

House File 2466 - Introduced

HOUSE FILE 2466
BY COMMITTEE ON TRANSPORTATION
(SUCCESSOR TO HF 2035)

A BILL FOR

1 An Act relating to the license or authorization issued to a
2 person who qualifies as a driver education instructor and
3 including effective date and retroactive applicability
4 provisions.

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

1 Section 1. Section 321.178, subsection 1, paragraphs b and
2 c, Code 2009, are amended to read as follows:

3 b. (1) To be qualified as a classroom driver education
4 instructor, a person shall have satisfied the educational
5 requirements for a teaching license at the elementary or
6 secondary level and hold a valid license to teach driver
7 education in the public schools of this state.

8 (2) (a) To be qualified to provide street or highway
9 driving instruction, a person shall be certified by the
10 department and authorized by the board of educational
11 examiners. A person shall not be required to hold a current
12 Iowa teacher or administrator license at the elementary
13 or secondary level or to have satisfied the educational
14 requirements for an Iowa teacher license at the elementary or
15 secondary level in order to be certified by the department or
16 authorized by the board of educational examiners to provide
17 street or highway driving instruction.

18 (b) The department shall adopt rules pursuant to chapter
19 17A to provide for certification of persons qualified to
20 provide street or highway driving instruction. The board of
21 educational examiners shall adopt rules pursuant to chapter
22 17A to provide for authorization of persons certified by the
23 department to provide street or highway driving instruction.
24 The department may disqualify a person from providing street
25 or highway driving instruction without concurrent or further
26 action by the board of educational examiners, and the board of
27 educational examiners may withhold or withdraw authorization
28 to provide street or highway driving instruction without
29 concurrent or further action by the department.

30 (3) The department shall not disqualify a person from
31 providing street or highway driving instruction and the
32 board of educational examiners shall not withhold or withdraw
33 authorization to provide street or highway instruction for the
34 sole reason that the person was involved in a motor vehicle
35 accident, unless either of the following circumstances exist:

1 (a) The person contributed to the motor vehicle accident
2 and the accident caused the death or serious injury of another
3 person.

4 (b) The person contributed to the motor vehicle accident
5 and it was the person's second or subsequent contributive motor
6 vehicle accident in a two-year period.

7 (4) A person who provides street or highway driving
8 instruction shall hold a driver's license valid for the vehicle
9 operated.

10 c. Every public school district in Iowa shall offer or make
11 available to all students residing in the school district or
12 Iowa students attending a nonpublic school in the district an
13 approved course in driver education. The receiving district
14 shall be the school district responsible for making driver
15 education available to a student participating in open
16 enrollment under section 282.18. The courses may be offered
17 at sites other than at the public school, including nonpublic
18 school facilities within the public school districts. An
19 approved course offered during the summer months, on Saturdays,
20 after regular school hours during the regular terms or partly
21 in one term or summer vacation period and partly in the
22 succeeding term or summer vacation period, as the case may
23 be, shall satisfy the requirements of this section to the
24 same extent as an approved course offered during the regular
25 school hours of the school term. A student who successfully
26 completes and obtains certification in an approved course in
27 driver education or an approved course in motorcycle education
28 may, upon proof of such fact, be excused from any field test
29 which the student would otherwise be required to take in
30 demonstrating the student's ability to operate a motor vehicle.
31 A student shall not be excused from any field test if a parent,
32 guardian, or instructor requests that a test be administered.
33 ~~Street or highway driving instruction may be provided by a~~
34 ~~person qualified as a classroom driver education instructor~~
35 ~~or a person certified by the department and authorized by the~~

1 or highway driving instruction, solely because the person
2 was involved in a motor vehicle accident unless the person
3 contributed to the accident and either the accident caused
4 a death or serious injury or it was the person's second or
5 subsequent contributive motor vehicle accident in a two-year
6 period.

7 To be qualified to provide street or highway driving
8 instruction, a person must be certified by the department and
9 authorized by the board. The department may disqualify a
10 person from providing street or highway driving instruction
11 without concurrent or further action by the board, and the
12 board may withhold or withdraw authorization to provide street
13 or highway driving instruction without concurrent or further
14 action by the department.

15 A person who provides street or highway driving instruction
16 must hold a driver's license valid for the vehicle operated.

17 The final field test administered prior to a student's
18 completion of an approved course must be administered by a
19 person qualified as a classroom driver education instructor,
20 and the bill adds that the person must also be certified to
21 provide street and highway driving instruction. A person
22 qualified as a classroom driver education instructor but not
23 certified to provide street and highway driving instruction
24 may administer the final field test if accompanied by another
25 person qualified to provide street and highway driving
26 instruction.

27 The bill takes effect upon enactment and the provision of the
28 bill prohibiting the department and board from disqualifying
29 a person solely because the person was involved in a motor
30 vehicle accident applies retroactively to July 1, 2008, and
31 applies to any accident that occurred on or after that date.