty minutes of instruction
17 concerning railroad crossing safety.

18 e- (3) Instruction relating to becoming an organ donor
19 under the uniform anatomical gift Act as provided in chapter
20 142C.

21 (4) Instruction concerning driver distractions, including
22 the use of a cell phone while driving.

23 b. Laboratory instruction shall include all of the
24 following:

25 (1) A minimum of three clock hours of street or highway
26 driving.

27 (2) Behind-the-wheel instruction in defensive driving
28 techniques.

29 (3) Instruction in night driving, driving in adverse
30 weather conditions, and driving on gravel roads.

31 Sec. 2. NEW SECTION. 321.179 VIOLATORS UNDER AGE
32 EIGHTEEN -- EDUCATION REQUIREMENT.

33 Notwithstanding any other provision, a motor vehicle
34 operator who is convicted of a violation of this chapter that
35 occurred when the person was under eighteen years of age shall

1 complete a classroom course approved by the department
2 consisting of behavior-based training designed to promote
3 positive and safe decision making. The classroom course
4 required under this section shall be the "alive at 25" course
5 developed by the national safety council, or a course that
6 contains equivalent curriculum and meets the goals of the
7 "alive at 25" course. The requirement imposed under this
8 section is in addition to any other penalty, sanction, or
9 educational requirement provided for a violation of this
10 chapter.

11 Sec. 3. Section 321.180B, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. INTERMEDIATE LICENSE.

14 a. The department may issue an intermediate driver's
15 license to a person sixteen or seventeen years of age who
16 possesses an instruction permit issued under subsection 1 or a
17 comparable instruction permit issued by another state for a
18 minimum of six months immediately preceding application, and
19 who presents an affidavit signed by a parent or guardian on a
20 form to be provided by the department that the permittee has
21 accumulated a total of ~~twenty~~ thirty hours of street or
22 highway driving of which ~~two~~ four hours were conducted after
23 sunset and before sunrise and the street or highway driving
24 was with the permittee's parent, guardian, instructor, a
25 person certified by the department, or a person at least
26 twenty-five years of age who had written permission from a
27 parent or guardian to accompany the permittee, and whose
28 driving privileges have not been suspended, revoked, or barred
29 under this chapter or chapter 321J during, and who has been
30 accident and conviction free continuously for, the six-month
31 period immediately preceding the application for an
32 intermediate license. An applicant for an intermediate
33 license must meet the requirements of section 321.186,
34 including satisfactory completion of driver education as
35 required in section 321.178, and payment of the required

1 license fee before an intermediate license will be issued.

2 b. A person issued an intermediate license ~~must~~ shall
3 limit the number of passengers in the motor vehicle when the
4 intermediate licensee is operating the motor vehicle to the
5 number of passenger safety belts. Notwithstanding any
6 provision of law to the contrary, the provisions of sections
7 321.445 and 321.446 apply to all occupants of a vehicle
8 operated by a person with an intermediate license, regardless
9 of seating position.

10 c. Except as otherwise provided, a person issued an
11 intermediate license under this subsection who is operating a
12 motor vehicle between the hours of twelve-thirty a.m. and five
13 a.m. must be accompanied by a person issued a driver's license
14 valid for the vehicle operated who is the parent or guardian
15 of the permittee licensee, a member of the permittee's
16 licensee's immediate family if the family member is at least
17 twenty-one years of age, an approved driver education
18 instructor, a prospective driver education instructor who is
19 enrolled in a practitioner preparation program with a safety
20 education program approved by the state board of education, or
21 a person at least twenty-five years of age if written
22 permission is granted by the parent or guardian, and who is
23 actually occupying a seat beside the driver. However, a
24 licensee may operate a vehicle to and from school-related
25 extracurricular activities and work without an accompanying
26 driver between the hours of twelve-thirty a.m. and five a.m.
27 if such the licensee possesses a waiver on a form to be
28 provided by the department. An accompanying driver is not
29 required between the hours of five a.m. and twelve-thirty a.m.

30 Sec. 4. Section 321.180B, subsection 4, Code 2005, is
31 amended to read as follows:

32 4. FULL DRIVER'S LICENSE. A full driver's license may be
33 issued to a person seventeen years of age who possesses an
34 intermediate license issued under subsection 2 or a comparable
35 intermediate license issued by another state for a minimum of

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

16 Sec. 5. Section 321.445, subsection 2, unnumbered
17 paragraph 1, Code 2005, is amended to read as follows:

18 The driver and front seat occupants of a type of motor
19 vehicle that is subject to registration in Iowa, except a
20 motorcycle or a motorized bicycle, shall each wear a properly
21 adjusted and fastened safety belt or safety harness any time
22 the vehicle is in forward motion on a street or highway in
23 this state except that a child under ~~eleven~~ eighteen years of
24 age shall be secured as required under section 321.446.

25 Sec. 6. Section 321.446, subsection 2, Code Supplement
26 2005, is amended to read as follows:

27 2. A child at least six years of age but under ~~eleven~~
28 eighteen years of age who is being transported in a motor
29 vehicle subject to registration, except a school bus or
30 motorcycle, shall be secured during transit by a child
31 restraint system that is used in accordance with the
32 manufacturer's instructions or by a safety belt or safety
33 harness of a type approved under section 321.445.

34 Sec. 7. NEW SECTION. 321J.2C EDUCATION FOR PERSONS UNDER
35 AGE TWENTY-ONE.

1 Notwithstanding any other provision, a person under twenty-
2 one years of age who operates a motor vehicle in violation of
3 section 321J.2 or 321J.2A shall complete a classroom course
4 approved by the department consisting of behavior-based
5 training designed to promote positive and safe decision
6 making. The classroom course required under this section
7 shall be the "alive at 25" course developed by the national
8 safety council, or a course that contains equivalent
9 curriculum and meets the goals of the "alive at 25" course.
10 The requirement imposed under this section is in addition to
11 any other penalty, sanction, or educational requirement
12 provided for a violation of this chapter.

13 Sec. 8. YOUNG DRIVERS STUDY COMMITTEE.

14 1. The state department of transportation and the
15 department of public safety, in consultation with interested
16 organizations, shall establish a study committee to review
17 Iowa law concerning driver licensing provisions affecting
18 young drivers. The committee shall specifically review the
19 provisions of section 321.194 concerning special minor's
20 (school) licenses and the provisions of section 321.178 and
21 other relevant Code sections concerning driver education.

22 2. The committee shall be comprised of members from
23 government, educational, and professional organizations, the
24 business community, nonpartisan groups, and rural and urban
25 communities, including but not limited to persons representing
26 the following:

- 27 a. The department of education.
- 28 b. The office of the attorney general.
- 29 c. The Iowa prosecuting attorneys council.
- 30 d. The Iowa association of chiefs of police and peace
31 officers.
- 32 e. The Iowa state sheriffs' and deputies' association.
- 33 f. The Iowa association of safety education.
- 34 g. The Iowa high school athletic association.
- 35 h. Superintendents of both urban and rural school

1 districts.

2 i. Drivers under eighteen years of age.

3 j. Small business owners and other employers.

4 k. Parents.

5 3. The committee shall recommend changes to Iowa law to
6 remove ambiguities in existing language and to ensure the safe
7 transportation of Iowa's youth. The committee shall report
8 its findings and recommendations to the general assembly no
9 later than December 31, 2006.

10

EXPLANATION

11 This bill addresses issues relating to driver education,
12 graduated driver licensing, and passenger restraint.

13 The bill provides several curriculum requirements for
14 inclusion in an approved driver education course. The amount
15 of classroom instruction devoted to substance abuse is
16 increased from four hours to 12 hours, including instruction
17 on the effects of alcohol consumption on driving skills.
18 Classroom instruction must also cover cell phone use and other
19 driver distractions. Laboratory instruction shall include
20 behind-the-wheel instruction in defensive driving and
21 instruction in driving at night, in adverse weather
22 conditions, and on gravel roads.

23 The bill provides new remedial education requirements for
24 motor vehicle operators under 18 years of age who commit motor
25 vehicle violations, and for persons under 21 years of age who
26 operate a motor vehicle while under the influence of alcohol
27 or drugs. The bill requires that such persons complete the
28 "alive at 25" course developed by the national safety council
29 or an equivalent course approved by the state department of
30 transportation.

31 The bill increases the amount of supervised driving
32 experience that a permittee between 14 and 18 years of age
33 must accumulate to qualify for an intermediate license from 20
34 hours, including two hours of nighttime driving, to 30 hours,
35 including four nighttime driving hours. The bill also

1 increases the amount of supervised driving experience that a
2 17-year-old intermediate licensee must accumulate to qualify
3 for a full driver's license from 10 hours, including two hours
4 of nighttime driving, to 20 hours, including four hours of
5 nighttime driving.

