

Senate File 2109 - Introduced

SENATE FILE 2109
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SSB 3097)

A BILL FOR

1 An Act relating to the driving privileges of persons under
2 eighteen years of age, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), subparagraph division (b), Code 2024, is
3 amended to read as follows:

4 (b) The child may be issued a temporary restricted license
5 or ~~school~~ special minor's restricted license if the child is
6 otherwise eligible.

7 Sec. 2. Section 321.1, subsection 20A, Code 2024, is amended
8 to read as follows:

9 20A. "*Driver's license*" means any license or permit issued
10 to a person to operate a motor vehicle on the highways of
11 this state, including but not limited to a restricted work,
12 special minor's restricted, temporary restricted, or temporary
13 license and an instruction, chauffeur's instruction, commercial
14 learner's, or temporary permit. For purposes of license
15 suspension, revocation, bar, disqualification, cancellation, or
16 denial under [this chapter](#) and [chapters 321A, 321C, and 321J](#),
17 "*driver's license*" includes any privilege to operate a motor
18 vehicle.

19 Sec. 3. Section 321.178, subsection 2, Code 2024, is amended
20 to read as follows:

21 2. *Restricted work license.*

22 a. (1) A person between sixteen and eighteen years of age
23 who has completed an approved driver education course and is
24 not in attendance at school and has not met the requirements
25 described in [section 299.2, subsection 1](#), may be issued a
26 restricted work license only for travel to and from work or to
27 transport dependents to and from temporary care facilities,
28 if necessary for the person to maintain the person's present
29 employment. The restricted work license shall be issued by the
30 department only upon confirmation of the person's employment
31 and need for a restricted work license to travel to and from
32 work or to transport dependents to and from temporary care
33 facilities if necessary to maintain the person's employment.
34 The employer shall notify the department if the employment of
35 the person is terminated before the person attains the age of

1 eighteen.

2 (2) (a) A person issued a restricted work license
3 under this ~~section~~ subsection shall not use an electronic
4 communication device or an electronic entertainment device
5 while driving a motor vehicle unless the motor vehicle is at a
6 complete stop off the traveled portion of the roadway. This
7 subparagraph division does not apply to the use of electronic
8 equipment which is permanently installed in the motor vehicle
9 or to a portable device which is operated through permanently
10 installed equipment.

11 (b) The department, in cooperation with the department of
12 public safety, shall establish educational programs to foster
13 compliance with the requirements of subparagraph division (a).

14 *b.* The department may suspend a restricted ~~driver's~~ work
15 license issued under this ~~section~~ subsection upon receiving
16 satisfactory evidence that the licensee has violated the
17 restrictions imposed under paragraph "a", subparagraph (2),
18 subparagraph division (a). The department may also suspend a
19 restricted work license issued under this ~~section~~ subsection
20 upon receiving a record of the person's conviction for one
21 violation and shall revoke the license upon receiving a record
22 of conviction for two or more violations of a law of this state
23 or a city ordinance regulating the operation of motor vehicles
24 on highways, other than parking violations as ~~defined~~ described
25 in [section 321.210](#). After revoking a restricted work license
26 under this ~~section~~ paragraph, the department shall not grant an
27 application for a new driver's license or instruction permit
28 until the expiration of one year or until the person attains
29 the age of eighteen, whichever is the longer period.

30 *c.* A person who violates the restrictions imposed under
31 paragraph "a", subparagraph (2), subparagraph division (a),
32 may be issued a citation under [this section](#) and shall not be
33 issued a citation under [section 321.193](#). A violation of the
34 restrictions imposed under paragraph "a", subparagraph (2),
35 subparagraph division (a), shall not be considered a moving

1 violation.

2 Sec. 4. Section 321.180B, unnumbered paragraph 1, Code
3 2024, is amended to read as follows:

4 Persons under age eighteen shall not be issued a license or
5 permit to operate a motor vehicle except under the provisions
6 of [this section](#). However, the department may issue restricted
7 work and special driver's minor's restricted licenses to
8 certain minors as provided in [sections 321.178](#) and [321.194](#), and
9 driver's licenses restricted to motorized bicycles as provided
10 in [section 321.189](#). A person shall not be issued a license or
11 permit to operate a motor vehicle if prohibited under section
12 321.194, subsection 7. A license or permit shall not be issued
13 under [this section](#) or [section 321.178](#) or [321.194](#) without the
14 consent of a parent or guardian or a person having custody of
15 the applicant under [chapter 232](#) or [600A](#). An additional consent
16 is required each time a license or permit is issued under this
17 section or [section 321.178](#) or [321.194](#). The consent must be
18 signed by at least one parent, guardian, or custodian on an
19 affidavit form provided by the department.

