

**House File 456 - Introduced**

HOUSE FILE 456

BY HAYES

**A BILL FOR**

1 An Act relating to third-party test examiners authorized  
2 to administer knowledge and final field tests to persons  
3 seeking a driver's permit or driver's license.

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

1 Section 1. Section 321.178, subsection 1, paragraph c, Code  
2 2023, is amended to read as follows:

3 c. Every public school district in Iowa shall offer  
4 or make available to all students residing in the school  
5 district, or Iowa students attending a nonpublic school or  
6 receiving competent private instruction or independent private  
7 instruction as defined in [section 299A.1](#), in the district, an  
8 approved course in driver education. The receiving district  
9 shall be the school district responsible for making driver  
10 education available to a student participating in open  
11 enrollment under [section 282.18](#). The courses may be offered  
12 at sites other than at the public school, including nonpublic  
13 school facilities within the public school districts. An  
14 approved course offered during the summer months, on Saturdays,  
15 after regular school hours during the regular terms or partly  
16 in one term or summer vacation period and partly in the  
17 succeeding term or summer vacation period, as the case may  
18 be, shall satisfy the requirements of [this section](#) to the  
19 same extent as an approved course offered during the regular  
20 school hours of the school term. A student who successfully  
21 completes and obtains certification in an approved course in  
22 driver education or an approved course in motorcycle education  
23 may, upon proof of such fact, be excused from any field test  
24 which the student would otherwise be required to take in  
25 demonstrating the student's ability to operate a motor vehicle.  
26 A student shall not be excused from any field test if a parent,  
27 guardian, or instructor requests that a test be administered.  
28 A final field test prior to a student's completion of an  
29 approved course shall be administered by a person qualified  
30 as a classroom driver education instructor and certified to  
31 provide street and highway driving instruction, or a person  
32 authorized under section 321.186, subsection 4. A person  
33 qualified as a classroom driver education instructor but not  
34 certified to provide street and highway driving instruction  
35 may administer the final field test if accompanied by another

1 person qualified to provide street and highway driving  
2 instruction.

3 Sec. 2. Section 321.186, Code 2023, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 4. a. The department shall designate  
6 third-party testers to administer the knowledge test required  
7 under this section and the final field test under section  
8 321.178, subsection 1, paragraph "c", provided all of the  
9 following occur:

10 (1) The test is the same as that which would otherwise be  
11 administered by the state.

12 (2) The third-party tester contractually agrees to comply  
13 with the rules adopted by the department.

14 (3) Any third-party test examiner used by the third-party  
15 tester meets the requirements applicable to third-party  
16 knowledge skills testing, as adopted by rule by the department.  
17 Any of the following persons shall qualify as a third-party  
18 test examiner:

19 (a) A person who is a classroom driver education instructor  
20 and qualified to provide street or highway driving instruction  
21 under section 321.178.

22 (b) A person who is qualified to provide street or highway  
23 driving instruction under section 321.178 who has five years of  
24 continuous driving instruction experience or who has at least  
25 two years of such experience and provides such instruction for  
26 more than one hundred hours per year.

27 (4) A third-party test examiner who examines a person  
28 with a physical or mental disability is a certified driver  
29 rehabilitation specialist or a driver rehabilitation  
30 professional, or has been issued a specialized instructor  
31 badge, and any such certification, designation, or badge  
32 is granted by the association of driver rehabilitation  
33 specialists.

34 b. As used in this subsection:

35 (1) "*Third-party test examiner*" means a person employed by

1 a third-party tester who is authorized by the department to  
2 administer the knowledge skills tests under this section.

3 (2) *Third-party tester* means a person designated by  
4 the department to employ knowledge skills test examiners to  
5 administer knowledge and driving skills tests under this  
6 section.

7 c. The department shall adopt rules pursuant to chapter 17A  
8 to administer this section.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 Current law authorizes the department of transportation  
13 (DOT) to examine every new applicant for a driver's license,  
14 any person holding a valid driver's license when the DOT has  
15 reason to believe that the person may be physically or mentally  
16 incompetent to operate a motor vehicle, and any person whose  
17 driving record appears to the DOT to justify the examination.  
18 In addition, a final field test prior to a student's completion  
19 of an approved driver education course must generally be  
20 administered by a person qualified as a classroom driver  
21 education instructor and certified to provide street and  
22 highway driving instruction.

23 This bill authorizes the DOT to designate third-party  
24 testers and third-party test examiners, as defined in the bill,  
25 to administer the required knowledge test before a person  
26 is issued a driver's license or permit and the final field  
27 test under Code section 321.178 before a student is issued a  
28 driver's license.

29 The bill describes persons who are authorized to administer  
30 tests as a third-party test examiner, including persons who are  
31 already authorized as a classroom driver education instructor  
32 and qualified to provide street or highway driving instruction  
33 under Code section 321.178 and persons who are qualified to  
34 provide street or highway driving instruction under Code  
35 section 321.178 who have five years of continuous driving

1 instruction experience or who have at least two years of such  
2 experience and provide such instruction for more than 100 hours  
3 per year. The DOT may authorize additional persons who meet  
4 eligibility criteria determined by the DOT by administrative  
5 rules.

6 The bill requires a third-party test examiner who examines a  
7 person with a physical or mental disability to be a certified  
8 driver rehabilitation specialist or a driver rehabilitation  
9 professional, or to have been issued a specialized instructor  
10 badge, and any such certification, designation, or badge  
11 must be granted by the association of driver rehabilitation  
12 specialists.

13 A person who passes a test administered by a third-party test  
14 examiner must still apply to the DOT for issuance of a permit  
15 or license.