6 The bill requires that passengers who are at least six but
7 less than 18 years of age be secured by a child restraint
8 system or by a safety belt or safety harness regardless of
9 seating position in any motor vehicle, other than a school bus
10 or motorcycle. Under current law, the restraint requirement
11 applies to front seat occupants of any age, and to rear seat
12 occupants under 11 years of age. In addition, the bill
13 requires that all passengers 18 years of age or older use
14 safety belts or safety harnesses regardless of seating
15 position when riding in a vehicle operated by an intermediate
16 licensee. A violation of the seat belt or child restraint law
17 is a simple misdemeanor punishable by a scheduled fine of \$25.

18 The bill directs the state department of transportation and
19 the department of public safety, in consultation with
20 interested organizations, to establish a study committee to
21 review Iowa law concerning driver licensing provisions
22 affecting young drivers, including school licenses and driver
23 education. The committee is to make recommendations to the
24 general assembly before December 31, 2006.

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SENATE FILE 2346

S-5037

1 Amend Senate File 2346 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 123.47, subsection 1, Code
5 Supplement 2005, is amended to read as follows:

6 1. a. A person shall not sell, give, or otherwise
7 supply alcoholic liquor, wine, or beer to any person
8 knowing or having reasonable cause to believe that
9 person to be under legal age.

10 b. A person who is the owner, lessee, or who has
11 control of property that is not a licensed premises
12 shall not permit any person, knowing or having
13 reasonable cause to believe the person to be under
14 legal age, to consume or possess on such property any
15 alcoholic liquor, wine, or beer.

16 Sec. 2. Section 123.47, subsection 4, Code
17 Supplement 2005, is amended to read as follows:

18 4. Except as otherwise provided in subsections 5
19 and 6, a person who is of legal age, other than a
20 licensee or permittee, who ~~sells, gives, or otherwise~~
21 ~~supplies alcoholic liquor, wine, or beer to a person~~
22 ~~who is under legal age in violation of this section~~
23 violates subsection 1 commits a serious misdemeanor
24 punishable by a minimum fine of five hundred dollars.

25 Sec. 3. Section 123.47, subsection 5, Code
26 Supplement 2005, is amended to read as follows:

27 5. A person who is of legal age, other than a
28 licensee or permittee, who sells, gives, or otherwise
29 supplies alcoholic liquor, wine, or beer to a person
30 who is under legal age in violation of ~~this section~~
31 subsection 1, paragraph "a", which results in serious
32 injury to any person commits an aggravated
33 misdemeanor.

34 Sec. 4. Section 123.47, subsection 6, Code
35 Supplement 2005, is amended to read as follows:

36 6. A person who is of legal age, other than a
37 licensee or permittee, who sells, gives, or otherwise
38 supplies alcoholic liquor, wine, or beer to a person
39 who is under legal age in violation of ~~this section~~
40 subsection 1, paragraph "a", which results in the
41 death of any person commits a class "D" felony.

42 Sec. 5. Section 123.92, unnumbered paragraph 3,
43 Code 2005, is amended to read as follows:

44 Notwithstanding section 123.49, subsection 1, any
45 person who is injured in person or property or means
46 of support by an intoxicated person who is under legal
47 age or resulting from the intoxication of a person who
48 is under legal age, has a right of action for all
49 damages actually sustained, severally or jointly,
50 against a person who is not a licensee or permittee

S-5037

1 and who dispensed or gave any beer, wine, or
2 intoxicating liquor to the intoxicated underage person
3 when the nonlicensee or nonpermittee who dispensed or
4 gave the beer, wine, or intoxicating liquor to the
5 underage person knew or should have known the underage
6 person was intoxicated, or who dispensed or gave beer,
7 wine, or intoxicating liquor to the underage person to
8 a point where the nonlicensee or nonpermittee knew or
9 should have known that the underage person would
10 become intoxicated. If the injury was caused by an
11 intoxicated person who is under legal age, a person
12 who is not a licensee or permittee and who dispensed
13 or gave beer, wine, or intoxicating liquor to the
14 underage person may establish as an affirmative
15 defense that the intoxication did not contribute to
16 the injurious action of the underage person. For
17 purposes of this paragraph, "dispensed" or "gave"
18 means the act of physically presenting a receptacle
19 containing beer, wine, or intoxicating liquor to the
20 underage person, or intentionally making available a
21 receptacle containing beer, wine, or intoxicating
22 liquor to the underage person with direct knowledge
23 that the underage person intends to consume the beer,
24 wine, or other intoxicating liquor, but without
25 physically presenting such receptacle to the underage
26 person, whose actions or intoxication results in the
27 sustaining of damages by another person. However, a
28 person who dispenses or gives beer, wine, or
29 intoxicating liquor to an underage person, or who
30 intentionally makes available a receptacle containing
31 beer, wine, or intoxicating liquor to an underage
32 person, shall only be liable for any damages if the
33 person knew or should have known that the underage
34 person was under legal age."

35 2. Title page, line 1, by striking the words
36 "relating to driver education" and inserting the
37 following: "concerning the operation of motor
38 vehicles by minors by establishing criminal and civil
39 liability for providing alcoholic beverages to persons
40 under legal age, and including driver education
41 requirements,".

42 3. Title page, lines 3 and 4, by striking the
43 words "a penalty" and inserting the following:
44 "penalties".

45 4. By renumbering as necessary.

By MATT McCOY
BOB BRUNKHORST

DAVID MILLER
JOHN PUTNEY

SENATE FILE 2346

S-5091

- 1 Amend Senate File 2346 as follows:
- 2 1. Page 1, line 13, by striking the word "twelve"
- 3 and inserting the following: "six".
- 4 2. Page 3, line 6, by striking the word
- 5 "sections" and inserting the following: "section".
- 6 3. Page 3, line 7, by striking the words and
- 7 figure "and 321.446 apply to all" and inserting the
- 8 following: "apply to all persons eleven years of age
- 9 or older who are".
- 10 4. Page 4, by striking lines 16 through 33.
- 11 5. By renumbering as necessary.

By BOB BRUNKHORST

S-5091 FILED MARCH 20, 2006
LOST

SENATE FILE 2346

S-5095

- 1 Amend Senate File 2346 as follows:
- 2 1. Page 6, by inserting after line 9 the
- 3 following:
- 4 "Sec. ____ . EFFECTIVE DATE. The sections of this
- 5 Act amending section 321.178 and enacting sections
- 6 321.179 and 321J.2C take effect July 1, 2007."
- 7 2. Title page, line 3, by inserting after the
- 8 word "applicable" the following: "and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

By MATT McCOY
JOHN PUTNEY

S-5095 FILED MARCH 20, 2006
ADOPTED

Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 2346 – Graduated Driver Licensing (LSB 6506 SV)

Analyst: Mary Beth Mellick (Phone: [515] 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – New

Description

Senate File 2346 makes numerous changes relating to driver education, graduated driver licensing, and passenger restraint. Specifically, the Bill:

- Amends classroom instruction to include an increase in the hours of instruction concerning substance abuse from four hours to 12 hours, and instruction on cell phone use and other driver distractions.
- Requires drivers under 18 or 21 years of age who commit motor vehicle violations under Chapters 321 and 321J, Code of Iowa, to complete an “Alive at 25” course developed by the National Safety Council or an equivalent course approved by the Department of Transportation (DOT). The course is in addition to any other penalty, sanction, or educational requirement.
- Increases the amount of supervised driving experience that a driver between 14 and 18 years of age must accumulate to qualify for an intermediate license, and increases the amount of supervised driving experience that a 17-year-old intermediate licensee must accumulate to qualify for a full driver's license.
- Requires that passengers who are at least six but less than 18 years of age be secured by a child restraint system or by a safety belt or safety harness, regardless of the seating position, in any motor vehicle other than a school bus or motorcycle. In addition, the Bill requires that all passengers 18 years of age or older use a safety belt or safety harness, regardless of the seating position, when riding in a vehicle operated by an intermediate licensee. A violation of the seat belt or child restraint law is a simple misdemeanor punishable by a scheduled fine of \$25.
- Directs the DOT and the Department of Public Safety (DPS), in consultation with interested organizations, to establish a study committee to review Iowa law concerning driver licensing provisions affecting young drivers, including special minor's (school) licenses and driver education. The committee is to make recommendations to the General Assembly by December 31, 2006.

Assumptions

1. According to the Justice Data Warehouse:
 - In December 2005, there were 49,604 drivers with graduated licenses.
 - In FY 2005, there were 442 violations of graduated driver's license provisions.
 - In FY 2005, 19,982 drivers under 18 years of age committed motor vehicle violations under Chapter 321, Code of Iowa, and 1,753 drivers under 21 years of age committed violations under Chapter 321J, Code of Iowa, relating to driving while under the influence of alcohol or drugs.
2. Amending the provisions for seat belt use will likely increase the number of violations under the proposed bill.
3. The National Safety Council describes “Alive at 25” as a four-hour interactive program that teaches drivers between the ages of 16 and 24 responsible driving behavior and defensive driving techniques. Instructors of the course must be certified.

4. In most states, the cost is higher for participants who are mandated to complete the course.
5. The Bill does not specify the agency or organization that would provide the "Alive at 25" or equivalent course.