20 Sec. 5. Section 321.191, subsection 6, Code 2024, is amended
21 to read as follows:

22 6. ~~*Special minors'*~~ *Minors' restricted licenses.*

23 Notwithstanding [subsection 2](#), the fee for a ~~driver's~~ special
24 minor's restricted license issued to a minor under section
25 321.194 or a restricted work license issued to a minor under
26 section 321.178, subsection 2, is eight dollars.

27 Sec. 6. Section 321.194, Code 2024, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **321.194 Special minor's restricted license.**

30 1. *Application — persons eligible.* The department may
31 issue a special minor's restricted license to an applicant
32 under the age of sixteen if the applicant meets all of the
33 following conditions:

34 a. The applicant holds an instruction permit issued by the
35 department in accordance with section 321.180B, or a comparable

1 permit issued by another state.

2 *b.* The applicant has successfully completed an approved
3 driver education course. However, the completion of a
4 course is not required if the applicant demonstrates to the
5 satisfaction of the department that completion of the course
6 would impose a hardship upon the applicant. The department
7 shall adopt rules defining the term "*hardship*" and establishing
8 procedures for the demonstration and determination of when
9 completion of the course would impose a hardship upon an
10 applicant.

11 *c.* The applicant submits a certification from the
12 applicant's school certifying the applicant is enrolled at
13 the school for courses of instruction or extracurricular
14 activities.

15 2. *Consent — employment.* Prior to being authorized to
16 operate a motor vehicle to a place of employment unsupervised,
17 the applicant's parent or guardian must submit written consent
18 for the applicant to operate a motor vehicle to work. The
19 written consent must include the name and address of the
20 applicant's place of employment. The parent or guardian of a
21 licensee must update the place of employment information if
22 the place of employment changes prior to the licensee being
23 authorized to operate a motor vehicle unsupervised to a new
24 place of employment.

25 3. *Persons ineligible.* The department shall not issue a
26 special minor's restricted license to an applicant if any of
27 the following occurred during the six-month period immediately
28 preceding the application:

29 *a.* The applicant's driving privileges have been suspended,
30 revoked, or barred under this chapter or chapter 321J.

31 *b.* The applicant was at fault for causing an accident or
32 collision.

33 *c.* The applicant has been convicted of a violation of a
34 law of this state or a city ordinance regulating the operation
35 of motor vehicles on highways other than parking violations as

1 described in section 321.210.

2 4. *License privileges.*

3 a. The department shall classify the special minor's
4 restricted license as a class C or class M license, as
5 applicable. A licensee is entitled to operate a motor vehicle
6 as provided in this section, other than a commercial motor
7 vehicle, a motor vehicle with more than two axles, a motor
8 vehicle towing another vehicle, or as a chauffeur.

9 b. A licensee may operate a motor vehicle unsupervised over
10 the most direct and accessible route between the licensee's
11 residence, school of enrollment, place of employment, and the
12 closest service station, for any of the following purposes, as
13 applicable, provided the driving distance between the point of
14 origin and the destination is no more than twenty-five miles,
15 and the licensee is in immediate possession of the license
16 card:

17 (1) To return to the licensee's residence following the
18 end of the licensee's duly scheduled courses of instruction,
19 extracurricular activities, or work shift, as applicable.

20 (2) To attend duly scheduled courses of instruction.
21 However, a licensee who attends a public school and resides
22 within that public school district may operate a motor vehicle
23 between the licensee's residence and school regardless of the
24 distance.

25 (3) To participate in extracurricular activities.

26 (4) To complete a scheduled work shift, if approved by the
27 licensee's parent or guardian pursuant to subsection 2.

28 (5) For the purpose of refueling the motor vehicle being
29 operated.

30 5. *Restrictions.* Unless accompanied and supervised in
31 accordance with section 321.180B, subsection 1, a licensee
32 shall not do any of the following:

33 a. Operate the motor vehicle except during the hour
34 before and after the beginning and end of the licensee's duly
35 scheduled courses of instruction, extracurricular activities,

1 or work shift, as applicable.

