

# Senate Study Bill 3085

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION AND  
DEPARTMENT OF PUBLIC  
SAFETY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning the licensure of motor vehicle drivers under  
2 eighteen years of age and making a penalty applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5289XD 82  
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1 1 Section 1. Section 321.180B, unnumbered paragraph 1, Code  
1 2 2007, is amended to read as follows:  
1 3 Persons under age eighteen shall not be issued a license or  
1 4 permit to operate a motor vehicle except under the provisions  
1 5 of this section. However, the department may issue restricted  
1 6 licenses and special driver's minor's school licenses to  
1 7 certain minors as provided in sections 321.178 and 321.194,  
1 8 and driver's licenses restricted to motorized bicycles as  
1 9 provided in section 321.189. A license or permit shall not be  
1 10 issued under this section or section 321.178 or 321.194  
1 11 without the consent of a parent or guardian. An additional  
1 12 consent is required each time a license or permit is issued  
1 13 under this section or section 321.178 or 321.194. The consent  
1 14 must be signed by at least one parent or guardian on an  
1 15 affidavit form provided by the department.

1 16 Sec. 2. Section 321.180B, subsection 2, Code 2007, is  
1 17 amended to read as follows:

1 18 2. INTERMEDIATE LICENSE.

1 19 a. The department may issue an intermediate driver's  
1 20 license to a person sixteen or seventeen years of age who  
1 21 possesses an instruction permit issued under subsection 1 or a  
1 22 comparable instruction permit issued by another state for a  
1 23 minimum of six months immediately preceding application, and  
1 24 who presents an affidavit signed by a parent or guardian on a  
1 25 form to be provided by the department that the permittee has  
1 26 accumulated a total of twenty hours of street or highway  
1 27 driving of which two hours were conducted after sunset and  
1 28 before sunrise and the street or highway driving was with the  
1 29 permittee's parent, guardian, instructor, a person certified  
1 30 by the department, or a person at least twenty-five years of  
1 31 age who had written permission from a parent or guardian to  
1 32 accompany the permittee, and whose driving privileges have not  
1 33 been suspended, revoked, or barred under this chapter or  
1 34 chapter 321J during, and who has been accident and violation  
1 35 free continuously for, the six-month period immediately  
2 1 preceding the application for an intermediate license. An  
2 2 applicant for an intermediate license must meet the  
2 3 requirements of section 321.186, including satisfactory  
2 4 completion of driver education as required in section 321.178,  
2 5 and payment of the required license fee before an intermediate  
2 6 license will be issued.

2 7 b. A person issued an intermediate license ~~must~~ shall  
2 8 limit the number of passengers in the motor vehicle when the  
2 9 intermediate licensee is operating the motor vehicle to the  
2 10 number of passenger safety belts. During the six-month period  
2 11 immediately following the issuance of an intermediate license,  
2 12 the person issued the intermediate license shall not transport  
2 13 passengers in a motor vehicle unless accompanied by a person  
2 14 issued a driver's license valid for the vehicle operated who  
2 15 is the parent or guardian of the intermediate licensee.

2 16 c. Except as otherwise provided, a person issued an  
2 17 intermediate license under this subsection who is operating a

2 18 motor vehicle between the hours of twelve=thirty a.m. and five  
2 19 a.m. must be accompanied by a person issued a driver's license  
2 20 valid for the vehicle operated by a person who is the parent or guardian  
2 21 of the ~~permittee~~ intermediate licensee, a member of the  
2 22 ~~permittee's licensee's~~ immediate family if the family member  
2 23 is at least twenty=one years of age, an approved driver  
2 24 education instructor, a prospective driver education  
2 25 instructor who is enrolled in a practitioner preparation  
2 26 program with a safety education program approved by the state  
2 27 board of education, or a person at least twenty=five years of  
2 28 age if written permission is granted by the parent or  
2 29 guardian, and who is actually occupying a seat beside the  
2 30 driver. However, a licensee may operate a vehicle to and from  
2 31 school=related extracurricular activities and work without an  
2 32 accompanying driver between the hours of twelve=thirty a.m.  
2 33 and five a.m. if such licensee possesses a waiver on a form  
2 34 to be provided by the department. An accompanying driver is  
2 35 not required between the hours of five a.m. and twelve=thirty

3 1 a.m.  
3 2 Sec. 3. Section 321.194, subsection 1, Code 2007, is  
3 3 amended to read as follows:

3 4 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

3 5 Upon certification of a special need by the school board,  
3 6 superintendent of the applicant's school, or principal, if  
3 7 authorized by the superintendent, and upon presentation of an  
3 8 affidavit signed by a parent or guardian on a form to be

3 9 provided by the department that the applicant has accumulated

3 10 a total of twenty hours of street or highway driving of which

3 11 two hours were conducted after sunset and before sunrise and

3 12 the street or highway driving was with the applicant's parent,

3 13 guardian, instructor, a person certified by the department, or

3 14 a person at least twenty=five years of age who had written

3 15 permission from a parent or guardian to accompany the

3 16 applicant, the department may issue a class C or M driver's

3 17 license to a person between the ages of fourteen and eighteen

3 18 years whose driving privileges have not been suspended,

3 19 revoked, or barred under this chapter or chapter 321J during,

3 20 and who has not been convicted of a moving traffic violation

3 21 or involved in a motor vehicle accident for, the six=month

3 22 period immediately preceding the application for the ~~special~~

3 23 minor's school license and who has successfully completed an

3 24 approved driver education course. However, the completion of

3 25 a course is not required if the applicant demonstrates to the

3 26 satisfaction of the department that completion of the course

3 27 would impose a hardship upon the applicant. The department

3 28 shall adopt rules defining the term "hardship" and establish

3 29 procedures for the demonstration and determination of when

3 30 completion of the course would impose a hardship upon an

3 31 applicant.

