

Senate File 2346 - Reprinted

SENATE FILE _____
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3211)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning the operation of motor vehicles by minors by
2 establishing criminal and civil liability for providing
3 alcoholic beverages to persons under legal age, and including
4 driver education requirements, graduated driver licensing
5 provisions, and passenger restraint requirements, and making
6 penalties applicable and providing an effective date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 SF 2346
9 dea/cc/26

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1 1 Section 1. Section 123.47, subsection 1, Code Supplement
1 2 2005, is amended to read as follows:
1 3 1. a. A person shall not sell, give, or otherwise supply
1 4 alcoholic liquor, wine, or beer to any person knowing or
1 5 having reasonable cause to believe that person to be under
1 6 legal age.
1 7 b. A person who is the owner, lessee, or who has control
1 8 of property that is not a licensed premises shall not permit
1 9 any person, knowing or having reasonable cause to believe the
1 10 person to be under legal age, to consume or possess on such
1 11 property any alcoholic liquor, wine, or beer.
1 12 Sec. 2. Section 123.47, subsection 4, Code Supplement
1 13 2005, is amended to read as follows:
1 14 4. Except as otherwise provided in subsections 5 and 6, a
1 15 person who is of legal age, other than a licensee or
1 16 permittee, who ~~sells, gives, or otherwise supplies alcoholic~~
1 17 ~~liquor, wine, or beer to a person who is under legal age in~~
1 18 ~~violation of this section violates subsection 1~~ commits a
1 19 serious misdemeanor punishable by a minimum fine of five
1 20 hundred dollars.
1 21 Sec. 3. Section 123.47, subsection 5, Code Supplement
1 22 2005, is amended to read as follows:
1 23 5. A person who is of legal age, other than a licensee or
1 24 permittee, who sells, gives, or otherwise supplies alcoholic
1 25 liquor, wine, or beer to a person who is under legal age in
1 26 violation of ~~this section~~ subsection 1, paragraph "a", which
1 27 results in serious injury to any person commits an aggravated
1 28 misdemeanor.
1 29 Sec. 4. Section 123.47, subsection 6, Code Supplement
1 30 2005, is amended to read as follows:
1 31 6. A person who is of legal age, other than a licensee or
1 32 permittee, who sells, gives, or otherwise supplies alcoholic
1 33 liquor, wine, or beer to a person who is under legal age in
1 34 violation of ~~this section~~ subsection 1, paragraph "a", which
1 35 results in the death of any person commits a class "D" felony.
2 1 Sec. 5. Section 123.92, unnumbered paragraph 3, Code 2005,
2 2 is amended to read as follows:
2 3 Notwithstanding section 123.49, subsection 1, any person
2 4 who is injured in person or property or means of support by an
2 5 intoxicated person who is under legal age or resulting from
2 6 the intoxication of a person who is under legal age, has a
2 7 right of action for all damages actually sustained, severally
2 8 or jointly, against a person who is not a licensee or
2 9 permittee and who dispensed or gave any beer, wine, or
2 10 intoxicating liquor to the intoxicated underage person when
2 11 the nonlicensee or nonpermittee who dispensed or gave the
2 12 beer, wine, or intoxicating liquor to the underage person knew
2 13 or should have known the underage person was intoxicated, or
2 14 who dispensed or gave beer, wine, or intoxicating liquor to

2 15 the underage person to a point where the nonlicensee or
2 16 nonpermittee knew or should have known that the underage
2 17 person would become intoxicated. If the injury was caused by
2 18 an intoxicated person who is under legal age, a person who is
2 19 not a licensee or permittee and who dispensed or gave beer,
2 20 wine, or intoxicating liquor to the underage person may
2 21 establish as an affirmative defense that the intoxication did
2 22 not contribute to the injurious action of the underage person.
2 23 For purposes of this paragraph, "dispensed" or "gave" means
2 24 the act of physically presenting a receptacle containing beer,
2 25 wine, or intoxicating liquor to the underage person, or
2 26 intentionally making available a receptacle containing beer,
2 27 wine, or intoxicating liquor to the underage person with
2 28 direct knowledge that the underage person intends to consume
2 29 the beer, wine, or other intoxicating liquor, but without
2 30 physically presenting such receptacle to the underage person,
2 31 whose actions or intoxication results in the sustaining of
2 32 damages by another person. However, a person who dispenses or
2 33 gives beer, wine, or intoxicating liquor to an underage
2 34 person, or who intentionally makes available a receptacle
2 35 containing beer, wine, or intoxicating liquor to an underage
3 1 person, shall only be liable for any damages if the person
3 2 knew or should have known that the underage person was under
3 3 legal age.

