

House File 2436 - Introduced

HOUSE FILE 2436
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 616)

A BILL FOR

1 An Act relating to intermediate driver's licenses and special
2 minor's licenses, making a penalty applicable, and including
3 effective date provisions.

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

1 Section 1. Section 321.180B, subsections 2 and 3, Code
2 Supplement 2009, are amended to read as follows:

3 2. *Intermediate license.*

4 a. The department may issue an intermediate driver's license
5 to a person sixteen or seventeen years of age who possesses an
6 instruction permit issued under subsection 1 or a comparable
7 instruction permit issued by another state for a minimum of
8 ~~six~~ twelve months immediately preceding application, and
9 who presents an affidavit signed by a parent, guardian, or
10 custodian on a form to be provided by the department that the
11 permittee has accumulated a total of twenty hours of street
12 or highway driving of which two hours were conducted after
13 sunset and before sunrise and the street or highway driving was
14 with the permittee's parent, guardian, custodian, instructor,
15 a person certified by the department, or a person at least
16 twenty-five years of age who had written permission from a
17 parent, guardian, or custodian to accompany the permittee, and
18 whose driving privileges have not been suspended, revoked,
19 or barred under this chapter or chapter 321J during, and
20 who has been accident and violation free continuously for,
21 the ~~six-month~~ twelve-month period immediately preceding the
22 application for an intermediate license. An applicant for an
23 intermediate license must meet the requirements of section
24 321.186, including satisfactory completion of driver education
25 as required in section 321.178, and payment of the required
26 license fee before an intermediate license will be issued.
27 A Unless accompanied in accordance with subsection 1, a person
28 issued an intermediate license must limit the number of
29 unrelated minor passengers in the motor vehicle when the
30 intermediate licensee is operating the motor vehicle to the
31 number of passenger safety belts one. For purposes of this
32 subsection, "unrelated minor passenger" means a passenger who is
33 under twenty-one years of age and who is not a sibling of the
34 driver, a stepsibling of the driver, or a child who resides in
35 the same household as the driver.

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

23 3. *Remedial driver improvement action — suspension of*
 24 *permit, intermediate license, or full license.* A person who has
 25 been issued an instruction permit, an intermediate license, or
 26 a full driver's license under this section, upon conviction of
 27 a moving traffic violation or involvement in a motor vehicle
 28 accident which occurred during the term of the instruction
 29 permit or intermediate license, shall be subject to remedial
 30 driver improvement action or suspension of the permit or
 31 current license. A person possessing an instruction permit who
 32 has been convicted of a moving traffic violation or has been
 33 involved in an accident shall not be issued an intermediate
 34 license until the person has completed the remedial driver
 35 improvement action and has been accident and violation free

1 continuously for the ~~six-month~~ twelve-month period immediately
2 preceding the application for the intermediate license. A
3 person possessing an intermediate license who has been
4 convicted of a moving traffic violation or has been involved in
5 an accident shall not be issued a full driver's license until
6 the person has completed the remedial driver improvement action
7 and has been accident and violation free continuously for the
8 twelve-month period immediately preceding the application for a
9 full driver's license.

10 Sec. 2. Section 321.194, subsection 1, Code Supplement
11 2009, is amended by adding the following new paragraph:

12 NEW PARAGRAPH. *Ob.* Unless accompanied in accordance with
13 section 321.180B, subsection 1, a person issued a driver's
14 license pursuant to this section must limit the number of
15 unrelated minor passengers in the motor vehicle when the
16 licensee is operating the motor vehicle to one. For purposes
17 of this section, "*unrelated minor passenger*" means a passenger
18 who is under twenty-one years of age and who is not a sibling of
19 the driver, a stepsibling of the driver, or a child who resides
20 in the same household as the driver.

21 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
22 2011.

23 EXPLANATION

24 This bill amends provisions relating to intermediate
25 driver's licenses under the graduated driver licensing program
26 and to special minor's licenses issued for travel to and from
27 school.

28 Under the graduated driver licensing program, a person who
29 is 16 or 17 years of age must possess an instruction permit
30 for a minimum of six months and be accident and violation
31 free continuously during that six-month period to qualify for
32 an intermediate license. The bill increases the required
33 period of possession of an instruction permit to 12 months
34 and requires the person to be accident and violation free
35 continuously during that 12-month period. The bill requires

1 that a person with an intermediate license who is operating a
2 motor vehicle between the hours of 11:00 p.m. and 5:00 a.m.
3 be accompanied by a person licensed to drive the vehicle
4 operated who is the parent, guardian, or custodian of the
5 intermediate licensee, a family member who is at least 21
6 years of age, an approved driver education instructor, a
7 prospective driver education instructor who is enrolled in
8 a qualifying practitioner preparation program, or a person
9 at least 25 years of age with the written permission of the
10 parent, guardian, or custodian of the intermediate licensee and
11 who is occupying a seat beside the driver. If the intermediate
12 licensee is operating a motorcycle, the accompanying person
13 must be on or in a different motor vehicle and be within
14 audible and visual communication distance from the intermediate
15 licensee. Existing law requires an intermediate licensee to be
16 accompanied when driving between the hours of 12:30 a.m. and
17 5:00 a.m.

18 Under current law, an intermediate licensee may transport
19 as many passengers as there are seatbelts in the vehicle, but
20 there is no passenger restriction specified for a driver with
21 a special minor's license. The bill imposes new passenger
22 restrictions for licensees in both categories. Unless
23 accompanied by a licensed driver as described above, a person
24 with an intermediate license or a special minor's license may
25 not operate a motor vehicle with more than one unrelated minor
26 passenger in the vehicle. The bill defines "unrelated minor
27 passenger" as a passenger under 21 years of age who is not a
28 sibling or stepsibling of the driver or a child who resides in
29 the same household as the driver.

30 A violation of intermediate driver's license restrictions or
31 special minor's license restrictions is a simple misdemeanor
32 punishable by a scheduled fine of \$30.

33 The bill takes effect January 1, 2011.