Fiscal Impact

The fiscal impact of SF 2346 cannot be determined due to insufficient information; however, the following information is provided:

High Schools – Increased Classroom Instruction

The fiscal impact associated with requiring additional hours for instruction on substance abuse is unknown. Currently, 30 hours of classroom instruction are required, of which six or more hours are for laboratory instruction (of which three hours include street or highway driving), a minimum of four hours is for instruction on substance abuse, a minimum of 20 minutes on railroad crossing safety, and an unspecified number of minutes or hours on organ donation. Under the proposed Bill, an additional eight hours will be required for substance abuse instruction. It is unknown if classroom hours will be added to the current 30 hours, or whether the current hours will be adjusted. High schools that provide driver's education may realize a fiscal impact if the hours of instruction are increased.

Scheduled Fines

The fiscal impact cannot be determined since the number of violations under the proposed Bill is unknown. Amending the provisions for seat belt use will likely increase the number of violations, and will therefore result in an increase in the amount collected. A violation of the seat belt or child restraint law is a simple misdemeanor punishable by a scheduled fine of \$25.

"Alive at 25" Course

The number of driver's that will be required to complete the "Alive at 25" course is unknown. In FY 2005, an estimated 22,000 persons committed violations under Chapters 321 and 321J, Code of Iowa. All such individuals would be required to complete the course under the proposed legislation.

Costs associated with certification and materials are detailed below. Members of the National Safety Council are charged less for materials:

- Visual Aids: \$375 members / \$500 non-members
- Instructor Certification Package: \$100 members / \$130 non-members
- Instructor Manual: \$45 members / \$55 non-members
- Annual Instructor Recertification: \$45 members and non-members
- Course Guide: \$3.25 members / \$4.25 non-members

The Bill does not specify the cost to participants to complete the "Alive at 25" course. In other states, the cost ranges from \$30 to \$70, depending on voluntary or mandatory (court-ordered) participation. In most states, the cost is higher for participants who are mandated to complete the course.

The Department of Transportation estimates the cost of approving the "Alive at 25" or equivalent course to be minimal.

Graduated Driver's License Study

Costs to the DOT and the DPS associated with establishing a study committee to review Iowa law concerning driver licensing provisions affecting young drivers are anticipated to be minimal.

Sources

Department of Transportation

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJPD)

National Safety Council

/s/ Holly M. Lyons

March 15, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

1 Section 1. Section 123.47, subsection 1, Code Supplement
2 2005, is amended to read as follows:

3 1. a. A person shall not sell, give, or otherwise supply
4 alcoholic liquor, wine, or beer to any person knowing or
5 having reasonable cause to believe that person to be under
6 legal age.

7 b. A person who is the owner, lessee, or who has control
8 of property that is not a licensed premises shall not permit
9 any person, knowing or having reasonable cause to believe the
10 person to be under legal age, to consume or possess on such
11 property any alcoholic liquor, wine, or beer.

12 Sec. 2. Section 123.47, subsection 4, Code Supplement
13 2005, is amended to read as follows:

14 4. Except as otherwise provided in subsections 5 and 6, a
15 person who is of legal age, other than a licensee or
16 permittee, who ~~sells, gives, or otherwise supplies alcoholic~~
17 ~~liquor, wine, or beer to a person who is under legal age in~~
18 ~~violation of this section~~ violates subsection 1 commits a
19 serious misdemeanor punishable by a minimum fine of five
20 hundred dollars.

21 Sec. 3. Section 123.47, subsection 5, Code Supplement
22 2005, is amended to read as follows:

23 5. A person who is of legal age, other than a licensee or
24 permittee, who sells, gives, or otherwise supplies alcoholic
25 liquor, wine, or beer to a person who is under legal age in
26 violation of this section subsection 1, paragraph "a", which
27 results in serious injury to any person commits an aggravated
28 misdemeanor.

29 Sec. 4. Section 123.47, subsection 6, Code Supplement
30 2005, is amended to read as follows:

31 6. A person who is of legal age, other than a licensee or
32 permittee, who sells, gives, or otherwise supplies alcoholic
33 liquor, wine, or beer to a person who is under legal age in
34 violation of this section subsection 1, paragraph "a", which
35 results in the death of any person commits a class "D" felony.

1 Sec. 5. Section 123.92, unnumbered paragraph 3, Code 2005,
2 is amended to read as follows:

3 Notwithstanding section 123.49, subsection 1, any person
4 who is injured in person or property or means of support by an
5 intoxicated person who is under legal age or resulting from
6 the intoxication of a person who is under legal age, has a
7 right of action for all damages actually sustained, severally
8 or jointly, against a person who is not a licensee or
9 permittee and who dispensed or gave any beer, wine, or
10 intoxicating liquor to the intoxicated underage person when
11 the nonlicensee or nonpermittee who dispensed or gave the
12 beer, wine, or intoxicating liquor to the underage person knew
13 or should have known the underage person was intoxicated, or
14 who dispensed or gave beer, wine, or intoxicating liquor to
15 the underage person to a point where the nonlicensee or
16 nonpermittee knew or should have known that the underage
17 person would become intoxicated. If the injury was caused by
18 an intoxicated person who is under legal age, a person who is
19 not a licensee or permittee and who dispensed or gave beer,
20 wine, or intoxicating liquor to the underage person may
21 establish as an affirmative defense that the intoxication did
22 not contribute to the injurious action of the underage person.
23 For purposes of this paragraph, "dispensed" or "gave" means
24 the act of physically presenting a receptacle containing beer,
25 wine, or intoxicating liquor to the underage person, or
26 intentionally making available a receptacle containing beer,
27 wine, or intoxicating liquor to the underage person with
28 direct knowledge that the underage person intends to consume
29 the beer, wine, or other intoxicating liquor, but without
30 physically presenting such receptacle to the underage person,
31 whose actions or intoxication results in the sustaining of
32 damages by another person. However, a person who dispenses or
33 gives beer, wine, or intoxicating liquor to an underage
34 person, or who intentionally makes available a receptacle
35 containing beer, wine, or intoxicating liquor to an underage

1 person, shall only be liable for any damages if the person
2 knew or should have known that the underage person was under
3 legal age.

4 Sec. 6. Section 321.178, subsection 1, unnumbered
5 paragraph 1 and paragraphs a, b, and c, Code Supplement 2005,
6 are amended to read as follows:

7 An approved driver education course as programmed by the
8 department shall consist of at least thirty clock hours of
9 classroom instruction, of which no more than one hundred
10 eighty minutes shall be provided to a student in a single day,
11 and six or more clock hours of laboratory instruction ~~of which~~
12 ~~at least three clock hours shall consist of street or highway~~
13 ~~driving.~~

14 a. Classroom instruction shall include all of the
15 following:

16 a- (1) A minimum of ~~four~~ twelve hours of instruction
17 concerning substance abuse, including the effects of alcohol
18 consumption on a person's driving skills.

19 b- (2) A minimum of twenty minutes of instruction
20 concerning railroad crossing safety.

21 e- (3) Instruction relating to becoming an organ donor
22 under the uniform anatomical gift Act as provided in chapter
23 142C.

24 (4) Instruction concerning driver distractions, including
25 the use of a cell phone while driving.

26 b. Laboratory instruction shall include all of the
27 following:

28 (1) A minimum of three clock hours of street or highway
29 driving.

30 (2) Behind-the-wheel instruction in defensive driving
31 techniques.

32 (3) Instruction in night driving, driving in adverse
33 weather conditions, and driving on gravel roads.

34 Sec. 7. NEW SECTION. 321.179 VIOLATORS UNDER AGE
35 EIGHTEEN -- EDUCATION REQUIREMENT.

1 Notwithstanding any other provision, a motor vehicle
2 operator who is convicted of a violation of this chapter that
3 occurred when the person was under eighteen years of age shall
4 complete a classroom course approved by the department
5 consisting of behavior-based training designed to promote
6 positive and safe decision making. The classroom course
7 required under this section shall be the "alive at 25" course
8 developed by the national safety council, or a course that
9 contains equivalent curriculum and meets the goals of the
10 "alive at 25" course. The requirement imposed under this
11 section is in addition to any other penalty, sanction, or
12 educational requirement provided for a violation of this
13 chapter.

14 Sec. 8. Section 321.180B, subsection 2, Code 2005, is
15 amended to read as follows:

16 2. INTERMEDIATE LICENSE.

17 a. The department may issue an intermediate driver's
18 license to a person sixteen or seventeen years of age who
19 possesses an instruction permit issued under subsection 1 or a
20 comparable instruction permit issued by another state for a
21 minimum of six months immediately preceding application, and
22 who presents an affidavit signed by a parent or guardian on a
23 form to be provided by the department that the permittee has
24 accumulated a total of ~~twenty~~ thirty hours of street or
25 highway driving of which ~~two~~ four hours were conducted after
26 sunset and before sunrise and the street or highway driving
27 was with the permittee's parent, guardian, instructor, a
28 person certified by the department, or a person at least
29 twenty-five years of age who had written permission from a
30 parent or guardian to accompany the permittee, and whose
31 driving privileges have not been suspended, revoked, or barred
32 under this chapter or chapter 321J during, and who has been
33 accident and conviction free continuously for, the six-month
34 period immediately preceding the application for an
35 intermediate license. An applicant for an intermediate

1 license must meet the requirements of section 321.186,
2 including satisfactory completion of driver education as
3 required in section 321.178, and payment of the required
4 license fee before an intermediate license will be issued.

