

Senate Study Bill 3086 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON KLIMESH)

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 321.187, Code 2024, is amended by adding the
34 following new subsections:

35 NEW SUBSECTION. 2A. The department shall designate

1 third-party testers to administer the knowledge test required
2 under section 321.186 and the final field test under section
3 321.178, subsection 1, paragraph "c", provided all of the
4 following occur:

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

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

9 c. Any third-party test examiner used by the third-party
10 tester meets the requirements applicable to third-party
11 knowledge skills testing, as adopted by rule by the department.
12 Any of the following persons shall qualify as a third-party
13 test examiner:

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

17 (2) A person who is qualified to provide street or highway
18 driving instruction under section 321.178 who has five years of
19 continuous driving instruction experience or who has at least
20 two years of such experience and provides such instruction for
21 more than one hundred hours per year.

22 d. A third-party test examiner who examines a person
23 with a physical or mental disability is a certified driver
24 rehabilitation specialist or a driver rehabilitation
25 professional, or has been issued a specialized instructor
26 badge, and any such certification, designation, or badge
27 is granted by the association of driver rehabilitation
28 specialists.

29 NEW SUBSECTION. 2B. The department shall adopt rules
30 pursuant to chapter 17A to administer this section.

31 EXPLANATION

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

34 Current law authorizes the department of transportation
35 (DOT) to examine every new applicant for a driver's license,

1 any person holding a valid driver's license when the DOT has
2 reason to believe that the person may be physically or mentally
3 incompetent to operate a motor vehicle, and any person whose
4 driving record appears to the DOT to justify the examination.
5 In addition, a final field test prior to a student's completion
6 of an approved driver education course must be administered
7 by a person qualified to provide street or highway driving
8 instruction. The DOT is also currently authorized to designate
9 third-party testers to administer commercial driver's license
10 knowledge and driving skills tests.

11 This bill authorizes the DOT to likewise designate
12 third-party testers to administer the required knowledge and
13 final field tests for other driver's licenses.

14 The bill describes persons who are authorized to administer
15 such tests (test examiner), including persons who are already
16 authorized as a classroom driver education instructor and
17 qualified to provide street or highway driving instruction
18 under Code section 321.178 and persons who are qualified to
19 provide street or highway driving instruction under Code
20 section 321.178 who have five years of continuous driving
21 instruction experience or who have at least two years of such
22 experience and provide such instruction for more than 100 hours
23 per year. The DOT may authorize additional persons who meet
24 eligibility criteria determined by the DOT by administrative
25 rules.

26 The bill requires a third-party test examiner who examines a
27 person with a physical or mental disability to be a certified
28 driver rehabilitation specialist or a driver rehabilitation
29 professional, or to have been issued a specialized instructor
30 badge, and any such certification, designation, or badge
31 must be granted by the association of driver rehabilitation
32 specialists.

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