3 4 Sec. 6. Section 321.178, subsection 1, unnumbered
3 5 paragraph 1 and paragraphs a, b, and c, Code Supplement 2005,
3 6 are amended to read as follows:

3 7 An approved driver education course as programmed by the
3 8 department shall consist of at least thirty clock hours of
3 9 classroom instruction, of which no more than one hundred
3 10 eighty minutes shall be provided to a student in a single day,
3 11 and six or more clock hours of laboratory instruction ~~of which~~
3 12 ~~at least three clock hours shall consist of street or highway~~
3 13 ~~driving.~~

3 14 a. Classroom instruction shall include all of the
3 15 following:

3 16 a- (1) A minimum of ~~four~~ twelve hours of instruction
3 17 concerning substance abuse, including the effects of alcohol
3 18 consumption on a person's driving skills.

3 19 b- (2) A minimum of twenty minutes of instruction
3 20 concerning railroad crossing safety.

3 21 c- (3) Instruction relating to becoming an organ donor
3 22 under the uniform anatomical gift Act as provided in chapter
3 23 142C.

3 24 (4) Instruction concerning driver distractions, including
3 25 the use of a cell phone while driving.

3 26 b. Laboratory instruction shall include all of the
3 27 following:

3 28 (1) A minimum of three clock hours of street or highway
3 29 driving.

3 30 (2) Behind-the-wheel instruction in defensive driving
3 31 techniques.

3 32 (3) Instruction in night driving, driving in adverse
3 33 weather conditions, and driving on gravel roads.

3 34 Sec. 7. NEW SECTION. 321.179 VIOLATORS UNDER AGE
3 35 EIGHTEEN == EDUCATION REQUIREMENT.

4 1 Notwithstanding any other provision, a motor vehicle
4 2 operator who is convicted of a violation of this chapter that
4 3 occurred when the person was under eighteen years of age shall
4 4 complete a classroom course approved by the department
4 5 consisting of behavior-based training designed to promote
4 6 positive and safe decision making. The classroom course
4 7 required under this section shall be the "alive at 25" course
4 8 developed by the national safety council, or a course that
4 9 contains equivalent curriculum and meets the goals of the
4 10 "alive at 25" course. The requirement imposed under this
4 11 section is in addition to any other penalty, sanction, or
4 12 educational requirement provided for a violation of this
4 13 chapter.

4 14 Sec. 8. Section 321.180B, subsection 2, Code 2005, is
4 15 amended to read as follows:

4 16 2. INTERMEDIATE LICENSE.

4 17 a. The department may issue an intermediate driver's
4 18 license to a person sixteen or seventeen years of age who
4 19 possesses an instruction permit issued under subsection 1 or a
4 20 comparable instruction permit issued by another state for a
4 21 minimum of six months immediately preceding application, and
4 22 who presents an affidavit signed by a parent or guardian on a
4 23 form to be provided by the department that the permittee has
4 24 accumulated a total of ~~twenty~~ thirty hours of street or
4 25 highway driving of which ~~two~~ four hours were conducted after

4 26 sunset and before sunrise and the street or highway driving
4 27 was with the permittee's parent, guardian, instructor, a
4 28 person certified by the department, or a person at least
4 29 twenty-five years of age who had written permission from a
4 30 parent or guardian to accompany the permittee, and whose
4 31 driving privileges have not been suspended, revoked, or barred
4 32 under this chapter or chapter 321J during, and who has been
4 33 accident and conviction free continuously for, the six-month
4 34 period immediately preceding the application for an
4 35 intermediate license. An applicant for an intermediate
5 1 license must meet the requirements of section 321.186,
5 2 including satisfactory completion of driver education as
5 3 required in section 321.178, and payment of the required
5 4 license fee before an intermediate license will be issued.
5 5 b. A person issued an intermediate license ~~must~~ shall
5 6 limit the number of passengers in the motor vehicle when the
5 7 intermediate licensee is operating the motor vehicle to the
5 8 number of passenger safety belts. Notwithstanding any
5 9 provision of law to the contrary, the provisions of sections
5 10 321.445 and 321.446 apply to all occupants of a vehicle
5 11 operated by a person with an intermediate license, regardless
5 12 of seating position.

5 13 c. Except as otherwise provided, a person issued an
5 14 intermediate license under this subsection who is operating a
5 15 motor vehicle between the hours of twelve-thirty a.m. and five
5 16 a.m. must be accompanied by a person issued a driver's license
5 17 valid for the vehicle operated who is the parent or guardian
5 18 of the ~~permittee licensee~~, a member of the ~~permittee's~~
5 19 licensee's immediate family if the family member is at least
5 20 twenty-one years of age, an approved driver education
5 21 instructor, a prospective driver education instructor who is
5 22 enrolled in a practitioner preparation program with a safety
5 23 education program approved by the state board of education, or
5 24 a person at least twenty-five years of age if written
5 25 permission is granted by the parent or guardian, and who is
5 26 actually occupying a seat beside the driver. However, a
5 27 licensee may operate a vehicle to and from school-related
5 28 extracurricular activities and work without an accompanying
5 29 driver between the hours of twelve-thirty a.m. and five a.m.
5 30 if ~~such~~ the licensee possesses a waiver on a form to be
5 31 provided by the department. An accompanying driver is not
5 32 required between the hours of five a.m. and twelve-thirty a.m.
5 33 Sec. 9. Section 321.180B, subsection 4, Code 2005, is
5 34 amended to read as follows:

5 35 4. FULL DRIVER'S LICENSE. A full driver's license may be
6 1 issued to a person seventeen years of age who possesses an
6 2 intermediate license issued under subsection 2 or a comparable
6 3 intermediate license issued by another state for a minimum of
6 4 twelve months immediately preceding application, and who
6 5 presents an affidavit signed by a parent or guardian on a form
6 6 to be provided by the department that the intermediate
6 7 licensee has accumulated a total of ~~ten~~ twenty hours of street
6 8 or highway driving of which ~~two~~ four hours were conducted
6 9 after sunset and before sunrise and the street or highway
6 10 driving was with the licensee's parent, guardian, instructor,
6 11 a person certified by the department, or a person at least
6 12 twenty-five years of age who had written permission from a
6 13 parent or guardian to accompany the licensee, whose driving
6 14 privileges have not been suspended, revoked, or barred under
6 15 this chapter or chapter 321J during, and who has been accident
6 16 and conviction free continuously for, the twelve-month period
6 17 immediately preceding the application for a full driver's
6 18 license, and who has paid the required fee.

6 19 Sec. 10. Section 321.445, subsection 2, unnumbered
6 20 paragraph 1, Code 2005, is amended to read as follows:
6 21 The driver and front seat occupants of a type of motor
6 22 vehicle that is subject to registration in Iowa, except a
6 23 motorcycle or a motorized bicycle, shall each wear a properly
6 24 adjusted and fastened safety belt or safety harness any time
6 25 the vehicle is in forward motion on a street or highway in
6 26 this state except that a child under ~~eleven~~ eighteen years of
6 27 age shall be secured as required under section 321.446.

6 28 Sec. 11. Section 321.446, subsection 2, Code Supplement
6 29 2005, is amended to read as follows:

6 30 2. A child at least six years of age but under ~~eleven~~
6 31 eighteen years of age who is being transported in a motor
6 32 vehicle subject to registration, except a school bus or
6 33 motorcycle, shall be secured during transit by a child
6 34 restraint system that is used in accordance with the
6 35 manufacturer's instructions or by a safety belt or safety
7 1 harness of a type approved under section 321.445.

7 2 Sec. 12. NEW SECTION. 321J.2C EDUCATION FOR PERSONS
7 3 UNDER AGE TWENTY=ONE.
7 4 Notwithstanding any other provision, a person under twenty=
7 5 one years of age who operates a motor vehicle in violation of
7 6 section 321J.2 or 321J.2A shall complete a classroom course
7 7 approved by the department consisting of behavior=based
7 8 training designed to promote positive and safe decision
7 9 making. The classroom course required under this section
7 10 shall be the "alive at 25" course developed by the national
7 11 safety council, or a course that contains equivalent
7 12 curriculum and meets the goals of the "alive at 25" course.
7 13 The requirement imposed under this section is in addition to
7 14 any other penalty, sanction, or educational requirement
7 15 provided for a violation of this chapter.
7 16 Sec. 13. YOUNG DRIVERS STUDY COMMITTEE.
7 17 1. The state department of transportation and the
7 18 department of public safety, in consultation with interested
7 19 organizations, shall establish a study committee to review
7 20 Iowa law concerning driver licensing provisions affecting
7 21 young drivers. The committee shall specifically review the
7 22 provisions of section 321.194 concerning special minor's
7 23 (school) licenses and the provisions of section 321.178 and
7 24 other relevant Code sections concerning driver education.
7 25 2. The committee shall be comprised of members from
7 26 government, educational, and professional organizations, the
7 27 business community, nonpartisan groups, and rural and urban
7 28 communities, including but not limited to persons representing
7 29 the following:
7 30 a. The department of education.
7 31 b. The office of the attorney general.
7 32 c. The Iowa prosecuting attorneys council.
7 33 d. The Iowa association of chiefs of police and peace
7 34 officers.
7 35 e. The Iowa state sheriffs' and deputies' association.
8 1 f. The Iowa association of safety education.
8 2 g. The Iowa high school athletic association.
8 3 h. Superintendents of both urban and rural school
8 4 districts.
8 5 i. Drivers under eighteen years of age.
8 6 j. Small business owners and other employers.
8 7 k. Parents.
8 8 3. The committee shall recommend changes to Iowa law to
8 9 remove ambiguities in existing language and to ensure the safe
8 10 transportation of Iowa's youth. The committee shall report
8 11 its findings and recommendations to the general assembly no
8 12 later than December 31, 2006.
8 13 Sec. 14. EFFECTIVE DATE. The sections of this Act
8 14 amending section 321.178 and enacting sections 321.179 and
8 15 321J.2C take effect July 1, 2007.
8 16 SF 2346
8 17 dea:nh/cc/26