

House File 2234 - Introduced

HOUSE FILE 2234

BY GUSTOFF

A BILL FOR

1 An Act relating to special minor's driver's licenses of
2 students who receive competent private instruction or
3 independent private instruction, and making penalties
4 applicable.

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

1 Section 1. Section 321.194, subsection 1, paragraph c, Code
2 2024, is amended to read as follows:

3 c. The person's school or primary instructor, as applicable,
4 has certified to the department that the person has a special
5 need for the license pursuant to subsection 3.

6 Sec. 2. Section 321.194, subsection 2, paragraph a, Code
7 2024, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (03) If the licensee receives competent
9 private instruction or independent private instruction, as
10 those terms are defined in section 299A.1, the licensee may
11 operate a motor vehicle during the hours of 5:00 a.m. to
12 10:00 p.m. over the most direct and accessible route between
13 the licensee's residence and the location where the licensee
14 receives instruction pursuant to chapter 299A, and to a public
15 school or accredited nonpublic school for the purpose of
16 attending classes or extracurricular activities, regardless
17 of whether the licensee is enrolled at the school, provided
18 the driving distance between the point of origin and the
19 destination is no more than fifty miles.

20 Sec. 3. Section 321.194, subsection 2, paragraph a,
21 subparagraph (4), Code 2024, is amended to read as follows:

22 (4) To a service station for the purpose of refueling, so
23 long as the service station is the station closest to the route
24 on which the licensee is traveling under ~~subparagraph (1), (2),~~
25 ~~or (3)~~ this paragraph.

26 Sec. 4. Section 321.194, subsection 3, paragraph a, Code
27 2024, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (3) If the applicant receives competent
29 private instruction or independent private instruction, as
30 those terms are defined in section 299A.1, the certification
31 must be made by the applicant's primary instructor.

32 Sec. 5. Section 321.194, subsection 3, paragraph b, Code
33 2024, is amended to read as follows:

34 b. Upon receipt of a statement of necessity, the department
35 shall issue the driver's license provided the applicant is

1 otherwise eligible for issuance of the license. The fact that
2 the applicant resides at a distance less than one mile from the
3 applicant's school of enrollment is prima facie evidence of
4 the nonexistence of necessity for the issuance of a license.
5 However, the distance between the applicant's residence and
6 school of enrollment shall not be considered if the applicant
7 receives competent private instruction or independent private
8 instruction, as those terms are defined in section 299A.1,
9 resides on a farm, or is employed for compensation on a farm.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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Under current law, an application for a special minor's
14 driver's license must be accompanied by a statement from the
15 applicant's school of enrollment. The statement must certify
16 that a need exists for the license and that the person signing
17 the statement is not responsible for actions of the applicant
18 which pertain to the applicant's use of the license. If the
19 applicant attends a public school, the certification must be
20 made by the school board, superintendent of the applicant's
21 school, or principal, if authorized by the superintendent.
22 If the applicant attends an accredited nonpublic school, the
23 certification must be made by the authorities in charge of the
24 accredited nonpublic school or a duly authorized representative
25 of the authorities.

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The school must develop and adopt a policy establishing the
27 criteria that the school uses to approve or deny certification
28 that a need exists for a license. If the school is a public
29 school, the policy must be developed and adopted by the school
30 board. If the school is an accredited nonpublic school, the
31 policy must be developed and adopted according to procedures
32 determined by the authorities in charge of the accredited
33 nonpublic school.

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The fact that an applicant resides at a distance less
35 than one mile from the applicant's school of enrollment is

1 prima facie evidence of the nonexistence of necessity for
2 the issuance of the license. However, the distance between
3 the applicant's residence and school of enrollment cannot be
4 considered if the applicant resides on a farm or is employed
5 for compensation on a farm.

6 This bill allows a person holding a special minor's
7 driver's license who receives competent private instruction
8 or independent private instruction in accordance with Code
9 chapter 299A to operate a motor vehicle during the hours of
10 5:00 a.m. to 10:00 p.m. over the most direct and accessible
11 route between the licensee's residence and the location where
12 the licensee receives instruction, and to a public school
13 or accredited nonpublic school for the purpose of attending
14 classes or extracurricular activities, regardless of whether
15 the licensee is enrolled at the school, provided the driving
16 distance between the point of origin and the destination is no
17 more than 50 miles.

18 The bill requires the primary instructor of a person who
19 receives competent private instruction or independent private
20 instruction in accordance with Code chapter 299A, rather
21 than the person's school, to submit the certification to the
22 DOT. The presumption of the nonexistence of necessity for the
23 issuance of a license does not apply to such a student under
24 the bill.

25 A violation of Code section 321.194 is punishable by a
26 scheduled fine of \$70.