

MAR 14 2005
Place On Calendar

HOUSE FILE 741
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 20)

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

A BILL FOR

1 An Act relating to driver education by a teaching parent.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HC 741

1 Section 1. NEW SECTION. 321.179 DRIVER EDUCATION --
2 TEACHING PARENT.

3 1. TEACHING PARENT. As an alternative to the driver
4 education requirements under section 321.178, a teaching
5 parent may instruct a student in a driver education course
6 that meets the requirements of this section and provide
7 evidence that the requirements under this section have been
8 met.

9 2. DEFINITIONS. For purposes of this section:

10 a. "Approved course" means driver education curriculum
11 approved by the department pursuant to rules adopted under
12 chapter 17A. An approved course shall, at a minimum, meet the
13 requirements of subsection 3 and be appropriate for teaching-
14 parent-directed driver education and related street or highway
15 instruction. Driver education materials that meet or exceed
16 standards established by the department for an approved course
17 in driver education for a public or private school shall be
18 approved unless otherwise determined by the department. The
19 list of approved courses shall be posted on the department's
20 website.

21 b. "Student" means a person who is at least fourteen but
22 not yet eighteen years of age who is within the custody and
23 control of the teaching parent and who satisfies preliminary
24 licensing requirements of the department.

25 c. "Teaching parent" means a parent, guardian, or legal
26 custodian of a student who is currently providing competent
27 private instruction to the student pursuant to section 299A.2
28 or 299A.3 and who provided such instruction to the student
29 during the previous year; who has a valid driver's license,
30 other than a motorized bicycle license or a temporary
31 restricted license, that permits unaccompanied driving; and
32 who has maintained a clear driving record for the previous two
33 years. For purposes of this paragraph, "clear driving record"
34 means the individual has not been identified as a candidate
35 for suspension of a driver's license under the habitual

1 offender provisions of this chapter; is not subject to a
2 driver's license suspension, revocation, denial, cancellation,
3 disqualification, or bar; and has no record of a conviction
4 for a moving traffic violation determined to be the cause of a
5 motor vehicle accident.

6 3. COURSE OF INSTRUCTION. An approved course administered
7 by a teaching parent shall consist of, but not be limited to,
8 the following:

9 a. Thirty clock hours of classroom instruction.

10 b. Forty hours of street or highway driving while
11 accompanied by the teaching parent, including four hours of
12 driving after sunset and before sunrise.

13 c. Four hours of classroom instruction concerning
14 substance abuse.

15 d. A minimum of twenty minutes of instruction concerning
16 railroad crossing safety.

17 e. Instruction relating to becoming an organ donor under
18 the uniform anatomical gift Act.

19 The content of the course of instruction required under
20 this subsection shall be equivalent to that required under
21 section 321.178. However, reference and study materials,
22 physical classroom requirements, and extra vehicle safety
23 equipment required for instruction under section 321.178 shall
24 not be required for the course of instruction provided under
25 this section.

26 4. COURSE COMPLETION AND CERTIFICATION. Upon application
27 by a student for an intermediate license, the teaching parent
28 shall provide evidence showing the student's completion of an
29 approved course and substantial compliance with the
30 requirements of subsection 3 by affidavit signed by the
31 teaching parent on a form to be provided by the department.
32 The evidence shall include all of the following:

33 a. Documentation that the instructor is a teaching parent
34 as defined in subsection 2.

35 b. Documentation that the student is receiving competent

1 private instruction under section 299A.2 or the name of the
2 school district within which the student is receiving
3 instruction under section 299A.3.

4 c. The name of the approved course completed by the
5 student.

6 d. An affidavit attesting to satisfactory completion of
7 course work and street or highway driving instruction.

8 e. Copies of written tests completed by the student.

9 f. A statement of the number of classroom hours of
10 instruction.

11 g. A log of completed street or highway driving
12 instruction including the dates when the lessons were
13 conducted, the student's and the teaching parent's name and
14 initials noted next to each entry, notes on driving activities
15 including a list of driving deficiencies and improvements, and
16 the duration of the driving time for each session.