5 b. A person issued an intermediate license must shall
6 limit the number of passengers in the motor vehicle when the
7 intermediate licensee is operating the motor vehicle to the
8 number of passenger safety belts. Notwithstanding any
9 provision of law to the contrary, the provisions of sections
10 321.445 and 321.446 apply to all occupants of a vehicle
11 operated by a person with an intermediate license, regardless
12 of seating position.

13 c. Except as otherwise provided, a person issued an
14 intermediate license under this subsection who is operating a
15 motor vehicle between the hours of twelve-thirty a.m. and five
16 a.m. must be accompanied by a person issued a driver's license
17 valid for the vehicle operated who is the parent or guardian
18 of the permittee licensee, a member of the permittee's
19 licensee's immediate family if the family member is at least
20 twenty-one years of age, an approved driver education
21 instructor, a prospective driver education instructor who is
22 enrolled in a practitioner preparation program with a safety
23 education program approved by the state board of education, or
24 a person at least twenty-five years of age if written
25 permission is granted by the parent or guardian, and who is
26 actually occupying a seat beside the driver. However, a
27 licensee may operate a vehicle to and from school-related
28 extracurricular activities and work without an accompanying
29 driver between the hours of twelve-thirty a.m. and five a.m.
30 if such the licensee possesses a waiver on a form to be
31 provided by the department. An accompanying driver is not
32 required between the hours of five a.m. and twelve-thirty a.m.

33 Sec. 9. Section 321.180B, subsection 4, Code 2005, is
34 amended to read as follows:

35 4. FULL DRIVER'S LICENSE. A full driver's license may be

1 issued to a person seventeen years of age who possesses an
2 intermediate license issued under subsection 2 or a comparable
3 intermediate license issued by another state for a minimum of
4 twelve months immediately preceding application, and who
5 presents an affidavit signed by a parent or guardian on a form
6 to be provided by the department that the intermediate
7 licensee has accumulated a total of ~~ten~~ twenty hours of street
8 or highway driving of which ~~two~~ four hours were conducted
9 after sunset and before sunrise and the street or highway
10 driving was with the licensee's parent, guardian, instructor,
11 a person certified by the department, or a person at least
12 twenty-five years of age who had written permission from a
13 parent or guardian to accompany the licensee, whose driving
14 privileges have not been suspended, revoked, or barred under
15 this chapter or chapter 321J during, and who has been accident
16 and conviction free continuously for, the twelve-month period
17 immediately preceding the application for a full driver's
18 license, and who has paid the required fee.

19 Sec. 10. Section 321.445, subsection 2, unnumbered
20 paragraph 1, Code 2005, is amended to read as follows:

21 The driver and front seat occupants of a type of motor
22 vehicle that is subject to registration in Iowa, except a
23 motorcycle or a motorized bicycle, shall each wear a properly
24 adjusted and fastened safety belt or safety harness any time
25 the vehicle is in forward motion on a street or highway in
26 this state except that a child under ~~eleven~~ eighteen years of
27 age shall be secured as required under section 321.446.

28 Sec. 11. Section 321.446, subsection 2, Code Supplement
29 2005, is amended to read as follows:

30 2. A child at least six years of age but under ~~eleven~~
31 eighteen years of age who is being transported in a motor
32 vehicle subject to registration, except a school bus or
33 motorcycle, shall be secured during transit by a child
34 restraint system that is used in accordance with the
35 manufacturer's instructions or by a safety belt or safety

1 harness of a type approved under section 321.445.

2 Sec. 12. NEW SECTION. 321J.2C EDUCATION FOR PERSONS
3 UNDER AGE TWENTY-ONE.

4 Notwithstanding any other provision, a person under twenty-
5 one years of age who operates a motor vehicle in violation of
6 section 321J.2 or 321J.2A shall complete a classroom course
7 approved by the department consisting of behavior-based
8 training designed to promote positive and safe decision
9 making. The classroom course required under this section
10 shall be the "alive at 25" course developed by the national
11 safety council, or a course that contains equivalent
12 curriculum and meets the goals of the "alive at 25" course.
13 The requirement imposed under this section is in addition to
14 any other penalty, sanction, or educational requirement
15 provided for a violation of this chapter.

16 Sec. 13. YOUNG DRIVERS STUDY COMMITTEE.

17 1. The state department of transportation and the
18 department of public safety, in consultation with interested
19 organizations, shall establish a study committee to review
20 Iowa law concerning driver licensing provisions affecting
21 young drivers. The committee shall specifically review the
22 provisions of section 321.194 concerning special minor's
23 (school) licenses and the provisions of section 321.178 and
24 other relevant Code sections concerning driver education.

25 2. The committee shall be comprised of members from
26 government, educational, and professional organizations, the
27 business community, nonpartisan groups, and rural and urban
28 communities, including but not limited to persons representing
29 the following:

30 a. The department of education.

31 b. The office of the attorney general.

32 c. The Iowa prosecuting attorneys council.

33 d. The Iowa association of chiefs of police and peace
34 officers.

35 e. The Iowa state sheriffs' and deputies' association.

- 1 f. The Iowa association of safety education.
- 2 g. The Iowa high school athletic association.
- 3 h. Superintendents of both urban and rural school
- 4 districts.
- 5 i. Drivers under eighteen years of age.
- 6 j. Small business owners and other employers.
- 7 k. Parents.
- 8 3. The committee shall recommend changes to Iowa law to
- 9 remove ambiguities in existing language and to ensure the safe
- 10 transportation of Iowa's youth. The committee shall report
- 11 its findings and recommendations to the general assembly no
- 12 later than December 31, 2006.

13 Sec. 14. EFFECTIVE DATE. The sections of this Act
14 amending section 321.178 and enacting sections 321.179 and
15 321J.2C take effect July 1, 2007.

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SENATE FILE 2346

H-8364

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 18 the
4 following:

5 "Sec. _____. Section 321.284, Code 2005, is amended
6 to read as follows:

7 321.284 OPEN CONTAINERS IN MOTOR VEHICLES --
8 DRIVERS.

9 1. A driver of a motor vehicle upon a public
10 street or highway shall not possess in the passenger
11 area of the motor vehicle an open or unsealed bottle,
12 can, jar, or other receptacle containing an alcoholic
13 beverage. "Passenger area" means the area designed to
14 seat the driver and passengers while the motor vehicle
15 is in operation and any area that is readily
16 accessible to the driver or a passenger while in their
17 seating positions, including the glove compartment.
18 An open or unsealed receptacle containing an alcoholic
19 beverage may be transported in the trunk of the motor
20 vehicle. An unsealed receptacle containing an
21 alcoholic beverage may be transported behind the last
22 upright seat of the motor vehicle if the motor vehicle
23 does not have a trunk. A person convicted of a
24 violation of this ~~section~~ subsection is guilty of a
25 simple misdemeanor punishable as a scheduled violation
26 under section 805.8A, subsection 14, paragraph "e".

27 2. a. A peace officer shall make a reasonable
28 effort to identify a person under the age of eighteen
29 who violates subsection 1 and, if the person is not
30 referred to juvenile court, the law enforcement agency
31 of which the peace officer is an employee shall make a
32 reasonable attempt to notify the person's custodial
33 parent or legal guardian of the violation, whether or
34 not the person is taken into custody, unless the
35 officer has reasonable grounds to believe that
36 notification is not in the best interests of the
37 person or will endanger that person.

38 b. The peace officer shall also make a reasonable
39 effort to identify the elementary or secondary school
40 which the person attends if the person is enrolled in
41 elementary or secondary school and to notify the
42 superintendent or the superintendent's designee of the
43 school which the person attends, or the authorities in
44 charge of the nonpublic school which the person
45 attends, of the violation. If the person is taken
46 into custody, the peace officer shall notify a
47 juvenile court officer who shall make a reasonable
48 effort to identify the elementary or secondary school
49 the person attends, if any, and to notify the
50 superintendent of the school district or the

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1 superintendent's designee, or the authorities in
2 charge of the nonpublic school, of the violation. A
3 reasonable attempt to notify the person includes but
4 is not limited to a telephone call or notice by first-
5 class mail.

6 Sec. ____ . Section 321.284A, Code 2005, is amended
7 to read as follows:

8 321.284A OPEN CONTAINERS IN MOTOR VEHICLES --
9 PASSENGERS.

