

House File 2098 - Introduced

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BY QUIRK

(COMPANION TO SF 350 BY
DANDEKAR)

A BILL FOR

1 An Act concerning driver education instruction by a teaching
2 parent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.179 Driver education —
2 teaching parent.

3 1. *Teaching parent.* As an alternative to the driver
4 education requirements under section 321.178, a teaching parent
5 may instruct a student in a driver education course that meets
6 the requirements of this section and provide evidence that the
7 requirements under this section have been met.

8 2. *Definitions.* For purposes of this section:

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

20 b. *"Student"* means a person between the ages of fourteen
21 and twenty-one years who is within the custody and control of
22 the teaching parent and who satisfies preliminary licensing
23 requirements of the department.

24 c. *"Teaching parent"* means a parent, guardian, or legal
25 custodian of a student who is currently providing competent
26 private instruction to the student pursuant to section
27 299A.2 or 299A.3 and who provided such instruction to the
28 student during the previous year; who has a valid driver's
29 license, other than a motorized bicycle license or a temporary
30 restricted license, that permits unaccompanied driving; and
31 who has maintained a clear driving record for the previous two
32 years. For purposes of this paragraph, *"clear driving record"*
33 means the individual has not been identified as a candidate for
34 suspension of a driver's license under the habitual offender
35 provisions of the department's regulations; is not subject to a

1 driver's license suspension, revocation, denial, cancellation,
2 disqualification, or bar; and has no record of a conviction
3 for a moving traffic violation determined to be the cause of a
4 motor vehicle accident.

5 3. *Course of instruction.*

6 a. An approved course administered by a teaching parent
7 shall consist of but not be limited to the following:

8 (1) Thirty clock hours of classroom instruction.

9 (2) Forty hours of street or highway driving including
10 four hours of driving after sunset and before sunrise while
11 accompanied by the teaching parent.

12 (3) Four hours of classroom instruction concerning
13 substance abuse.

14 (4) A minimum of twenty minutes of instruction concerning
15 railroad crossing safety.

16 (5) Instruction relating to becoming an organ donor under
17 the revised uniform anatomical gift Act as provided in chapter
18 142C.

19 (6) Instruction providing an awareness about sharing the
20 road with bicycles and motorcycles.

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

28 4. *Course completion and certification.* Upon application
29 by a student for an intermediate license, the teaching parent
30 shall provide evidence showing the student's completion
31 of an approved course and substantial compliance with the
32 requirements of subsection 3 by affidavit signed by the
33 teaching 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 parent as

1 defined in subsection 2.

2 *b.* Documentation that the student is receiving competent
3 private instruction under section 299A.2 or the name of
4 the school district within which the student is receiving
5 instruction under section 299A.3.

6 *c.* The name of the approved course completed by the student.

7 *d.* An affidavit attesting to satisfactory completion of
8 course work and street or highway driving instruction.

9 *e.* Copies of written tests completed by the student.

10 *f.* A statement of the number of classroom hours of
11 instruction.

12 *g.* A log of completed street or highway driving instruction
13 including the dates when the lessons were conducted, the
14 student's and the teaching parent's name and initials noted
15 next to each entry, notes on driving activities including a
16 list of driving deficiencies and improvements, and the duration
17 of the driving time for each session.

18 5. *Intermediate license.* Any student who successfully
19 completes an approved course as provided in this section,
20 passes a driving test to be administered by the department,
21 and is otherwise qualified under section 321.180B, subsection
22 2, shall be eligible for an intermediate license pursuant
23 to section 321.180B. Twenty of the forty hours of street
24 or highway driving instruction required under subsection 3,
25 paragraph "a", subparagraph (2), may be utilized to satisfy the
26 requirement of section 321.180B, subsection 2.

27 6. *Full license.* A student must comply with section
28 321.180B, subsection 4, to be eligible for a full driver's
29 license pursuant to section 321.180B.

30 Sec. 2. Section 321.180B, subsection 2, Code Supplement
31 2009, is amended to read as follows:

32 2. *Intermediate license.*

33 *a.* The department may issue an intermediate driver's
34 license to a person sixteen or seventeen years of age who
35 possesses an instruction permit issued under subsection 1 or

1 a comparable instruction permit issued by another state for a
2 minimum of six months immediately preceding application, and
3 who presents an affidavit signed by a parent, guardian, or
4 custodian on a form to be provided by the department that the
5 permittee has accumulated a total of twenty hours of street
6 or highway driving of which two hours were conducted after
7 sunset and before sunrise and the street or highway driving was
8 with the permittee's parent, guardian, custodian, instructor,
9 a person certified by the department, or a person at least
10 twenty-five years of age who had written permission from a
11 parent, guardian, or custodian to accompany the permittee, and
12 whose driving privileges have not been suspended, revoked,
13 or barred under this chapter or chapter 321J during, and who
14 has been accident and violation free continuously for, the
15 six-month period immediately preceding the application for an
16 intermediate license. An applicant for an intermediate license
17 must meet the requirements of section 321.186, including
18 satisfactory completion of driver education as required in
19 section 321.178 or 321.179, and payment of the required license
20 fee before an intermediate license will be issued.

21 b. A person issued an intermediate license must limit the
22 number of passengers in the motor vehicle when the intermediate
23 licensee is operating the motor vehicle to the number of
24 passenger safety belts.

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

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

10

EXPLANATION

11 This bill allows a parent, guardian, or legal custodian who
12 is providing competent private instruction to a student to
13 teach the student driver education, provided the person has a
14 valid driver's license that permits unaccompanied driving and
15 has a clear driving record for the previous two years. The
16 classroom instruction requirements for the alternative course
17 of instruction are substantially the same as for an approved
18 course of instruction offered by a public school district or
19 private or commercial driver education school, with additional
20 requirements for 40, rather than 20, hours of street or highway
21 driving including night driving. The course of instruction
22 must be a course approved by the department of transportation
23 by rule and utilize driver education materials that meet or
24 exceed standards established for driver education courses
25 approved for public or private schools. A list of approved
26 courses is to be posted on the transportation department's
27 website.

28 In order for the student to qualify for an intermediate
29 driver's license, the teaching parent is required to document
30 substantial compliance with the driver education course
31 requirements and furnish an affidavit attesting to the
32 student's satisfactory completion of the course work and street
33 or highway driving to the department of education.