

# Senate File 324 - Introduced

SENATE FILE \_\_\_\_\_  
BY HAMERLINCK

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

## A BILL FOR

1 An Act relating to driver education by a teaching parent.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 2482XS 83  
4 dea/nh/14

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1 1 Section 1. NEW SECTION. 321.179 DRIVER EDUCATION ==  
1 2 TEACHING PARENT.  
1 3 1. TEACHING PARENT. As an alternative to the driver  
1 4 education requirements under section 321.178, a teaching  
1 5 parent may instruct a student in a driver education course  
1 6 that meets the requirements of this section and provide  
1 7 evidence that the requirements under this section have been  
1 8 met.  
1 9 2. DEFINITIONS. For purposes of this section:  
1 10 a. "Approved course" means driver education curriculum  
1 11 approved by the department pursuant to rules adopted under  
1 12 chapter 17A. An approved course shall, at a minimum, meet the  
1 13 requirements of subsection 3 and be appropriate for teaching=  
1 14 parent-directed driver education and related street or highway  
1 15 instruction. Driver education materials that meet or exceed  
1 16 standards established by the department for an approved course  
1 17 in driver education for a public or private school shall be  
1 18 approved unless otherwise determined by the department. The  
1 19 list of approved courses shall be posted on the department's  
1 20 internet website.  
1 21 b. "Student" means a person between the ages of fourteen  
1 22 and twenty-one years who is within the custody and control of  
1 23 the teaching parent and who satisfies preliminary licensing  
1 24 requirements of the department.  
1 25 c. "Teaching parent" means a parent, guardian, or legal  
1 26 custodian of a student who is currently providing competent  
1 27 private instruction to the student pursuant to section 299A.2  
1 28 or 299A.3 and who provided such instruction to the student  
1 29 during the previous year; who has a valid driver's license,  
1 30 other than a motorized bicycle license or a temporary  
1 31 restricted license, that permits unaccompanied driving; and  
1 32 who has maintained a clear driving record for the previous two  
1 33 years. For purposes of this paragraph, "clear driving record"  
1 34 means the individual has not been identified as a candidate  
1 35 for suspension of a driver's license under the habitual  
2 1 offender provisions of the department's regulations; is not  
2 2 subject to a driver's license suspension, revocation, denial,  
2 3 cancellation, disqualification, or bar; and has no record of a  
2 4 conviction for a moving traffic violation determined to be the  
2 5 cause of a motor vehicle accident.  
2 6 3. COURSE OF INSTRUCTION.  
2 7 a. An approved course administered by a teaching parent  
2 8 shall consist of, but not be limited to, the following:  
2 9 (1) Thirty clock hours of classroom instruction.  
2 10 (2) Forty hours of street or highway driving including  
2 11 four hours of driving after sunset and before sunrise while  
2 12 accompanied by the teaching parent.  
2 13 (3) Four hours of classroom instruction concerning  
2 14 substance abuse.  
2 15 (4) A minimum of twenty minutes of instruction concerning  
2 16 railroad crossing safety.  
2 17 (5) Instruction relating to becoming an organ donor under  
2 18 the revised uniform anatomical gift Act as provided in chapter  
2 19 142C.

2 20 (6) Instruction providing an awareness about sharing the  
2 21 road with bicycles and motorcycles.  
2 22 b. The content of the course of instruction required under  
2 23 this subsection shall be equivalent to that required under  
2 24 section 321.178. However, reference and study materials,  
2 25 physical classroom requirements, and extra vehicle safety  
2 26 equipment required for instruction under section 321.178 shall  
2 27 not be required for the course of instruction provided under  
2 28 this section.

2 29 4. COURSE COMPLETION AND CERTIFICATION. Upon application  
2 30 by a student for an intermediate license, the teaching parent  
2 31 shall provide evidence showing the student's completion of an  
2 32 approved course and substantial compliance with the  
2 33 requirements of subsection 3 by affidavit signed by the  
2 34 teaching parent on a form to be provided by the department.  
2 35 The evidence shall include all of the following:

3 1 a. Documentation that the instructor is a teaching parent  
3 2 as defined in subsection 2.

3 3 b. Documentation that the student is receiving competent  
3 4 private instruction under section 299A.2 or the name of the  
3 5 school district within which the student is receiving  
3 6 instruction under section 299A.3.

3 7 c. The name of the approved course completed by the  
3 8 student.

3 9 d. An affidavit attesting to satisfactory completion of  
3 10 course work and street or highway driving instruction.

3 11 e. Copies of written tests completed by the student.

3 12 f. A statement of the number of classroom hours of  
3 13 instruction.

3 14 g. A log of completed street or highway driving  
3 15 instruction including the dates when the lessons were  
3 16 conducted, the student's and the teaching parent's name and  
3 17 initials noted next to each entry, notes on driving activities  
3 18 including a list of driving deficiencies and improvements, and  
3 19 the duration of the driving time for each session.