10 1. a. A passenger in a motor vehicle upon a
11 public street or highway shall not possess in the
12 passenger area of the motor vehicle an open or
13 unsealed bottle, can, jar, or other receptacle
14 containing an alcoholic beverage. "Passenger area"
15 means the area of a motor vehicle designed to seat the
16 driver and passengers while the motor vehicle is in
17 operation and any area that is readily accessible to
18 the driver or a passenger while in their seating
19 positions, including the glove compartment. An open
20 or unsealed receptacle containing an alcoholic
21 beverage may be transported in the trunk of the motor
22 vehicle. An unsealed receptacle containing an
23 alcoholic beverage may be transported behind the last
24 upright seat of the motor vehicle if the motor vehicle
25 does not have a trunk.

26 ~~2.~~ b. This ~~section~~ subsection does not apply to a
27 passenger being transported in a motor vehicle
28 designed, maintained, or used primarily for the
29 transportation of persons for compensation, or a
30 passenger being transported in the living quarters of
31 a motor home, manufactured or mobile home, travel
32 trailer, or fifth-wheel travel trailer.

33 ~~3.~~ c. A person convicted of a violation of this
34 ~~section~~ subsection is guilty of a simple misdemeanor
35 punishable as a scheduled violation under section
36 805.8A, subsection 14, paragraph "e".

37 ~~4.~~ d. The department shall not include a
38 conviction for a violation of this ~~section~~ subsection
39 on the individual driving record of the person
40 committing the violation and the conviction shall not
41 be considered by the department in any proceeding for
42 suspension, revocation, barring, or denying of the
43 person's driver's license or upon any application for
44 renewal of driving privileges.

45 2. a. A peace officer shall make a reasonable
46 effort to identify a person under the age of eighteen
47 who violates subsection 1 and, if the person is not
48 referred to juvenile court, the law enforcement agency
49 of which the peace officer is an employee shall make a
50 reasonable attempt to notify the person's custodial

1 parent or legal guardian of the violation, whether or
2 not the person is taken into custody, unless the
3 officer has reasonable grounds to believe that
4 notification is not in the best interests of the
5 person or will endanger that person.
6 b. The peace officer shall also make a reasonable
7 effort to identify the elementary or secondary school
8 which the person attends if the person is enrolled in
9 elementary or secondary school and to notify the
10 superintendent or the superintendent's designee of the
11 school which the person attends, or the authorities in
12 charge of the nonpublic school which the person
13 attends, of the violation. If the person is taken
14 into custody, the peace officer shall notify a
15 juvenile court officer who shall make a reasonable
16 effort to identify the elementary or secondary school
17 the person attends, if any, and to notify the
18 superintendent of the school district or the
19 superintendent's designee, or the authorities in
20 charge of the nonpublic school, of the violation. A
21 reasonable attempt to notify the person includes but
22 is not limited to a telephone call or notice by first-
23 class mail."

24 2. Page 7, by inserting after line 15 the
25 following:

26 "Sec. ____ . Section 805.8A, subsection 14,
27 paragraph e, Code Supplement 2005, is amended to read
28 as follows:

29 e. OPEN CONTAINER VIOLATIONS. For violations
30 under ~~sections~~ section 321.284, subsection 1, and
31 section 321.284A, subsection 1, the scheduled fine is
32 one hundred dollars."

33 3. Title page, line 3, by inserting after the
34 word "age," the following: "providing for parental
35 and school notification regarding open container
36 violations committed by persons under age eighteen,".

37 4. By renumbering as necessary.

By ALONS of Sioux

SENATE FILE 2346

H-8416

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 4 through 33.

4 2. Page 7, line 24, by inserting after the word
5 "education." the following: "In its review of driver
6 education, the committee shall consider the value of
7 current driver education curricula, potential matters
8 for inclusion in an approved driver education course,
9 and requirements for hours of classroom and laboratory
10 instruction."

11 3. Page 8, line 12, by inserting after the figure
12 "2006." the following: "In addition, the committee
13 shall submit its recommendations concerning driver
14 education in a proposal for legislation, presented in
15 bill draft format, to the chairpersons of the house
16 and senate standing committees on transportation, for
17 consideration by the general assembly during the 2007
18 legislative session."

19 4. Page 8, line 14, by striking the words and
20 figure "amending section 321.178 and".

21 5. By renumbering as necessary.

By HUNTER of Polk

H-8416 FILED MARCH 28, 2006

SENATE FILE 2346

H-8417

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 8, by inserting after the word
4 "belts" the following: "and to no more than one
5 passenger under twenty-one years of age other than the
6 licensee's immediate family members".

By HUNTER of Polk

H-8417 FILED MARCH 28, 2006

SENATE FILE 2346

H-8418

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 18 the
4 following:

5 "Sec. ____ . NEW SECTION. 321.363A CELL PHONE USE
6 BY DRIVER UNDER EIGHTEEN PROHIBITED.

7 A person under eighteen years of age shall not
8 operate or utilize a mobile telephone, two-way radio,
9 wireless electronic mail device, two-way pager, or any
10 other device used for remote two-way communication
11 while operating a motor vehicle on the roadway."

12 2. Page 7, by inserting after line 15 the
13 following:

14 "Sec. ____ . Section 805.8A, subsection 14, Code
15 Supplement 2005, is amended by adding the following
16 new paragraph:

17 NEW PARAGRAPH. j. CELL PHONE VIOLATIONS. For
18 violations under section 321.363A, the scheduled fine
19 is \$30."

20 3. Title page, line 5, by inserting after the
21 word "provisions," the following: "cell phone use
22 restrictions,".

23 4. By renumbering as necessary.

By HUNTER of Polk
HOGG of Linn

H-8418 FILED MARCH 28, 2006

SENATE FILE 2346

H-8415

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 123.50, subsection 1, Code
6 2005, is amended to read as follows:

7 1. ~~Any~~ A person who violates any of the provisions
8 of section 123.49, except subsection 2, paragraph "h",
9 ~~shall be guilty of or who fails to affix upon sale,~~
10 defaces, or fails to record a keg identification
11 sticker or produce a record of keg identification
12 stickers pursuant to section 123.138, commits a simple
13 misdemeanor. A person who violates section 123.49,
14 subsection 2, paragraph "h", commits a simple
15 misdemeanor punishable as a scheduled violation under
16 section 805.8C, subsection 2."

17 2. Page 3, by inserting after line 3 the
18 following:

19 "Sec. ____ . Section 123.138, Code 2005, is amended
20 to read as follows:

21 123.138 BOOKS OF ACCOUNT REQUIRED.

22 1. Each class "A" or special class "A" permittee
23 shall keep proper books of account and records showing
24 the amount of beer sold by the permittee, and these
25 books of account shall be at all times open to
26 inspection by the administrator and to other persons
27 pursuant to section 123.30, subsection 1. Each class
28 "B" and class "C" permittee shall keep proper books of
29 account and records showing each purchase of beer made
30 by the permittee, and the date and the amount of each
31 purchase and the name of the person from whom each
32 purchase was made, which books of account and records
33 shall be open to inspection pursuant to section
34 123.30, subsection 1, during normal business hours of
35 the permittee.

36 2. Each class "B", "C", or special class "C"
37 liquor control licensee and class "B" or "C" beer
38 permittee who sells beer for off-premises consumption
39 shall affix to each keg of beer an identification
40 sticker provided by the administrator. For the
41 purposes of this section, "keg" means all durable and
42 disposable containers with a liquid capacity of five
43 gallons or more. Each class "B", "C", or special
44 class "C" liquor control licensee and class "B" or "C"
45 beer permittee shall also keep a record of the
46 identification sticker number of each keg of beer sold
47 by the licensee or permittee with the name and address
48 of the purchaser and the number of the purchaser's
49 driver's license, nonoperator's identification card,
50 or military identification card, if the military

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1 identification card contains a picture and signature.
2 This information shall be retained by the licensee or
3 permittee for a minimum of ninety days. The records
4 kept pursuant to this section shall be available for
5 inspection by any law enforcement officer during
6 normal business hours.

7 3. The division shall provide the keg
8 identification stickers described in subsection 2.
9 Each sticker shall contain a number and the following
10 statement: "It is unlawful to sell, give, or
11 otherwise supply any alcoholic beverage, wine, or beer
12 to any person under legal age. Any person who defaces
13 this sticker shall be guilty of criminal mischief
14 punishable pursuant to section 716.6 and shall cause
15 the forfeiture of any deposit, if applicable." The
16 identification sticker shall be placed on the keg at
17 the time of retail sale. The licensee or permittee
18 shall purchase the stickers referred to in this
19 section from the division and shall remit to the
20 division deposits forfeited pursuant to this
21 subsection due to defacement. The cost of the
22 stickers to licensees and permittees shall not exceed
23 the division's cost of producing and distributing the
24 stickers. The moneys collected by the division
25 relating to the sale of stickers and forfeited
26 deposits shall be credited to the beer and liquor
27 control fund.

28 4. Enforcement of this section shall be
29 implemented uniformly throughout the state. For
30 purposes of uniform implementation, a county or
31 municipality shall not set requirements or establish a
32 penalty which is higher or more stringent than the
33 requirements or penalties enumerated in this section,
34 section 123.50, and section 716.6. The division shall
35 establish by rule procedures relating to the
36 forfeiture and remittance of deposits pursuant to
37 subsection 3."