2 *b.* Transport more than one unrelated minor passenger in the
3 motor vehicle when the licensee is operating the motor vehicle.
4 For purposes of this paragraph, "*unrelated minor passenger*"
5 means a passenger who is under eighteen years of age and who is
6 not a sibling of the driver, a stepsibling of the driver, or a
7 child who resides in the same household as the driver.

8 *c.* Operate the motor vehicle on a highway except as
9 authorized under subsection 4, paragraph "*b*".

10 *d.* Use an electronic communication device or an electronic
11 entertainment device while operating a motor vehicle unless the
12 motor vehicle is at a complete stop off the traveled portion
13 of the roadway. This paragraph does not apply to the use
14 of electronic equipment which is permanently installed in
15 the motor vehicle or to a portable device which is operated
16 through permanently installed equipment. The department,
17 in cooperation with the department of public safety, shall
18 establish educational programs to foster compliance with the
19 requirements of this paragraph.

20 *e.* Operate a motor vehicle to the licensee's place of
21 employment unless the licensee's parent or guardian submitted
22 a written statement to the department in accordance with
23 subsection 2.

24 6. *Certification.* The department shall prescribe a
25 certification form. If the applicant is enrolled at a school
26 for courses of instruction or extracurricular activities, the
27 applicant's school shall certify that fact on the certification
28 form, which must also include a statement that the person
29 signing the certificate is not responsible for actions of the
30 applicant which pertain to the use of the special minor's
31 restricted license.

32 *a.* If the applicant attends a public school, the
33 certification must be made by the school board, superintendent
34 of the applicant's school, or principal, if authorized by the
35 superintendent.

1 *b.* If the applicant attends an accredited nonpublic
2 school, the certification must be made by the authorities in
3 charge of the accredited nonpublic school or a duly authorized
4 representative of the authorities.

5 7. *License sanctions.*

6 *a.* A special minor's restricted license issued under this
7 section is subject to suspension, revocation, or other sanction
8 for the same reasons and in the same manner as suspension or
9 revocation of any other driver's license, and as provided in
10 this section. The department shall suspend a special minor's
11 restricted license for three months, as follows:

12 (1) Upon receiving satisfactory evidence that the licensee
13 violated the restrictions of the license or was at fault in an
14 accident or collision.

15 (2) Upon receiving a record of the licensee's conviction
16 for one violation of a law of this state or a city ordinance
17 regulating the operation of motor vehicles on highways other
18 than parking violations as described in section 321.210.

19 *b.* As a result of the suspension, the department shall
20 not issue an intermediate license under section 321.180B for
21 an additional three months to a person whose special minor's
22 restricted license was suspended under this subsection, per
23 violation, following the person's sixteenth birthday.

24 8. *Citations for violation of restrictions.* A person who
25 violates the restrictions imposed under subsection 5 may
26 be issued a citation under this section and shall not be
27 issued a citation under section 321.193. A violation of the
28 restrictions imposed under subsection 5 is a moving violation.

29 9. *Definitions.* As used in this section:

30 *a.* "Place of employment" means the fixed location of an
31 employer who employs a person under sixteen years of age in
32 accordance with chapter 92, and is the only location at which
33 the person is authorized to work for the employer.

34 *b.* "Residence" means the place where a person resides,
35 permanently or temporarily. A person may have up to three

1 different residences for purposes of this section, if the
2 person's parent or guardian provides written consent of the
3 additional residences to the department.

4 *c.* "School" means a public school or an accredited nonpublic
5 school, and includes facilities operated by a public or
6 accredited nonpublic school for the purposes of educational or
7 extracurricular activities.

8 10. *Rules.* The department may adopt rules pursuant to
9 chapter 17A to administer this section.

10 Sec. 7. Section 321.213B, Code 2024, is amended to read as
11 follows:

12 **321.213B Suspension for failure to attend.**

13 The department shall establish procedures by rule for
14 suspending the license of a juvenile who has been issued a
15 driver's license and is not in compliance with the requirements
16 of [section 299.1B](#) ~~or~~ and issuing the juvenile a restricted work
17 license under [section 321.178](#).

