

Senate File 350 - Introduced

SENATE FILE _____
BY DANDEKAR

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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:
4 TLSB 2613XS 83
5 dea/nh/14

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1 1 Section 1. NEW SECTION. 321.179 DRIVER EDUCATION ==
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 allows a parent, guardian, or legal custodian who
5 14 is providing competent private instruction to a student to
5 15 teach the student driver education, provided the person has a
5 16 valid driver's license that permits unaccompanied driving and
5 17 has a clear driving record for the previous two years. The
5 18 classroom instruction requirements for the alternative course
5 19 of instruction are substantially the same as for an approved
5 20 course of instruction offered by a public school district or
5 21 private or commercial driver education school, with additional
5 22 requirements for 40, rather than 20, hours of street or
5 23 highway driving including night driving. The course of
5 24 instruction must be a course approved by the department of
5 25 transportation by rule and utilize driver education materials
5 26 that meet or exceed standards established for driver education
5 27 courses approved for public or private schools. A list of
5 28 approved courses is to be posted on the transportation
5 29 department's website.

5 30 In order for the student to qualify for an intermediate
5 31 driver's license, the teaching parent is required to document
5 32 substantial compliance with the driver education course
5 33 requirements and furnish an affidavit attesting to the
5 34 student's satisfactory completion of the course work and
5 35 street or highway driving to the department of education.

6 1 LSB 2613XS 83
6 2 dea/nh/14.1