38 3. Title page, line 3, by inserting after the
39 word "age," the following: "providing for an
40 identification number on kegs of beer,".

41 4. By renumbering as necessary.

By HUNTER of Polk

SENATE FILE 2346

H-8429

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 33 the
4 following:

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

7 1. TEACHING PARENT. As an alternative to the
8 driver education requirements under section 321.178, a
9 teaching parent may instruct a student in a driver
10 education course that meets the requirements of this
11 section and provide evidence that the requirements
12 under this section have been met.

13 2. DEFINITIONS. For purposes of this section:

14 a. "Approved course" means driver education
15 curriculum approved by the department pursuant to
16 rules adopted under chapter 17A. An approved course
17 shall, at a minimum, meet the requirements of
18 subsection 3 and be appropriate for teaching-parent-
19 directed driver education and related street or
20 highway instruction. Driver education materials that
21 meet or exceed standards established by the department
22 for an approved course in driver education for a
23 public or private school shall be approved unless
24 otherwise determined by the department. The list of
25 approved courses shall be posted on the department's
26 website.

27 b. "Student" means a person who is at least
28 fourteen but not yet eighteen years of age who is
29 within the custody and control of the teaching parent
30 and who satisfies preliminary licensing requirements
31 of the department.

32 c. "Teaching parent" means a parent, guardian, or
33 legal custodian of a student who is currently
34 providing competent private instruction to the student
35 pursuant to section 299A.2 or 299A.3 and who provided
36 such instruction to the student during the previous
37 year; who has a valid driver's license, other than a
38 motorized bicycle license or a temporary restricted
39 license, that permits unaccompanied driving; and who
40 has maintained a clear driving record for the previous
41 two years. For purposes of this paragraph, "clear
42 driving record" means the individual has not been
43 identified as a candidate for suspension of a driver's
44 license under the habitual offender provisions of this
45 chapter; is not subject to a driver's license
46 suspension, revocation, denial, cancellation,
47 disqualification, or bar; and has no record of a
48 conviction for a moving traffic violation determined
49 to be the cause of a motor vehicle accident.

50 3. COURSE OF INSTRUCTION. An approved course

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1 administered by a teaching parent shall consist of but
2 not be limited to the following:

3 a. Thirty clock hours of classroom instruction.

4 b. Fifty hours of street or highway driving while
5 accompanied by the teaching parent, including six
6 hours of driving after sunset and before sunrise.

7 c. Twelve hours of classroom instruction
8 concerning substance abuse, including the effects of
9 alcohol consumption on a person's driving skills.

10 d. A minimum of twenty minutes of instruction
11 concerning railroad crossing safety.

12 e. Instruction relating to becoming an organ donor
13 under the uniform anatomical gift Act.

14 f. Instruction concerning driver distractions,
15 including the use of a cell phone while driving.

16 g. Behind-the-wheel instruction in defensive
17 driving techniques, driving in adverse weather
18 conditions, and driving on gravel roads.

19 The content of the course of instruction required
20 under this subsection shall be equivalent to that
21 required under section 321.178. However, reference
22 and study materials, physical classroom requirements,
23 and extra vehicle safety equipment required for
24 instruction under section 321.178 shall not be
25 required for the course of instruction provided under
26 this section.

27 4. COURSE COMPLETION AND CERTIFICATION. Upon
28 application by a student for an intermediate license,
29 the teaching parent shall provide evidence showing the
30 student's completion of an approved course and
31 substantial compliance with the requirements of
32 subsection 3 by affidavit signed by the teaching
33 parent on a form to be provided by the department.
34 The evidence shall include all of the following:

35 a. Documentation that the instructor is a teaching
36 parent as defined in subsection 2.

37 b. Documentation that the student is receiving
38 competent private instruction under section 299A.2 or
39 the name of the school district within which the
40 student is receiving instruction under section 299A.3.

41 c. The name of the approved course completed by
42 the student.

43 d. An affidavit attesting to satisfactory
44 completion of course work and street or highway
45 driving instruction.

46 e. Copies of written tests completed by the
47 student.

48 f. A statement of the number of classroom hours of
49 instruction.

50 g. A log of completed street or highway driving

1 instruction including the dates when the lessons were
2 conducted, the student's and the teaching parent's
3 name and initials noted next to each entry, notes on
4 driving activities including a list of driving
5 deficiencies and improvements, and the duration of the
6 driving time for each session.

7 5. INTERMEDIATE LICENSE. Any student who
8 successfully completes an approved course as provided
9 in this section, passes a driving test to be
10 administered by the department, and is otherwise
11 qualified under section 321.180B, subsection 2, shall
12 be eligible for an intermediate license pursuant to
13 section 321.180B. Thirty of the fifty hours of street
14 or highway driving instruction required under
15 subsection 3, paragraph "b", may be utilized to
16 satisfy the requirement of section 321.180B,
17 subsection 2, paragraph "a".

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

21 2. Page 5, line 3, by inserting after the figure
22 "321.178" the following: "or 321.178A".

23 3. Page 6, by inserting after line 18 the
24 following:

25 "Sec. _____. Section 321.194, subsection 1,
26 unnumbered paragraph 1, Code Supplement 2005, is
27 amended to read as follows:

28 Upon certification of a special need by the school
29 board, superintendent of the applicant's school, or
30 principal, if authorized by the superintendent, the
31 department may issue a class C or M driver's license
32 to a person between the ages of fourteen and eighteen
33 years whose driving privileges have not been
34 suspended, revoked, or barred under this chapter or
35 chapter 321J during, and who has not been convicted of
36 a moving traffic violation or involved in a motor
37 vehicle accident for, the six-month period immediately
38 preceding the application for the special minor's
39 license and who has successfully completed an approved
40 driver education course other than a course taught
41 pursuant to section 321.178A. However, the completion
42 of a course is not required if the applicant
43 demonstrates to the satisfaction of the department
44 that completion of the course would impose a hardship
45 upon the applicant. The department shall adopt rules
46 defining the term "hardship" and establish procedures
47 for the demonstration and determination of when
48 completion of the course would impose a hardship upon
49 an applicant."

50 4. By renumbering as necessary.

By TYMESON of Madison
PAULSEN of Linn

SENATE FILE 2346

H-8430

- 1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 4 through 33.
4 2. Page 4, line 3, by striking the word "shall"
5 and inserting the following: "may be required to".
6 3. Page 4, line 7, by striking the words
7 "required under this section".
8 4. Page 4, lines 11 and 12, by striking the words
9 "penalty, sanction, or educational requirement" and
10 inserting the following: "penalty or sanction".
11 5. Page 5, by striking lines 8 through 12 and
12 inserting the following: "number of passenger safety
13 belts."
14 6. Page 6, line 23, by inserting after the word
15 "bicycle," the following: "or, if the driver of such
16 motor vehicle is under eighteen years of age, the
17 driver and all occupants of the vehicle".
18 7. Page 6, line 26, by striking the words "~~eleven~~
19 ~~eighteen~~" and inserting the following: "eleven".
20 8. Page 6, by inserting after line 27 the
21 following:
22 "Sec. _____. Section 321.445, subsection 2,
23 paragraphs a, b, and f, Code 2005, are amended to read
24 as follows:
25 a. The driver or ~~front-seat~~ occupants of a motor
26 vehicle which is not required to be equipped with
27 safety belts or safety harnesses.
28 b. The driver and ~~front-seat~~ occupants of a motor
29 vehicle who are actively engaged in work which
30 requires them to alight from and reenter the vehicle
31 at frequent intervals, providing the vehicle does not
32 exceed twenty-five miles per hour between stops.
33 f. ~~Front-seat occupants~~ Occupants of an authorized
34 emergency vehicle while they are being transported in
35 an emergency. However, this exemption does not apply
36 to the driver of the authorized emergency vehicle.
37 Sec. _____. Section 321.445, subsections 3 and 5,
38 Code 2005, are amended to read as follows:
39 3. The driver and ~~front-seat~~ passengers may be
40 each charged separately for improperly used or nonused
41 equipment under subsection 2. The owner of the motor
42 vehicle may be charged for equipment violations under
43 subsection 1.
44 5. The department shall adopt rules pursuant to
45 chapter 17A providing exceptions from application of
46 subsections 1 and 2 for ~~front~~ seats and ~~front-seat~~
47 passengers of motor vehicles owned, leased, rented, or
48 primarily used by persons with physical disabilities
49 who use collapsible wheelchairs."
50 9. By striking page 6, line 28, through page 7,

H-8430

1 line 1.

2 10. Page 7, by striking lines 2 through 15 and
3 inserting the following:

4 "Sec. ____ . NEW SECTION. 321J.2C EDUCATION FOR
5 PERSONS UNDER AGE TWENTY-ONE.

6 Notwithstanding any other provision, a person under
7 twenty-one years of age who operates a motor vehicle
8 in violation of section 321J.2 or 321J.2A shall
9 complete a course or program in accordance with the
10 provisions of section 321J.22. In addition, the
11 person may be required to complete a classroom course
12 approved by the department consisting of behavior-
13 based training designed to promote positive and safe
14 decision making. The classroom course shall be the
15 "alive at 25" course developed by the national safety
16 council, or a course that contains equivalent
17 curriculum and meets the goals of the "alive at 25"
18 course.