18 Sec. 8. Section 321.482A, unnumbered paragraph 1, Code
19 2024, is amended to read as follows:

20 Notwithstanding [section 321.482](#), a person who is convicted
21 of operating a motor vehicle in violation of [section 321.178](#),
22 subsection 2, paragraph "a", subparagraph (2), [section](#)
23 [321.180B](#), subsection 6, [section 321.194](#), subsection 2 5,
24 paragraph "~~b~~" d", ~~subparagraph (2)~~, [section 321.256](#), [321.257](#),
25 [section 321.275](#), subsection 4, [section 321.276](#), [321.297](#),
26 [321.298](#), [321.299](#), [321.302](#), [321.303](#), [321.304](#), [321.305](#), [321.306](#),
27 [321.307](#), [321.311](#), [321.319](#), [321.320](#), [321.321](#), [321.322](#), [321.323](#),
28 [321.324](#), [321.324A](#), [321.327](#), [321.329](#), [321.333](#), [section 321.372](#),
29 subsection 3, or [section 321.449B](#), causing serious injury to
30 or the death of another person may be subject to the following
31 penalties in addition to the penalty provided for a scheduled
32 violation in [section 805.8A](#) or any other penalty provided by
33 law:

34 Sec. 9. PREVIOUSLY ISSUED SPECIAL MINOR'S LICENSES. A
35 person who holds a special minor's license that was issued

1 under section 321.194, Code 2024, before the effective date of
2 this Act may continue to operate a motor vehicle in accordance
3 with this Act on and after the effective date of this Act.
4 However, a person who was issued a special minor's license
5 under section 321.194, Code 2024, prior to the effective date
6 of this Act shall not operate a motor vehicle unaccompanied
7 to the person's place of employment until after the person's
8 parent or guardian provides written consent to the department
9 in accordance with section 321.194, subsection 2, as enacted
10 by this Act.

11 EXPLANATION

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

14 In 2023, the general assembly requested the formation of
15 an interim study committee to examine policy matters and make
16 recommendations on statutory changes relating to licensed
17 driving by persons between 14 and 18 years of age (2023 Iowa
18 Acts, chapter 92, section 23) and the legislative council
19 established the minor driver's license interim study committee
20 for that purpose. This bill reflects the committee's unanimous
21 recommendations.

22 Current law requires the department of transportation (DOT)
23 to implement a graduated driver's license process which places
24 driving restrictions for young and inexperienced drivers,
25 and removes restrictions as the driver ages and gains more
26 experience. Beginning at age 14, a person may drive while
27 accompanied. When a person turns 16, the person is eligible to
28 receive an intermediate driver's license that authorizes the
29 holder to drive without an accompanying qualified person, but
30 subject to other specified restrictions. The DOT is authorized
31 to issue special permits and licenses to persons under the age
32 of 18, including a special minor's license which authorizes
33 unsupervised driving and can be issued to a person 14 years
34 old.

35 Under current law, a special minor's license entitles a

1 person between the ages of 14 and 18 (student driver) to
2 operate a motor vehicle without adult supervision (drive)
3 from the student driver's residence to the student driver's
4 school or school bus stop or public transportation service, up
5 to 50 miles or more if the student driver drives to a school
6 within the school district of enrollment or within a school
7 district contiguous to the school district of enrollment. The
8 bill authorizes the DOT to instead issue a special minor's
9 restricted license that entitles a person under the age of
10 16 (licensee) to drive from the licensee's residence to the
11 licensee's school, up to 25 miles, or more if the licensee
12 attends a public school and resides within the public school
13 district. To distinguish between licenses, the bill renames
14 the restricted license issued for work activities of minors
15 under current law to the restricted work license.

16 Under the bill, an applicant for a special minor's
17 restricted license must hold an instruction permit issued by
18 the DOT or a comparable permit issued by another state, have
19 already successfully completed an approved driver education
20 course prior to applying, and submit a certification from
21 the applicant's school certifying the applicant is enrolled
22 at the school for courses of instruction or extracurricular
23 activities. However, the completion of a course is not
24 required if the applicant demonstrates to the satisfaction of
25 the DOT that completion of the course would impose a hardship
26 upon the applicant. "Hardship" is defined by the DOT in
27 administrative rules and generally relates to the timing of
28 the applicant's school offering a driver education course,
29 depending on the age of the applicant (761 IAC 602.26(3)).