3 20 5. INTERMEDIATE LICENSE. Any student who successfully  
3 21 completes an approved course as provided in this section,  
3 22 passes a driving test to be administered by the department,  
3 23 and is otherwise qualified under section 321.180B, subsection  
3 24 2, shall be eligible for an intermediate license pursuant to  
3 25 section 321.180B. Twenty of the forty hours of street or  
3 26 highway driving instruction required under subsection 3,  
3 27 paragraph "a", subparagraph (2), may be utilized to satisfy  
3 28 the requirement of section 321.180B, subsection 2.

3 29 6. FULL LICENSE. A student must comply with section  
3 30 321.180B, subsection 4, to be eligible for a full driver's  
3 31 license pursuant to section 321.180B.

3 32 Sec. 2. Section 321.180B, subsection 2, Code 2009, is  
3 33 amended to read as follows:

3 34 2. INTERMEDIATE LICENSE.

3 35 a. The department may issue an intermediate driver's  
4 1 license to a person sixteen or seventeen years of age who  
4 2 possesses an instruction permit issued under subsection 1 or a  
4 3 comparable instruction permit issued by another state for a  
4 4 minimum of six months immediately preceding application, and  
4 5 who presents an affidavit signed by a parent or guardian on a  
4 6 form to be provided by the department that the permittee has  
4 7 accumulated a total of twenty hours of street or highway  
4 8 driving of which two hours were conducted after sunset and  
4 9 before sunrise and the street or highway driving was with the  
4 10 permittee's parent, guardian, instructor, a person certified  
4 11 by the department, or a person at least twenty-five years of  
4 12 age who had written permission from a parent or guardian to  
4 13 accompany the permittee, and whose driving privileges have not  
4 14 been suspended, revoked, or barred under this chapter or  
4 15 chapter 321J during, and who has been accident and violation  
4 16 free continuously for, the six-month period immediately  
4 17 preceding the application for an intermediate license. An  
4 18 applicant for an intermediate license must meet the  
4 19 requirements of section 321.186, including satisfactory  
4 20 completion of driver education as required in section 321.178  
4 21 or 321.179, and payment of the required license fee before an  
4 22 intermediate license will be issued.

4 23 b. A person issued an intermediate license must limit the  
4 24 number of passengers in the motor vehicle when the  
4 25 intermediate licensee is operating the motor vehicle to the  
4 26 number of passenger safety belts.

4 27 c. Except as otherwise provided, a person issued an  
4 28 intermediate license under this subsection who is operating a  
4 29 motor vehicle between the hours of twelve-thirty a.m. and five  
4 30 a.m. must be accompanied by a person issued a driver's license

4 31 valid for the vehicle operated who is the parent or guardian  
4 32 of the permittee, a member of the permittee's immediate family  
4 33 if the family member is at least twenty-one years of age, an  
4 34 approved driver education instructor, a prospective driver  
4 35 education instructor who is enrolled in a practitioner  
5 1 preparation program with a safety education program approved  
5 2 by the state board of education, or a person at least  
5 3 twenty-five years of age if written permission is granted by  
5 4 the parent or guardian, and who is actually occupying a seat  
5 5 beside the driver. However, a licensee may operate a vehicle  
5 6 to and from school-related extracurricular activities and work  
5 7 without an accompanying driver between the hours of  
5 8 twelve-thirty a.m. and five a.m. if such licensee possesses a  
5 9 waiver on a form to be provided by the department. An  
5 10 accompanying driver is not required between the hours of five  
5 11 a.m. and twelve-thirty a.m.

5 12 EXPLANATION

5 13 This bill creates an alternative means for a child between  
5 14 14 and 17 years of age to receive driver education instruction  
5 15 currently offered by public schools to qualify for an  
5 16 intermediate driver's license. The bill allows a parent,  
5 17 guardian, or legal custodian who is providing competent  
5 18 private instruction to a student to teach the student driver  
5 19 education, provided the person has a valid driver's license  
5 20 that permits unaccompanied driving and has a clear driving  
5 21 record for the previous two years. The classroom instruction  
5 22 requirements for the alternative course of instruction are  
5 23 substantially the same as for an approved course of  
5 24 instruction offered by a public school district or private or  
5 25 commercial driver education school, with additional  
5 26 requirements for 40, rather than 20, hours of street or  
5 27 highway driving including night driving. The course of  
5 28 instruction must be a course approved by the department of  
5 29 transportation by rule and utilize driver education materials  
5 30 that meet or exceed standards established for driver education  
5 31 courses approved for public or private schools. A list of  
5 32 approved courses is to be posted on the transportation  
5 33 department's website.

5 34 The teaching parent is required to document substantial  
5 35 compliance with the driver education course requirements and  
6 1 furnish an affidavit attesting to the student's satisfactory  
6 2 completion of the course work and street or highway driving to  
6 3 the department of education.

6 4 LSB 2482XS 83  
6 5 dea/nh/14.1