19 Sec. ____ . Section 321J.25, Code Supplement 2005,
20 is repealed."

21 11. Page 7, line 24, by inserting after the word
22 "education." the following: "In its review of driver
23 education, the committee shall consider the value of
24 current driver education curricula, potential matters
25 for inclusion in an approved driver education course,
26 and requirements for hours of classroom and laboratory
27 instruction."

28 12. Page 8, by inserting after line 7, the
29 following:

30 "1. The Iowa state troopers association."

31 13. Page 8, line 12, by inserting after the
32 figure "2006." the following: "In addition, the
33 committee shall submit its recommendations concerning
34 driver education in a proposal for legislation,
35 presented in bill draft format, to the chairpersons of
36 the house and senate standing committees on
37 transportation, for consideration by the general
38 assembly during the 2007 legislative session."

39 14. Page 8, line 14, by striking the words and
40 figure "amending section 321.178 and".

41 15. By renumbering as necessary.

By BUKTA of Clinton
TJEPKES of Webster

SENATE FILE 2346

H-8435

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 4 through 33.

4 2. Page 4, line 3, by striking the word "shall"
5 and inserting the following: "may be required to".

6 3. Page 4, line 7, by striking the words
7 "required under this section".

8 4. Page 4, lines 11 and 12, by striking the words
9 "penalty, sanction, or educational requirement" and
10 inserting the following: "penalty or sanction".

11 5. Page 5, by striking lines 8 through 12 and
12 inserting the following: "number of passenger safety
13 belts."

14 6. By striking page 6, line 19, through page 7,
15 line 1, and inserting the following:

16 "Sec. ____ . Section 321.445, Code 2005, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 6. Notwithstanding subsection 2,
19 if the driver of a motor vehicle is under eighteen
20 years of age, the requirements and related provisions
21 of this section applicable to front seat occupants
22 apply to all persons eleven years of age or older who
23 are occupants of the vehicle, regardless of seating
24 position."

25 7. Page 7, by striking lines 2 through 15 and
26 inserting the following:

27 "Sec. ____ . NEW SECTION. 321J.2C EDUCATION FOR
28 PERSONS UNDER AGE TWENTY-ONE.

29 Notwithstanding any other provision, a person under
30 twenty-one years of age who operates a motor vehicle
31 in violation of section 321J.2 or 321J.2A shall
32 complete a course or program in accordance with the
33 provisions of section 321J.22. In addition, the
34 person may be required to complete a classroom course
35 approved by the department consisting of behavior-
36 based training designed to promote positive and safe
37 decision making. The classroom course shall be the
38 "alive at 25" course developed by the national safety
39 council, or a course that contains equivalent
40 curriculum and meets the goals of the "alive at 25"
41 course.

42 Sec. ____ . Section 321J.25, Code Supplement 2005,
43 is repealed."

44 8. Page 7, line 24, by inserting after the word
45 "education." the following: "In its review of driver
46 education, the committee shall consider the value of
47 current driver education curricula, potential matters
48 for inclusion in an approved driver education course,
49 and requirements for hours of classroom and laboratory
50 instruction."

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Page 2

- 1 9. Page 8, by inserting after line 7, the
2 following:
3 "1. The Iowa state troopers association."
4 10. Page 8, line 12, by inserting after the
5 figure "2006." the following: "In addition, the
6 committee shall submit its recommendations concerning
7 driver education in a proposal for legislation,
8 presented in bill draft format, to the chairpersons of
9 the house and senate standing committees on
10 transportation, for consideration by the general
11 assembly during the 2007 legislative session."
12 11. Page 8, line 14, by striking the words and
13 figure "amending section 321.178 and".
14 12. By renumbering as necessary.

By BUKTA of Clinton
TJEPKES of Webster

H-8435 FILED MARCH 29, 2006

SENATE FILE 2346

H-8454

1 Amend the amendment, H-8435, to Senate File 2346,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "____. Page 3, by inserting before line 34 the
7 following:

8 "Sec. ____ . NEW SECTION. 321.178A DRIVER
9 EDUCATION -- TEACHING PARENT.

10 1. TEACHING PARENT. As an alternative to the
11 driver education requirements under section 321.178, a
12 teaching parent may instruct a student in a driver
13 education course that meets the requirements of this
14 section and provide evidence that the requirements
15 under this section have been met.

16 2. DEFINITIONS. For purposes of this section:

17 a. "Approved course" means driver education
18 curriculum approved by the department pursuant to
19 rules adopted under chapter 17A. An approved course
20 shall, at a minimum, meet the requirements of
21 subsection 3 and be appropriate for teaching-parent-
22 directed driver education and related street or
23 highway instruction. Driver education materials that
24 meet or exceed standards established by the department
25 for an approved course in driver education for a
26 public or private school shall be approved unless
27 otherwise determined by the department. The list of
28 approved courses shall be posted on the department's
29 website.

30 b. "Student" means a person who is at least
31 fourteen but not yet eighteen years of age who is
32 within the custody and control of the teaching parent
33 and who satisfies preliminary licensing requirements
34 of the department.

35 c. "Teaching parent" means a parent, guardian, or
36 legal custodian of a student who is currently
37 providing competent private instruction to the student
38 pursuant to section 299A.2 or 299A.3 and who provided
39 such instruction to the student during the previous
40 year; who has a valid driver's license, other than a
41 motorized bicycle license or a temporary restricted
42 license, that permits unaccompanied driving; and who
43 has maintained a clear driving record for the previous
44 two years. For purposes of this paragraph, "clear
45 driving record" means the individual has not been
46 identified as a candidate for suspension of a driver's
47 license under the habitual offender provisions of this
48 chapter; is not subject to a driver's license
49 suspension, revocation, denial, cancellation,
50 disqualification, or bar; and has no record of a

H-8454

1 conviction for a moving traffic violation determined
2 to be the cause of a motor vehicle accident.

3 3. COURSE OF INSTRUCTION. An approved course
4 administered by a teaching parent shall consist of but
5 not be limited to the following:

6 a. Thirty clock hours of classroom instruction.
7 b. Fifty hours of street or highway driving while
8 accompanied by the teaching parent, including six
9 hours of driving after sunset and before sunrise.
10 c. Four hours of classroom instruction concerning
11 substance abuse, including the effects of alcohol
12 consumption on a person's driving skills.
13 d. A minimum of twenty minutes of instruction
14 concerning railroad crossing safety.
15 e. Instruction relating to becoming an organ donor
16 under the uniform anatomical gift Act.

17 The content of the course of instruction required
18 under this subsection shall be equivalent to that
19 required under section 321.178. However, reference
20 and study materials, physical classroom requirements,
21 and extra vehicle safety equipment required for
22 instruction under section 321.178 shall not be
23 required for the course of instruction provided under
24 this section.

25 4. COURSE COMPLETION AND CERTIFICATION. Upon
26 application by a student for an intermediate license,
27 the teaching parent shall provide evidence showing the
28 student's completion of an approved course and
29 substantial compliance with the requirements of
30 subsection 3 by affidavit signed by the teaching
31 parent on a form to be provided by the department.
32 The evidence shall include all of the following:

33 a. Documentation that the instructor is a teaching
34 parent as defined in subsection 2.
35 b. Documentation that the student is receiving
36 competent private instruction under section 299A.2 or
37 the name of the school district within which the
38 student is receiving instruction under section 299A.3.
39 c. The name of the approved course completed by
40 the student.
41 d. An affidavit attesting to satisfactory
42 completion of course work and street or highway
43 driving instruction.
44 e. Copies of written tests completed by the
45 student.
46 f. A statement of the number of classroom hours of
47 instruction.
48 g. A log of completed street or highway driving
49 instruction including the dates when the lessons were
50 conducted, the student's and the teaching parent's

1 name and initials noted next to each entry, notes on
2 driving activities including a list of driving
3 deficiencies and improvements, and the duration of the
4 driving time for each session.

5 5. INTERMEDIATE LICENSE. Any student who
6 successfully completes an approved course as provided
7 in this section, passes a driving test to be
8 administered by the department, and is otherwise
9 qualified under section 321.180B, subsection 2, shall
10 be eligible for an intermediate license pursuant to
11 section 321.180B. Thirty of the fifty hours of street
12 or highway driving instruction required under
13 subsection 3, paragraph "b", may be utilized to
14 satisfy the requirement of section 321.180B,
15 subsection 2, paragraph "a".

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

19 2. Page 1, by inserting after line 10 the
20 following:

21 "____. Page 5, line 3, by inserting after the
22 figure "321.178" the following: "or 321.178A".