3 32 a. The driver's license entitles the holder, while having

3 33 the license in immediate possession, to operate a motor

3 34 vehicle other than a commercial motor vehicle or as a

3 35 chauffeur:

4 1 (1) During For the purpose of attending duly scheduled

4 2 courses of instruction and extracurricular activities within

4 3 the school district, during the hours of 6 a.m. to 10 p.m.,

4 4 over the most direct and accessible route ~~between as follows:~~

4 5 (a) Between the licensee's residence and ~~schools of~~

4 6 ~~enrollment or the closest school bus stop or public~~

4 7 ~~transportation service, and between schools of enrollment, for~~

4 8 ~~the purpose of attending duly scheduled courses of instruction~~

4 9 ~~and extracurricular activities within the school district and~~

4 10 ~~locations of extracurricular activities.~~

4 11 (b) Between schools of enrollment.

4 12 (2) At any time when the licensee is accompanied in

4 13 accordance with section 321.180B, subsection 1.

4 14 b. A person issued a minor's school license shall not

4 15 transport passengers in a motor vehicle unless accompanied by

4 16 a person issued a driver's license valid for the vehicle

4 17 operated who is the parent or guardian of the person issued

4 18 the minor's school license.

4 19 ~~b.~~ c. Each application shall be accompanied by a statement

4 20 from the school board, superintendent, or principal, if

4 21 authorized by the superintendent, of the applicant's school.

4 22 The statement shall be upon a form provided by the department.

4 23 The school board, superintendent, or principal, if authorized

4 24 by the superintendent, shall certify that a need exists for

4 25 the license and that the board, superintendent, or principal

4 26 authorized by the superintendent is not responsible for

4 27 actions of the applicant which pertain to the use of the

4 28 driver's license. Upon receipt of a statement of necessity,

4 29 the department shall issue the driver's license. The fact  
4 30 that the applicant resides at a distance less than one mile  
4 31 from the applicant's school of enrollment is prima facie  
4 32 evidence of the nonexistence of necessity for the issuance of  
4 33 a license. The school board shall develop and adopt a policy  
4 34 establishing the criteria that shall be used by a school  
4 35 district administrator to approve or deny certification that a  
5 1 need exists for a license. The student may appeal to the  
5 2 school board the decision of a school district administrator  
5 3 to deny certification. The decision of the school board is  
5 4 final. The driver's license shall not be issued for purposes  
5 5 of attending a public school in a school district other than  
5 6 either of the following:

5 7 (1) The district of residence of the parent or guardian of  
5 8 the student.

5 9 (2) A district which is contiguous to the district of  
5 10 residence of the parent or guardian of the student, if the  
5 11 student is enrolled in the public school which is not the  
5 12 school district of residence because of open enrollment under  
5 13 section 282.18 or as a result of an election by the student's  
5 14 district of residence to enter into one or more sharing  
5 15 agreements pursuant to the procedures in chapter 282.

#### 5 16 EXPLANATION

5 17 This bill addresses several issues concerning motor vehicle  
5 18 operators under 18 years of age.

5 19 The bill restricts the transportation of passengers in  
5 20 motor vehicles driven by certain young drivers. Under the  
5 21 bill, a person who has been issued an intermediate driver's  
5 22 license may not transport passengers in a motor vehicle during  
5 23 the first six months of licensure, unless accompanied by a  
5 24 licensed driver who is a parent or guardian of the licensee.  
5 25 In addition, the bill prohibits a person who has been issued a  
5 26 minor's school license from transporting passengers unless  
5 27 accompanied by a licensed driver who is a parent or guardian  
5 28 of the licensee.

5 29 The bill imposes a new requirement to be met by an  
5 30 applicant for a minor's school license (formerly referred to  
5 31 as a special minor's license) which allows a person between 14  
5 32 and 18 years of age, who demonstrates a special need, to drive  
5 33 only for school-related purposes. The applicant must present  
5 34 an affidavit signed by a parent or guardian that the applicant  
5 35 has accumulated 20 hours of street or highway driving,  
6 1 including two hours conducted between sunset and sunrise,  
6 2 while accompanied by the applicant's parent, guardian,  
6 3 instructor, a person certified by the department, or a person  
6 4 at least 25 years of age who had written permission from a  
6 5 parent or guardian. This is the same affidavit required of an  
6 6 applicant for an intermediate driver's license. The bill also  
6 7 makes technical changes to clarify that the license is valid  
6 8 for travel between schools of enrollment and locations of  
6 9 extracurricular activities within a school district.

6 10 Pursuant to current law, a violation of the new provisions  
6 11 relating to intermediate driver's licenses or minor's school  
6 12 licenses would be punishable as a scheduled violation, subject  
6 13 to a fine of \$30.

6 14 LSB 5289XD 82

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