

Senate File 2314 - Introduced

SENATE FILE 2314

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3086)

A BILL FOR

1 An Act relating to third-party testers and test examiners
2 authorized to administer knowledge and final field tests to
3 persons 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 2024, 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 to
30 provide street or highway driving instruction under paragraph
31 "b", subparagraph (2), or a person authorized under [section](#)
32 [321.187, subsection 2A](#).

33 Sec. 2. Section 321.178A, subsection 5, Code 2024, is
34 amended to read as follows:

35 5. *Intermediate license.* Any student who successfully

1 completes an approved course as provided in [this section](#),
2 passes a driving test to be administered by the department or a
3 person authorized under section 321.187, subsection 2A, and is
4 otherwise qualified under [section 321.180B, subsection 2](#), shall
5 be eligible for an intermediate license pursuant to section
6 321.180B. Twenty of the thirty hours of street or highway
7 driving instruction required under [subsection 3](#), paragraph "a",
8 subparagraph (1), may be used to satisfy the requirement of
9 section 321.180B, subsection 2.

10 Sec. 3. Section 321.187, Code 2024, is amended by adding the
11 following new subsections:

12 NEW SUBSECTION. 2A. The department shall designate
13 third-party testers to administer the knowledge test required
14 under section 321.186, the driving test under section 321.178A,
15 subsection 5, and the final field test under section 321.178,
16 subsection 1, paragraph "c", provided all of the following
17 occur:

18 a. The test is the same as that which would otherwise be
19 administered by the state.

20 b. The third-party tester contractually agrees to comply
21 with the rules adopted by the department.

22 c. Any third-party test examiner used by the third-party
23 tester meets the requirements applicable to third-party
24 knowledge skills testing, as adopted by rule by the department.
25 Any of the following persons shall qualify as a third-party
26 test examiner:

27 (1) A person who is a classroom driver education instructor
28 and qualified to provide street or highway driving instruction
29 under section 321.178.

30 (2) A person who is qualified to provide street or highway
31 driving instruction under section 321.178 who has five years of
32 continuous driving instruction experience or who has at least
33 two years of such experience and provides such instruction for
34 more than one hundred hours per year.

35 d. A third-party test examiner who examines a person

1 with a physical or mental disability is a certified driver
2 rehabilitation specialist or a driver rehabilitation
3 professional, or has been issued a specialized instructor
4 badge, and any such certification, designation, or badge
5 is granted by the association of driver rehabilitation
6 specialists.

7 NEW SUBSECTION. 2B. The department shall adopt rules
8 pursuant to chapter 17A 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 be administered
20 by a person qualified to provide street or highway driving
21 instruction. The DOT is also currently authorized to designate
22 third-party testers to administer commercial driver's license
23 knowledge and driving skills tests.

24 This bill authorizes the DOT to likewise designate
25 third-party testers to administer the required knowledge and
26 final field tests or driving tests, as applicable, for other
27 driver's licenses.

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

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

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

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