23 3. Page 1, by inserting before line 16 the
24 following:

25 ""Sec. _____. Section 321.194, subsection 1,
26 unnumbered paragraph 1, Code Supplement 2005, is
27 amended to read as follows:

28 Upon certification of a special need by the school
29 board, superintendent of the applicant's school, or
30 principal, if authorized by the superintendent, the
31 department may issue a class C or M driver's license
32 to a person between the ages of fourteen and eighteen
33 years whose driving privileges have not been
34 suspended, revoked, or barred under this chapter or
35 chapter 321J during, and who has not been convicted of
36 a moving traffic violation or involved in a motor
37 vehicle accident for, the six-month period immediately
38 preceding the application for the special minor's
39 license and who has successfully completed an approved
40 driver education course other than a course taught
41 pursuant to section 321.178A. However, the completion
42 of a course is not required if the applicant
43 demonstrates to the satisfaction of the department
44 that completion of the course would impose a hardship
45 upon the applicant. The department shall adopt rules
46 defining the term "hardship" and establish procedures
47 for the demonstration and determination of when
48 completion of the course would impose a hardship upon
49 an applicant."

50 4. By renumbering as necessary.

By TYMESON of Madison
PAULSEN of Linn

McCoy co-chair
Putney co-chair
Committee as a whole

Succeeded By
SF HF 2346
SSB# 3211
Transportation

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CO-CHAIRPERSONS MCCOY
AND PUTNEY)

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

A BILL FOR

1 An Act relating to driver education curricula, graduated driver
2 licensing provisions, and passenger restraint requirements,
3 and making a penalty applicable.

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

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1 Section 1. Section 321.178, subsection 1, unnumbered
2 paragraph 1 and paragraphs a, b, and c, Code Supplement 2005,
3 are amended to read as follows:

4 An approved driver education course as programmed by the
5 department shall consist of at least thirty clock hours of
6 classroom instruction, of which no more than one hundred
7 eighty minutes shall be provided to a student in a single day,
8 and six or more clock hours of laboratory instruction ~~of which~~
9 ~~at least three clock hours shall consist of street or highway~~
10 ~~driving.~~

11 a. Classroom instruction shall include all of the
12 following:

13 a- (1) A minimum of ~~four~~ twelve hours of instruction
14 concerning substance abuse, including the effects of alcohol
15 consumption on a person's driving skills.

16 b- (2) A minimum of twenty minutes of instruction
17 concerning railroad crossing safety.

18 e- (3) Instruction relating to becoming an organ donor
19 under the uniform anatomical gift Act as provided in chapter
20 142C.

21 (4) Instruction concerning driver distractions, including
22 the use of a cell phone while driving.

23 b. Laboratory instruction shall include all of the
24 following:

25 (1) A minimum of three clock hours of street or highway
26 driving.

27 (2) Behind-the-wheel instruction in defensive driving
28 techniques.

29 (3) Instruction in night driving, driving in adverse
30 weather conditions, and driving on gravel roads.

31 Sec. 2. Section 321.180B, subsection 2, Code 2005, is
32 amended to read as follows:

33 2. INTERMEDIATE LICENSE.

34 a. The department may issue an intermediate driver's
35 license to a person sixteen or seventeen years of age who

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

22 b. A person issued an intermediate license must shall
23 limit the number of passengers in the motor vehicle when the
24 intermediate licensee is operating the motor vehicle to the
25 number of passenger safety belts. Notwithstanding any
26 provision of law to the contrary, the provisions of sections
27 321.445 and 321.446 apply to all occupants of a vehicle
28 operated by a person with an intermediate license, regardless
29 of seating position.

30 c. Except as otherwise provided, a person issued an
31 intermediate license under this subsection who is operating a
32 motor vehicle between the hours of twelve-thirty a.m. and five
33 a.m. must be accompanied by a person issued a driver's license
34 valid for the vehicle operated who is the parent or guardian
35 of the permittee licensee, a member of the permittee's

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

15 Sec. 3. Section 321.180B, subsection 4, Code 2005, is
16 amended to read as follows:

17 4. FULL DRIVER'S LICENSE. A full driver's license may be
18 issued to a person seventeen years of age who possesses an
19 intermediate license issued under subsection 2 or a comparable
20 intermediate license issued by another state for a minimum of
21 twelve months immediately preceding application, and who
22 presents an affidavit signed by a parent or guardian on a form
23 to be provided by the department that the intermediate
24 licensee has accumulated a total of ~~ten~~ twenty hours of street
25 or highway driving of which ~~two~~ four hours were conducted
26 after sunset and before sunrise and the street or highway
27 driving was with the licensee's parent, guardian, instructor,
28 a person certified by the department, or a person at least
29 twenty-five years of age who had written permission from a
30 parent or guardian to accompany the licensee, whose driving
31 privileges have not been suspended, revoked, or barred under
32 this chapter or chapter 321J during, and who has been accident
33 and conviction free continuously for, the twelve-month period
34 immediately preceding the application for a full driver's
35 license, and who has paid the required fee.

1 Sec. 4. Section 321.445, subsection 2, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 The driver and front seat occupants of a type of motor
4 vehicle that is subject to registration in Iowa, except a
5 motorcycle or a motorized bicycle, shall each wear a properly
6 adjusted and fastened safety belt or safety harness any time
7 the vehicle is in forward motion on a street or highway in
8 this state except that a child under ~~eleven~~ eighteen years of
9 age shall be secured as required under section 321.446.

10 Sec. 5. Section 321.446, subsection 2, Code Supplement
11 2005, is amended to read as follows:

12 2. A child at least six years of age but under ~~eleven~~
13 eighteen years of age who is being transported in a motor
14 vehicle subject to registration, except a school bus or
15 motorcycle, shall be secured during transit by a child
16 restraint system that is used in accordance with the
17 manufacturer's instructions or by a safety belt or safety
18 harness of a type approved under section 321.445.

19 Sec. 6. YOUNG DRIVERS STUDY COMMITTEE.

20 1. The state department of transportation and the
21 department of public safety, in consultation with interested
22 organizations, shall establish a study committee to review
23 Iowa law concerning driver licensing provisions affecting
24 young drivers. The committee shall specifically review the
25 provisions of section 321.194 concerning special minor's
26 (school) licenses and the provisions of section 321.178 and
27 other relevant Code sections concerning driver education.

28 2. The committee shall be comprised of members from
29 government, educational, and professional organizations, the
30 business community, nonpartisan groups, and rural and urban
31 communities, including but not limited to persons representing
32 the following:

- 33 a. The department of education.
34 b. The office of the attorney general.
35 c. The Iowa prosecuting attorneys council.

- 1 d. The Iowa association of chiefs of police and peace
2 officers.
- 3 e. The Iowa state sheriffs' and deputies' association.
- 4 f. The Iowa association of safety education.
- 5 g. The Iowa high school athletic association.
- 6 h. Superintendents of both urban and rural school
7 districts.
- 8 i. Drivers under eighteen years of age.
- 9 j. Small business owners and other employers:
- 10 k. Parents.
- 11 3. The committee shall recommend changes to Iowa law to
12 remove ambiguities in existing language and to ensure the safe
13 transportation of Iowa's youth. The committee shall report
14 its findings and recommendations to the general assembly no
15 later than December 31, 2006.

16 EXPLANATION

17 This bill addresses issues relating to driver education,
18 graduated driver licensing, and passenger restraint.

19 The bill provides several curriculum requirements for
20 inclusion in an approved driver education course. The amount
21 of classroom instruction devoted to substance abuse is
22 increased from four hours to 12 hours, including instruction
23 on the effects of alcohol consumption on driving skills.
24 Classroom instruction must also cover cell phone use and other
25 driver distractions. Laboratory instruction shall include
26 behind-the-wheel instruction in defensive driving and
27 instruction in driving at night, in adverse weather
28 conditions, and on gravel roads.

29 The bill increases the amount of supervised driving
30 experience that a permittee between 14 and 18 years of age
31 must accumulate to qualify for an intermediate license from 20
32 hours, including two hours of nighttime driving, to 50 hours,
33 including eight nighttime driving hours. The bill also
34 increases the amount of supervised driving experience that a
35 17-year-old intermediate licensee must accumulate to qualify

1 for a full driver's license from 10 hours, including two hours
2 of nighttime driving, to 20 hours, including four hours of
3 nighttime driving.

4 The bill requires that passengers who are at least six but
5 less than 18 years of age be secured by a child restraint
6 system or by a safety belt or safety harness regardless of
7 seating position in any motor vehicle, other than a school bus
8 or motorcycle. Under current law, the restraint requirement
9 applies to front seat occupants of any age, and to rear seat
10 occupants under 11 years of age. In addition, the bill
11 requires that all passengers 18 years of age or older use
12 safety belts or safety harnesses regardless of seating
13 position when riding in a vehicle operated by an intermediate
14 licensee. A violation of the seat belt or child restraint law
15 is a simple misdemeanor punishable by a scheduled fine of \$25.

16 The bill directs the state department of transportation and
17 the department of public safety, in consultation with
18 interested organizations, to establish a study committee to
19 review Iowa law concerning driver licensing provisions
20 affecting young drivers, including school licenses and driver
21 education. The committee is to make recommendations to the
22 general assembly before December 31, 2006.

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