17 5. INTERMEDIATE LICENSE. Any student who successfully
18 completes an approved course as provided in this section,
19 passes a driving test to be administered by the department,
20 and is otherwise qualified under section 321.180B, subsection
21 2, shall be eligible for an intermediate license pursuant to
22 section 321.180B. Twenty of the forty hours of street or
23 highway driving instruction required under subsection 3,
24 paragraph "b", may be utilized to satisfy the requirement of
25 section 321.180B, subsection 2.

26 6. FULL LICENSE. A student must comply with section
27 321.180B, subsection 4, to be eligible for a full driver's
28 license pursuant to section 321.180B.

29 Sec. 2. Section 321.180B, subsection 2, unnumbered
30 paragraph 1, Code 2005, is amended to read as follows:

31 The department may issue an intermediate driver's license
32 to a person sixteen or seventeen years of age who possesses an
33 instruction permit issued under subsection 1 or a comparable
34 instruction permit issued by another state for a minimum of
35 six months immediately preceding application, and who presents

1 an affidavit signed by a parent or guardian on a form to be
2 provided by the department that the permittee has accumulated
3 a total of twenty hours of street or highway driving of which
4 two hours were conducted after sunset and before sunrise and
5 the street or highway driving was with the permittee's parent,
6 guardian, instructor, a person certified by the department, or
7 a person at least twenty-five years of age who had written
8 permission from a parent or guardian to accompany the
9 permittee, and whose driving privileges have not been
10 suspended, revoked, or barred under this chapter or chapter
11 321J during, and who has been accident and conviction free
12 continuously for, the six-month period immediately preceding
13 the application for an intermediate license. An applicant for
14 an intermediate license must meet the requirements of section
15 321.186, including satisfactory completion of driver education
16 as required in section 321.178 or 321.179, and payment of the
17 required license fee before an intermediate license will be
18 issued. A person issued an intermediate license must limit
19 the number of passengers in the motor vehicle when the
20 intermediate licensee is operating the motor vehicle to the
21 number of passenger safety belts.

22 Sec. 3. Section 321.194, subsection 1, unnumbered
23 paragraph 1, Code 2005, is amended to read as follows:

24 Upon certification of a special need by the school board,
25 superintendent of the applicant's school, or principal, if
26 authorized by the superintendent, the department may issue a
27 class C or M driver's license to a person between the ages of
28 fourteen and eighteen years whose driving privileges have not
29 been suspended, revoked, or barred under this chapter or
30 chapter 321J during, and who has not been convicted of a
31 moving traffic violation or involved in a motor vehicle
32 accident for, the six-month period immediately preceding the
33 application for the special minor's license and who has
34 successfully completed an approved driver education course
35 other than a course taught pursuant to section 321.179.

1 However, the completion of a course is not required if the
2 applicant demonstrates to the satisfaction of the department
3 that completion of the course would impose a hardship upon the
4 applicant. The department shall adopt rules defining the term
5 "hardship" and establish procedures for the demonstration and
6 determination of when completion of the course would impose a
7 hardship upon an applicant.

8

EXPLANATION

9 This bill creates an alternative means for a student who is
10 at least 14 years of age to receive driver education
11 instruction currently offered by public schools to qualify for
12 an intermediate driver's license. The bill allows a parent,
13 guardian, or legal custodian who is providing competent
14 private instruction to a student to teach the student driver
15 education, provided the person has a valid driver's license
16 that permits unaccompanied driving and has a clear driving
17 record for the previous two years. The classroom instruction
18 requirements for the alternative course of instruction are
19 substantially the same as for an approved course of
20 instruction offered by a public school district or private or
21 commercial driver education school, with additional
22 requirements for 40, rather than 20, hours of street or
23 highway driving including night driving. The course of
24 instruction must be a course approved by the state department
25 of transportation by rule and utilize driver education
26 materials that meet or exceed standards established for driver
27 education courses approved for public or private schools. A
28 list of approved courses is to be posted on the transportation
29 department's website.

30 The teaching parent is required to document substantial
31 compliance with the driver education course requirements and
32 furnish an affidavit attesting to the student's satisfactory
33 completion of the course work and street or highway driving to
34 the state department of transportation.

35 The bill specifies that a driver education course taught by

1 a teaching parent does not qualify the student for a special
2 minor's license, which allows driving to and from school and
3 extracurricular activities.

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Paulsen - CHAIR

Granzow

Cohen

HSB 20
EDUCATION

HOUSE FILE HR 141
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON TYMESON)

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