30 The DOT is prohibited from issuing a special minor's
31 restricted license to an applicant if the applicant's driving
32 privileges have been sanctioned, if the applicant was at fault
33 for causing an accident or collision, or if the applicant has
34 been convicted of a traffic violation.

35 The bill retains current law requiring a licensee to operate

1 upon the most direct and accessible route between approved
2 locations, including the closest service station for the
3 purpose of refueling a vehicle. The bill also does not reduce
4 or alter the driving privileges of a licensee when driving with
5 supervision in accordance with Code section 321.180B.

6 Current law distinguishes between a public school and
7 accredited nonpublic school as it relates to where a student
8 driver is authorized to drive unsupervised. The bill instead
9 authorizes a licensee to drive to school regardless of whether
10 the school is public or accredited nonpublic. However, if a
11 licensee attends a public school and resides within the public
12 school district, there is no limit to the distance the licensee
13 may drive to school, provided that the licensee uses the most
14 direct and accessible route.

15 Under current law, a student driver who resides on a farm or
16 is employed for compensation on a farm may drive up to 50 miles
17 for the purpose of assisting the person's parents, guardians,
18 or employers with farm work or in connection with any farm job,
19 employment, or other farm-related work, including traveling to
20 or from the location of the farm work. The bill authorizes
21 a licensee to drive up to 25 miles to the licensee's place
22 of employment and does not distinguish between farm work and
23 other work performed in accordance with Code chapter 92 (child
24 labor). The bill does not authorize a licensee to drive as
25 part of the licensee's employment. A licensee's parent or
26 guardian must provide the DOT with written consent for the
27 licensee to drive to work.

28 Current law authorizes a student driver to drive to approved
29 locations between the hours of 5:00 a.m. and 10:00 p.m. The
30 bill instead prohibits a licensee from driving except for one
31 hour before and after the school event or work shift.

32 The bill retains current prohibitions against transporting
33 more than one unrelated minor as a passenger and using an
34 electronic communication device or electronic entertainment
35 device while driving.

1 The bill replaces the current requirement for schools to
2 certify that a special need exists for the DOT to issue a
3 special minor's license, and instead requires an applicant's
4 school to certify that the applicant is enrolled as a
5 student. The bill does not retain the one-mile presumption
6 of nonexistence of special need for the license or the appeal
7 process, as the bill no longer requires a school to make that
8 determination.

9 The bill requires the DOT to suspend a licensee's license for
10 three months if the licensee violates the license restrictions,
11 is at fault for causing an accident or collision, or is
12 convicted of violating any other traffic law. The DOT is
13 also prohibited from issuing an intermediate driver's license
14 for three months beyond when a person would otherwise be
15 eligible for the license, normally at age 16, under Code
16 section 321.180B. The bill does not retain the option for the
17 DOT to revoke a special minor's license following a second
18 violation. The bill retains the same provision for violators
19 of the license restrictions to be issued a citation under
20 the bill instead of a citation under Code section 321.193
21 (restrictions on licenses). Contrary to current law, the
22 bill makes a violation of the license restrictions a moving
23 violation. Moving violations may be considered for purposes of
24 administrative suspension of a driver's license or to establish
25 habitual offender status.

26 The DOT is authorized to adopt rules to administer the bill.

27 The bill does not require a person who holds a special
28 minor's license that was issued before the effective date of
29 the bill to apply for a new license. Instead, a licensee may
30 continue to operate a motor vehicle in accordance with the
31 bill. However, a person who was issued a special minor's
32 license prior to the effective date of the bill is prohibited
33 from driving unaccompanied to the person's place of employment
34 until after the person's parent or guardian provides written
35 consent to the DOT in accordance with the bill.

1 By operation of law, a person who violates a restriction
2 imposed on a special minor's restricted license commits a
3 simple misdemeanor punishable by a \$70 scheduled fine. In
4 addition, if a person is convicted of using an electronic
5 communication device or electronic entertainment device and the
6 violation results in injury or death, the person is subject
7 to enhanced penalties. Under Code section 321.482A, if the
8 violation causes a serious injury, a court could impose an
9 additional fine of \$500 or suspend the person's driver's
10 license for not more than 90 days, or both. If the violation
11 causes a death, a court could impose an additional fine of
12 \$1,000 or suspend the person's driver's license for not more
13 than 180 days, or both.