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SENATE FILE 103 TRANSPORTATION

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Passed Senate, Date \_\_\_\_\_ Passed House, 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:

SE 103  
TRANSPORTATION

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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 EXPLANATION

23 This bill creates an alternative means for a student who is  
24 at least 14 years of age to receive driver education  
25 instruction currently offered by public schools to qualify for  
26 an intermediate driver's license. The bill allows a parent,  
27 guardian, or legal custodian who is providing competent  
28 private instruction to a student to teach the student driver  
29 education, provided the person has a valid driver's license  
30 that permits unaccompanied driving and has a clear driving  
31 record for the previous two years. The classroom instruction  
32 requirements for the alternative course of instruction are  
33 substantially the same as for an approved course of  
34 instruction offered by a public school district or private or  
35 commercial driver education school, with additional

1 requirements for 40, rather than 20, hours of street or  
2 highway driving including night driving. The course of  
3 instruction must be a course approved by the state department  
4 of transportation by rule and utilize driver education  
5 materials that meet or exceed standards established for driver  
6 education courses approved for public or private schools. A  
7 list of approved courses is to be posted on the transportation  
8 department's website.

9 The teaching parent is required to document substantial  
10 compliance with the driver education course requirements and  
11 furnish an affidavit attesting to the student's satisfactory  
12 completion of the course work and street or highway driving to  
13 the department of education.

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